

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 06/09/2021

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/18/0363/OA](#)

Appeal site address: 84 Fareham Park Road Fareham PO15 6LW

Ward: Fareham North-West

The appellant: T Ware Developments Limited

Description of proposal: Residential development of up to 28 units including the provision of 8 affordable homes, along with parking, landscaping and access road.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 26/08/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0506/OA](#)

Appeal site address: Land at Eysersdown Farm Quarantine Kennels 285 Botley Road Burrridge SO31 1ZJ

Ward: Sarisbury

The appellant: Workham European Property Ltd

Description of proposal: Demolition of agricultural buildings and erection of up to 38 dwellings with associated landscaping and access.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 31/08/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0778/FP](#)

Appeal site address: THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Ward: Titchfield

The appellant: TITCHFIELD FESTIVAL THEATRE

Description of proposal: Laying of a top surface to the existing tarmac surface consisting of a top layer of a thin coat of bitumen rolled with 6mm grit.

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 07/07/2021

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

Fareham Borough Council Reference: [P/20/1399/FP](#)

Appeal site address: Yale Cottage Duncan Road Park Gate Southampton SO31 1BD
Ward: Park Gate
The appellant: Mr Richard Becheley
Description of proposal: Detached games room within rear garden
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 14/06/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0029/FP](#)

Appeal site address: 99 Crofton Lane Fareham Hampshire PO14 3QE
Ward: Hill Head
The appellant: Mrs Lesley Henderson
Description of proposal: Timber Frame Car Port
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 15/07/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0190/FP](#)

Appeal site address: 54 Mays Lane Fareham PO14 2EL
Ward: Stubbington
The appellant: Mr & Mrs Josh Harris
Description of proposal: First Floor Extension Over Existing Garage
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 29/06/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0437/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr Paul MacDonald
Description of proposal: Detached timber garage

Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 11/08/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0713/CU](#)

Appeal site address: 42 Pennycress Locks Heath Southampton SO31 6SY
Ward: Park Gate
The appellant: Miss Emma Harding
Description of proposal: Change of Use of Garage to Hair and Beauty salon
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 31/08/2021
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

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/18/1212/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/19/1193/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

Date scheduled for Public Local Inquiry to start and duration: 07/12/2021 for 4 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/20/0522/FP](#)

Appeal site address: Land east of Crofton Cemetery and west of Peak Lane, Stubbington Fareham

Ward: Stubbington

The appellant: Persimmon Homes Ltd

Description of proposal: Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 15/06/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 19/10/2021 for 8 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: 14/09/2021 for 4 days

DECIDED PLANNING APPEALS

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

Reason for Appeal: No formal decision within determination period

Appeal decision: ALLOWED

Appeal decision date: 28/07/2021

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](#)