

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 27/08/2024

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/23/0460/FP](#)

Appeal site address: The Crofton 48 Crofton Lane Fareham PO14 3QF

Ward: Hill Head

The appellant: Punch Partnerships (PML) Limited

Description of proposal: Construction of two three-bed dwellings (Use C3) on land adjacent to the public house utilising a new vehicular access and associated parking and landscaping, including reconfiguration of beer garden and car park.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 19/06/2024

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/1008/FP](#)

Appeal site address: Land between and to the rear of 100 & 102 Kiln Road Fareham

Ward: Uplands & Funtley

The appellant: Mr Henry Giles

Description of proposal: Demolition of existing equestrian stables and erection of 1no. self build dwelling together with detached garage and associated infrastructure and landscaping

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 01/05/2024

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/1439/DA](#)

Appeal site address: Land at Titchfield Road Titchfield Fareham Hampshire PO14 3EW

Ward: Titchfield

The appellant: Mr Stuart Banks

Description of proposal: Change of Use of Land to Haulage Yard

Date appeal lodged: 30/10/2023

Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/20/0646/OA](#)

Appeal site address: Land South of Longfield Avenue Fareham

Ward: Stubbington

The appellant: Hallam Land Management Limited

Description of proposal: Outline Application with all matters Reserved (Except Access) for up to 1,200 new homes (C3); 80 bed care homes (C2); a new 2 form entry primary school (D1); a

local centre to comprise flexible commercial floorspace (A1, A2, A3 and A5 up to 800sq.m) and Community Centre and Health Care Facility (D1 use up to 700sq.m); the formation of new means of access onto Longfield Avenue and Peak Lane; new open space including the laying out of a new country park and sports facilities; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 01/08/2024

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 29/10/2024 for 8 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/23/0222/FP](#)

Appeal site address: 30 Cams Hill Fareham PO16 8RB

Ward: Wallington & Downend

The appellant: Mr G Robson

Description of proposal: Demolition of Detached Garage and Construction of Detached Dwelling

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 26/08/2024

Fareham Borough Council Reference: [P/23/0349/FP](#)

Appeal site address: 23 Bridge Road Park Gate Southampton SO31 7GD

Ward: Park Gate

The appellant: Mr Paul Zieba

Description of proposal: Construction of detached chalet bungalow with associated bike and bin storage (alternative to Plot 3 approved scheme P/20/0391/FP)

Council decision: APPROVE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against conditions imposed on approval

Appeal decision: ALLOWED

Appeal decision date: 23/07/2024

Fareham Borough Council Reference: [P/24/0007/DA](#)

Appeal site address: Titchfield Festival Theatre 71-73 St Margarets Lane Fareham PO14 4BG

Ward: Titchfield

The appellant: Titchfield Festival Theatre Limited

Description of proposal: The material change of use of the Land to theatre use (sui generis) and an engineering operation to excavate and create an underground area beneath the Land - this an appeal to be decided by the Planning Inspectorate

Council decision: NONE

Reason for Appeal: Against serving of planning enforcement notice

Appeal decision: ENFORCEMENT NOTICE UPHeld

Appeal decision date: 12/08/2024

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](#)