

**PLANNING COMMITTEE**  
**26<sup>TH</sup> MAY 2021**

**REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

**COMMITTEE DECISIONS 2020/21 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.**

<b>Cabinet Holder</b>	Cllr Richard Chesterton, Cabinet Member for planning and Economic Regeneration
<b>Responsible Officer</b>	Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

**Reason for Report:** To provide information where the Planning Committee has made decisions not in agreement with officer recommendation.

**RECOMMENDATION:** That Members consider the contents of the report.

**Financial Implications:** Risk of award of costs against the Council at appeal. See below.

**Budget and Policy Framework:** None directly

**Legal Implications:** Planning authorities are not bound to accept the recommendations of their officers. However if officer's professional or technical advice is not followed, authorities need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority at appeal.

**Risk Assessment:** Risks associated with decisions proposing to refuse planning permission contrary to officer recommendation are set out in an implications report that is brought before Planning Committee before the final decision is made. However, at present no such implications report system is in place where Committee wish to grant planning permission contrary to officer recommendation. Local Planning Authority decision making by both officers under delegated authority and by Planning Committee irrespective of whether permission is refused or granted must be robust, justified and capable of being defended at appeal. There is also a right of appeal against the imposition of conditions.

**Equality Impact assessment:** No equality issues identified in this report.

- 1.0 Attached at **Appendix 1** is a summary of applications where the Planning Committee have made decisions not in agreement with officer recommendations. The report covers the period from 1<sup>st</sup> April 2020 until 31<sup>st</sup> March 2021.
- 2.0 The number of cases during the 20/21 financial year was 6. Comparison with the figures for previous years is as follows:

2010	2011	2012	2013	2014	15/16	16/17	17/18	18/19	19/20	20/21
10	6	11	12	3	7	11	8	7	8	6

1 was granted planning permission with conditions and 5 were refused permission contrary to officer recommendation. Of those refused, 3 have since been allowed at appeal.

- 3.0 In accordance with the agreed protocol, cases where Members wish to refuse permission contrary to an Officer recommendation for approval requires a deferral of the item for the receipt of a report setting out the implications of the proposed decision and the reasons given with Members indicating the decision that they are minded to make. Since April 2016, if Members wish to approve contrary to an officer recommendation to refuse permission, the protocol does not require that the item be deferred. However, Members will need to give clear reasons for granting permission taking into account the requirement for the determination of planning applications to be in accordance with the development plan unless any other material planning considerations indicate otherwise.

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**List of Background Papers:** Planning Committee agendas and minutes

**Circulation of the Report:** Cllr Richard Chesterton  
Members of Planning Committee