

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 06/02/2023

Report of Director of Planning and Regeneration

Subject PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/21/0994/FP](#)

Appeal site address: 56 West Street Portchester Fareham PO16 9UN

Ward: Portchester East

The appellant: Mr Bill Seager

Description of proposal: Demolition of existing single storey launderette and replacement with 3 storey 5 apartment block (4x1 bed and 1x2 bed) (revised submission of P/21/0319/FP)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 03/10/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1458/FP](#)

Appeal site address: Kingfishers Fishers Hill Fareham PO15 5QT

Ward: Titchfield

The appellant: Mr K Smith - Principal Estates (Southern) Ltd

Description of proposal: Construction of three detached homes with associated garage and carports, access and landscaping following demolition of the existing swimming pool structure.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 02/02/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1919/LU](#)

Appeal site address: Lake Cabin Oslands Lane Lower Swanwick SO31 7EG

Ward: Sarisbury

The appellant: Mr Andrew Goddard

Description of proposal: Lawful Development Certificate for construction of building and occupation as a residential dwellinghouse

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 02/08/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1960/FP](#)

Appeal site address: 21 Fragorum Fields Titchfield Common Fareham PO14 4TG

Ward: Titchfield Common

The appellant: Mr Qasim Niazi

Description of proposal: Convert part of the garage into a habitable room

Council decision: APPROVE

Decision maker: Officer Delegated Powers

Date appeal lodged: 07/07/2022

Reason for Appeal: Appeal against conditions imposed on approval

Fareham Borough Council Reference: [P/22/0615/FP](#)

Appeal site address: 93 The Hillway Portchester Fareham PO16 8BP

Ward: Portchester West

The appellant: Mrs K. Bennett

Description of proposal: Use of annexe as an independent dwelling

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0706/FP](#)

Appeal site address: 40 Portsview Avenue Portchester Hampshire PO16 8LU

Ward: Portchester East

The appellant: Mr B Kendall

Description of proposal: Construction of 2 No. 3 bed Semi-Detached chalet bungalows following demolition of existing bungalow and garage

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 23/01/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0852/PA](#)

Appeal site address: Bishopsfield Road Street Works Bishopsfield Road Fareham PO14 1ND

Ward: Fareham South

The appellant: CK Hutchison Networks (UK) Ltd

Description of proposal: Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

Council decision: PRIOR APPROVAL REFUSED

Decision maker: Officer Delegated Powers

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1046/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF

Ward: Fareham North

The appellant: Mr Paul MacDonald

Description of proposal: Timber garage for use as ancillary storage for the existing dwelling

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 06/12/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1071/DA](#)

Appeal site address: Land adjacent to 83 Swanwick Lane Swanwick Fareham

Ward: Sarisbury

The appellant: Mr N Assar

Description of proposal: Without planning permission, the erection of a wooden building on the

Land

Date appeal lodged: 02/08/2022

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/22/1771/DA](#)

Appeal site address: 106 Funtley Road Funtley Fareham PO17 5EF

Ward: Fareham North

The appellant: Mr P Macdonald

Description of proposal: Erection of Detached Timber Garage

Date appeal lodged: 06/12/2022

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/23/0077/DA](#)

Appeal site address: Land at Oaklea Farm 155 Fareham Park Road Fareham PO15 6LW

Ward: Fareham North-West

The appellant: Ms Cathryn Bowman-Wise

Description of proposal: Material change of use of the land to use for the storage of scaffolding equipment

Date appeal lodged: 18/01/2023

Reason for Appeal: Against serving of planning enforcement notice

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)