

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date**            **11 December 2024**

**Report of:**      **Director of Planning and Regeneration**

**Subject:**        **Planning Performance Monitoring Update and Action Plan**

#### SUMMARY

The planning performance of this Council is monitored by the Ministry of Housing Communities & Local Government (MHCLG) (previously, the Department for Levelling Up, Housing and Communities (DLUHC)). In March of this year a report was presented to the Planning Committee and the Executive that set out the Council's performance in respect of speed of decision making and quality of decision making on planning applications.

In December 2023, the Council was designated by DLUHC due to the number of appeals allowed against the decisions of this Council on major planning applications. The majority of these allowed appeals related to planning applications decided between April 2020 and March 2021. The Council was required to prepare and agree a Planning Designation Action Plan with DLUHC which addressed the reasons that led to the number of major applications being allowed at appeal.

The Council was subsequently de-designated on 26 March 2024. The Secretary of State determined that "*the Council is also no longer eligible for designation based on the most recent data available at the time of decision being the two-year period to 31 March 2023 and subsequent appeal decisions to 31 December 2023*".

This report reviews the Council's current performance in respect of speed of decision making and quality of decision making. The Council is no longer required to submit a Designation Plan to MHCLG now that it has been de-designated. Despite the de-designation, the Action Plan remains an important tool to ensure that the Council continues to meet its Planning Performance Targets.

The Designation Action Plan agreed by the Executive and the Planning Committee in March this year has now been renamed the Planning Performance Action Plan and is attached at Appendix A to this report.

## **RECOMMENDATION**

That the Planning Committee note the contents of the Planning Performance Monitoring Update Report and Planning Performance Action Plan, attached at Appendix A

### **Appendices:**

Appendix A: Planning Performance Action Plan

## **INTRODUCTION**

1. All planning authorities in England are required to submit information relating to their Development Management function to the Government on a quarterly basis. The type of information local planning authorities are required to submit includes the following:
  - Number of planning and related applications on hand at the beginning of each quarter, received, withdrawn, called in or turned away during the quarter;
  - The number of decisions and delegated decisions;
  - Number of consents Council's grant to themselves for development which either they will undertake themselves or will be implemented by others;
  - Number of decisions on applications for prior approval;
  - Development types;
  - Whether permission/consent was granted or refused; and
  - The time taken from application submission to decision.
2. All the information received from local planning authorities is collated into tables and published on the Government's website.

## **MEASURING PLANNING PERFORMANCE**

3. The Government separately measures the planning performance of each local planning authority in England. The Government measures the performance in four main areas:
  - The speed of decision making for major planning applications
  - The speed of decision making for non-major planning applications
  - The Quality of decision making for major planning applications
  - The Quality of decision making for non-major planning applications
4. The following section of the report looks firstly at the speed of decision making at Fareham Borough Council followed by the quality of decision making.

### ***Speed of decision making***

5. The Government specifies the period of time within which decisions should be made on planning and related applications. If the Council and an applicant agree, the period of time for deciding a planning application can be extended beyond the period specified by the Government.
6. For major applications, the time specified by the Government within which decisions should be made is 13 weeks from the date of receipt of a valid application. Major applications include those which propose 10 or more dwellings; where a site is 0.5 hectares or more and it is not known how many houses are proposed; the provision of a building or buildings

where the floor space to be created is 1,000 square metres or more; or a development carried out on a site having an area of 1 hectare or more.

7. For non-major applications, the time specified by the Government within which decisions should be made is 8 weeks from the date of receipt of a valid application.
8. The Government's assessment of speed of decision making is undertaken over a rolling two-year period, from the beginning of October to the end of September.
9. The Government sets out the criteria as to how it assesses the performance of local planning authorities in terms of speed of decision making. The Government's current criteria is that:
  - at least 60% of major applications must be decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant;
  - at least 70% of non-major applications must be decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant.
10. For the previous period of 1st October 2021 – 30th September 2023, Fareham Borough Council substantially exceeded the Government's minimum requirements with 97.6% of major applications and 97.3% of minor applications decided either within the specified time period specified by the Government or within an extended period agreed between the Council and the applicant.
11. The current rolling two-year assessment period for both major and non-major applications runs from 1<sup>st</sup> October 2022 – 30<sup>th</sup> September 2024. At the time of writing this report, the Government had only published the figures up to the end of July 2024. With only two months remaining of the current assessment period, it is expected that the Council is likely to achieve figures in the region of:
  - **Major applications:** 98% decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant.
  - **Non-major applications:** 98% decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant.<sup>1</sup>
12. The Council's speed of decision making continues to substantially exceed the Government's minimum requirements.

### ***Quality of decision making***

13. The Government measures the quality of decision making by looking at the percentage of the total number of decisions made by the authority on applications that are subsequently overturned at appeal. Major and non-major applications are assessed separately.

---

<sup>1</sup> Source: [Live tables on planning application statistics - GOV.UK](#)

14. The Government's assessment of the quality of decision making is undertaken over a rolling two-year period, from the beginning of April to the end of March.
15. The Government sets out the criteria as to how it assesses the performance of local planning authorities in terms of quality of decision making. The Government's current criteria is that:
  - No more than 10% of an authority's total number of decisions on major applications made during the assessment period should be overturned at appeal;
  - No more than 10% of an authority's total number of decisions on non-major applications made during the assessment period should be overturned at appeal.
16. The previous assessment period for quality of decision making was 1 April 2021 – 31 March 2023. Following the end of the assessment period the Government allows a further 9 months for any planning appeals in the system to be decided before completing the assessment.
17. The 9 month 'lag' period ran up to 31 December 2023. At this time 4.2% of this Council's total number of decisions on major applications made during the assessment period had been overturned at appeal and 0.3% of this Council's total number of decisions on non-major applications made during the period being overturned at appeal. For both major and non-major, these were substantially below the Government's threshold.
18. The latest rolling two-year period that will be assessed by the Government is from 1 April 2022 to 31 March 2024 (and subsequent appeal decisions until December 2024). The Government has not published the final figures for this time period but Officers project that this Council will be substantially under the Government's threshold for non-major applications. This is due to the very low number of appeals received against the Council's decisions and the Council's high success rate on defending decisions when appeals are submitted. Officers project that the total number of decisions on non-major applications made during the assessment period which were overturned at appeal will be 0.2-0.3% of this Council's total number of decisions.
19. For major applications this Council achieved the following up to the time of writing this report:
  - **Major applications:** Only 1 of the total number of major applications dealt with by this Council between 1 April 2022 and 31 March 2024 has been subject to an appeal which was allowed. This means that at this time of writing this report, 2.3% of this Council's total number of decisions on major applications made during the assessment period have been overturned at appeal, which is substantially below the Government's threshold.

***Current performance on 'Quality of decision making' and the Review of the Planning Performance Action Plan***

20. Since the assessment between April 2020 and March 2022, there has been a substantial and sustained reduction in the number of major planning applications which have been granted planning permission on appeal. The following table sets out the number of major

applications dealt with by year and the number of applications granted permission on appeal:

Time Period	Number of major applications determined by the Council	Number of major applications decided during that period subsequently allowed on appeal
1 April 2020 – 31 March 2021	20	7
1 April 2021 – 31 March 2022	25	2
1 April 2022 – 31 March 2023	22	1
1 April 2023 – 31 March 2024	22	0

21. The assessment period data reflects the actual appeal decisions made, as recorded by the Planning Inspectorate. However, each appeal is attributed to the quarter in which the local planning authority decision on the planning application took place not when the appeal is determined. The percentage figure calculated for a rolling 24-month assessment period and the designation process enables exceptional circumstances to be taken into account. The subsequent nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known.
22. This Council had a recent Planning Inquiry for an appeal against non-determination at Longfield Avenue. In the case of an appeal against non-determination by the local planning authority, the appeal decision will be registered against the quarter during which the Planning Inspectorate received the appeal. For Longfield Avenue this will be quarter 3 of 2024.
23. The figures in the table above show the current assessment period April 2022 to March 2024. With regard to major application decisions being overturned at appeal, only 1 major appeal has been overturned within this period, being land adjacent Andark Lane off Oslands Lane.
24. The Council will continue to monitor performance and a Planning Performance Action Plan is set out at Appendix A to this report. This updated Action Plan incorporates the actions undertaken since the initial Planning Designation Action Plan was approved.

## **RISK ASSESSMENT**

25. If the Council does not achieve the Government's minimum thresholds in respect of speed of decision making or exceeds the Government's maximum thresholds for quality of decision making, the Government can once again consider designating the Council as 'underperforming'.

26. If the Council were to be designated as underperforming, applicants would again have the choice of submitting applications directly to the Planning Inspectorate rather than to the Council for the type of applications for which the Council had been designated (major or non-major).
27. When applicants submit applications directly to the Planning Inspectorate the planning application fee is also paid to the Planning Inspectorate. This will result in a reduced planning income to this Council.

## **CONCLUSION**

28. This Council has strong measures in place to ensure that applications are determined within the Government's specified time periods or within periods agreed with applicants.
29. The Council seeks amendments to many planning applications which are not acceptable at first submission. This approach ensures that the Council deals with applications once where possible and reduces the number of planning appeals which are submitted.
30. As a result of the Council's approach to deciding planning applications, the number of planning appeals the Council receives each year as a percentage of the total number of non-major applications it decides is very small (less than 2%).
31. The total number of major planning applications the Council decides each year typically varies between 20 and 25 in number. The total number of major applications remains modest, and therefore a relatively small number of appeals being allowed can result in the Government's 10% threshold being exceeded.
32. A number of exceptional circumstances led to a much higher number of major planning application received between April 2020 and March 2021 being allowed on appeal. Since those exceptional circumstances have been addressed the number of major appeals submitted and allowed in subsequent years has substantially reduced. The approved Action Plan puts measures and monitoring in place which cumulatively have significantly reduced the risk of the Council's performance on the 'Quality of decision making' failing to meet the Government's minimum requirements.
33. Based on the data available, this Council's performance on Quality of decision making for the current period of assessment, remains below the Government's threshold for designation.

## **Enquiries:**

For further information on this report please contact Lee Smith (Telephone: 01329 824427)