

REPORT TITLE: PLANNING AND ENFORCEMENT NOTICE APPEALS
QUARTERLY REPORT – 1 JULY TO 30 SEPTEMBER 2024

16 OCTOBER 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 July to 30 September 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 12

11.1 This report provides a summary of appeal decisions in relation to planning cases received during 1 July to 30 September 2024,

Planning Appeal Cases in Total 10

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	3	30%	1	Appellant's Costs Refused
Dismissed	7	70%	1	Appellant Awarded Partial Costs
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Withdrawn	0	0%	0	0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 July to 30 September 2024,

Enforcement Appeal Cases in Total 2

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	0	0%	0	0
Dismissed	1	50%	0	0
Part Allowed/ Part Dismissed	1	50%	0	0
Invalid – Out of Time	0	0%	0	0
Withdrawn	0	0%	0	0

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 NONE

BACKGROUND DOCUMENTS: -

Previous Committee Reports:

Appeals Summary Report Q1 – April to June 2024

The previous Appeal Summaries were presented at the Sept 2024 Planning Committee Meeting.

APPENDICES

APPENDIX 1 Planning Appeals – Summary of Decisions

APPENDIX 2 Enforcement Notice Appeals – Summary of Decisions

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

A summary of planning appeal decisions received during the period 1 July to 30 September 2024.

Item No: 01			
Date of Inspector's Decision:	12th July 2024	Inspector's Decision:	Appeal Allowed
Appeal Procedure	Informal Hearing	Costs	No Application for Costs

Case No:	22/00402/TPO		
Case Officer:	John Bartlett		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/TPO/L1765/9169		

Proposal:	Corsican Pine - 2226T3 - Fell and replace with a mature (3m) black walnut. Due to damage on property. (see original application)
Location:	Compton Mount Cliff Way Compton Down Winchester Hampshire SO21 2AP

Item No: 02			
Date of Inspector's Decision:	23rd August 2024	Inspector's Decision:	Appeal Allowed
Appeal Procedure	Written Representation	Costs	Appellant's Costs Refused

Case No:	22/00132/LDC		
Case Officer:	Madelaine Clavey		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/X/22/3305330		

Proposal:	In 2014 a building was formed by altering and extending a static caravan that had been brought onto the land, in the position shown for identification purposes only on the submitted plan. In 2017 there was a change of use of the building to a dwellinghouse.
Location:	Broom Copse Farm Spiers Lane New Alresford SO24 9TY

Item No: 03			
Date of Inspector's Decision:	28th August 2024	Inspector's Decision:	Appeal Allowed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	22/00537/LDP		
Case Officer:	Sean Quigley		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/X/23/3318907		

Proposal:	Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the Use of land for the Siting of up to 8 Caravans for permanent human habitation at Southview Park Homes, Olivers Battery Gardens, Olivers Battery SO22 4HG.
Location:	South View Park Homes Olivers Battery Gardens Olivers Battery Hampshire SO22 4HG

Item No: 04			
Date of Inspector's Decision:	23rd September 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	22/02074/FUL		
Case Officer:	Cameron Taylor		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3331005		

Proposal:	Construction of single storey tourist accommodation building comprising 2No two bedroom lodges and 1No three bedroom lodge.
Location:	Forest View Furzeley Road Denmead Hampshire PO7 6TX

Item No: 05			
Date of Inspector's Decision:	4th July 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	23/01064/FUL		
Case Officer:	Sean Quigley		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3331039		

Proposal:	Change of Use of Agricultural Land to Residential Garden Land		
Location:	The Hen House Shepherds Lane Compton Winchester Hampshire SO21 2AB		

Item No: 06			
Date of Inspector's Decision:	30th August 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	23/01145/FUL		
Case Officer:	Cameron Taylor		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3331744		

Proposal:	Demolition of 1No. existing detached residential dwelling and the construction of 2No. 4-bed detached dwellings, together with access and parking		
Location:	Chilton Uplands Road Denmead Waterlooville Hampshire PO7 6HE		

Item No: 07			
Date of Inspector's Decision:	17th July 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	22/00185/FUL		
Case Officer:	Marge Ballinger		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	Yes		
PINS Ref:	APP/L1765/W/23/3332364		

Proposal:	Construction of 2-storey side extension to existing 4-bedroom small HMO (Use Class C4) to provide 2 additional bedrooms (Amended Drawings).
Location:	3 Baigent Close Winchester SO23 0PE

Item No: 08			
Date of Inspector's Decision:	23rd July 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Informal Hearing	Costs	Partial Costs Awarded to Appellant

Case No:	23/01172/FUL		
Case Officer:	Catherine Watson		
Original Decision Type:	Committee Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/24/3340652		

Proposal:	Temporary rural workers dwelling, agricultural building, forest school, ancillary works, polytunnel and greenhouse. (AMENDED DESCRIPTION AND PLANS) (PART-RETROSPECTIVE).
Location:	Myndful Mushrooms Land North Of Bridge Bungalow Lower Road South Wonston Hampshire

Item No: 09			
Date of Inspector's Decision:	19th July 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	23/02722/AVC		
Case Officer:	Cameron Finch		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/Z/24/3341286		

Proposal:	New single illuminated 48-sheet digital advertisement display
Location:	Easton Lane Business Park Easton Lane Winchester Hampshire

Item No: 10			
Date of Inspector's Decision:	16th August 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Householder	Costs	No Application for Costs

Case No:	24/00167/HOU		
Case Officer:	Amy Winch		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/D/24/3344931		

Proposal:	First floor addition; roof, fenestration & internal alterations
Location:	Ryecroft 33 Springvale Road Kings Worthy Winchester Hampshire SO23 7ND

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

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

Item No: 11			
Date of Inspector's Decision:	4th July 2024	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs
Case No:	19/00281/COU		
Case Officer:	Kate Longley		
PINS Ref:	APP/L1765/C/22/3311957		
Proposal:	Without planning permission:(i) The making of a material change of use of the land from an equestrian use of the land for residential purposes through the stationing of a mobile home;(ii) The erection on the land of, outbuildings, kennel, shepherds' hut, solar panels, play equipment, trampoline, vehicles , storage containers, to facilitate the unauthorised use in (i).(iii) The laying of hard surfacing to facilitate the stationing of a mobile home and the development in (i) and (ii) above.		
Location:	Four Acre Stables Clewers Hill Waltham Chase Southampton Hampshire SO32 2LN		

Item No: 12			
Date of Inspector's Decision:	18th July 2024	Inspector's Decision:	Appeal Part Allowed/Part Dismissed
Appeal Procedure	Public Inquiry	Costs	No Application for Costs
Case No:	17/00212/USE		
Case Officer:	Sandra Graham		
PINS Ref:	APP/L1765/C/23/3334938		
Proposal:	<p>Without planning permission:(i) The making of a material change of use of the Land from an agricultural use to a mixed used for: a) a retail shop with associated freezer unit (Class E(a) of the Use Classes Order 1987, as amended (UCO)); b) siting and use of a food van/kiosk for the sale of hot and cold food (Class E(b) of the UCO); c) storage, falling within class B8 of the UCO; d) siting of generators to enable the unauthorised mixed use of the Land; e) a campsite; f) agriculture/horticulture; g) (i) siting of two linked caravans/mobile homes for residential purposes shown in the approximate positions marked "X" and "Y" on Plan 1. ALTERNATIVELY: (ii) the construction of a dwelling house by the linking of the said two caravans/mobile homes and its use as a dwelling house; h) siting of one caravan used for residential/associated residential purposes in connection with g) above shown in the approximate position marked Z on Plan 1;AND(ii) The carrying out of operational development on the Land namely: i) erection of buildings, outbuildings, toilet block, solar panels, and fencing used in connection with the unauthorised mixed use of the Land j) erection of polytunnels and structures associated with the use of the Land for horticulture; k) engineering operations to create a septic tank and cesspit(s) for use in connection with the unauthorised mixed use of the Land l) the laying of hard-surfacing to facilitate the unauthorised mixed use of the Land.</p>		
Location:	<p>Springbridge Farm Highbridge Road Highbridge Eastleigh Hampshire SO50 6HN</p>		