

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager  
**To:** Planning Committee  
**Author:** Richard Fidler  
**Subject:** Planning Appeals  
**Purpose:** To provide an update on recent Appeal Decisions

### Recommendation

a) That the contents of this report be noted

### 1.0 OVERVIEW

1.1 Since the last report 6 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	7
Appeals Allowed:	2
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 50 planning appeal decisions have been received of which 36 have been dismissed, which equates to a success rate of 72%

### 2.0 PLANNING APPEALS DISMISSED

H09-0382-17 Mr M Edwards - Mark Simmonds

5 Merchant Mews Park Road	APP/A2525/W/17/3180082
Proposed replacement of three windows to second floor.	Decision Date: 29 November 2017
The Inspector concluded the replacement frames, being UPVC, would be noticeably different to other openings on the appeal building and the others flanking. The proposed replacements would appear obvious, out of place and not relevant to the building's existing exterior detailing which is in itself far more reflective of its age. Their incongruous appearance would cause harm to the appeal building and thus the Holbeach Conservation Area.	

H08-0484-17 Mr & Mrs Hill - Tracey Meachen

Eastfield House 10 Beck Bank	APP/A2525/W/17/3182587
Erection of two dwellings - re-submission of H08-0918-16	Decision Date: 23 November 2017
The Inspector concluded the appeal site lies a significant distance from the nearest local services located towards and within Risegate and which are of a limited nature. The rural nature of roads that would have to be used to access these services, including their limited levels of lighting would mean that future occupiers of the proposal would be most likely to rely on the private car for transport. The local services would be unlikely to provide for all the day to day needs of future occupiers meaning that they would also be likely to be reliant on the private car to access those	

further afield. Therefore the proposal would not constitute sustainable development.

H06-0452-17 Mr & Mrs C Ward - David Grant

Former Onslow House Rest Home Onslow Lane	APP/A2525/W/17/3181360
Residential development - single dwelling	Decision Date: 13 December 2017
The Inspector considered the development would deliver some modest economic and social benefits consistent with the NPPF. Nevertheless, either on their own or in combination, these considerations do not outweigh the significant environmental harm identified through the development's effect on the character and appearance of the area and the reliance on car based travel and the conflict with the development plan in that regard. The Inspector therefore found that the adverse impacts of the proposal would significantly and demonstrably out-weigh the benefits and the scheme would not constitute sustainable development.	

### 3.0 PLANNING APPEALS ALLOWED

H09-0454-15 Benchmark Properties - Mark Simmonds

Land Off Low Lane Holbeach	APP/A2525/W/17/3177564
Residential development of 39 dwellings	Decision Date: 23 November 017
The Inspector concluded that the development would not result in unacceptable living conditions for future occupiers of the development with regard to outlook and natural light. It would therefore accord with Policy SG17 of the South Holland Local Plan (2006), which seeks to prevent development that would materially harm residential amenity. It would also accord with the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. A condition was imposed requiring details of the acoustic fence to be submitted and approved.	

H18-1167-16 Mr Peter Crawley - Joan Isus

Land East: Chestnut Terrace Sutton Bridge	APP/A2525/W/17/3182341
Residential development - erection of 6 detached dwellings	Decision Date: 08 December 017
The Inspector concluded there would be no harm to highway safety. The width of the road would be more than adequate to serve a development of this size and would not add to congestion problems along Chestnut Terrace. The Inspector accepted some elements of Chestnut Terrace are not up to modern standards, but neither that nor the fact that it is unadopted means it is unsafe.	

### 4.0 ENFORCEMENT APPEALS DISMISSED

ENF-308-14-E04 Arbcore Tree Care Ltd - Mark Simmonds

Land Adjacent 1a Northorpe Road Donington	APP/A2525/C/17/3173512
Site to rear of no. 21 is owned by Ivan Thorold of 1A Northorpe Road. Arbcore now appear to be using the site. Large logs on site and alot of noise being generated.	Decision Date: 04 December 017
These 4 appeals relate to the change of use of land to a tree surgery business on 2 sites at 1a Northorpe Road and rear of 29 Northorpe Road. In dismissing the appeals and upholding the enforcement notices, the Inspector was of the view that the change of use had taken place, did require planning permission, and had not operated for sufficient length of time for the use to be lawful. The Inspector directed in the case of Appeals A and B that the enforcement notice be varied by deleting the words in section 6 and substituting:  "Requirement 5(i) shall be completed within 2 months beginning with the date this notice takes effect and requirement 5(ii) shall be completed within 4 months beginning with the date this notice takes effect."	

ENF-308-14-E04 Mr Robert Charles Hart - Mark Simmonds

Land Adjacent 1a Northorpe Road Donington	APP/A2525/C/17/3173501
Site to rear of no. 21 is owned by Ivan Thorold of 1A Northorpe Road. Arbcore now appear to be using the site. Large logs on site and alot of noise being generated.	Decision Date: 04 December 017
<p>These 4 appeals relate to the change of use of land to a tree surgery business on 2 sites at 1a Northorpe Road and rear of 29 Northorpe Road.</p> <p>In dismissing the appeals and upholding the enforcement notices, the Inspector was of the view that the change of use had taken place, did require planning permission, and had not operated for sufficient length of time for the use to be lawful.</p> <p>The Inspector directed in the case of Appeals A and B that the enforcement notice be varied by deleting the words in section 6 and substituting:</p> <p>"Requirement 5(i) shall be completed within 2 months beginning with the date this notice takes effect and requirement 5(ii) shall be completed within 4 months beginning with the date this notice takes effect."</p>	

ENF-308-14-E04 Mr Terry Hart - Mark Simmonds

Land Adjacent 1a Northorpe Road Donington	APP/A2525/C/17/3173513
Site to rear of no. 21 is owned by Ivan Thorold of 1A Northorpe Road. Arbcore now appear to be using the site. Large logs on site and alot of noise being generated.	Decision Date: 04 December 017
<p>These 4 appeals relate to the change of use of land to a tree surgery business on 2 sites at 1a Northorpe Road and rear of 29 Northorpe Road.</p> <p>In dismissing the appeals and upholding the enforcement notices, the Inspector was of the view that the change of use had taken place, did require planning permission, and had not operated for sufficient length of time for the use to be lawful.</p> <p>The Inspector directed in the case of Appeals A and B that the enforcement notice be varied by deleting the words in section 6 and substituting:</p> <p>"Requirement 5(i) shall be completed within 2 months beginning with the date this notice takes effect and requirement 5(ii) shall be completed within 4 months beginning with the date this notice takes effect."</p>	

ENF-308-14-E04 Arbcore Tree Care Ltd - Mr T Hart - Mark Simmonds

Land Adjacent 1a Northorpe Road Donington	APP/A2525/C/17/3173500
Site to rear of no. 21 is owned by Ivan Thorold of 1A Northorpe Road. Arbcore now appear to be using the site. Large logs on site and alot of noise being generated.	Decision Date: 04 December 017
<p>These 4 appeals relate to the change of use of land to a tree surgery business on 2 sites at 1a Northorpe Road and rear of 29 Northorpe Road.</p> <p>In dismissing the appeals and upholding the enforcement notices, the Inspector was of the view that the change of use had taken place, did require planning permission, and had not operated for sufficient length of time for the use to be lawful.</p> <p>The Inspector directed in the case of Appeals A and B that the enforcement notice be varied by deleting the words in section 6 and substituting:</p> <p>"Requirement 5(i) shall be completed within 2 months beginning with the date this notice takes effect and requirement 5(ii) shall be completed within 4 months beginning with the date this notice takes effect."</p>	

5.0 ENFORCEMENT APPEALS UPHELD

None

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