

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

Date 31/10/2023

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/21/1317/FP](#)

**Appeal site address:** Andark 256 Bridge Road Swanwick Southampton SO31 7FL

**Ward:** Sarisbury

**The appellant:** Mr & Mrs Andrew Goddard

**Description of proposal:** Change of Use of Land adjacent to Diving Lake to a Motorhome and Camping site for up to 7 Motorhomes and 6 Tents (Excluding Caravans) & Construction of Toilet/Shower Facilities

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 19/09/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0295/OA](#)

**Appeal site address:** 50 Paxton Road Fareham PO14 1AD

**Ward:** Fareham South

**The appellant:** Mr George Bell

**Description of proposal:** Outline application for 1 x 3 bedroom dwelling (with all matters reserved)

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 21/02/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0338/FP](#)

**Appeal site address:** Turret House Hospital Lane Portchester Fareham PO16 9LT

**Ward:** Portchester East

**The appellant:** Mr Anthony Lawrence

**Description of proposal:** New detached dwelling (self build)

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 27/02/2023

**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/22/1771/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/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/22/1409/FP](#)

**Appeal site address:** Hunters Lodge Care Home 39 Kiln Road Fareham PO16 7UQ

**Ward:** Fareham North

**The appellant:** Mr Stephen Geach

**Description of proposal:** Construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48 rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (Resubmission of application P/21/1163/FP).

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 12/10/2023

**Reason for Appeal:** Appeal against refusal of planning permission

## PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/22/0363/OA](#)

**Appeal site address:** Land at Pinks Hill Fareham

**Ward:** Fareham East

**The appellant:** Mr Stephen Clark

**Description of proposal:** Outline Planning Application With All Matters Reserved (Except For Access) For The Development Of Up To 109 Residential Dwellings (C3 Use) With Access From Pinks Hill, Informal And Formal Open Space And Associated Landscaping, Drainage Infrastructure, Acoustic Bund And Fence And Other Associated Works Including Demolition Of Existing Buildings & Associated Highway/Pedestrian Improvement Works to Pinks Hill Road and Military Road

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 25/10/2023

**Reason for Appeal:** Appeal against refusal of planning permission

**Date scheduled for Public Local Inquiry to start and duration:** 23/01/2024 for 6 days

Fareham Borough Council Reference: [P/23/0954/DA](#)

**Appeal site address:** Meon View Farm 57 Old Street Fareham PO14 3HQ

**Ward:** Hill Head

**The appellant:** Mr Nicholas Chappell

**Description of proposal:** Change of Use of land & laying hard surface

**Date appeal lodged:** 10/07/2023

**Reason for Appeal:** Against serving of planning enforcement notice

## DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/23/0519/FP](#)

**Appeal site address:** 8 Nursery Lane Fareham PO14 2NZ

**Ward:** Hill Head

**The appellant:** Mr & Mrs Staniland

**Description of proposal:** Extend existing front dormer

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** DISMISSED

**Appeal decision date:** 03/10/2023

Fareham Borough Council Reference: [P/23/0591/FP](#)

**Appeal site address:** 93a Longmynd Drive Fareham PO14 1TA

**Ward:** Fareham West

**The appellant:** Mr Peter Terry

**Description of proposal:** Raise the ridge 1.5 metres to allow the conversion of the loft and installation of solar PV panels on south facing roof

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** ALLOWED

**Appeal decision date:** 17/10/2023

## 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](#)