

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **05/07/2022**

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/20/1453/FP](#)

Appeal site address: Land to West of Anchor House Wicor Path Portchester
Fareham PO16 9QT

Ward: Portchester East

The appellant: Mr Richard Lundbech

Description of proposal: Construction of a detached three-bedroomed house
(Resubmission of planning application P/19/0705/FP).

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 19/05/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0982/OA](#)

Appeal site address: Columbo Nursery New Road Swanwick Southampton SO31
7HE

Ward: Sarisbury

The appellant: Landwise Ltd

Description of proposal: Outline application for two detached, self-build dwellings
with all issues reserved

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 25/05/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1369/FP](#)

Appeal site address: 47 Garstons Close Fareham PO14 4EP

Ward: Titchfield

The appellant: Mr & Mrs Sehwat

Description of proposal: Construction of 2 bedroom dwelling with associated
parking

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 18/05/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1534/FP](#)

Appeal site address: 18a Church Road Locks Heath Fareham SO31 6LU

Ward: Locks Heath

The appellant: Mr Steven Hook

Description of proposal: Raise the roof to create rooms in roof space, installation of rooflight, internal alterations & erection of porch

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 24/06/2022

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/22/0434/DA](#)

Appeal site address: 15 Castle View Road Fareham PO16 9LA

Ward: Portchester East

The appellant: Mr Jarrod Singh

Description of proposal: Single storey rear extension

Date appeal lodged: 29/03/2022

Reason for Appeal: Against serving of planning enforcement notice

INFORMAL HEARING

Fareham Borough Council Reference: [P/19/0894/OA](#)

Appeal site address: Land East of North Wallington Fareham

Ward: Fareham East

The appellant: Foreman Homes Ltd

Description of proposal: Outline planning application with all matters reserved (except for access) for residential development of up to 29 dwellings, associated landscaping and access off North Wallington Road

Council decision: NONE

Decision maker: Committee

Date appeal lodged: 31/05/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 23/08/2022 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

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/09/2021

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/21/1707/OA](#)

Appeal site address: Land to the East of Cartwright Drive Fareham

Ward: Titchfield

The appellant: Foreman Homes Ltd

Description of proposal: Outline application for the erection of 49 dwellings and associated landscaping and parking. Access from Cartwright Drive and associated works.

Council decision: NONE

Decision maker: Committee

Date appeal lodged: 06/05/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 16/08/2022 for 1 day

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/22/0165/OA](#)

Appeal site address: Land East of Newgate Lane East Fareham

Ward: Stubbington

The appellant: Miller Homes Ltd & Bargate Homes Ltd

Description of proposal: Outline application with all matters reserved (except access) for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works

Council decision: NONE

Decision maker: Committee

Date appeal lodged: 15/06/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 11/10/2022 for 8 days

WITHDRAWN APPEAL

Fareham Borough Council Reference: P/20/1227/FP

Appeal site address: 61 Portchester Road Fareham PO16 8AL
Ward: Portchester West
The appellant: Mr Richard Lundbech
Description of proposal: Demolition of Existing Dwelling and Erection of 4 Dwellings
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 10/05/2022
Reason for Appeal: Appeal against

DECIDED PLANNING APPEALS

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

Appeal site address: Land at Eysersdown Farm Quarantine Kennels 285 Botley Road Burrigge 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
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: ALLOWED
Appeal decision date: 06/06/2022

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
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: ALLOWED
Appeal decision date: 16/06/2022

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](#)