

PLANNING COMMITTEE

REPORT TITLE: PLANNING APPEALS – QUARTERLY REPORT AND ENFORCEMENT APPEALS – YEARLY REPORT

7 FEBRUARY 2024

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Julie Pinnock Tel No: 01962 848 439 Email jpinnock@winchester.gov.uk

WARD(S): ALL (EXCLUDING SOUTH DOWNS NATIONAL PARK AUTHORITY)

PURPOSE

This report provides a summary of appeal decisions received:

Planning: 1 October 2023 to 31 December 2023.

Enforcement: 1 January 2023 to 31 December 2023.

Copies of each appeal decision are available on the Council's website.

RECOMMENDATIONS:

1. That the report be noted.

IMPLICATIONS:

1.1 COUNCIL PLAN OUTCOME

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

1.2 Tackling the Climate Emergency and Creating a Greener District

1.3 None

1.4 Homes for all

1.5 None

1.6 Vibrant Local Economy

1.7 None

1.8 Living Well

1.9 None

1.10 Your Services, Your Voice

1.11 None

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 None

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 PUBLIC SECTOR EQUALITY DUTY

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
Financial Exposure N/A		
Exposure to challenge N/A		
Innovation N/A		
Reputation N/A		
Achievement of outcome N/A		
Property N/A		
Community Support N/A		
Timescales N/A		
Project capacity N/A		
Other N/A		

11 SUPPORTING INFORMATION:

11.1 This report provides a summary of Planning appeal decisions in relation to planning cases received during 1 October 2023 to 31 December 2023,

Planning Appeal Cases in Total 13

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	1	7.7%	1 WCC 1 Appellant	Refused Refused
Dismissed	10	77%	0	0
Part Allowed/ Part Dismissed	1	7.7%	1 Appellant	Refused
Invalid – Out of Time	1	7.7%	0	0

11.2 This report provides a summary of enforcement appeal decisions in relation to planning cases received during 1 January 2023 to 31 December 2023,

Enforcement Appeal Cases in Total 17

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	0	0%	0	0
Dismissed	12	70.5%	0	0
Withdrawn	5	29.5%	0	0

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 NONE

BACKGROUND DOCUMENTS: -

Previous Committee Reports: Planning Appeals Summary Report Q2 - Jul - Sept 2023

The previous Appeal Summary was presented at the October 2023 Planning Committee Meeting. For the Period of July to September 2023.

APPENDICES

Appendix 1 Summary of Planning Appeal Decisions (Quarter)

Appendix 2 Summary of Enforcement Appeal Decisions (Year)

PLANNING APPEALS – SUMMARY OF DECISIONS**REPORT FROM SERVICE LEAD: BUILT ENVIRONMENT**

A summary of appeal decisions received during the period 1 October to 31 December 2023:

Item No: 01			
Date of Inspector's Decision:	13th October 2023	Inspector's Decision:	Appeal Allowed
Appeal Procedure (see code below):	I	Costs:	WCC's Costs Refused Appellant's Costs Refused
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	20/00841/FUL		
Case Officer:	Rose Chapman		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Proposed extension to existing Gypsy/Traveller site to create a total of 5 additional pitches on the whole site comprising the siting of 5 mobile homes, 5 touring caravans, and the erection of 5 dayrooms
Location:	Greenacres Pricketts Hill Shedfield SO32 2JW

Item No: 02			
Date of Inspector's Decision:	6th October 2023	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:	22/00267/FUL		
Case Officer:	Jordan Wiseman		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Construction of 5 dwellings, following the demolition of 3 agricultural barns with permission for residential use as 5 dwellings (under Class Q conversion)
Location:	Oaklands Farm Lower Chase Road Waltham Chase Southampton Hampshire SO32 2LH

Item No: 03			
Date of Inspector's Decision:	20th October 2023	Inspector's Decision:	Appeal Part Allowed/Part Dismissed
Appeal Procedure (see code below):	W	Costs:	Appellant's Costs Dismissed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	21/01858/FUL		
Case Officer:	Rose Chapman		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Improved farm access (retrospective), with the erection of 1.75m high oak access gates and polytunnel.		
Location:	Field To The North Of Dradfield Lane Soberton Hampshire		

Item No: 04			
Date of Inspector's Decision:	24th October 2023	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:	22/00932/HOU		
Case Officer:	Cameron Taylor		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Two storey front, side and rear extensions; alterations and new roof over existing house (amended design following appeal APP/L1765/D/21/3286123).		
Location:	Stratton Highways Road Compton Hampshire SO21 2DF		

Item No: 05			
Date of Inspector's Decision:	1st December 2023	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:	22/01403/FUL		
Case Officer:	Amy Winch		
Original Decision Type:	Delegated Decision		

Was Decision Overturned at Committee?	No
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Proposal:	Erection of a single storey dwelling
Location:	Land Adjacent Station Drive Sutton Scotney Hampshire

Item No: 06			
Date of Inspector's Decision:	1st December 2023	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:	22/01407/FUL		
Case Officer:	Amy Winch		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Erection of a 2no. single storey dwellings
Location:	Land Adjacent Station Drive Sutton Scotney Hampshire

Item No: 07			
Date of Inspector's Decision:	1st December 2023	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:	22/01408/FUL		
Case Officer:	Amy Winch		
Original Decision Type:			
Was Decision Overturned at Committee?	No		

Proposal:	Erection of a 2no. dwellings
Location:	Land Adjacent Station Drive Sutton Scotney Hampshire

Item No: 08			
Date of Inspector's Decision:	11th October 2023	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:	22/01143/FUL
Case Officer:	Amy Winch
Original Decision Type:	
Was Decision Overturned at Committee?	No

Proposal:	Retrospective application: Change of use to dog walking/training
Location:	Land At The Rear Of Alma Inn Alma Lane Upham Hampshire

Item No: 09			
Date of Inspector's Decision:	5th December 2023	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:	22/01511/LIS
Case Officer:	Catherine Watson
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	The proposal is for a single storey extension to The Old Stables Block
Location:	The Old Stable Block Pinglestone Farm Abbotstone Road Old Alresford Alresford Hampshire

Item No: 10			
Date of Inspector's Decision:	13th December 2023	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:	22/02538/PNACOU
Case Officer:	Rose Chapman
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No

Proposal:	The dwelling proposed will be sited within the existing glass house, to the west of Gravel Hill, as shown on the submitted plans and described in the Planning statement.
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Location:	The Greenhouse Gravel Hill Shirrell Heath Hampshire
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Item No: 11			
Date of Inspector's Decision:	21st December 2023	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:	22/01492/FUL		
Case Officer:	Sean Quigley		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Adaptation and conversion of two linked containers to form 1 bed holiday let
Location:	Shedding Oaks Ham Green Sparsholt Hampshire SO21 2PA

Item No: 12			
Date of Inspector's Decision:	12th October 2023	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:	21/02526/FUL		
Case Officer:	Jordan Wiseman		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	Yes		

Proposal:	Constructing a fully enclosed dog walking paddock for commercial use by general public. This requires additional fencing of the area and the addition of an area of hardstanding for vehicle parking. The erection of an outbuilding for office in connection with the use (Amended description)
Location:	Fillditch Farm Forest Road Swanmore Southampton Hampshire SO32 2PL

Item No: 13			
Date of Inspector's Decision:	31st October 2023	Inspector's Decision:	Appeal Invalid

Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			

Case No:	23/00359/PNACOU		
Case Officer:			
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		

Proposal:	Conversion of agricultural barn to dwellinghouse
Location:	Beech Tree Calcot Lane Curdridge Southampton Hampshire SO32 2BN

APPENDIX 2

ENFORCEMENT NOTICE APPEALS – SUMMARY OF DECISIONS

A summary of the appeal decisions for the enforcement notices received during the period 1 January 2023 to 31 December 2023

Item No: E01			
Date of Inspector's Decision:	2nd May 2023	Inspector's Decision:	Appeal Withdrawn - EN01
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H – Householder			

Case No:	21/00167/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/21/3285763

Proposal:	Without planning permission, the material change of use of the Land to use as a residential caravan site; together with the construction of associated areas of hardstanding, buildings and fencing which facilitate the change of use of the Land.
Location:	The Old Piggery Firgrove Lane North Boarhunt, Hants

Item No: E02			
Date of Inspector's Decision:	2nd May 2023	Inspector's Decision:	Appeal Withdrawn - EN02
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H – Householder			

Case No:	21/00167/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/21/3285764

Proposal:	Without planning permission, the material change of use of the Land to use as a residential caravan site; together with the construction of associated areas of hardstanding, buildings and fencing which facilitate the change of use of the Land.
Location:	The Old Piggery Firgrove Lane North Boarhunt, Hants

Item No: E03			
Date of Inspector's Decision:	2nd May 2023	Inspector's Decision:	Appeal Withdrawn - EN03
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00167/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/21/3285765

Proposal:	Without planning permission, the material change of use of the Land to use as a residential caravan site; together with the construction of associated areas of hardstanding, buildings and fencing which facilitate the change of use of the Land.
Location:	The Old Piggery Firgrove Lane North Boarhunt, Hants

Item No: E04			
Date of Inspector's Decision:	2nd May 2023	Inspector's Decision:	Appeal Withdrawn – EN04
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H – Householder			

Case No:	21/00167/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/21/3285766

Proposal:	Without planning permission, the material change of use of the Land to use as a residential caravan site; together with the construction of associated areas of hardstanding, buildings and fencing which facilitate the change of use of the Land.
Location:	The Old Piggery Firgrove Lane North Boarhunt, Hants

Item No: E05	
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Date of Inspector's Decision:	1st March 2023	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:	21/00333/WKS
Case Officer:	Mark Fletcher
PINS Ref:	APP/L1765/C/21/3286358

Proposal:	Without planning permission, the material change of use of the Land from agriculture to a mixed use of agriculture and use for siting of a residential unit (namely a converted lorry trailer) including the construction of hardstanding to facilitate the residential use.
Location:	Field To The North Of Dradfield Lane Soberton Hampshire

Item No: E06			
Date of Inspector's Decision:	20th October 2023	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:	21/00381/WKS
Case Officer:	Mark Fletcher
PINS Ref:	APP/L1765/C/22/3311622

Proposal:	Without planning permission, the unauthorised erection of a Polytunnel
Location:	Field To The North Of Dradfield Lane Soberton Hampshire

Item No: E07			
Date of Inspector's Decision:	20th October 2023	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:	21/00381/WKS
Case Officer:	Mark Fletcher
PINS Ref:	APP/L1765/C/22/3311632

Proposal:	Without planning permission, the unauthorised erection of two gates by the addition of boards attached to two five bar metal gates situated between timber fencing either side.
Location:	Field To The North Of Dradfield Lane Soberton Hampshire

Item No: E08			
Date of Inspector's Decision:	1st March 2023	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:	22/00037/COU
Case Officer:	Kate Longley
PINS Ref:	APP/L1765/C/22/3300180

Proposal:	Without planning permission the material change of use of the building shown hatched green on the plan B to use as a single dwelling house.
Location:	The Red House Botley Road Shedfield Southampton Hampshire SO32 2HN

Item No: E09			
Date of Inspector's Decision:	1st March 2023	Inspector's Decision:	Appeal Dismissed - A
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00168/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/22/3300720

Proposal:	Without planning permission, the material change of use of the Land vehicle repairs garage (known as IT Autos); together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN

Item No: E10			
Date of Inspector's Decision:	1st March 2023	Inspector's Decision:	Appeal Dismissed - B
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00168/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/22/3300722

Proposal:	Without planning permission, the material change of use of the Land to storage and distribution of wood; together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN

Item No: E11			
Date of Inspector's Decision:	1st March 2023	Inspector's Decision:	Appeal Dismissed - C
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00168/COU
Case Officer:	Madelaine Clavey

PINS Ref:	APP/L1765/C/22/3309990
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Proposal:	Without planning permission: i) the material change of use of the Land to B8 storage; together with ancillary parking and operational development which facilitates the change of use of the Land. ii) engineering operations consisting of raising of land levels and creation of retaining walls.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN

Item No: E12			
Date of Inspector's Decision:	1st March 2023	Inspector's Decision:	Appeal Dismissed - D
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00168/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/22/3300697

Proposal:	Without planning permission, the material change of use of the Land to use class B2 (general industrial) (known as Homestead Concrete Pumping & Southern Blast and Paint Limited); together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire,SO32 2HN

Item No: E13			
Date of Inspector's Decision:	24th October 2023	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:	20/00134/BCOND
Case Officer:	Kate Longley
PINS Ref:	APP/L1765/C/22/3307930

Proposal:	Without planning permission, operational development consisting of the construction of a new roof at an increased height and two storey side, rear and front extensions to the dwelling house known as Stratton.
Location:	Stratton Highways Road Compton Winchester Hampshire, SO21 2DF

Item No: E14			
Date of Inspector's Decision:	26th October 2023	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:	17/00362/BCOND
Case Officer:	Kate Longley
PINS Ref:	APP/L1765/C/22/3313363

Proposal:	Without planning permission the occupation of the dwelling Greenclose by a person who does not meet the requirements of condition 3 of application 86/01902/OLD which states; <i>“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and County Planning Act 1971, or in forestry (including any dependents of such persons residing with him) or a widow or widower of such a person.”</i>
Location:	Greenclose Wangfield Lane Curdrige Southampton Hampshire, SO32 2DA

Item No: E15			
Date of Inspector's Decision:	26th October 2023	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:	17/00329/USE
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Case Officer:	Kate Longley
PINS Ref:	APP/L1765/C/22/3313365

Proposal:	Without planning permission: (i) The making of a material change of use of the land from an agricultural use of the land to a mixed use of the land for B8 storage (both open storage and storage within the barn) and equestrian purposes; (ii) The erection on the land of buildings, fencing and a storage container to facilitate the unauthorised use in (i). (iii) The laying of hard-surfacing to facilitate the unauthorised development in (i) and (ii) above.
Location:	Greenclose Wangfield Lane Curdrige Southampton Hampshire, SO32 2DA

Item No: E16			
Date of Inspector's Decision:	26th October 2023	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:	17/00329/USE
Case Officer:	Kate Longley
PINS Ref:	APP/L1765/C/22/3313452

Proposal:	Without planning permission: (i) The making of a material change of use of the land from an agricultural use of the land to a mixed use of the land for B8 storage (both open storage and storage within the barn) and equestrian purposes; (ii) The erection on the land of buildings, fencing and a storage container to facilitate the unauthorised use in (i). (iii) The laying of hard-surfacing to facilitate the unauthorised development in (i) and (ii) above.
Location:	Greenclose Wangfield Lane Curdrige Southampton Hampshire, SO32 2DA

Item No: E17			
Date of Inspector's Decision:	21st September 2023	Inspector's Decision:	WCC withdrew ENF Notice
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written Representation; I – Informal Hearing; P – Public Inquiry; H - Householder			

Case No:	21/00168/COU
Case Officer:	Madelaine Clavey
PINS Ref:	APP/L1765/C/23/3328883

Proposal:	Without planning permission, the material change of use of the Land to B8 (known as 2 Brothers Concrete Pumping); together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN