

Blaby District Council
Council

Date of Meeting	20 May 2025
Title of Report	Planning Service Special Measures Risk Notification This is not a Key Decision and is not on the Forward Plan
Lead Member	Cllr. Ben Taylor - Planning, Transformation and ICT
Report Author	Executive Director - Place
Strategic Themes	Ambitious and well managed Council, valuing our people

1. What is this report about?

1.1 This report outlines the recent notification Blaby District Council received from the Planning Inspectorate regarding the Council's Planning Service nearly entering Special Measures following recent Planning Committee decisions which were overturned on appeal. The report outlines the implications for the notification and the next steps the authority will take.

1.2 This report is for information only.

2. Recommendation(s) to Council

2.1 Council are asked to note the content of the report.

3. Reason for Decisions Recommended

3.1 No decisions are required.

4. Matters to consider

4.1 Background

On the 23 January 2025, the Planning Advisory Service notified the Council that it had been reported as a "near miss authority" for nearly breaching Government set planning indicators. The result of which meant the council narrowly avoided being designated and put into Special Measures.

The performance of local planning authorities is assessed against the following nationally prescribed indicators:

- The speed of determining applications for major developments.
- The quality of decisions made by the authority on applications for major developments.
- The speed of determining applications for non-major developments.

- The quality of decisions made by the authority on applications for non-major developments.

The Council has been deemed to narrowly avoid failing to meet the 'quality of decisions for major developments' indicator. The most recent measures are reported for the time period April 2022 through to March 2024. The indicator relates to decisions made by the Council in relation to major scheme applications. This relates to developments of 10 or more dwellings, or the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. For a council to fail to meet this indicator 10% or more of their major scheme applications, will have been overturned on appeal to the Planning Inspector.

During this period Blaby District Council made decisions relating to Cork Lane, New Street and Enderby Hub. The first 2 applications were recommended for refusal by officers and the latter recommended for approval. All three were refused by the Planning Committee and subsequently overturned by the Planning Inspector upon appeal. Only Enderby Hub was awarded costs against the Council as the Council was deemed to be acting unreasonably in its defence of its original decision.

These three applications alone accounted for 9.38% of our major applications, during the time period April 2022 through to March 2024.

The consequences of being designated into Special Measures by the Planning Inspectorate can result in applicants being given authority to apply directly to the Secretary of State, via the Planning Inspectorate, for decisions. This would remove the ability of Blaby District Council to decide on applications. The ability of the Council to also secure conditions on applications will be greatly reduced.

Following the Special Measures risk notification, the Planning Advisory Service have advised Blaby District Council that we are eligible for support. This support is designed to aid the Planning Committee with an improved understanding of their responsibilities in relation to future decision making. Options available to the Council include:

1. A Planning Advisory Service led training course for the Planning Committee and officers. The training includes role play and real-life planning decision examples to help Planning Committee Members and officers understand their role and obligations throughout the Committee process.
2. A full peer review of the Planning Committee and supporting processes. This includes working with Officers and Planning Committee Members to deep dive into processes, knowledge, skills and competencies in application decision making. The outcome of this support would be a publicly accessible report prepared by the Planning Advisory Service. This is similar to the Local Government Association's Peer Review process.

The final decision on which option to choose will be taken in consultation with the Portfolio Holder and the Chair of Planning Committee.

4.2 Proposal(s)

This report is for information, and Council are asked to note the content of the report.

4.3 Relevant Consultations

N/A

4.4 Significant Issues

Legal

The Council must adhere to the statutory requirements of administering planning applications. The notification of being a 'near miss authority' suggests the Planning Inspectorate believes Blaby District Council is at risk of non-compliance with these statutory requirements.

4.5 In preparing this report, the author has considered issues related to Human Rights, Human Resources, Equalities, Public Health Inequalities and there are no areas of concern.

5. Environmental impact

5.1 N/A

6. What will it cost and are there opportunities for savings?

6.1 The Council chose to defend each of the three decisions referred to by the Planning Inspectorate. Each required external legal and planning consultant advice, at the expense of Blaby District Council. Of the three only one led to an award for costs against Blaby District Council. This one case alone cost the Council £94,111.

7. What are the risks and how can they be reduced?

7.1

Current Risk	Actions to reduce the risks
Reputational risk to the council if placed into Special Measures.	Enable robust dialogue regarding planning applications, whilst ensuring decision making conforms to statutory requirements. This will ensure a firm legal basis for decision making and avoid decisions that can be overturned in the future.
Decision making powers would be removed from the Council if it were to go into Special Measures.	Support Planning Committee to have the knowledge and skills to make decisions within the statutory framework set by Government.

8. Other options considered

8.1 No other options are advised at this time.

9. Appendix

9.1 N/A

10. Background paper(s)

10.1 N/A

11. Report author's contact details

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