



Report to Growth Infrastructure and Housing Select Committee

Date 23rd November 2023
Title Development Management Performance Review 22-23
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1. Background

- 1.1. As part of ongoing monitoring of the Service the *Growth, Infrastructure and Housing Select Committee* have requested a review of the performance of the Councils Development Management functions for the financial year April 2022 to March 2023.
- 1.2. It should be noted that at present the service is operating four legacy back-office planning systems, all accessed through legacy IT networks. These are all set up very differently and data is stored differently to follow legacy processes and procedures. As a result, it is not always possible to access authority wide planning data sets.
- 1.3. A project, known as One Uniform, is underway to move all our data onto a single IT system. This should be completed at the end of 2024 at which time access to far more planning data and analysis will be possible.
- 1.4. As a Unitary, Buckinghamshire Council is required to provide the full range of statutory Local Planning Authority (LPA) functions, both District and County. These include:

Service	Activity
Processing Planning Applications, Consultations & Notifications	<p>The planning service, in accordance with legislative requirements and Council Standing Orders, process a huge variety of “planning” or planning related” applications, consultations and prior notifications as appropriate.</p> <p>This is a reactive service which has no control over what is submitted, or when. As a result, it must be ready to receive and deal with around 70 or so very different submission types most with unique legal processing requirements.</p>
Defending Planning Appeals	<p>Ensure that a robust defence of the Council’s position is provided against all planning related appeals.</p> <p>Planning Appeals are considered by the Planning Inspectorate using what they consider to be the most appropriate method;</p> <ul style="list-style-type: none"> • Householder: fast tracked appeals with no opportunity

Service	Activity
	<p>for the Council to submit a statement.</p> <ul style="list-style-type: none"> • Written Representations: Council provide a statement in support of their case. • Hearing: written evidence provided and discussed at a meeting chaired by a Planning Inspector. • Public Inquiry: Proofs of Evidence provided, and legal representatives cross examine witnesses in an Inquiry run by a Planning Inspector.
Provision of Planning Advice	<p>Although the provision of planning advice services is discretionary the National Planning Policy Framework (NPPF) states at paragraph 39 that: <i>“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”</i>.</p> <p>As well as a wide range of up-to-date self-serve information being made available on our website, the Council offers a range of charged discretionary planning advice services:</p> <ul style="list-style-type: none"> • Planning History Check: confirming recent planning history of your property. • Planning Application Advice: informal planning advice, can be part of a formal Planning Performance Agreement (PPA). • Validation Advice Service: Advice from a Planning Technician on how to make your planning application valid.

2. National Position

2.1 The table below provides a comparison of “Planning Applications” for the year 2022/23 against some of our immediate neighbours.

Local Planning Authority	Applications received	Applications decided	Applications withdrawn	Application decisions delegated	Applications given an extension of time
Buckinghamshire	6462	5815	664	5745	3043 (52%)
Hillingdon	2697	2384	216	2298	1140 (48%)
Central Bedfordshire	2097	2104	0	2047	871 (41%)
South Oxfordshire	1995	1959	134	1899	669 (34%)

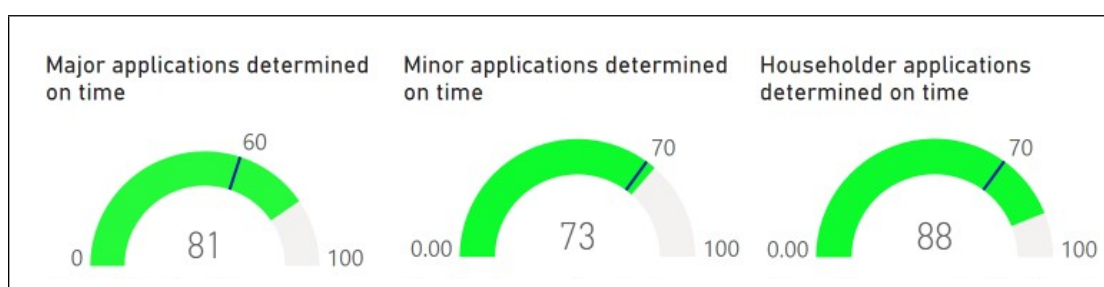
Local Planning Authority	Applications received	Applications decided	Applications withdrawn	Application decisions delegated	Applications given an extension of time
Windsor and Maidenhead	1877	1752	167	1716	707 (40%)
Milton Keynes	1444	1499	151	1469	636 (42%)
Dacorum	1433	1309	150	1265	307 (23%)
Bedford	1250	1347	91	1306	578 (43%)
Three Rivers	1032	939	123	885	205 (22%)
Slough	721	738	57	730	312 (42%)

Source: Government national planning statistics collected on a quarterly basis

- 2.2 Buckinghamshire Council is one of the largest Local Planning Authorities in the country as is demonstrated by the volume of applications being processed annually. For context the 6462 applications received as a percentage of population (553,300 as of mid-2021) is 1.16%.

3. Planning Applications

- 3.1 A range of headline performance data and application statistics for the period requested is provided in Appendix One and Two.
- 3.2 It should be noted that the figures do not exactly match the nationally reported figures in the table above. Partly as the quarterly reported figures to government occasional change after they have been reported and also because the methodology used for the internal reports is slightly different.
- 3.3 The graph titled “Applications in progress” shows the number of applications being processed at any one time and also the number of applications being received. Since its creation in 2020 this indicates how the workload of the Council has fluctuated. In particular the number and type of applications (major, minor and other) received.
- 3.4 This is a situation reflected nationally and is a result of many factors at play: covid, the economic situation (increase in building costs, etc) and uncertainty over the proposed national changes to the planning system being proposed through the Levelling Up and Regeneration Bill.
- 3.5 The headlines are that the targets for the speed of determination of planning applications (major 60%, minor 70% and Householders 70%) are all being met.



- 3.6 Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible. In any event within the statutory time limit unless a longer period is agreed in writing with the applicant.

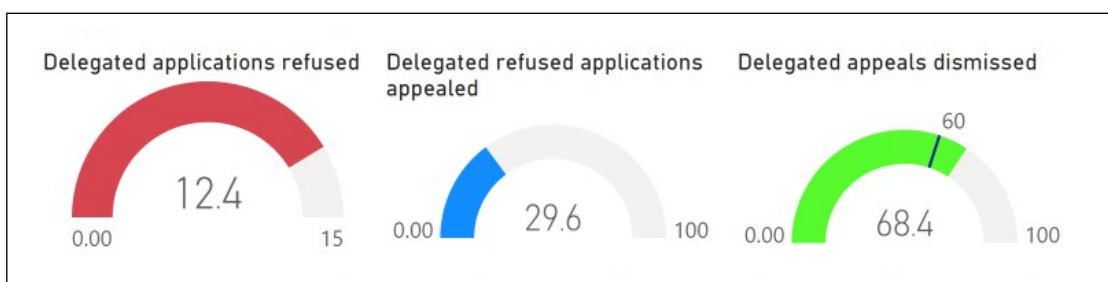
Applicants and agents would generally rather agree a longer period of time to allow an application to be made acceptable and receive approval, than have a quicker refusal within the statutory time limits. As a result, 46% of applications have Extensions of Time (EOTs) agreed.



- 3.7 Changes to the application fee system were confirmed on 25th July 2023 by the Department for Levelling Up Housing and Communities (DLHUC) in response to the consultation **“stronger performance of local planning authorities supported through an increase in planning fees”**.
- 3.8 The draft item of legislation has not yet been made as a UK Statutory Instrument. One proposal however is to severely restrict, or remove, the ability to agree an EOT. This would be done in an attempt to speed up decision making.
- 3.9 In conjunction with this, the “Planning Guarantee” allows for an applicant to obtain a refund of the planning fee from the local planning authority where a decision on the planning application has not been made within 26 weeks. In order to support more timely decision-making of applications for non-major development, the Levelling-up and Regeneration Act 2023 will amend the “Planning Guarantee” for applications for non-major development from its current 26 weeks to only 16 weeks by the end of the year.
- 3.10 Such changes in legislation will have a significant impact on the resources required to progress planning applications within the statutory time requirements.

4. Planning Appeals

- 4.2 The headline figures for 2022/23 are very positive.
- 4.3 Where possible the Council work to resolve outstanding issues with as many planning applications as possible. As a result, only 12.4% (733) are refused. This is very much in line with the government advice set out at paragraph 39 of the NPPF (which is set out in full when discussing the provision of planning advice earlier in this report).



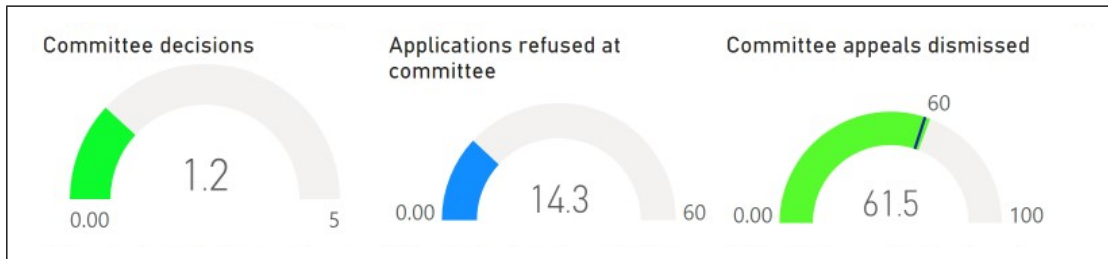
2022/23	
Applications refused	733
Appeals received	225
Appeals dismissed	173

- 4.4 Working hard to reduce the number of planning refusals allows applicants to progress their projects more quickly and help deliver economic benefits while protecting and where possible enhancing the unique built and natural environment Buckinghamshire has to offer.
- 4.5 The Council has to fund the defence of each appeal lodged against one of its planning decisions. So, reducing these in any way we can minimise this resource burden, both in external costs and in officer time diverted from processing planning applications.
- 4.6 Of those relatively small number of refusals, around 30% are subsequently challenged at appeal. The Council robustly defends all appeals and have an impressive success rate of 68.4%.

5. Planning Committee

- 5.2 The role of Planning Committee is to focus on those planning applications which would benefit from scrutiny, such as reviewing recommendations where the weighing and balancing of the issues is considered to be finely balanced. In such cases the Committee is entitled to consider the issues and in giving them different “weight” come to a different decision to that being recommended by the Officers. All Committee decisions must be robust and capable of defence if challenged.
- 5.3 Five Area Planning Committees and a Strategic Planning Committee are operated as required by the Council Constitution. They can determine any “outline”, “full” or “reserved matters” planning applications brought before them.
- 5.4 A few planning applications are automatically considered by Committee. There is however no limit to the number of other planning applications that either Members or Parish and Town Councils can identify as potentially benefiting from Committee scrutiny.
- 5.5 Bringing any planning application before a Planning Committee will however result in additional cost and a delay in a decision being made. To ensure consistency all requests are considered in consultation with the relevant Planning Committee Chairman. This process ensures only those applications which would benefit from additional scrutiny are referred to Committee, allowing the others to be more appropriately determined under delegated powers.

- 5.6 Planning applications should be determined as quickly as possible. The majority of applications are straightforward (either approvals or refusals) and are therefore determined by Planning Officers.
- 5.7 The headline figures show an efficient process being operated. In accordance with good practice only a small percentage of applications are referred to Planning Committee for scrutiny.



- 5.8 Of those considered at Planning Committee only 14.3% are being refused. Of those subsequently challenged at appeal the Council is then successfully defending its position in 60% of cases. The fact that this is slightly lower than the Council wide figure of 68.4% is a reflection of the fact that it is the more challenging and complex applications that are considered by Planning Committee(s).

2022/23	
Committee decisions	75
Applications refused at Committee	10
Delegated following consultation with the Planning Committee Chairman	29

6. Current Trends

- 6.2 Although this report requested was specifically a review of 22/23, Appendix Three provides comparable data for the first six months of 23/24 to allow any trends to be identified.
- 6.3 For the purposes of providing comparable figures, those shown in the first 6 months have been doubled to give an indication of the year end outturn. This allows the trends below to be highlighted but comes with the caveat that planning related workload is very dynamic and fluctuates over a year.
- 6.4 So, while it cannot therefore be assumed with any certainty that the data trends over final 6 months will in fact remain constant to the end of the financial year, this does provide a useful insight in workload and performance.
- 6.5 **Applications:**
 - a) Major applications determined on time remains relatively static at 81% for 22/23 and 79% halfway through 23/24.

- b) Minor applications determined on time has increased from 73% to 79%.
- c) Householder applications determined on time has increased from 88% to 93%.
- d) Assuming the second half of 23/24 was identical to the first, “Major” applications received would be down 9.6% (a drop of 18 applications), “Minor” applications down 12% (a drop of 173), and householders down 15.8% (a drop of 678).

This drop in planning applications being submitted releases capacity and would account for the improved speed of determination.

- e) Applications refused at committee remains static at 14.3% and 15%.

6.6 Appeals:

- a) 68.6% of appeals following a delegated decision were dismissed for 22/23, with this rising even higher to 79.2% in the first six months of 23/24.
- b) Appeals successfully defended following a Planning Committee refusal has also increased from 88% to 93%.
- c) The number of appeals received are estimated to drop by 25% (225 in 22/23 down to an estimated 168 for 23/24).

6.7 Overall, the trend is of performance improving against a slight decrease in workload.

Appendices

- **Appendix One** – Buckinghamshire Council planning application statistics 2022/23
- **Appendix Two** – Applications in progress 2022/23
- **Appendix Three** - Buckinghamshire Council planning application statistics 2023/24 (April-Sept)

Appendix One - Buckinghamshire Council planning application statistics 2022/23

Major applications determined on time



Committee decisions

Minor applications determined on time



Applications refused at committee

Householder applications determined on time

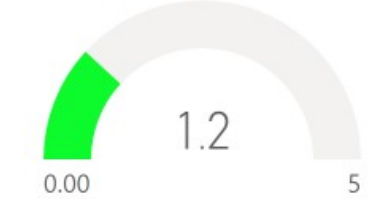
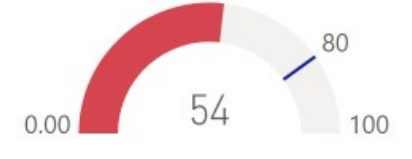


Committee appeals dismissed

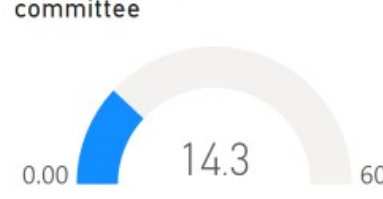
Other applications determined on time



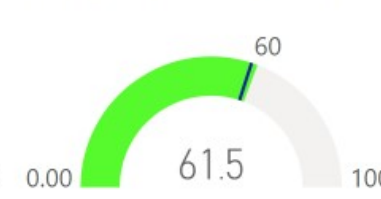
Decisions issued without extension of time



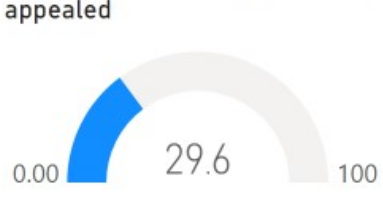
Delegated applications refused



Delegated refused applications appealed



Delegated appeals dismissed



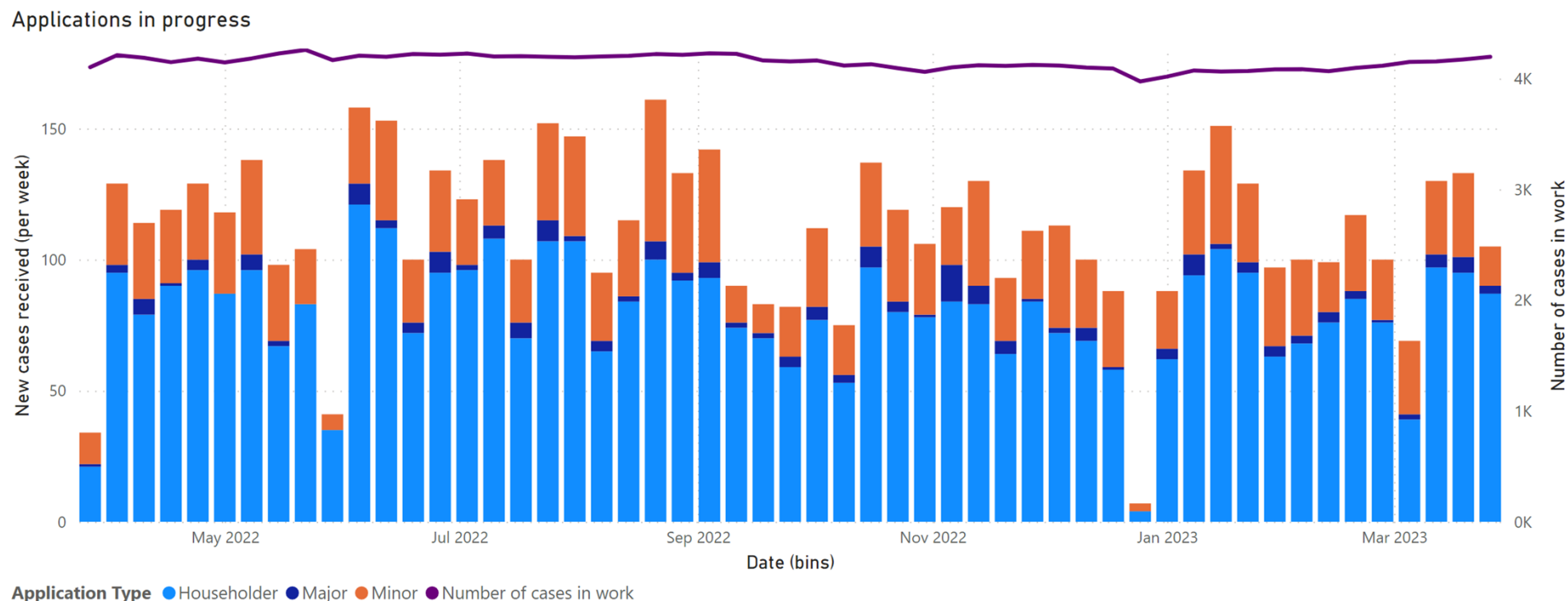
Committee decisions	Delegated in consultation with Chair
75	29
Applications refused at committee	Appeals received for committee refusals
10	1
Appeals dismissed	
5	

AREA	
■	Select all
■	Minerals & Waste
■	North & Central
■	South & East
■	West

Major applications received	Minor applications received	Householder applications received	Other applications received	All applications received	Applications refused	Appeals received	Appeals dismissed
188	1441	4278	6505	12412	733	225	173



Appendix Two – Applications in progress 2022/23



The government monitor the performance of every planning authority under three main application definitions.

Householder application types - definition

- Householder developments are defined as those within the curtilage of a dwelling house and include extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, granny annexes, porches and satellite dishes.

Major application - definition

'Major development' involves any one or more of the following;

- The provision of dwelling/houses where –
 - The number of dwelling/houses to be provided is 10 or more: or the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the number of dwelling/houses to be provided is 10 or more.
- The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more: or
- Development carried out on a site having an area of one hectare or more.

Minor application - definition

'Minor development' involves any one or more of the following;

- For dwelling/houses, minor development is one where the number of dwellings/houses to be provided is between one and nine inclusive on a site having an area of less than one hectare.
- Where the number of dwellings/houses to be provided is not known, a site area of less than 0.5 hectares should be used as the definition of a minor development.

For all other uses, a minor development is one where the floor space to be created is less than 1,000 square metres or where the site area is less than one hectare.

Appendix Three - Buckinghamshire Council planning application statistics 2023/24 (April-Sept)

