

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **18 December 2013**

Report of: **Director of Planning and Environment**

Subject: **PLANNING APPEALS - SUMMARY REPORT**

SUMMARY

This report summarises the appeal decisions received during the period 1 April 2013 to 9 December 2013 and provides an analysis of them.

RECOMMENDATION

That the Committee notes the contents of this report.

INTRODUCTION

1. The following report analyses the planning appeal decisions received in the period 1 April 2013 to 9 December 2013.

Analysis of Appeal Decisions and Trends

2. During the period covered by this report 27 appeal decisions were received. Of those 27 decisions, 8 were allowed, 1 was part allowed and 18 were dismissed. The decisions can be broken down in greater detail as follow:-

	Total	Written Representations	Informal Hearing	PLI
Allowed:	8	5	3	0
Part Allowed:	1	1	0	0
Dismissed:	18	11	7	0

3. Of the 18 appeals dismissed: 10 were either refused under officers' delegated powers or recommended for refusal. One appeal related to a delegated officer decision for part approval. Six of the other 7 appeals were in relation to conditions attached to permissions. The final appeal related to an application which was favourably recommended by Officers but granted only part approval by the Planning Committee.
4. Of the 8 appeals allowed: six related to applications either refused under delegated powers or recommended for refusal and one resulted from the Planning Committee overturning the recommendation of Officers. The final appeal related to an enforcement notice issued under Officer delegated powers.
5. The appeal that was part allowed related to an officer delegated decision for refusal.
6. The 27 appeal decisions received can be grouped into the following areas:-

	Allowed	Dismissed
Tree Preservation Orders	2 (inc. 1 part allowed)	0
Householder development	1	5
Residential Development (less than 10 units)	3	8
Residential Development (more than 10 units)	0	0
Advertisements	0	0
Variation of Condition	0	5

Commercial	2	0
Listed Building Consent	0	0
Planning Enforcement Notice	1	0
Lawful Use Certificate	0	0

There has been one successful application for full costs in relation to the above appeals and a further partial award of costs. These awards are in relation to refused applications at 22 The Downsway and Land to the south-west of Burridge Road which are discussed in more details below.

7. The planning appeals for this financial year to date cover a range of applications and development types but are all smaller scale development. Many related to subjective issues of the impact upon character and adjoining properties. All the appeal decisions received are circulated to Members of the Planning Committee and therefore a detailed analysis of each one is not set out here. The following discussion looks at those relatively few cases where the recommendations of Officers were not accepted by the Planning Committee as well as the context and content of other notable appeal decisions.

The appeals allowed

8. In the case of 18 Haven Crescent, Hill Head Members refused the planning application against the recommendation of Officers. The proposal related to a roof light which was the subject of an earlier planning condition. The roof light would be fitted with a restrictor to enable it to be opened up to 5 centimetres however Members were concerned that this arrangement would give rise to the overlooking of the property to the rear. The Planning Inspector noted that in this instance the roof light is of an unusual configuration and that its distance from the common boundary, the boundary treatment in place and the angle of the roof all combined to the extent that there would not be a material loss of privacy for the neighbours.
9. A proposal for the construction of 8no twin caravans for short term holiday rental accommodation at Eastlands Boatyard, Swanwick was refused by Members in line with the Officer recommendation. The appeal decision focussed on the Council's contention that the development was contrary to Core Strategy Policy CS14 and was visually intrusive to the landscape. The inspector was clear in his view however that this kind of use had needs which could only be met in a countryside location and therefore fell within the description of acceptable development set out in local and national planning policy. Whilst he recognised that the undeveloped form of the site did make some visual contribution to the locality he concluded that the proposal would not have an adverse effect on the landscape character. In allowing the appeal the inspector imposed a condition restricting occupancy of the caravans for no more than 30 days at a time or 60 days in any calendar year. The condition did not tie the occupancy of the caravans to use of the leisure facilities at Eastlands boatyard.
10. Planning permission was refused for a detached one-bedroom bungalow at 22 The

Downsway, under Officer delegated powers. Notwithstanding the limited size of the resultant plot the inspector considered that the nature of the site and the surrounding streetscene was such that the proposal would not be harmful to its character or appearance.

11. Costs were awarded against the Council with the Inspector noting that the Planning Committee had previously granted permission for a two bedroom chalet on a site of identical size to the rear of 99 West Street. The Inspector considered that the appeal scheme accorded with the National Planning Policy Framework requirements in that it provided a sustainable form of development appropriate in terms of its density, setting and standards of amenity for future residents. The Inspector concluded that the Council had acted unreasonably in refusing the application.
12. A planning inspector's decision to grant permission at land to the south-west of Burridge Road related to the proposed use of the land for the stationing of caravans for residential purposes for a gypsy pitch.
13. This authority argued that the site was not appropriate in principle in this location; it would harm the character and appearance of the surrounding area; and the use would impact upon ecological interests.
14. The inspector judged that the proposed development would not be out of step with Government guidance in terms of its location. The inspector also judged that the site was sustainable economically, socially and environmentally.
15. Whilst the introduction of the residential pitch would alter the site's appearance, it was not considered out of context in this location and was considered well screened from distant public views.
16. Turning to ecological harm, the inspector dismissed the appeal relating to the larger site on these grounds. On the much smaller site, the Inspector concluded that any harm would not be significant and would in any event be outweighed by the pressing need for such sites.
17. In relation to the appeal the appellant was successful in obtaining a partial award of costs due to the fact that this Authority had initially argued that there was no requirement for additional gypsy pitches within Fareham. In relation to the other reasons for refusal however the inspector found no unreasonable behaviour.
18. An enforcement appeal was quashed and an appeal against refusal to grant permission allowed at land adjacent to 237 Segensworth Road. The development involved the continued use of the land for stabling and grazing (including the retention of a mobile home in connection with an equine breeding business).
19. The Inspector concluded that the equine business had potential to become profitable in the future, but current uncertainties meant only a temporary permission would be justified at present. The business use was judged as one which if successful would require the presence of the worker on site at all times.
20. The Inspector accepted that the mobile home was larger than might be expected for a single worker, but with further landscaping and careful site layout its impact could be mitigated.

The dismissed appeals

21. Members will be aware that many of the holiday chalets at Solent Breezes Holiday Park are subject to restrictions as to when they can be occupied during the year. Planning permission was sought for the variation of a long-standing seasonal occupancy condition in relation to five separate chalets. Under Officer delegated powers these applications were approved but reworded occupancy conditions imposed in each case in order to prevent the establishment of a permanent residential dwelling. The chalet owners appealed against the imposition of this new condition
22. In considering the issues the planning inspector agreed with the Council that the countryside and unsustainable location of the chalets meant that their use as full-time residences would be contrary to local and national planning policy. There were no other matters which outweighed this consideration and the appeals against the condition were dismissed.

Summary

23. The appeals received within this financial year to date have related to small scale developments, many of which involved subjective judgements relating to the design and appearance of schemes and their effect on the character of the area and residential amenity. Several appeals have turned on considerations relating to residential development outside of the urban area. With the exception of the appeal at Burrigge Road concerning the Council's assessment of gypsy and traveller accommodation need, no significant policy challenges arose through these appeals.

CONCLUSION

24. Members are recommended to note the contents of this report.

Background Papers:

The appeal decision notices in respect of those appeals mentioned in this report.

Reference Papers:

None

Enquiries:

For further information on this report please contact Richard Wright, Senior Planner (Development Management) (Ext 2356)