

REPORT TITLE: PLANNING APPEAL DECISIONS – ENFORCEMENT

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 enforcement cases 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

1 Appeal Decision - Withdrawn

1 January 2017 – 31 March 2017

2 Appeal Decisions

1 Appeal: Notice A nullity / Notice B Quashed

1 Appeal: Notice A and B Dismissed.

There was 1 application for costs against the Council which was allowed.

11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:- PDC1071

Other Background Documents:-

Relevant planning applications files.

APPENDICES:

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

Appendix 2 – Summary of decisions (Enforcement 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Date of Inspector's Decision:	7th October 2016	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure (see code below):	I	Costs:	No application for costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	14/00409/COU		
Case Officer:	Michaela Mercer		
Proposal:	<p>Appeal against an enforcement notice alleging:</p> <p>A) Use for the siting of two caravans/ mobile homes (with extension) for residential purposes and associated formation of hardstanding.</p> <p>B) Class A3/ A5 of the Town and County Planning (Use Classes) Order 1987, and the siting of a vehicle selling hot food with associated seating area.</p> <p>C) General open storage Class B8 of the Town and County Planning (Use Classes) Order 1987, including for the siting and storage of portacabins, containers and the storage of non agricultural vehicles and machinery.</p> <p>D) Laying of hardstanding and creation of new access onto the land.</p> <p>E) Erection of timber building and storage of wood and other non agricultural items and installation of two tanks.</p>		
Location:	Land To The North West Of Highbridge Road Highbridge Hampshire		

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:	11th January 2017	Inspector's Decision:	Appeal A: a Nullity Appeal B: Quashed
Appeal Procedure (see code below):	W	Costs:	Appellant's Claim for Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	13/00234/USE		
Case Officer:	Michaela Mercer		

Proposal:	<p>Appeals against two enforcement notices.</p> <p>Notice A: without planning permission, the erection of a raised platform and sheds/garden building (the raised platform/decking area and sheds/garden buildings are adjacent to a mobile home on the land).</p> <p>Notice B: without planning permission, change of use of the land from agriculture to a mixed use comprising agriculture and:</p> <p>i) The siting of a residential caravan/mobile home (approximate position shown hatched blue on the plan attached to the notice) and</p> <p>ii) For the storage of shipping containers and</p> <p>iii) For non-agricultural business use(s).</p>
Location:	<p>Woodlea Nurseries</p> <p>Wintershill</p> <p>Durley</p> <p>Southampton</p> <p>Hampshire</p> <p>SO32 2AH</p>

Item No: 2			
Date of Inspector's Decision:	10th March 2017	Inspector's Decision:	Appeals 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:	13/00118/WKS		
Case Officer:	Michaela Mercer		

Proposal:	Appeals against two enforcement notices: Notice A: without planning permission, the change of use of a dwelling house and ancillary annex building to a 10 bed House in Multiple Occupation (“HMO”); a Sui Generis use. Notice B: without planning permission: (a) The creation of a boundary fence fronting the highway and exceeding 1 metre in height by placing wooden fencing on top of the original brick wall. (b) The raising of the ground level and paving of the front garden area (c) The erection of a wooden cabin in the back garden of no. 86 Cromwell Road, adjacent to and linked to the annex building
Location:	86 Cromwell Road Winchester Hampshire SO22 4AE