

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 15/03/2022

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/20/0103/FP](#)

Appeal site address: Hollam Farm 74 Bridge Street Titchfield Fareham PO14 3QL
Ward: Titchfield
The appellant: Colin Bell, Helen Bell, Adrian Bell & Rachel Kirby
Description of proposal: Demolition of Existing Buildings and the Erection of Two Dwellings and Garages & Ecological Enhancement of Hollam Farm Fields
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 02/12/2021
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/20/0893/FP](#)

Appeal site address: 11 Rowe Ashe Way Locks Heath Southampton SO31 7EY
Ward: Park Gate
The appellant: Mr Ian Fields
Description of proposal: Erection of 3 dwellings and associated works
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 01/02/2022
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/1228/VC](#)

Appeal site address: 65 Old Street Fareham PO14 3HQ
Ward: Hill Head
The appellant: Ms Lily Beveridge
Description of proposal: Removal of Condition 3 of planning permission- P/16/0301/FP for the construction of 14 stable barn with horse walker and 60 x 30 manege, new toilet /store building and gravel/tarmac hardstanding
Council decision: REFUSE

Decision maker: Committee
Date appeal lodged: 19/05/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0118/PC](#)

Appeal site address: 17 Queens Road Fareham PO16 0NW
Ward: Fareham East
The appellant: Mr Jacob Hoare
Description of proposal: Part 3, Class O Change of Use: Office (B1) Use to Residential (C3)
Council decision: PRIOR APPROVAL REFUSED
Decision maker: Officer Delegated Powers
Date appeal lodged: 03/02/2022
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1298/FP](#)

Appeal site address: 37 Brook Lane Warsash Southampton SO31 9FF
Ward: Warsash
The appellant: Nick Baker
Description of proposal: Erection of first floor side extension
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 31/12/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1596/FP](#)

Appeal site address: 248 Botley Road Burrridge SO31 1BL
Ward: Sarisbury
The appellant: Mr & Mrs Bell
Description of proposal: Detached garage outbuilding with room above, associated storage, landscaping and access
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 19/01/2022
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1812/DA](#)

Appeal site address: Land at 31 Rossan Avenue Warsash Southampton SO31 9JQ
Ward: Warsash
The appellant: Mr James Hitchcock
Description of proposal: Changes to ground levels in rear garden
Date appeal lodged: 05/11/2021
Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/21/1877/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr Paul MacDonald
Description of proposal: Detached timber garage for use as ancillary storage for the existing dwelling

Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 02/02/2022
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: 12/10/2021 for 1 day

Fareham Borough Council Reference: [P/21/1614/DA](#)

Appeal site address: Newlands Farm Stroud Green Lane Fareham PO14 2HT
Ward: Stubbington
The appellant: Mr Ashley Barlow
Description of proposal: Landscaping business not operating in accordance with the approved plans
Date appeal lodged: 29/09/2021
Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/20/1166/CU](#)

Appeal site address: Land to the South of Funtley Road Fareham
Ward: Fareham North
The appellant: Reside Developments Limited and
Description of proposal: Change of use of land from equestrian/paddock to community park following demolition of existing buildings
Council decision: NONE
Decision maker: Non Determined
Date appeal lodged: 03/11/2021
Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/20/1168/OA](#)

Appeal site address: Land to the South of Funtley Road Fareham
Ward: Fareham North
The appellant: Reside Developments Limited and Atherfold Investments Ltd
Description of proposal: Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self or Custom build plots, Community Building or Local Shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings.
Council decision: NONE
Date appeal lodged: 03/11/2021
Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 08/02/2022 for 6 days

DECIDED PLANNING APPEALS

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

Reason for Appeal: No formal decision within determination period

Appeal decision: ALLOWED

Appeal decision date: 25/02/2022

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](#)