

<b>Report of:</b>	Head of Planning
<b>Submitted to:</b>	Planning and Development Committee
<b>Date:</b>	5 September 2024
<b>Title:</b>	Planning Performance – Q1 (Apr – Jun) 2024/25

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## Introduction

1. The purpose of this report is to update members on the performance of the Planning Service during the first quarter of 2024/25. The report outlines a number of key performance measures for the Planning Service, in particular focusing on those measures against which a Local Planning Authority's performance is measured against government targets.

## Background

2. The government measures Local Planning Authority performance against a number of measures
3. Speed of decision making
  - For applications for major development

*60 per cent of an authority's decisions should be made within the statutory determination period or such extended period as has been agreed in writing with the applicant;*
  - For applications for non-major development

*70 per cent of an authority's decisions should be made within the statutory determination period or such extended period as has been agreed in writing with the applicant;*
4. Quality of decision making
  - For applications for major development

*No more than 10 percent of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in the data collected by the Ministry for Housing, Communities and Local Government.*
  - For applications for non-major development

*No more than 10 percent of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in the data collected by the Ministry for Housing, Communities and Local Government.*
5. The assessment period for these performance measures is over a rolling two year period. Failure to meet one or both of these measures could result in the Local Planning Authority

being designated, which would result in the removal of their powers to consider applications for either category of application.

6. In addition to the above there are a number of other measures that provide an indication of performance of the Service which will be of interest to members. These measures are
  - Number of applications received
  - Number of applications determined
  - Percentage of applications approved/refused
  - Percentage of applications delegated to officers for decision
  - Number of outstanding enforcement cases
  - Number of new enforcement cases
  - Number of enforcement cases closed

## Planning Application Performance

7. Table 1 below sets out the LPAs in the speed of determining applications for the first quarter of 24/25, for the financial year 23/24 and for the last two years (Q1 22/23 to Q1 24/25).

Application Type	Q1 24/25				23/24				Q2 22/23 – Q1 24/25			
	No.	In time	Out of time	%age	No.	In time	Out of time	%age	No.	In time	Out of time	%age
Major	5	5	0	100%	20	18	2	90%	34	30	4	88%
Non-Major	66	62	4	94%	321	277	44	86%	615	514	101	84%

*Table 1: Speed of planning decisions*

8. 100% of all major applications were determined within the required timeframes. This represents a 10% increase over the performance for 2023/24 and 12% above the rolling two year performance to Q1 24/25. All figures are significantly above national targets.
9. All major applications considered during the first quarter of 24/25 The major applications considered and approved during the first quarter of 24/25 are:
  - 22/0524/MAJ Land at Ford Riding Centre. Residential development for 48 dwellings
  - 23/0390/OUT Land at Hemlington Grange South. Residential development for up to 150 dwellings
  - 24/0092/FUL Middlesbrough Leisure Park
10. The following major applications were refused during the first quarter of 24/25:
  - 20/0658/FUL Land at Nunthorpe Grange. Residential development for 69 dwellings
  - 21/0304/RES Acklam Hall. Hotel
11. The performance for non-major applications shows a similar path of improvement with 94% of all such applications during Q1 24/25 being determined within required timeframes,

representing an increase of 8% over the performance of 23/24 and 10% above the rolling two year average to Q1 24/25.

12. Table 2 sets out the LPAs performance with regards to applications generally, showing how many applications have been received and determined per quarter for the last 5 quarters.
13. This shows that the number of applications received has been declining. This however needs to be considered against the fact that from June 2023 (end of Q1 23/24) the LPA for large parts of the central area of the town has been the Middlesbrough Development Corporation (MDC). It would be expected that the number of applications received would drop. The last period before the MDC gained their planning powers (Q1 23/24) 124 applications were submitted to the Council. The figure for Q1 24/25 shows a drop of almost 39%. Not all of the decrease would however have been down to the number of applications within the MDC area. It should be noted that for the first 3 months that the MDC had planning powers that the Council agreed to continue to assess and determine planning applications, and some of these applications are still under consideration. The above figures for Q1 24/25 and 23/24 do not truly reflect the work that the service has had to undertake on planning applications.

	2023/24					2024/25
	Q1	Q2	Q3	Q4	Total	Q1
Applications on hand at start of period	127	154	133	114	127	115
Applications received during period	124	84	88	87	383	76
Applications determined during period	96	100	97	83	376	78
Applications on hand at end of period	154	133	114	115	115	109
Percentage of delegated decisions during period	98%	99%	92%	94%	96%	94%
Pre application enquiries	165	150	127	148	590	177

Table 2: Total number of applications submitted and determined

14. The national average for officer delegated decisions is 96%. The figures for Middlesbrough are slightly below this at 94%. There has been a slight decrease in the percentage of decisions delegated to officers over the last year.
15. The Council introduced chargeable pre application enquiry service in 2023. This went live in April 2023. The purpose was to continue to offer a much valued service, but to also to assist with managing workloads. As the data illustrates such enquiries remain high.
16. Table 3 below provides data with regards to the quality of decision making. This compares the number of applications allowed on appeal as a proportion of the total decisions made during the assessment period.

Application Type	23/24			Q2 22/23 – Q1 24/25		
	Appeals allowed.	Total decisions	%age	Appeals allowed.	Total decisions	%age
Major	1	20	5%	1	34	2.9%
Non-Major	6	321	1.9%	9	615	1.5%

Table 3: Quality of decision making

17. Performance target for both major and non-major decisions is no more than 10% of all decisions within the assessment period should be overturned appeals i.e. those decisions allowed on appeal. Figures for Q1 24/25 have not been provided as none of the applications refused during this period, will have been appealed yet, or if they have an appeal decision issued (figures for 23/24 may also change given that some appeals are still to be lodged and/or determined)

18. Table 4 shows the Council's general appeal performance over the last five quarters.

	2023/24					2024/25
	Q1	Q2	Q3	Q4	Total	Q1
Appeals determined	3	9	5	8	25	5
Appeals allowed	1	2	1	4	8	1
Appeals dismissed	2	7	4	4	17	4
Percentage of appeals allowed	33%	22%	20%	50%	32%	20%

Table 4: Appeal decisions

19. The following appeal decisions were received during Q1 24/35

Allowed Appeals

- 22/0270/MAJ  
Land southwest of Grey Towers Farm  
Proposed residential development of 8 dwellings

Dismissed Appeals

- 23/0418/FUL  
Hawthorne Cottage, Stainton  
Proposed annexe to rear garden
- 23/0601/FUL  
234 Acklam Road  
First floor extension to side
- 23/0391/FUL  
62 The Grove  
Proposed loft conversion with dormer extension

- 23/0345/COU  
200 Linthorpe Road  
Proposed erection of conservatory and change of use from public house to restaurant

## Planning Enforcement

20. Since the advent of COVID enforcement cases have continued to rise and place significant pressures on the service and its ability to respond. Recently the Service has been able to secure additional support.
21. The number of new enforcement cases whilst slowly decreasing does remain relatively constant. Similarly the number of cases closed has remained at a relevant constant level, but at a much lower rate than the number of new case opened. This has led to a general rise in the number of outstanding cases. The first quarter of 2024/25 has seen this trend bucked with a concerted effort being made to actively close cases. This has seen a decrease in the number of outstanding cases but they remain unsustainably high.
22. The number of enforcement notices issued remains low, highlighting that cases have been resolved or closed by other means. Not all complaints lead to enforcement action being necessary or being taken.

	2023/24					2024/25
	Q1	Q2	Q3	Q4	Total	Q1
Cases opened	63	59	41	45	208	40
Cases closed	19	11	10	11	51	93
Outstanding cases	429	477	508	542	542	489
Notices served	0	1	1	1	3	1

Table 5: Enforcement workloads

23. Enforcement case can be broken down into a number of categories/classifications. The nature of enforcement cases that have been opened over the last five quarters are shown in table 6.
24. The principal nature of complaints received relate primarily to those instances:
- Where unauthorised works are being undertaken. These typically relate to homeowners undertaking works without the necessary planning permissions in place.
  - where an applicant/developer breaches a condition attached to a planning permission
  - Where a property or site is considered untidy, usually either associated with overgrown gardens, poorly maintained dwellings, or construction sites.
  - A property is being operated for a use where it doesn't have the necessary planning permissions in place.

Nature of enforcement cases opened	2023/24					2024/25
	Q1	Q2	Q3	Q4	Total	Q1
Breach of condition	10	16	13	13	52	10
High hedges	2	-	-	-	2	-
Amenity (s215)	2	2	5	3	12	2
Refuse and enforce	-	-	-	2	2	1
Unauthorised advert	-	1	-	1	2	-
Unauthorised tree works	-	2	2	-	4	-
Unauthorised use	11	5	7	9	32	8
Unauthorised works	26	15	11	12	64	13
Untidy site	10	17	3	5	35	6
Unauthorised works to a listed building	2	1	-	-	3	-
<b>Total Cases</b>	<b>63</b>	<b>59</b>	<b>41</b>	<b>45</b>	<b>208</b>	<b>40</b>

Table 6: Nature of enforcement cases

25. Where it is not possible to resolve an enforcement issue via negotiation the final sanction is taken and an enforcement notice is served. Ultimately if an enforcement notice is not complied with this could result in prosecution. Table 7 shows the number of such notices served over the last five quarters.

	2023/24					2024/25
	Q1	Q2	Q3	Q4	Total	Q1
Enforcement notices served	3	1	0	5	9	9

Table 7: Enforcement notices served

26. The figures show a marked increase in the level of notices being served, and an increase in enforcement activity. This reflects the increase in resources being dedicated, and a more proactive approach to, enforcement.

## Conclusions and Recommendations

27. The Service performs above national performance targets. Overall the number of planning applications submitted fell significantly following the creation of the Middlesbrough Development Corporation. During the last quarter this fell further with a decrease in 10% (from 87 to 76 applications) submitted over the previous quarter. This is also reflected in the continued decline in the number of applications determined during the period, but is to be expected given the decline in applications submitted.

28. There has been a significant increase in the performance of the service with regards to enforcement activity. The number of enforcement cases has remained at consistent levels over the last three quarters, with a marked increase in the closure of cases during the last quarter, and an increase in the number of enforcement notices being served. This has resulted in a 10% decrease in the number of outstanding cases. The level of outstanding cases remains at an unsustainable high level. The principal cause of enforcement complaints remains unauthorised works – i.e works being undertaken without securing the necessary planning permissions.
29. It is recommended that the Planning and Development Committee note the contents of this report.