

Internal Audit Report

Planning Appeals 2023/24

Draft report: 12 April 2024

Final report: 23 May 2024

Last audited: January 2022 (Satisfactory assurance)

Audit Objective To review that planning appeals received from the Planning Inspectorate are administered appropriately and in line with required timescales.

Assurance Opinion		Number of Actions				
		Priority	Joint	South	Vale	Reference
Reasonable	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.	Priority 1	-	-	-	-
		Priority 2	4	-	-	1 to 4
		Priority 3	-	-	-	-
		Total	4	-	-	Appendix 1

Key Risks Reviewed

- If successful appeals exceed 10% on a rolling 24-month period, this may lead to special measures.
- Insufficient training and guidance may increase errors leading to more overturned decisions.
- If system access is not reviewed, this may result in unauthorised or inappropriate access.
- If documentation is not managed in line with required timelines, this could delay the appeals process.
- Information is not shared with the planning committee or members, which could limit visibility of service performance.
- Awarded costs are not administered appropriately, leading to payments outstanding.

The audit scope included:

Objective	Audit Scope
1 Policies and procedures	<ul style="list-style-type: none"> • Appropriate policies and procedures are in place covering planning appeals.
2 Planning appeals administration	<ul style="list-style-type: none"> • Planning appeals received from the Planning Inspectorate are administered appropriately and processed in a timely manner.
3 Monitoring and review of appeals	<ul style="list-style-type: none"> • Outcomes of appeals are monitored and reviewed on a regular basis, including costs and lessons learnt.
4 Decisions	<ul style="list-style-type: none"> • Decisions made contrary to the officers' recommendations are clearly documented in minutes and justified in planning terms.
Page 46 Training	<ul style="list-style-type: none"> • Sufficient and effective training is delivered to officers and councillors involved in the planning appeals process.

Agenda Item 9

Key Findings	
Objective	Key Findings
1 Policies and procedures	<ul style="list-style-type: none"> • Planning appeals are administered, determined, and enforced by the government’s regulatory body, The Planning Inspectorate (PINS). Procedural guidance and the National Planning Policy Framework (NPPF) are published by the Department for Levelling Up, Housing & Communities (DLUHC) on GOV.UK and were last updated in January 2024. • Internal procedures are up to date and regularly reviewed. • The scheme of delegation within the councils’ joint constitution sets out how the councils manage planning applications, including planning appeals. The constitution is up to date (last published February 2024) and is available to officers, councillors, and members of the public on council websites and intranet. • Information and guidance to support members of the public in the appeals process is published on council websites and the website signposts users through standardised decision notices, which are issued for all planning applications. • Access to the planning system is managed through the Ocella platform. Regular user access reviews are not undertaken, and we identified active users (including one leaver) who do not require access to perform their role. • Site visits may be performed by officers and members, following the councils’ lone working process, along with the planning service lone working risk assessment (last reviewed in March 2024). Site visits arranged and conducted by PINS follow their own lone working practices.
2 Planning appeals administration	<ul style="list-style-type: none"> • On confirmation of a valid appeal, the local planning authority (LPA) is issued a ‘Start Letter’ notification by PINS that contains information on the type of appeal (written representations, hearing, or public inquiry) and dates and deadlines for the submission of supporting case documentation. • We found instances where South and Vale did not submit supporting case questionnaires within the timescales set by PINS. We also identified inconsistencies in publicly available case information published by officers on the relevant LPA website. It is noted that all delegated officer and committee reports, and decision notices were published appropriately. • The quality of decision making by LPAs is measured by the DLUHC in terms of the number of decisions that are overturned and allowed at appeal, over a rolling 24-month period. LPAs can be designated (placed into special measures) if the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications. The current threshold is where 10% or more of a local planning authorities’ total number of decisions on applications within a given period are overturned. • Latest DLUHC data for both Major and Non-Major application appeals, (for April 2021 to March 2023 and subsequent appeal decisions to the end of December 2023), indicates South and Vale are performing well below the 10% threshold for designation. • South performance is 2.9% of the total number of major applications overturned on appeal in the period (2.0% excluding appeals relating to planning conditions) and 0.7% of non-major applications overturned on appeal (0.7% excluding appeals relating to planning conditions). • Vale performance is 0% of the total number of major applications overturned at appeal in the period (0% excluding appeals relating to planning conditions) and 0.8% of non-major applications overturned on appeal (0.8% excluding appeals relating to planning conditions).
Page 47 Monitoring and review of appeals	<ul style="list-style-type: none"> • There is no fee for appealing a planning decision; however, an Inspector can award costs for unreasonable delays in the process and the inability to provide robust evidence. The appeal is then considered by PINS and the LPA is notified of the appeal and any costs decision. • On notification of an appeal by PINS, entry is made onto a central excel database spreadsheet, which includes all appeal case information. The file is updated following the outcome of the appeal decision, with the PINS decision of any awarded costs. • We reviewed costs awarded from 1 April 2021 to 26 February 2024 and identified two Vale cases with insufficient evidence on the officer’s case file to provide assurance that costs had been accurately paid. The date of last correspondence on file are dated October 2021 (costs awarded against the LPA in October 2021) and January 2024 (costs awarded in favour of the LPA in March 2023). Regular monitoring of awarded costs is not performed against the appeals spreadsheet and the status of the two cases noted above is not known.

Key Findings		
Objective	Key Findings	
3	Monitoring and review of appeals	<ul style="list-style-type: none"> Updates on planning appeals are provided regularly to planning officers, portfolio holders, and more recently (from April 2024) to each planning committee through a revised standing agenda item, a recommendation implemented following a Planning Advisory Service (PAS) review conducted in July 2023.
4	Decisions	<ul style="list-style-type: none"> All planning appeals are determined by an appointed Inspector working for PINS, on behalf of the Secretary of State. For the period 1 April 2023 to 29 March 2024, a total of 56 (39 South 17 Vale) non-major appeals were decided, of which 21 were allowed, (14 South (36%) and seven Vale (41%)). 14 were delegated officer decisions, (eight South (57%) and six Vale (86%)) and seven were planning committee decisions overturned on appeal within the period (six South (43%) and one Vale (14%)). For major appeals in the same period, a total of ten (eight South and two Vale) appeals were decided, of which three (one South (12.5%) and two Vale (100%)) were decided by planning committee and were overturned on appeal within the period. We reviewed a sample of overturned appeal cases to validate that decisions made contrary to the officers' recommendations had been clearly documented in planning committee minutes and are satisfied that relevant supporting documentation is published on the respective council website to support the appeal decisions. From May 2020, South and Vale have recorded and live streamed planning committee meetings via a dedicated joint council YouTube channel. Both South and Vale planning committee meetings are held in-person (face-to-face sessions), however, members of the public may watch proceedings online.
5	Training	<ul style="list-style-type: none"> As part of the recruitment conditions for planning officer roles, applicants must be qualified, or working towards a career qualification, and hold membership of the Royal Town Planning Institute (RTPI), the Chartered Institute responsible for maintaining professional standards. These requirements are publicised within the council's job advertisements and job descriptions. Training specific to the planning appeals process was last delivered to elected members of the planning committee in September 2022, however, training has not been delivered to planning officers. Member training has also been highlighted within a recent Planning Advisory Service (PAS) review completed on the joint planning service, in July 2023. The report states that progress has been made in the improvement of the operation of both Planning Committees, but there are further improvements that could be made for both Committees with additional training. Evidence was presented that supports that further appeals training is scheduled to be completed with members in November 2024, however, no date was provided for planning officer training.