

Authority Monitoring Report AMR17

Companion Report – Development Management Resources
and Performance

Period Covered: 1st April 2022 to 31st March 2024

Full Council Date: 30 July 2024

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**COUNCIL OF THE
ISLES OF SCILLY**



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The Local Planning Authority - Development Management Team

As of 2024 the Council employs one full time Royal Town Planning Institute (RTPI) accredited Planning Officer to manage the work of the Local Planning Authority. The department is supported by a Technical Officer Post and an Administrative Officer Post.

Since the last AMR (AMR16) in 2022, the Planning Department have secured Planning Skills Delivery Fund (PSDF) money to assist with both *capacity* and *skills*. In December 2023 the Government awarded the Local Planning Authority £85,000 split into two parts. With £35,000 for partnership working, and £50,000 towards local plan work. This money is required to be spent for the purposes on which it was requested during the financial year 2024/25.

For the £50,000 '*skills*' money officers prioritised the review of the Conservation Area (which has not ever had a review in 49 years since its designation and planning authorities are required to review from 'time to time'). This designation sets the most stringent constraints for planning across the islands and together with a review of the 4 Article 4 Directions, require most forms of development to require planning permission.

- **IOS Article 4 Direction 1975** this removes the right to enlarge, improve or carry out other alterations to any house on any of the islands including the construction of curtilage buildings. It also removes the right to change the use of land for any purpose. This document also removes all agricultural permitted development rights for agricultural land of more than 1 acre.
- **IOS Article 4 Direction 1988** this removes the right to construct swimming pools within the curtilage of any house on any of the islands.
- **IOS Article 4 Direction 1995** this removes the right to make any alteration to the roof, to paint the exterior or change the windows or doors of any house on any of the islands.
- **IOS Article 4 Direction 1998** this removes the right to provide a temporary structure in connection with a development project.

For the '£35,000' '*capacity*' money, rather than try and recruit a temporary planner, Officers secured partnership working, as this has worked effectively in previous years. For the calendar year 2024 the Local Planning Authority for the Council of the Isles of Scilly is partnership working with the Local Planning Authority for South Downs National Park Authority. This provides Officers at the Council of the Isles of Scilly with a broader range of skills and access to a team of planners at various levels.

In addition to the above partnership working, the Council continues to employ a technical officer who, in consultation with the Chief Planning Officer, ensures timely and consistent validation of planning applications, provides pre- application advice and undertakes assessment of minor and householder planning applications. This is in addition to providing the Council's Land Searches function and the management of the corporate gazetteer and geographical information systems. The planning

department is supported by one full time administration assistant that provides essential functions of the planning validation and consultation process as well as data collection and land searches. This is critical in terms of the wider function of the department.

In terms of a general health check of the amount of work the team receive. Since COVID-19 the number of applications received is steadily increasing again after 2022/23 saw a decline, as shown in Figure 1 below:

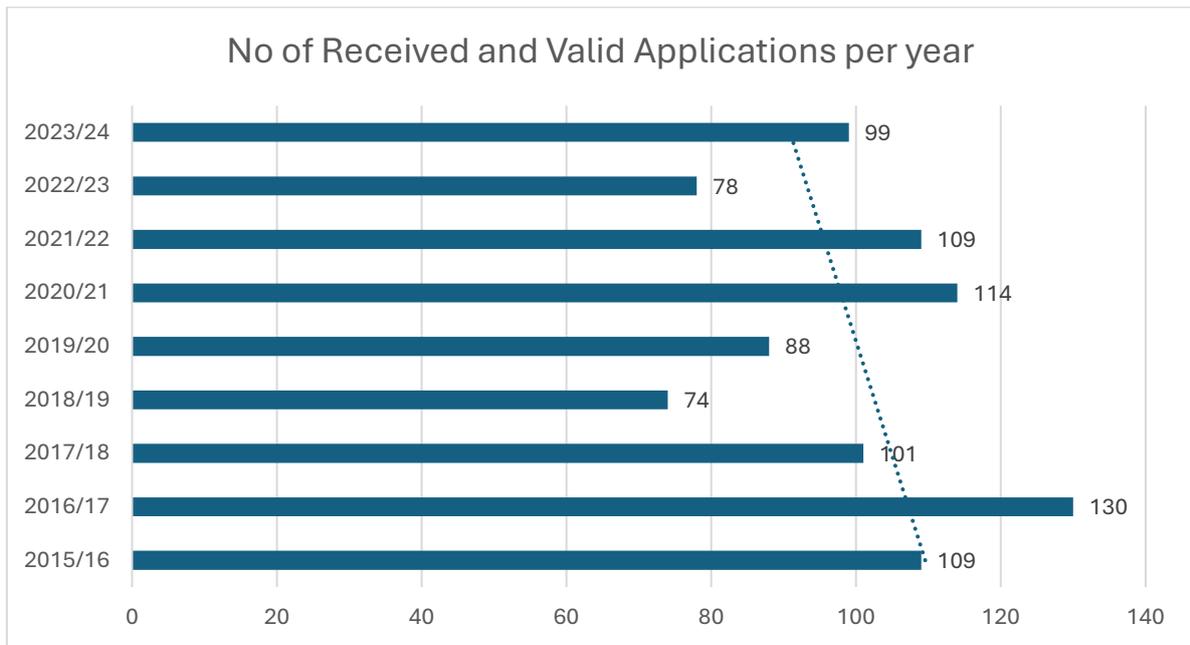


Figure 1 No of applications received and validated per year.

The period 2022/23 saw a dip in application number this was reflected in a dip in income generated by the service.

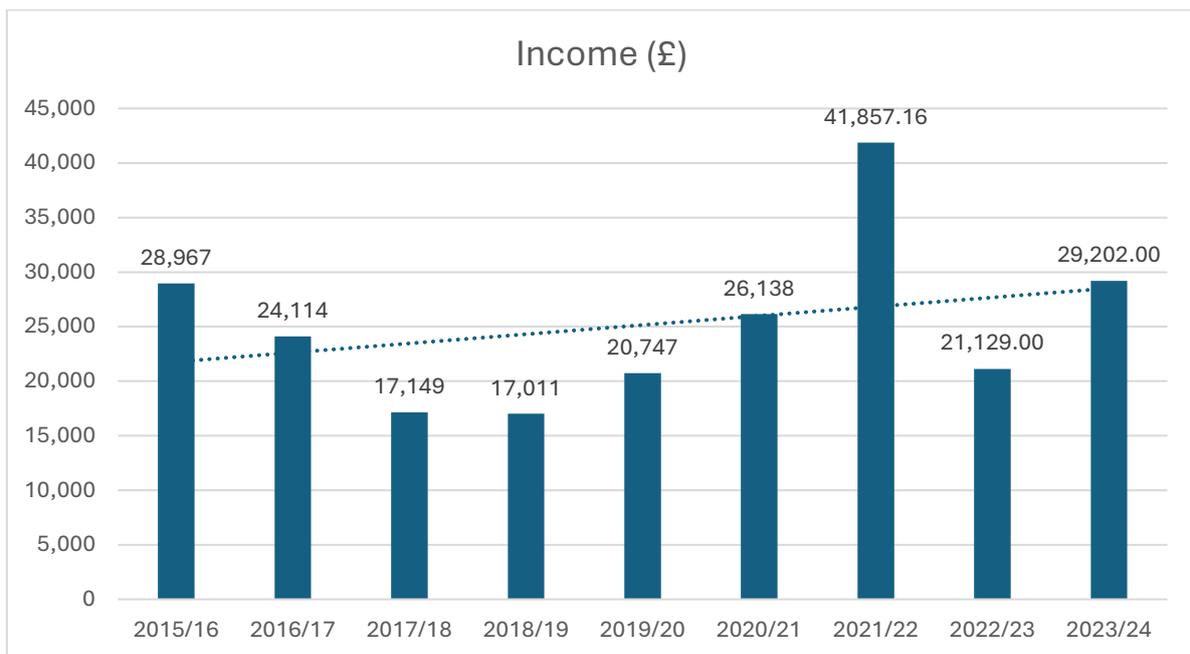


Figure 2 Planning fee income from 2015 - 2023

Figure 2 above highlights an increase in 2023/24. The Government increased planning fees nationally, which was the first time in 5 years. This contributed to the increase in fees during the last monitoring period. In December 2023 planning fees went up by 25% and 35% for major applications. They are due to increase annually in line with inflation. Already in 2024 planning income up to April 2024 is over £48,000 due to the number of larger applications being together with the fee increases.

There is a consistency around the delegation rates each year and the approval rates, as shown in Figures 3 and 4 below.

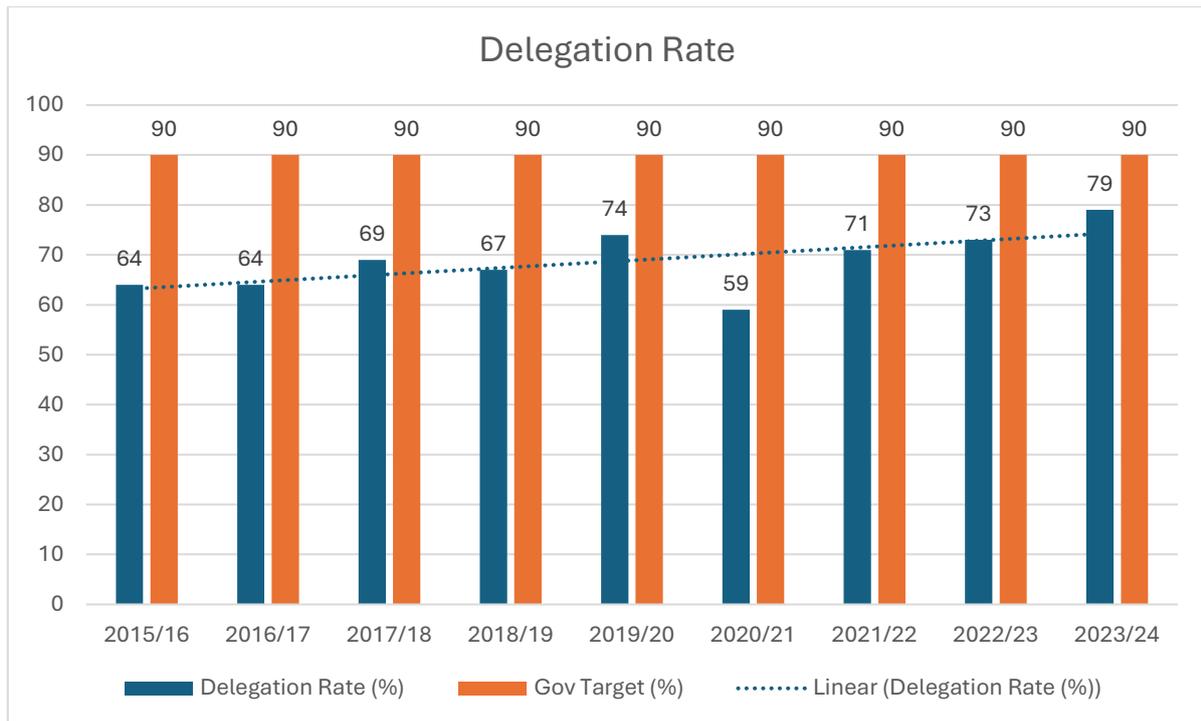


Figure 3 Delegation Rate of Planning Decisions, per year

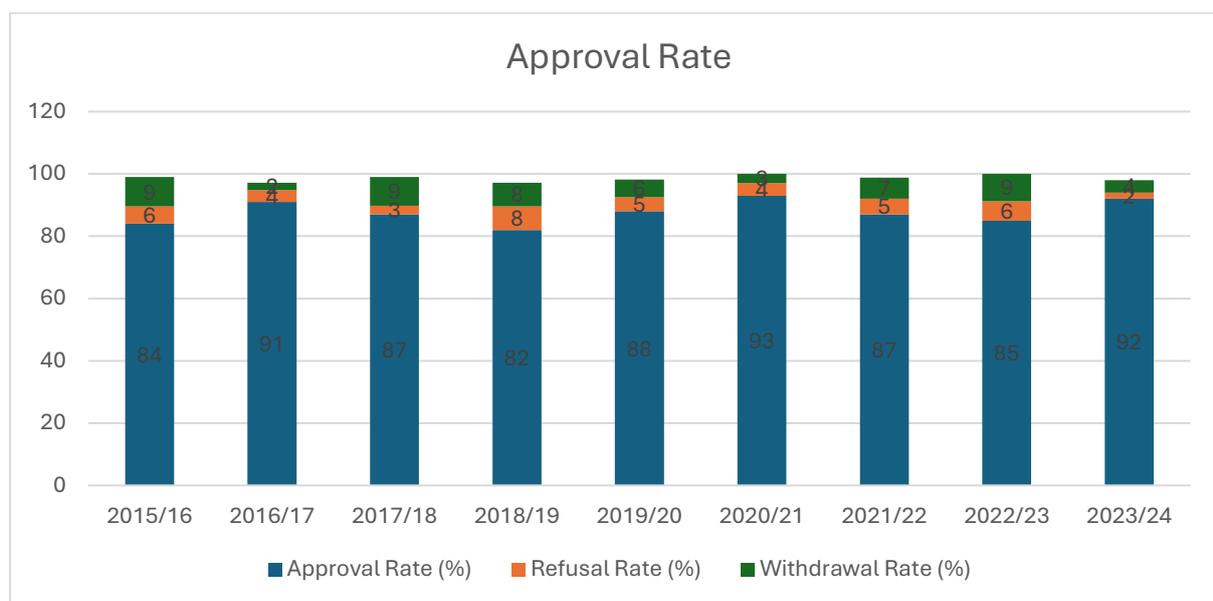


Figure 1 Approval rate of applications per year.

Local Performance: Speed and Quality of Decision Making

The performance of local authorities, in determining applications for planning permission, is crucial to achieving the governments' objective in enabling the delivery of home ownership, building homes people can afford to buy and supporting economic growth. The approach to measuring the performance of authorities was introduced by the Growth and Infrastructure Act 2013 and is based on assessing local planning authorities' performance on the speed and quality of their decisions on applications for major and non- major development. Where an authority is designated as underperforming, applicants have had the option of submitting their applications for major and non-major development (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.

A local planning authority can be designated (go into special measures) only if, by reference to the criteria in the [Criteria for Designation](#) (updated 2022) document, "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications". The performance of local planning authorities in determining major and non-major development will be assessed separately, meaning that an authority could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both.

For the quality measure the local planning authority continues to be well within the designation threshold, that is to ensure over a 2-year rolling period no more than 10% of its decisions made, are overturned at appeal. For the latest period the statistics show that out of the decisions made (297) only 2 have been overturned at appeal. This is less than 6% and no major decisions have been overturned at appeal.

For the speed measure the local planning authority continues to ensure it determines planning applications within statutory timescales (8 weeks for non-major applications, 13 weeks for major applications and 16 weeks for developments which are established as Environmental Impact Assessment level development). The current thresholds expected to be achieved are making at least 70% of 'other' and 'non-major' decisions within 8 weeks and 60% of 'major' decisions within 13 weeks. The Council of the Isles of Scilly, for the most recent 2-year period, are achieving these thresholds which includes making **70% of its other and non-major decisions within 8 weeks** and **100% of its major decisions within 13 weeks**. For appeals the Council of the Isles of Scilly are at a position of having just under **6% of its decisions overturned at appeal** (threshold not to exceed is 10%).

	Threshold	CIOS Position
Speed	70%	70%
Speed (Majors)	60%	100%
For Speed the CIOS Position should not fall below the threshold		
Quality	10%	0%
For Quality the CIOS Position should not exceed the threshold		
Speed: Rolling 2-year period: October 2021 to September 2023		
Quality: Rolling 2-year period: April 2020 to March 2022		

Table 1 Government Thresholds for Designation

Although there are significantly more applications made to the Council, the above only includes those types of applications that are included in the Council's statutory returns. This does not include applications for Tree Works, Discharges of Conditions or non-material amendments for example. For appeals the figure is based on all types of applications made during the rolling 2-year period.

Appeals since 2015	No	%
Allowed Appeals (went against our recommendation)	5	45
Dismissed Appeals (upheld council's decision)	6	55
Costs Applications Total	4	36
Costs Won Against Council	1	25*
Total Appeals	11	-
Total Live	0	-
Average Turnaround time (Days) to get a decision from the Planning Inspectorate.	144	
*%age Out of the total number of Costs applications made.		

Table 2 Appeals Statistics since 2015

Building Control

Since 2018, as part of the delegation agreement between the Council of the Isles of Scilly and Cornwall Council, Cornwall Council has run the islands Building Control service. Approved Building Control Inspectors visit the islands regularly to make site visits in relation to all building control applications made.

The delegation agreement allows Cornwall Council to set the fees and charges, but this is to ensure a cost recovery of the service only. Current Fees and Charges can be found [online](#)¹. Officers at the Council of the Isles of Scilly have been made aware of a potential rise in building control fees, which will be the first since 2018. If this is above inflation, then the decision on this fee increase will need to be made at Full council.

[Cornwall Council's Building Control web pages](#)² provide guidance about whether or not building control approval is required and how to make a building control application. The website allows customers to book an inspection and allows interested persons to search the register of applications. Building Inspectors at Cornwall Council also provide pre-application advice to the Planning Department.

In terms of customer satisfaction, Cornwall Council carry out an annual survey of their customers, as a means to improve customer service. The intention is that this will include the Isles of Scilly.

¹ <https://www.cornwall.gov.uk/media/pe2kkcoc/fees-and-charges.pdf>

² <https://www.cornwall.gov.uk/planning-and-building-control/building-control/>

During the monitoring period, updated Building Regulations came into force in June 2022. The new rules may significantly impact people wanting to build, extend or renovate their homes, as well as architects and those working in the trade. The updated regulations include amendments to Approved Documents:

Part F (Ventilation)

Part L (Conservation of Fuel and Power)

Part O (Overheating)

Part S (Infrastructure for charging EVs)

They are primarily focused on new non-domestic buildings but also include policies for existing non-domestic buildings and new and existing housing.

Also coming into effect as a result of Section 58 of the Building Safety Act 2022 is a power of the Secretary of State to create a levy on building control activity to fund building safety remediation on 10,000s of homes following the Grenfell Tower fire. The [previous] Government intended, through the Department of Levelling-Up Housing and Communities (DLUHC), to lay Regulations before Parliament that appoint councils as the collection agents. For the Isles of Scilly, given the delegated function of Building Control, this is likely to be Cornwall Council.

The levy will apply to all residential construction, unless exempted, on a floor space basis. Current proposed exemptions include:

Affordable housing

Clinical/criminal justice/military settings

Hotels

Schools/Religious Accommodation

Development under 10 Units

Private residence extensions/upgrades

Levy payers will be under a duty to provide appropriate information to the local council, including the relevant planning permission under which they are seeking building control clearance. Moving forward Councils will need to:

Check the information provided by the Levy Payer

Conduct Spot Checks (if necessary)

Issue Levy Liability Notices

Take Payments

Issue Refunds (if necessary)

Prepare cases for review and defend decisions (First Tier Tribunal)

Provide Management and Revenue Info to DLUHC on a quarterly basis

END