

Committee: Council

Date:

Title: Update on Appeal Decisions and Associated Costs since 1 May 2019

Tuesday, 7
December 2021

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Summary

1. Following a request from Councillor Barker, this report provides an update on the Planning Committee's decisions since 1st May 2019. This report is to update the position and, in particular, highlighting any appeal decisions and any associated costs relating to these appeals incurred by the Council.
2. That Council note the report.

Financial Implications

Costs awarded against UDC:

UTT/18/3369/FUL - £4,000; *Note: Overturned Committee Matter. Previously scheme refused by Planning Committee on the same grounds and allowed at appeal. Although appeal dismissed on a very technical highway issue, main reason for costs award was "... LPA persisting in objections to a scheme that a previous Inspector had indicated to be acceptable." Officers did advise Committee of potential costs implications.*

UTT/18/2959/DFO - partial cost still waiting for the agreed amount. *Note: Overturned Committee Matter. Partial award of costs based on refusal based on broadband provision/energy efficiency matters. Inspector considered unreasonable behaviour that these matters could have been secured by condition. The Inspector did not consider that the overturn per se as being unreasonable behaviour. Officers did advise that matter could be handled through condition at the appeal.*

UTT/20/0864/OP - Full award of costs against the Council - £8,651.90 plus VAT - *Note: Overturned Committee Matter. Matter recommended for approval officers with reduced affordable housing provision (20%). Matter supported by viability submission ratified by Council's engaged advisor. No basis does not accept viability argument therefore concluded as unreasonable behaviour. Officers did advise Committee of potential costs implications.*

UTT/18/0460/FUL - Full award of costs against the Council - to be agreed. *Note: High Court Costs awarded against UDC - £16,843.00*

Officer time/QC/Consultants etc (not Stansted): Approx. £210,694.75

Stansted (to 31/10/2021) - £1,106,165.74

Background Paper

- Details of the appeal process can be viewed - Full Council report 16 December 2019 - [Click Here](#)

Impact

4.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	The legal framework for planning appeals is set out in the planning acts and related regulations
Sustainability	This is a key factor in determining the weight to be attached to material considerations in an appeal
Ward-specific impacts	All
Workforce/Workplace	Explained in the report

Situation

- Since 1 May 2019, the Planning Committee has considered 201 applications (see Appendix 1).

Out of these 201 decisions:

- 43 were refused by the Planning Committee against the officer's recommendation.
- To date, the council has received 39 appeals from the Planning Inspectorate relating to decisions made at Planning Committee.

Of the 39 appeals there have been 23 decisions including 1 withdrawn:

10 Allowed following overturn at Committee

9 Dismiss following overturn at Committee

1 Dismissed following Non-Determination

2 Dismissed following Committee agreeing with Officer Recommendation for refusal.

Appendix 1

Reference	Parish	Officer Recommendation	Actual decision	Date of Committee	Appeal Decision
UTT/17/2100/FUL	Great Canfield	APPROVE	APPROVED	05-Jun-19	
UTT/18/3293/FUL	Newport	APPROVE	REFUSED	05-Jun-19	
UTT/19/0673/HHF	Elsenham	APPROVE	APPROVED	05-Jun-19	
UTT/19/0004/FUL	Quendon & Rickling	APPROVE	REFUSED	05-Jun-19	ALLOW
UTT/19/0484/OP	Farnham	APPROVE	APPROVED	05-Jun-19	
UTT/18/3518/FUL	Saffron Walden	APPROVE	APPROVED	05-Jun-19	
UTT/19/0043/FUL	Saffron Walden	APPROVE	APPROVED	05-Jun-19	
UTT/18/2523/FUL	White Roding	APPROVE	APPROVED	26-Jun-19	
UTT/19/0362/FUL	Quendon & Rickling	APPROVE	REFUSED	26-Jun-19	DISMIS
UTT/19/0671/FUL	Thaxted	APPROVE	APPROVED	26-Jun-19	
UTT/19/0311/LB	Quendon & Rickling	APPROVE	APPROVED	26-Jun-19	
UTT/19/0966/FUL	Henham	APPROVE	APPROVED	26-Jun-19	
UTT/19/0946/FUL	Aythorpe Roding	REFUSE	REFUSED	26-Jun-19	DISMIS
UTT/19/0551/FUL	Thaxted	APPROVE	APPROVED	26-Jun-19	
UTT/18/3369/FUL	Clavering	APPROVE	REFUSED	26-Jun-19	DISMIS
UTT/19/0293/FUL	Henham	APPROVE	REFUSED	24-Jul-19	DISMIS
UTT/19/0427/FUL	Barnston	APPROVE	APPROVED	24-Jul-19	
UTT/19/0391/FUL	Newport	APPROVE	REFUSED	24-Jul-19	
UTT/19/0829/FUL	Saffron Walden	APPROVE	APPROVED	24-Jul-19	
UTT/16/3565/OP	Hatfield Broad Oak	APPROVE	REFUSED	21-Aug-19	
UTT/19/1902/TCA	Saffron Walden	NO OBJECTION	NO OBJECTION	21-Aug-19	
UTT/19/0514/HHF	Great Chesterford	APPROVE	APPROVED	21-Aug-19	
UTT/19/0957/FUL	Saffron Walden	APPROVE	APPROVED	21-Aug-19	
UTT/18/3529/OP	Felsted	APPROVE	NON DETERMINATION	21-Aug-19	ALLOW

UTT/19/1389/FUL	Saffron Walden	APPROVE	APPROVED	21-Aug-19	
UTT/19/1115/FUL	Stansted	APPROVE	APPROVED	21-Aug-19	
UTT/18/1827/FUL	Newport	APPROVE	REFUSED	18-Sep-19	DISMIS
UTT/18/2959/DFO	Saffron Walden	APPROVE	REFUSED	18-Sep-19	ALLOW
UTT/18/2297/OP	Saffron Walden	APPROVE	REFUSED	18-Sep-19	DISMIS
UTT/19/0899/FUL	Henham	APPROVE	APPROVED	18-Sep-19	
UTT/19/0900/LB	Henham	APPROVE	APPROVED	18-Sep-19	
UTT/19/1054/OP	Debden	REFUSE	REFUSED	06-Oct-19	DISMIS
UTT/18/2820/FUL	Saffron Walden	APPROVE	APPROVED	16-Oct-19	
UTT/19/1253/FUL	Stansted	APPROVE	APPROVED	16-Oct-19	
UTT/19/1869/HHF	Wendens Ambo	APPROVE	APPROVED	16-Oct-19	
UTT/19/1870/HHF	Wendens Ambo	APPROVE	APPROVED	16-Oct-19	
UTT/19/2398/TCA	Great Dunmow	NO OBJECTION	NO OBJECTION	16-Oct-19	
UTT/19/1583/FUL	Takeley	APPROVE	APPROVED	16-Oct-19	
UTT/19/1995/FUL	Saffron Walden	APPROVE	APPROVED	16-Oct-19	
UTT/19/0761/FUL	Saffron Walden	APPROVE	REFUSED	16-Oct-19	
UTT/19/1725/FUL	Great Chesterford	APPROVE	REFUSED	16-Oct-19	DISMIS
UTT/19/1411/FUL	Littlebury	APPROVE	REFUSED	16-Oct-19	
UTT/19/2451/TCA	Saffron Walden	APPROVE	OBJECT	18-Oct-19	
UTT/18/1027/FUL	Newport	REFUSE	REFUSED	06-Nov-19	
UTT/19/1524/FUL	Hatfield Broad Oak	APPROVE	REFUSED	06-Nov-19	ALLOW
UTT/19/1932/FUL	Broxted	APPROVE	APPROVED	06-Nov-19	
UTT/19/1463/FUL	Thaxted	REFUSE	REFUSED	06-Nov-19	
UTT/18/3399/FUL	Saffron Walden	APPROVE	APPROVED	06-Nov-19	
UTT/19/1527/FUL	Hatfield Broad Oak	APPROVE	REFUSED	06-Nov-19	
UTT/19/1301/FUL	Quendon & Rickling	APPROVE	APPROVED	06-Nov-19	
UTT/19/0437/OP	Elsenham	APPROVE	REFUSED	06-Nov-19	ALLOW

UTT/19/2340/HHF	Stansted	APPROVE	APPROVED	06-Nov-19	
UTT/19/1823/FUL	Saffron Walden	APPROVE	APPROVED	06-Nov-19	
UTT/19/2342/FUL	Stebbing	APPROVE	APPROVED	18-Dec-19	
UTT/19/2545/FUL	Elsenham	APPROVE	REFUSED	18-Dec-19	ALLOW
UTT/19/0476/OP	Stebbing	APPROVE	APPROVED	18-Dec-19	
UTT/19/2022/FUL	Wimbish	APPROVE	APPROVED	18-Dec-19	
UTT/19/2442/FUL	Little Chesterford	APPROVE	APPROVED	18-Dec-19	
UTT/19/2613/NMA	High Easter	APPROVE	APPROVED	18-Dec-19	
UTT/19/2606/LB	High Easter	APPROVE	APPROVED	18-Dec-19	
UTT/19/1864/FUL	Thaxted	APPROVE	APPROVED	15-Jan-20	
UTT/19/1166/OP	Little Canfield	APPROVE	REFUSED	15-Jan-20	APPWIT
UTT/19/2557/FUL	Aythorpe Roding	APPROVE	REFUSED	15-Jan-20	
UTT/19/1064/DFO	Newport	APPROVE	APPROVED	15-Jan-20	
UTT/19/2159/FUL	Hatfield Heath	APPROVE	APPROVED	19-Feb-20	
UTT/19/2355/DFO	Saffron Walden	APPROVE	REFUSED	19-Feb-20	ALLOW
UTT/19/2793/LB	Saffron Walden	APPROVE	APPROVED	19-Feb-20	
UTT/19/0573/OP	Little Chesterford	APPROVE	APPROVED	19-Feb-20	
UTT/19/2993/OP	Henham	APPROVE	APPROVED	19-Feb-20	
UTT/19/2118/OP	Felsted	APPROVE	APPROVED	19-Feb-20	
UTT/19/2809/FUL	Thaxted	APPROVE	APPROVED	19-Feb-20	
UTT/18/3524/FUL	Takeley	APPEAL NON DETERMINATION	NON DETERMINATION	19-Feb-20	DISMIS
UTT/18/3525/LB	Takeley	APPEAL NON DETERMINATION	NON DETERMINATION	19-Feb-20	ALLOW
UTT/19/1802/OP	Great Dunmow	REFUSE	REFUSED	19-Feb-20	
UTT/20/0136/NMA	Little Chesterford	APPROVE	APPROVED	19-Feb-20	

UTT/19/2777/FUL	Stansted	APPROVE	REFUSED	18-Mar-20	DISMIS
UTT/19/2288/FUL	Great Chesterford	APPROVE	APPROVED	18-Mar-20	
UTT/19/2875/FUL	Saffron Walden	APPROVE	APPROVED	18-Mar-20	
UTT/18/2508/OP	Felsted	APPROVE	APPROVED	20-May-20	
UTT/20/0552/TPO	Saffron Walden	APPROVE	APPROVED	20-May-20	
UTT/20/0707/HHF	Saffron Walden	APPROVE	APPROVED	20-May-20	
UTT/20/0670/FUL	Saffron Walden	APPROVE	APPROVED	03-Jun-20	
UTT/19/3068/DFO	Saffron Walden	APPROVE	APPROVED	03-Jun-20	
UTT/20/0672/LB	Saffron Walden	APPROVE	APPROVED	03-Jun-20	
UTT/20/1081/NMA	Saffron Walden	APPROVE	APPROVED	03-Jun-20	
UTT/20/0187/HHF	Newport	APPROVE	APPROVED	03-Jun-20	
UTT/19/3113/OP	Debden	APPROVE	APPROVED	17-Jun-20	
UTT/20/0522/HHF	Wimbish	APPROVE	APPROVED	17-Jun-20	
UTT/19/1508/FUL	Great Dunmow	APPROVE	APPROVED	17-Jun-20	
UTT/20/0029/FUL	Widdington	APPROVE	APPROVED	17-Jun-20	
UTT/20/0386/FUL	Takeley	APPROVE	APPROVED	01-Jul-20	
UTT/20/0757/DFO	Felsted	APPROVE	APPROVED	22-Jul-20	
UTT/20/1143/FUL	Saffron Walden	APPROVE	APPROVED	22-Jul-20	
UTT/20/1306/FUL	Saffron Walden	APPROVE	APPROVED	22-Jul-20	
UTT/19/2852/FUL	Clavering	APPROVE	APPROVED	22-Jul-20	
UTT/20/1108/DFO	Elmdon	APPROVE	APPROVED	22-Jul-20	
UTT/18/2574/OP	Great Dunmow	APPROVE	APPROVED	19-Aug-20	
UTT/20/1529/TPO	Great Chesterford	APPROVE	APPROVED	19-Aug-20	
UTT/19/1219/FUL	Great Dunmow	REFUSE	APPROVED	19-Aug-20	
UTT/20/1685/TCA	Thaxted	NO OBJECTION	NO OBJECTION	19-Aug-20	
UTT/19/2900/DFO	Newport	APPROVE	APPROVED	19-Aug-20	
UTT/19/3124/FUL	Little Easton	APPROVE	REFUSED	19-Aug-20	INPROG

UTT/19/3125/LB	Little Easton	APPROVE	REFUSED	19-Aug-20	INPROG
UTT/19/2354/OP	Great Dunmow	APPROVE	REFUSED	09-Sep-20	INPROG
UTT/20/1082/FUL	Elsenham	APPROVE	APPROVED	09-Sep-20	
UTT/20/1032/HHF	Great Dunmow	APPROVE	APPROVED	09-Sep-20	
UTT/19/0904/OP	Takeley	APPROVE	APPROVED	09-Sep-20	
UTT/20/0765/OP	Takeley	APPROVE	APPROVED	09-Sep-20	
UTT/19/2692/OP	Henham	APPROVE	APPROVED	30-Sep-20	
UTT/19/1437/FUL	Great Dunmow	APPROVE	APPROVED	30-Sep-20	
UTT/20/0028/DFO	Felsted	APPROVE	APPROVED	30-Sep-20	
UTT/20/1270/HHF	Debden	APPROVE	APPROVED	30-Sep-20	
UTT/20/0336/DFO	Great Hallingbury	APPROVE	APPROVED	30-Sep-20	
UTT/19/1585/FUL	Stansted	APPROVE	REFUSED	30-Sep-20	
UTT/20/2158/TCA	Saffron Walden	NO OBJECTION	NO OBJECTION	30-Sep-20	
UTT/20/1603/FUL	Newport	APPROVE	REFUSED	30-Sep-20	ALLOW
UTT/20/0835/FUL	Wimbish	APPROVE	APPROVED	28-Oct-20	
UTT/20/0561/FUL	Aythorpe Roding	APPROVE	APPROVED	28-Oct-20	
UTT/20/1596/OP	Felsted	APPROVE	APPROVED	28-Oct-20	
UTT/20/2284/HHF	Saffron Walden	APPROVE	APPROVED	28-Oct-20	
UTT/20/1711/HHF	Saffron Walden	APPROVE	APPROVED	28-Oct-20	
UTT/20/1208/PIP	High Easter	REFUSE	REFUSED	28-Oct-20	
UTT/20/0083/FUL	Broxted	APPROVE	APPROVED	28-Oct-20	
UTT/20/0084/FUL	Broxted	APPROVE	APPROVED	28-Oct-20	
UTT/20/0864/FUL	Saffron Walden	APPROVE	REFUSED	18-Nov-20	ALLOW
UTT/19/2149/OP	Great Canfield	APPROVE	REFUSED	18-Nov-20	DISMIS
UTT/20/1334/FUL	Newport	APPROVE	REFUSED	18-Nov-20	
UTT/20/1753/FUL	Farnham	APPROVE	REFUSED	18-Nov-20	

UTT/20/2686/TCA	Great Chesterford	NO OBJECTION	NO OBJECTION	16-Dec-20	
UTT/20/1937/FUL	High Easter	APPROVE	REFUSED	16-Dec-20	INPROG
UTT/20/1676/FUL	Wimbish	APPROVE	APPROVED	16-Dec-20	
UTT/20/2169/FUL	Stebbing	APPROVE	REFUSED	16-Dec-20	ALLOW
UTT/20/2624/FUL	Thaxted	APPROVE	APPROVED	20-Jan-21	
UTT/20/2668/TCA	Saffron Walden	NO OBJECTION	NO OBJECTION	20-Jan-21	
UTT/20/2655/DFO	Debden	APPROVE	APPROVED	20-Jan-21	
UTT/20/2450/FUL	Ashdon	APPROVE	APPROVED	17-Feb-21	
UTT/20/0921/DFO	Saffron Walden	APPROVE	APPROVED	17-Feb-21	
UTT/20/2299/FUL	Hatfield Heath	APPROVE	REFUSED	17-Feb-21	INPROG
UTT/20/2541/FUL	Henham	APPROVE	APPROVED	17-Feb-21	
UTT/20/3263/FUL	Great Chesterford	APPROVE	APPROVED	17-Feb-21	
UTT/20/0604/OP	Henham	APPROVE	REFUSED	17-Feb-21	INPROG
UTT/20/2653/FUL	Newport	APPROVE	APPROVED	17-Feb-21	
UTT/20/2220/DFO	Great Dunmow	APPROVE	APPROVED	17-Feb-21	
UTT/20/2009/FUL	Ashdon	APPROVE	REFUSED	17-Feb-21	INPROG
UTT/20/2148/DFO	Little Dunmow	APPROVE	APPROVED	17-Feb-21	
UTT/20/3419/DFO	Great Dunmow	APPROVE	APPROVED	17-Mar-21	
UTT/20/3473/FUL	Wimbish	APPROVE	APPROVED	17-Mar-21	
UTT/19/1744/OP	Saffron Walden	REFUSE	REFUSED	17-Mar-21	
UTT/19/1789/FUL	Little Dunmow	APPROVE	APPROVED	17-Mar-21	
UTT/21/0615/HHF	Chrishall	APPROVE	APPROVED	01-Apr-21	
UTT/19/2266/OP	Ugley	APPROVE	REFUSED	14-Apr-21	DISMIS
UTT/20/2486/FUL	Elmdon	APPROVE	APPROVED	14-Apr-21	
UTT/20/2175/DFO	Saffron Walden	APPROVE	REFUSED	14-Apr-21	INPROG
UTT/21/0410/HHF	Saffron Walden	APPROVE	APPROVED	14-Apr-21	

UTT/20/3016/FUL	Widdington	APPROVE	APPROVED	14-Apr-21	
UTT/20/0422/FUL	Hatfield Heath	APPROVE	APPROVED	14-Apr-21	
UTT/20/0264/OP	Debden	APPROVE	APPROVED	12-May-21	
UTT/21/0079/OP	Felsted	REFUSE	NON- DETERMINATION	12-May-21	INPROG
UTT/21/0692/FUL	Great Hallingbury	APPROVE	APPROVED	12-May-21	
UTT/20/3101/HHF	Great Dunmow	APPROVE	APPROVED	12-May-21	
UTT/20/2639/OP	Clavering	APPROVE	APPROVED	12-May-21	
UTT/20/1744/FUL	Great Dunmow	APPROVE	REFUSED	09-Jun-21	LODGED
UTT/20/3226/FUL	Great Sampford	APPROVE	APPROVED	09-Jun-21	
UTT/21/1147/HHF	Stansted	APPROVE	APPROVED	09-Jun-21	
UTT/20/2601/HHF	Great Canfield	APPROVE	APPROVED	09-Jun-21	
UTT/21/0757/DFO	Felsted	APPROVE	APPROVED	09-Jun-21	
UTT/20/0050/FUL	Takeley	REFUSE	REFUSED	07-Jul-21	VALID
UTT/20/0051/LB	Takeley	APPROVE	APPROVED	07-Jul-21	
UTT/20/2757/FUL	Newport	APPROVE	REFUSED	07-Jul-21	VALID
UTT/21/0009/DFO	Henham	APPROVE	APPROVED	07-Jul-21	
UTT/20/1866/FUL	Broxted	REFUSE	REFUSED	07-Jul-21	
UTT/21/0320/FUL	Hatfield Broad Oak	APPROVE	APPROVED	07-Jul-21	
UTT/21/1117/FUL	Stansted	APPROVE	APPROVED	07-Jul-21	
UTT/21/0264/FUL	Newport	APPROVE	REFUSED	07-Jul-21	
UTT/21/0405/FUL	Little Canfield	APPROVE	APPROVED	07-Jul-21	
UTT/20/3401/HHF	Takeley	APPROVE	APPROVED	08-Jul-21	
UTT/20/2784/FUL	Takeley	APPROVE	REFUSED	08-Jul-21	
UTT/21/1291/HHF	Saffron Walden	APPROVE	APPROVED	08-Jul-21	
UTT/21/0333/OP	Stebbing	REFUSE	REFUSED	04-Aug-21	VALID
UTT/21/1108/FUL	Thaxted	REFUSE	REFUSED	04-Aug-21	

UTT/21/1811/HHF	Arkesden	REFUSE	REFUSED	04-Aug-21	VALID
UTT/21/1812/LB	Arkesden	REFUSE	REFUSED	04-Aug-21	VALID
UTT/20/3354/FUL	Saffron Walden	APPROVE	APPROVED	04-Aug-21	
UTT/21/0507/FUL	Great Canfield	APPROVE	APPROVED	04-Aug-21	
UTT/21/1870/TCA	Hempstead	NO OBJECTION	NO OBJECTION	04-Aug-21	
UTT/21/1855/OP	Wimbish	APPROVE	APPROVED	01-Sep-21	
UTT/21/2113/FUL	Great Chesterford	APPROVE	APPROVED	01-Sep-21	
UTT/21/2114/FUL	Great Chesterford	APPROVE	APPROVED	01-Sep-21	
UTT/20/2632/FUL	Newport	APPROVE	APPROVED	01-Sep-21	
UTT/20/1929/OP	Great Dunmow	REFUSE	REFUSED	29-Sep-21	
UTT/20/3415/FUL	Saffron Walden	APPROVE	APPROVED	29-Sep-21	
UTT/20/3416/LB	Saffron Walden	APPROVE	APPROVED	29-Sep-21	
UTT/21/1550/HHF	Little Hallingbury	APPROVE	APPROVED	29-Sep-21	
UTT/21/2501/FUL	Henham	APPROVE	APPROVED	29-Sep-21	
UTT/21/2465/DFO	Saffron Walden	APPROVE	APPROVED	29-Sep-21	
UTT/21/1708/OP	Little Easton	REFUSE	REFUSED	27-Oct-21	
UTT/21/1994/FUL	Strethall	APPROVE	APPROVED	27-Oct-21	
UTT/21/1495/FUL	Little Easton	APPROVE	DEFER	27-Oct-21	
UTT/20/2007/FUL	Saffron Walden	APPROVE	APPROVED	27-Oct-21	
UTT/21/2629/FUL	Saffron Walden	APPROVE	REFUSED	27-Oct-21	