

REPORT TITLE: PLANNING AND ENFORCEMENT APPEALS QUARTERLY
REPORT – 1 APRIL TO 30 JUNE 2024

25 SEPTEMBER 2024

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

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

PURPOSE

This report provides a summary of appeal decisions received during 1 April to 30 June 2024.

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:

Total Number of all Appeals 24

11.1 This report provides a summary of appeal decisions in relation to planning cases received during 1 April to 30 June 2024.

Planning Appeal Cases in Total 6

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	2	33%	0	0
Dismissed	4	67%	1	Appellant's costs refused
Part Allowed/ Part Dismissed	0	0%	0	0
Invalid – Out of Time	0	0%	0	0
Withdrawn	0	0%	0	0

11.2 This report provides a summary of appeal decisions in relation to enforcement notice cases received during 1 April to 30 June 2024.

Enforcement Appeal Cases in Total 18

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	9	50%	7	Costs Awarded to WCC
Dismissed	0	0%	0	0
Part Allowed/ Part Dismissed	0	0%	0	0
Invalid – Out of Time	0	0%	0	0
Withdrawn	9	50%	9	2 - Appellant's Costs Refused 7 - Costs Awarded to WCC

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 NONE

BACKGROUND DOCUMENTS: -

Previous Committee Reports:

Appeals Summary Report Q4 – Jan to Mar 2024

The previous Appeal Summary was presented at the May 2024 Planning Committee Meeting.

APPENDICES

APPENDIX 1 Planning Appeals – Summary of Decisions

APPENDIX 2 Enforcement Notice Appeals – Summary of Decisions

APPENDIX 1

PLANNING APPEALS – SUMMARY OF DECISIONS

REPORT FROM SERVICE LEAD: BUILT ENVIRONMENT

A summary of planning appeal decisions received during the period 1 April to 30 June 2024.

Item No: 1			
Date of Inspector's Decision:	14th June 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Householder	Costs	No Application for Costs
Case No:	22/00566/TPO		
Case Officer:	John Bartlett		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/TPO/L1765/9254		

Proposal:	2x over mature macvacapa's - Remove both trees to ground level. Northerly tree has a lightning strike from top to base. Storm damaged canopy in both trees. Poor unions with extensive included unions. Utility lines through canopy to North. Extensive major deadwood, close proximity to main road to west, close to properties to east.
Location:	Castello Otterbourne Road Shawford Winchester Hampshire SO21 2DG

Item No: 2			
Date of Inspector's Decision:	25th April 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs
Case No:	22/02161/OUT		
Case Officer:	Rose Chapman		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3323263		

Proposal:	Outline application for erection of two dwellings with details of access
Location:	Land Adjacent Beechcroft Vicarage Lane Curdridge Hampshire SO32 2DP

Item No: 3			
Date of Inspector's Decision:	23rd April 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	23/00264/FUL		
Case Officer:	Cameron Taylor		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3328443		

Proposal:	Proposed 3 bedroom, 5 person, detached house within curtilage parking of associated infrastructure		
Location:	Land Adjacent To 24 Mead End Road Denmead Hampshire		

Item No: 4			
Date of Inspector's Decision:	7th May 2024	Inspector's Decision:	Appeal Allowed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	22/01853/HOU		
Case Officer:	Marge Ballinger		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3328527		

Proposal:	Vehicle access to Snakemoor Lane with gates; boundary fence works; driveway and paths; helipad; remedial works to lake; basketball court with ball-stop netting (some works part-retrospective; alterations to dwelling submitted separately within ref 22/01715/HOU)		
Location:	Three Gables Stapleford Lane Durley Hampshire SO32 2BU		

Item No: 5			
Date of Inspector's Decision:	24th April 2024	Inspector's Decision:	Appeal Allowed
Appeal Procedure	Householder	Costs	No Application for Costs

Case No:	23/00841/HOU		
Case Officer:	Cameron Finch		
Original Decision Type:	Committee Decision		

Was Decision Overturned at Committee?	Yes
PINS Ref:	APP/L1765/D/23/3331073

Proposal:	The proposed extension and refurbishment of an existing early 21st century, detached, four-bedroom dwelling with a detached double garage to include the demolition of existing extensions on all sides, the internal reconfiguration of the main dwelling, the addition of both single-storey extension and two-storey extensions, and the addition of an annex to the existing double garage.
Location:	Jasmine Cottage Hillside Kitnocks Hill Curdridge Southampton Hampshire

Item No: 6			
Date of Inspector's Decision:	30th May 2024	Inspector's Decision:	Appeal Dismissed - Costs Refused
Appeal Procedure	Informal Hearing	Costs	Appellant's Costs Refused

Case No:	23/00366/FUL
Case Officer:	Sean Quigley
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No
PINS Ref:	APP/L1765/W/24/3337231

Proposal:	Demolition of existing agricultural buildings and dwelling, extension of the existing mobile home site to accommodate 29 additional mobile homes, associated parking, package sewage treatment plant and reed bed.
Location:	Moldon Farm Bullington Lane Sutton Scotney Winchester Hampshire SO21 3LA

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

A summary of enforcement notice appeal decisions received during the period 1 April to 30 June 2024.

Item No: 7			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Refused
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296503 LEAD		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 8			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Refused
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296504		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 9			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296767 LEAD		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 10			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296768 LEAD		
Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 11			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296771		

Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW

Item No: 12			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296772		

Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW

Item No: 13			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296773		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 14			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296774		
Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 15			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296776		

Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 16			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296777		

Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 17			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296778		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 18			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296779		
Proposal:	<p>Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being:</p> <p>10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time.</p> <p>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</p> <p>15. No more than 50 people shall occupy the site at any time.</p>		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 19			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296781		

Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW

Item No: 20			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Application Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council

Case No:	19/00187/CARAVN		
Case Officer:			Mrs Julie Pinnock
PINS Ref:	APP/L1765/C/22/3296782		

Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW

Item No: 21			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Notice quashed planning permission given
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296783		
Proposal:	Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 22			
Date of Inspector's Decision:	8th April 2024	Inspector's Decision:	Appeal Withdrawn
Appeal Procedure	Public Inquiry	Costs	Costs Awarded to Council
Case No:	19/00187/CARAVN		
Case Officer:	Mrs Julie Pinnock		
PINS Ref:	APP/L1765/C/22/3296784		
Proposal:	Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: 10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time. 11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time. 15. No more than 50 people shall occupy the site at any time.		
Location:	Carousel Park Basingstoke Road Micheldever Winchester SO21 3BW		

Item No: 23 & 24			
Date of Inspector's Decision:	16th April 2024	Inspector's Decision:	Enforcement Notice Quashed
Appeal Procedure	Informal Hearing	Costs	Costs Refused
Case No:	13/00205/USE		
Case Officer:	Kate Longley		
PINS Ref:	APP/L1765/C/22/3306531 & APP/L1765/C/22/3306532		
Proposal:	<p>Without planning permission, the breach of condition 1 of the planning permission granted on appeal on 11 March 2014 under Council reference 13/01686/FUL (appeal reference APP/L1765/A/13/2207540) for the continued use of land to station a mobile home for a horticultural worker for a further three years ("the Planning Permission"). Condition 1 states: "The mobile home hereby permitted shall be removed and the land restored to its former condition on or before the expiry of three years from the date of this decision in accordance with a scheme of works submitted to and approved by the Local Planning authority". This condition has not been complied with in that the mobile home remains stationed on the land and is occupied for residential purposes and the land has not been restored to its former condition.</p>		
Location:	<p>Southfield Nursery Dradfield Lane Soberton Southampton Hampshire SO32 3QD</p>		