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| <b>This report is public</b>  |  |
| <b>Response to the Planning Advisory Service (PAS) Review of Planning Committee Decision Making</b> |  |
| <b>Committee</b>  | Executive  |
| <b>Date of Committee</b>  | 7 April 2026   |
| <b>Portfolio Holder presenting the report</b>   | Portfolio Holder for Planning & Development Management, Councillor Jean Conway |
| <b>Date Portfolio Holder agreed report</b>  | 16 March 2026  |
| <b>Report of</b>  | Assistant Director Planning, David Peckford                                    |

## **Purpose of report**

To advise the Executive on how the Council is responding to the Planning Advisory Service (PAS) Review of Planning Committee Decision Making.

## **1. Recommendations**

The Executive resolves:

- 1.1 To note the work in progress in responding to the PAS recommendations and advice.

## **2. Executive Summary**

- 2.1 A review of the Council's decision-making on planning applications for major developments was undertaken in 2025 by the Planning Advisory Service (PAS) which forms part of the Local Government Association (LGA). The context for the review was that for the period April 2022 to March 2024, the percentage of the Council's decisions overturned at appeal slightly exceeded the nationally prescribed threshold of 10%.
- 2.2 The review concluded that the Council had an effective planning committee with professional, knowledgeable officers and members who understand planning issues and the importance of following officer advice. However, a number of recommendations were made in the interest of improvement. This report explains the findings and how the Council has responded.

## Implications & Impact Assessments

| Implications           | Commentary  |
|------------------------|---|
| <b>Finance</b>         | <p>There are no financial implications arising from this report providing that everything is within budget. The Council's response to the recommendations of the PAS review are being managed through service budgets.</p> <p>Kim Digweed, Finance Business Partner, 16 March 2026</p>  |
| <b>Legal</b>           | <p>The Legal and Democratic Services teams were engaged in the PAS review and were advised of the findings and recommendations.</p> <p>The solicitor support provided to Planning Committee has been resolved. A constitution review report presented to Council on 16 March recommended that the composition of the Planning Committee be amended to 11 members (with 11 named substitutes) effective from the Municipal Year 2026/2027. This recommendation was adopted by Council.</p> <p>PAS highlighted that there are no sections on equalities, human rights or financial considerations in the Council's reporting template Planning Committees. These sections will be incorporated and will improve transparency on how such considerations are addressed.</p> <p>It is important to consider the legal requirements around holding decision making meetings in public. Any meetings between Members and developers will need to be carried out in conjunction with a clear protocol agreed by the Monitoring Officer.</p> <p>Legal and Democratic Services will continue to provide advice and support to the ongoing work progressing the PAS recommendations as required.</p> <p>Denzil – John Turbervill, Head of Legal Services, 13 March 2026</p> |
| <b>Risk Management</b> | <p>The on-going response to the PAS recommendations is necessary in the interests of continuous improvement, to place the Council in as strong a position as possible in justifying and defending its planning decisions and to minimise the risk of its decisions being overturned at appeal. These risks are currently being managed and monitored through the service operational risk and the Leadership Risk register, the latter is reported to the Accounts, Audit and Risk and Executive Committees quarterly.</p> <p>Celia Prado-Teeling, Performance Team Leader, 13 March 2026</p>   |

| <b>Impact Assessments</b>  | <b>Positive</b>   | <b>Neutral</b> | <b>Negative</b> | <b>Commentary</b>   |
|--|---|----------------|-----------------|---|
| <b>Equality Impact</b>   |   | x              |                 | There is no impact to equality as a direct consequence of this report.<br>Celia Prado-Teeling, Performance & Insight Team Leader, 13 March 2026                                       |
| <b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?               |   | x              |                 |   |
| <b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users? |   | X              |                 | N/A   |
| <b>Climate &amp; Environmental Impact</b>  | X   |                |                 | The more action the Council takes to ensure that its planning decisions are as robust and defensible as possible, the more likely that this will result t in sustainable development. |
| <b>ICT &amp; Digital Impact</b>  |   |                |                 | N/A   |
| <b>Data Impact</b>   |   |                |                 | N/A   |
| <b>Procurement &amp; subsidy</b>   |   |                |                 | N/A   |
| <b>Council Priorities</b>  | Business plan priorities for 2025-2026: <ul style="list-style-type: none"> <li>• Housing that meets your needs</li> <li>• Supporting environmental sustainability</li> <li>• An enterprising economy with strong and vibrant local centres</li> <li>• Healthy, resilient and engaged communities</li> </ul> |                |                 |   |
| <b>Human Resources</b>   | N/A   |                |                 |   |
| <b>Property</b>  | N/A   |                |                 |   |
| <b>Consultation &amp; Engagement</b>   | Councillor Jean Conway, Portfolio Holder – Planning & Development Management  |                |                 |   |

## Supporting Information

### 3. Background

- 3.1. On 26 November 2024, the Overview & Scrutiny Committee considered a quarterly performance report which indicated that the percentage of the Council's planning decisions overturned at appeal, for major developments, was higher than tolerated threshold percentage. The Committee resolved that a scrutiny working group be established with terms of reference that included consideration of the main reasons for planning application refusals overturned at appeal and any lessons learned.
- 3.2. On 25 February 2025, the Planning and Appeals Scrutiny Working Group held a Spotlight Review with the Assistant Director – Planning and Development and Head of Development Management.
- 3.3. In January 2025, the LGA's Planning Advisory Service (PAS) contacted the Council to advise that Ministry for Housing, Communities and Local Government (MHCLG) was finalising its review of local planning authority performance for the same indicator i.e. for the period April 2022 to March 2024 (and taking account of appeal decisions up until 31 December 2024).
- 3.4. In the period April 2022 to March 2024 the Council determined 115 major applications. Nineteen decisions were appealed, 12 were upheld by the Planning Inspectorate (with two remaining pending). Three were non-determination appeals. As 12 of 115 decisions had been the subject of successful appeals, the Council's overturn percentage was 10.43% which exceeded the government-set threshold of 10%.
- 3.5. PAS, which provides support and training to all authorities, and which liaises with MHCLG on performance, was invited to undertake a review of the Council's decision-making process for major developments. The review included spending a day at the Council's offices on 29 May 2025 to interview officers, Members and external stakeholders. It also entailed a desktop review of decisions and procedures and viewing three Planning Committee meetings.
- 3.6. Prior to the receipt of the PAS report, officers had submitted an exceptional circumstances case to MHCLG as to why the Council should not be 'designated' for exceeding the threshold by one appeal decision (0.43%). On 6 June 2025, confirmation was provided by MHCLG that the Council would not be designated.
- 3.7. The final PAS report was received on 27 August 2025 (available at <https://www.cherwell.gov.uk/download/downloads/id/18229/cherwell-district-council-planning-committee-review.pdf>) and is attached to this report at Appendix 1.
- 3.8. Appendix 2 to this report provides a tabular summary of the recommendations and advice provided by PAS and an update of the work undertaken and on-going in response.

## 4. Details

### *The Findings of the PAS Review*

#### 4.1 PAS's overall conclusions included:

1. the Council had an effective planning committee with professional, knowledgeable officers and members who understand planning issues and the importance of following officer advice;
2. the Council had dealt with a high number of contentious housing proposals that had led to a number of appeals where the Planning Inspectorate had not always agreed with the council's position;
3. the planning service was generally well respected by both the development industry and the local community;
4. there were areas for improvement relating to procedure, behaviours, training and communication but that none of these are critical to the council operating a planning committee;
5. the council should reflect on changes consulted upon by the Government with respect to planning committees (a limit of 11 members on a planning committee, a mandatory programme of member training and changes to the performance threshold for quality (from 10% to 5%).

#### 4.2 The key findings were:

1. **Appeals:** of the 17 appeal decisions 11 were from officer delegated decisions of which five of which were allowed (45%). The remaining six were planning committee member overturns, of which four were allowed (67%)
2. **Site visits:** often conducted on an ad hoc basis and not in line with the council's own protocols. Poor attendance and inconsistent application of criteria were noted.
3. **Lack of pre-application engagement with members:** no formal procedures for member involvement in pre-application or pre-committee discussions. A missed opportunity for early resolution of issues with developers and community groups.
4. **Late submission of information:** excessive late information submitted shortly before meetings, undermining transparency and decision-making quality.
5. **Committee size and efficiency:** the current 18-member committee is larger than best practice (9–12 members). This may hinder efficient debate and decision-making. There was an average of five committee items per meeting (with significant variance). Committee time varied from 6 hours 20 minutes to 13 minutes.
6. **Officer reports and presentations:** Impressed by the quality of officer presentations. Reports were generally well-structured and clear, but lacking consistency in areas like equalities, human rights, and financial considerations.

7. **Training gaps among Members:** while training is provided, gaps remain in understanding appeals, conditions, and enforcement. Members sometimes lack clarity on how to support decisions at appeal.
8. **Legal support needs review:** re-consider the role of the legal officer either through an enhanced role of the existing representative presence from County Council, or the involvement of one of the Council's legal officers.
9. **Resource constraints:** PAS stress the importance of this planning committee review and the recommendations that need to be implemented to ensure the effective running of the planning committee. This may require a review of resources and should be tied together with any plans the council has to review resources more generally.
10. **Positive culture but room for improvement:** strong officer-member relationships and effective chairing observed. However, some members are overly influenced by local objections rather than evidence-based planning considerations.

#### 4.3 The specific recommendations were:

1. **Enhance Member Engagement Pre-Committee:** Review member involvement in planning proposals at pre-application and committee stages using best practices and guidance.
2. **Improve Site Visit Awareness:** Increase awareness and consistent use of site visit procedures through member training integration.
3. **Implement Submission Cut-off:** Set a 24-hour cutoff for late information submissions to ensure transparency and adequate review before meetings.
4. **Boost Appeals Process Participation:** Encourage member engagement with appeals through training and participation in hearings.
5. **Strengthen Enforcement Awareness:** Enhance member knowledge of enforcement via agenda items and training for better oversight.
6. **Officer Reports Review:** reviewing officer reports to improve clarity, consistency, and include key considerations like equalities and financial impact.
7. **Member Training Enhancement:** Enhancing member training to cover site visits, appeals, and enforcement for improved committee effectiveness.
8. **Developers' Forum Reintroduction:** Re-establishing a developers' forum to encourage engagement and mutual understanding with the development community.
9. **Legal Representation Review:** Reviewing legal representation at committee meetings to ensure support in complex and contentious cases.

#### *How has the Council responded?*

- 4.4 Appendix 2 to this report provides a response to each of the PAS recommendations including the status of specific actions. The PAS review and the Council's nationally measured performance on the quality of decision-making have created discussion between senior officers, the Portfolio Holder, the Chair of Planning Committee and at the internal Members' Forum. There has been common understanding of the importance of monitoring performance and the potential implications of too many decisions being overturned at appeal. The importance of justifiable and defensible planning reasons for the refusal of planning permission is conveyed clearly in training and in discussion at committee meetings.

- 4.5 This has had a positive impact on the numbers of appeals allowed. At the time of writing there have been no appeals allowed against decisions on major developments taken since April 2025.
- 4.6 New practices and procedures are being implemented to provide clarity of process and to provide more opportunities for developers and councillors to engage in pre-application discussions; for developers to provide briefings to the Chair of Planning Committee and Portfolio Holder at application stage; and, following the publication of a Planning Committee agenda, for developers to present to Members of the Committee and to take questions. The existing area-based developer fora are to be utilised to provide for focused engagement on development management.
- 4.7 The size of the membership of the Planning Committee has been reviewed with a proposal to be presented to Council at its meeting on 16 March. The duration of Planning Committee meetings, the number of items presented, and the time management of the meetings is receiving particular attention in light of the PAS review but also more recent committee experience in dealing with a number of strategic development proposals. The Council's Head of Legal Services now provides senior solicitor representation at committee meetings.
- 4.8 Two separate training sessions were provided to Members of the committee at the start of the municipal year and the internal Members Forum used to examine topics such as planning appeals and more, recently, planning enforcement. Training on development viability is to be provided at the next meeting. The start of the next municipal year will see a forward plan for monthly meetings of the internal Members Forum accompanied by an on-going training schedule for Councillors. Recorded committee training (enabling future use) is to be arranged for officers including a focus on report writing.
- 4.9 More broadly, the planning service is one of the priority areas for the corporate transformation programme with an earlier focus on digitisation and the customer 'front door'. A third major development team has been created within Development Management since the PAS review and service improvement, including the delivery of actions plans for strategic planning applications and the section 106 legal agreement process, continues.
- 4.10 Further detail is provided at Appendix 2 and there is more work to do. The start of the next municipal year will see new induction training and further implementation of improvements.

#### *Continuing Risk*

- 4.11 Unfortunately however, the Council's nationally measured performance continues to be a concern for two reasons.
- 4.12 First, the Government measures performance for the quality of decision-making on a rolling two-year basis. The 'current' monitoring period is therefore April 2023 to March 2025 (allowing for appeal decisions to December 2025) and performance is affected by one year of the previous two-year period i.e. there is a legacy impact from the previous under-performing period.
- 4.13 Secondly, Cherwell is an area that attracts significant interest in growth and the Council deals with relatively high numbers of contentious applications. Although

these are often very significant locally, they must also be considered in the context of national policy and its growth agenda. Ultimately, when it comes to planning appeals, decisions that may be very challenging to take locally because of their long-lasting impact, may be ones that are less challenging to take when removed from the local context.

- 4.14 The Council remains in a difficult position in terms of meeting Government expectations. Appendix 3 provides the latest, albeit unconfirmed monitoring data. In summary, this shows:
1. the unconfirmed percentage for the number of decisions on major developments from April 2023- March 2025 (i.e. before the PAS review) and overturned at appeal by 31 December 2025 is 11.61% (13 out of 112 decisions).
  2. the current unconfirmed percentage for April 2024 to March 2026 is 5.32% which is in part reflective of the work undertaken over the course of the past year. However, the Council presently has three appeals pending following recently Planning Committee refusals which if lost would increase the percentage to 8.51%. There is some risk of further appeals being lodged.
  3. the current unconfirmed percentage for April 2025 onwards is 0% but this could be affected by the recent and possible appeals described above.
- 4.15 The figures for the 'current' monitoring period, April 2023 to March 2025, are the subject of review and confirmation. However, the implication of a potential return of 11.61% is that the Council is at risk of 'designation'.
- 4.16 Where an authority does not meet the required performance thresholds, the Secretary of State can 'designate' an authority as underperforming. If a local authority is designated, applicants to that authority may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated. Designated authorities are also required to prepare an Action Plan demonstrating how the weaknesses that led to poor performance will be addressed. An authority remains designated until such time as the Secretary of State decides to de-designate the authority.
- 4.17 The Council can expect to be provided with an opportunity to set out its exceptional circumstances before a decision is taken by the Secretary of State.
- 4.18 Regardless of the outcome, it is vitally important that the Council does all that it reasonably can to reduce the risk of planning appeals and to ensure that when planning appeals are lodged, the Council is in a strong position to successfully defend its decisions.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 There are no alternatives to the recommendations presented.

## 6. Conclusion and Reasons for Recommendations

- 6.1 The PAS review of decision-making has put a constructive spotlight on the important work of the Planning Committee and the Development Management service. Significant changes have been made in response to the recommendations of PAS and work is continuing alongside corporate transformation and service improvement. The Council remains at risk of designation in significant part because of the legacy impact of the previous monitoring period. Close monitoring and management of decision making must continue in the interest of emerging from a position of risk and to avoid a similar position in the future. Very close working between officers and Members will be critical in supporting this.

### Decision Information

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| <b>Key Decision</b>                       | Yes |
| <b>Subject to Call in</b>                 | N/A |
| <b>If not, why not subject to call in</b> | N/A |
| <b>Ward(s) Affected</b>                   | All |

### Document Information

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| <b>Appendices</b>                          |   |
| <b>Appendix 1</b>                          | PAS Review of Decision Making, August 2025  |
| <b>Appendix 2</b>                          | PAS Review of Planning Committee Decision Making: Key Recommendations/Advice and Response   |
| <b>Appendix 3</b>                          | Indicative Performance – Quality of Decision Making   |
| <b>Appendix 4</b>                          | Member Engagement Protocol  |
| <b>Background Papers</b>                   | None  |
| <b>Reference Papers</b>                    | <a href="#">Report to Overview &amp; Scrutiny Committee, 26 November 2024</a> , Items 39 & 40<br><a href="#">Report to Overview &amp; Scrutiny Committee, 11 March 2025</a> , Item 62<br><a href="#">Report to Overview &amp; Scrutiny Committee, 27 January 2026</a> , Item 7<br><a href="#">MHCLG Explanatory Memorandum to improving planning performance: criteria for designation (updated 2024)</a> |
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| <b>Executive Director Approval (unless</b> | Ian Boll, Executive Director – Place & Regeneration, 16 March 2026  |

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| <b>Executive Director or<br/>Statutory Officer report)</b> |  |
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