

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date	08/06/2021
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/20/0654/OA](#)

Appeal site address: 50 Paxton Road Fareham PO14 1AD

Ward: Fareham South

The appellant: Mr Bell

Description of proposal: Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/10/2020

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0811/CU](#)

Appeal site address: 84 Merton Avenue Portchester Fareham PO16 9NH

Ward: Portchester East

The appellant: Mr & Mrs A Wells

Description of proposal: Temporary consent for a takeaway coffee shop.

Council decision: REFUSE

Decision maker: COMMITTEE

Date appeal lodged: 16/03/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/1007/FP](#)

Appeal site address: 21 Burrridge Road Burrridge Southampton SO31 1BY

Ward: Sarisbury

The appellant: RGOM

Description of proposal: Residential development of 4 self-build dwellings, amenity areas with access off Burrridge Road (Amended Scheme to P/18/1252/FP)

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 24/03/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/20/1078/FP](#)

Appeal site address: 34 Warsash Road Warsash Southampton SO31 9HX

Ward: Warsash

The appellant: Mr Christopher Davison

Description of proposal: Detached Garage and Front Boundary Wall

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/04/2021

Reason for Appeal: Appeal against refusal of planning permission

INFORMAL HEARING

Fareham Borough Council Reference: [P/19/0419/DA](#)

Appeal site address: 137 Newgate Lane Fareham PO14 1BA

Ward: Stubbington

The appellant: Mr Patrick Cash

Description of proposal: Unlawful development of two structures

Date appeal lodged: 11/05/2020

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Informal Hearing to start and duration: 20/07/2021 for 1 day

Fareham Borough Council Reference: [P/19/1193/OA](#)

Appeal site address: Land East of Posbrook Lane Titchfield Fareham

Ward: Titchfield

The appellant: Foreman Homes

Description of proposal: Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 29/01/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/19/1260/OA](#)

Appeal site address: Land East of Newgate Lane East Fareham

Ward: Stubbington

The appellant: Bargate Homes Limited

Description of proposal: Cross boundary outline application, with all matters reserved except for access, for the construction of up to 99 residential dwellings, landscaping, open space and associated works, with access from Brookers Lane (Gosport Borough Council to only determine part of the application relating to part of access in Gosport Borough)

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 25/02/2021

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 22/06/2021 for 1 day

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/18/1073/FP](#)

Appeal site address: Land to the South of Romsey Avenue Fareham

Ward: Portchester West

The appellant: Foreman Homes Ltd

Description of proposal: Outline planning application for residential development of 225 dwellings, bird conservation area and area of public open space with all matters reserved except for access

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 07/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 10/08/2021 for 6 days

Fareham Borough Council Reference: [P/18/1118/OA](#)

Appeal site address: Land at Newgate Lane (North) Fareham

Ward: Stubbington

The appellant: Fareham Land LP

Description of proposal: Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 02/06/2020

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 09/02/2021 for 6 days

Fareham Borough Council Reference: [P/18/1212/LU](#)

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

Description of proposal: Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 13/08/2019

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: [P/19/0460/OA](#)

Appeal site address: Land at Newgate Lane (South) Fareham

Ward: Stubbington

The appellant: Bargate Homes Ltd

Description of proposal: Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 02/06/2020

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 01/12/2020 for 6 days

Fareham Borough Council Reference: [P/20/0009/DA](#)

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

Description of proposal: Unauthorised expansion of site and breach of conditions

Council decision: NONE

Date appeal lodged: 17/07/2019

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: [P/20/0912/OA](#)

Appeal site address: Land to the East of Down End Road Fareham

Ward: Portchester West

The appellant: Miller Homes Ltd

Description of proposal: Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings, the creation of new vehicular access with footways and cycleways, provision of landscaped communal amenity space, including children's play space, creation of public open space, together with associated highways, landscaping, drainage and utilities.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 22/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 03/08/2021 for 4 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [ENF/40/19](#)

Appeal site address: The Tithe Barn Mill Lane Fareham PO15 5RB

Ward: Titchfield

The appellant: MR KEVIN FRASER

Description of proposal: Resurfacing of car park with tarmac

Reason for Appeal: Against serving of planning enforcement notice

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

Fareham Borough Council Reference: [P/19/0316/FP](#)

Appeal site address: The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB

Ward: Titchfield

The appellant: MR K FRASER

Description of proposal: Re-surface car park area with tarmac (retrospective application)

Council decision: REFUSE

Decision maker: COMMITTEE

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

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](#)