

REPORT TITLE: PLANNING APPEAL DECISIONS

27 APRIL 2017

REPORT OF PORTFOLIO HOLDER: CLLR VICTORIA WESTON, DEPUTY
LEADER AND PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

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WARD(S): ALL

PURPOSE

This report provides a summary of appeal decisions in relation to planning case received during 1 October 2016 to 31 March 2017.

RECOMMENDATIONS:

1. That the report be noted.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 Analysis of appeal decisions ensures consistency in decision making helping the City Council to protect the Environment.

2 FINANCIAL IMPLICATIONS

- 2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 Not applicable – report for information.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 EQUALITY IMPACT ASSESSMENT

- 8.1 None

9 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other N/A</i>		

10 SUPPORTING INFORMATION:

- 10.1 This report provides a summary of appeal decisions in relation to planning cases received during 1st October 2016 – 31st March 2017.

1 October 2016 – 31 December 2016

11 Appeal Decisions Received

6 appeals were allowed – 54%

4 appeals were dismissed – 36%

1 appeal was withdrawn – 10%

There were 2 claims for cost against the Council. 1 claim was dismissed and the other claim was allowed.

The Council won a claim for costs.

1 January 2017 – 31 March 2017

18 Appeal Decisions Received

3 Allowed (17%)

13 Dismissed (72%)

2 Withdrawn (11%)

There were 2 claims for costs against the council. 1 claim was dismissed and the other claim was allowed in part.

11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 None

BACKGROUND DOCUMENTS:- Relevant planning applications files.

Previous Committee Reports:- PDC1070, PDC1060

APPENDICES:

Appendix 1 – Summary of decisions (Planning cases) 1 October 2016 – 31 December 2016

Appendix 2 – Summary of decisions (Planning cases) 1 January 2017 – 31 March 2017

Appendix 1

A summary of appeal decisions received during the period 1 October 2016 – 31 December 2016

Item No:1			
Date of Inspector's Decision:	5th December 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H – Householder			

Case No:	14/02394/FUL
Case Officer:	Mr Stephen Cornwell
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	(RESUBMISSION) Siting of a mobile home (RETROSPECTIVE)
Location:	Woodley Farm Alma Lane Upham Hampshire SO32 1HE

Item No:2			
Date of Inspector's Decision:	11th October 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00047/FUL
Case Officer:	Liz Marsden
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Change of use from office (A1) to Dwelling house (C3) (MAY AFFECT THE SETTING OF A LISTED BUILDING)
Location:	Adams Hendry 7 St Peter Street Winchester Hampshire SO23 8BW

Item No:3			
Date of Inspector's Decision:	5th October 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00161/FUL
Case Officer:	Mr Stephen Cornwell
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	The siting of a mobile home for a temporary period of 3 years for occupation by a worker employed at Chestnut Cattery
Location:	Chestnut Cattery Chantilly Wickham Common North Boarhunt Fareham Hampshire

Item No:4			
Date of Inspector's Decision:	12th December 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/02861/LDP
Case Officer:	Michaela Mercer
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Proposed to use the land for stationing of holiday caravans for 12 months of the year with a maximum of 30 caravans for residential occupation.
Location:	Wickham Court Blackhouse Lane North Boarhunt Fareham Hampshire PO17 6JS

Item No:5			
Date of Inspector's Decision:	27th October 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/02902/FUL
Case Officer:	Mrs Anna Hebard
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	(HOUSEHOLDER) Removal of current fence around the boundary of our property, and professional replacement with 1800mm high wooden fencing. (RETROSPECTIVE)
Location:	2 Park Close Winchester Hampshire SO23 7BD

Item No:6			
Date of Inspector's Decision:	22nd November 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00415/TPO
Case Officer:	Mr Ivan Gurdler
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	1 no. oak tree to crown reduce and lift by 5m.
Location:	Thelma Cottage Forest Road Denmead Waterlooville Hampshire PO7 6UA

Item No:7			
Date of Inspector's Decision:	2nd December 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/00758/FUL
Case Officer:	Russell Stock
Original Decision Type:	Committee Decision
Was Decision Overturned at Committee?	No

Proposal:	Proposed new three bedroom house (WITHIN THE CURTILAGE OF A LISTED BUILDING) (AMENDED PLANS 14.01.16)
Location:	Tudor Cottage 22 Church Lane Kings Worthy Winchester Hampshire SO23 7QS

Item No:8			
Date of Inspector's Decision:	28th December 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00926/PNCOU
Case Officer:	Liz Marsden
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Conversion of the rear building from storage and distribution (Use Class B8) into 1 residential unit (Use Class C3) under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.
Location:	Gentian House Moorside Road Winchester Hampshire SO23 7RX

Item No:9			
Date of Inspector's Decision:	13th December 2016	Inspector's Decision:	Application Withdrawn
Appeal Procedure (see code below):	I	Costs:	Appellants Costs Dismissed WCC Costs allowed.
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00874/FUL
Case Officer:	Mrs Jill Lee
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3)Change of use of the first floor of the barn from agricultural to C3 residential to enable a full time worker to reside and fulfill the functional requirement of the farm post (RETROSPECTIVE)
Location:	Sutton Springs Trout Fishery Bullington Lane Sutton Scotney Winchester Hampshire SO21 3RA

Item No:10			
Date of Inspector's Decision:	2nd December 2016	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01122/AVC
Case Officer:	Russell Stock
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	1 no. internally illuminated fascia sign and illuminated Wickes lettering on the existing free standing totem sign.
Location:	Unit 1-2 Easton Lane Winchester SO23 7RU

Item No:11			
Date of Inspector's Decision:	2nd December 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):		Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00430/FUL
Case Officer:	Liz Marsden
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	PROPOSED GARAGE
Location:	19 Archery Lane Winchester Hampshire SO23 8GG

Appendix 2

A summary of appeal decisions received during the period 1 January 2017 – 31 March 2017

Item No: 1			
Date of Inspector's Decision:	10th March 2017	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	Partial award of costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/00636/FUL
Case Officer:	Mr Stephen Cornwell
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Variation of condition no. 1 (occupancy condition) and removal of condition number no. 3 occupancy condition and expiry of permitted use by 18 October 2015) of planning permission 12/02253/FUL (Land opposite Belmont Farm)
Location:	Barn Farm Caravan Park The Lakes Swanmore Hampshire

Item No: 2			
Date of Inspector's Decision:	10th March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/01968/FUL
Case Officer:	Nicholas Billington
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Change of use of the existing dwellinghouse (C3) to 10 bed House in Multiple Occupancy (sui-generis) and retention of front boundary
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	fence (RESUBMISSION) (RETROSPECTIVE)
Location:	86 Cromwell Road Winchester Hampshire SO22 4AE

Item No:3			
Date of Inspector's Decision:	7th March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/02863/LDC
Case Officer:	Michaela Mercer
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Continued use of land as a domestic garden (C3)
Location:	Butlers Arlebury Park House Arlebury Park Alresford Hampshire SO24 9ER

Item No:4			
Date of Inspector's Decision:	21st February 2017	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00801/TPO
Case Officer:	Stefan Kowalczyk
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	1 no. Norway Maple to reduce lateral branches by 3m, remove deadwood and Ivy
Location:	West Downs Student Village Romsey Road Winchester Hampshire SO22 5HT

Item No:5			
Date of Inspector's Decision:	12th January 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00142/FUL
Case Officer:	Liz Marsden
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	Erection of a 5 bedroom detached dwelling with a detached garage (RESUBMISSION - 15/02048/FUL)
Location:	Land Adjacent Lodge Green Whiteley Lane Titchfield Hampshire PO15 6RW

Item No:6			
Date of Inspector's Decision:	17th January 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00685/TPO
Case Officer:	David Townsend
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	3no. hornbeams to crown reduce by 5-8 m each
Location:	18 Grange Road Winchester Hampshire SO23 9RT

Item No:7			
Date of Inspector's Decision:	24th February 2017	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/02610/FUL		
Case Officer:	Mrs Katie Nethersole		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Removal of condition 3 to permitted permission 00/00735/FUL 'Detached four bedroom dwelling' (RESUBMISSION)
Location:	Frys Farm Ingoldfield Lane Soberton Southampton Hampshire SO32 3QA

Item No:8			
Date of Inspector's Decision:	20th February 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	15/02942/FUL		
Case Officer:	Lisa Booth		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		

Proposal:	New dwelling and garage on previously developed land.
Location:	Yule Cottage Winters Road Shirrell Heath Hampshire

Item No:9			
Date of Inspector's Decision:	17th February 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01048/FUL		
Case Officer:	Nick Parker		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Removal of condition 26 of 13/00212/FUL pedestrian access.
Location:	Wykeham Court Winchester Road Wickham Hampshire

Item No:10			
Date of Inspector's Decision:	3rd March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	Costs Refused.
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01465/FUL		
Case Officer:	Russell Stock		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Conversion of an existing portal framed barn to residential use, with the provision of an associated residential curtilage for the proposed dwelling.
Location:	Watley Farm Locks Lane Sparsholt SO21 2LU

Item No:11			
Date of Inspector's Decision:	6th March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00520/FUL		
Case Officer:	Mrs Katie Nethersole		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Change of use of the existing dwellinghouse (C3) to 8 bed House in Multiple Occupancy (sui-generis) and associated parking (resubmission of application 15/02875/FUL).
Location:	12 Thurmond Road Winchester Hampshire SO22 4DE

Item No:12			
Date of Inspector's Decision:	9th February 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01566/FUL		
Case Officer:	Mrs Katie Nethersole		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Loft Conversion with Rear Dormer and Juliette Window
Location:	23 Knowle Avenue Knowle Fareham Hampshire PO17 5LG

Item No:13			
Date of Inspector's Decision:	9th February 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01642/FUL		
Case Officer:	Russell Stock		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Retrospective application for the installation of 14 solar panels
Location:	Pembroke Cottage Bishops Sutton Road Bishops Sutton Alresford Hampshire SO24 0AA

Item No:14			
Date of Inspector's Decision:	16th March 2017	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure (see code below):	P	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/01097/LDC		
Case Officer:	Michaela Mercer		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Change of use of land from orchard to residential curtilage (CERTIFICATE OF LAWFULNESS)
Location:	Belmore Cottages Manor Road Durley Hampshire

Item No:15			
Date of Inspector's Decision:	17th February 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/02518/HOU		
Case Officer:	Lindsay McCorkell		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Amendment to approved planning application 15/02895/FUL to allow for second floor dormer on rear elevation.
Location:	Kilchelwin 41 Wesley Road Kings Worthy SO23 7PX

Item No:16			
Date of Inspector's Decision:	9th February 2017	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/02310/FUL		
Case Officer:	Mrs Jill Lee		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Change of use of the ground floor only of a redundant barn from agricultural to garaging ancillary to the existing dwelling. No proposed new works.
Location:	Sutton Springs Trout Fishery Bullington Lane Sutton Scotney Winchester Hampshire SO21 3RA

Item No:17			
Date of Inspector's Decision:	27th March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/00287/FUL		
Case Officer:	Nick Parker		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Erection of 1 no. 1 bed flat with garages beneath, 2 no. 2 bed houses, 1 no. 3 bed house with associated parking.
Location:	Former Gas Works Garfield Road Bishops Waltham Hampshire

Item No:18			
Date of Inspector's Decision:	8th March 2017	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	H	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	16/02064/FUL		
Case Officer:	Russell Stock		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Demolition of existing detached garage, alterations and extensions to existing property to include raising the ridge to form first floor accommodation, 2 storey side and rear extensions and single storey rear extension to include integral garage
Location:	17 Collins Lane Hursley SO21 2JX