

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 1 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	4
Appeals Allowed:	1
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 121 planning appeal decisions have been received of which 92 have been dismissed, which equates to a success rate of 76.03%

2.0 PLANNING APPEALS DISMISSED

None

H09-0017-20 Ms S Munn - Joan Isus

Land West Of Fensever Further Old Gate	APP/A2525/W/20/3252743
Proposed dwelling (Paragraph 79 NPPF)	Decision Date: 21st August 2020
The Inspector concluded that the proposal would have a harmful effect on the character and appearance of the countryside and would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, March 2019 which in combination with and amongst other matters, seek to protect the character and appearance of the area. The proposal would have poor access to day to day services by a choice of transport modes and would conflict with Policy 2 of the SELLP and that the proposal would not be justified in an area at risk of flooding and would be contrary to Paragraph 155 of the NPPF which says that inappropriate development in areas at risk of flooding should be avoided. Finally the Inspector did not consider that the proposed dwelling would comply with the criteria in paragraph 79 of the NPPF.	

H09-1078-19 Mr E McGowan - Polly Harris-Gorf

Lazy Acre Little Dog Drove	APP/A2525/W/20/3253833
Change of use of disused amenity building to	Decision Date:

dwelling - re-submission of H09-0663-19	21st August 2020
<p>The Inspector concluded the building's conversion to residential use would increase the prominence of its immediate setting in the open countryside by introducing domestic features that would be incongruous in an isolated rural location. These features would not enhance the immediate setting of the building as required by paragraph 79 of the NPPF and Policy 23 of the SELLP. Therefore the Inspector considered, on balance, the appeal proposal is in conflict with both paragraph 79 of the NPPF and the part of Policy 23 that relates to proposals for conversion of buildings in the countryside to residential use needing to lead to an enhancement of the immediate setting of the building.</p>	

H11-1113-19 Mr & Mrs Smith - Dave Gedney

Land At Seagate Road Long Sutton	APP/A2525/W/20/3252869
Proposed dwelling	Decision Date: 21st August 2020
<p>The Inspector concluded that the proposal would have a harmful effect on the character and appearance of the countryside in this location and would therefore conflict with Policies 2 and 3 of the SELLP which seek, amongst other things, to protect and improve the character of the countryside of South East Lincolnshire. The proposal would be in an open countryside location away from the main service centres of the area and would not required to be located in a countryside location, nor does would it meet the development needs of the area, in terms of economic, community or environmental benefits.</p> <p>It would therefore conflict with Policy 1 of the SELLP. Finally the Inspector did not consider that the proposal would provide, wider sustainability benefits to the community that outweigh the flood risk. It therefore fails the sequential test. The proposal is therefore in conflict with Policy 4 of the SELLP.</p>	

H23-1024-19 Mr S Jeffs - Dave Gedney

Homeland Eaugate Road	APP/A2525/W/20/3248520
Erection of earth sheltered dwelling	Decision Date: 21st August 2020
<p>The Inspector concluded the appeal proposal would fail to respect the character and appearance of the local area as it would introduce a small hill or mound into an otherwise flat landscape. It would also introduce domestic features such as a drive, parking area and garden which would appear unconnected with a dwelling. In these respects, the proposal would be in conflict with Policies 2 and 3 of the SELLP.</p> <p>Further the proposed development would be in conflict with Policy 1 of the SELLP as it would lead to the development of a dwelling which would be outside the main centres of the District and would not form a category of development, defined by the Policy, as being necessary in a countryside location, nor would it meet the sustainable development needs of the area.</p> <p>The dwelling itself would appear incongruous when viewed in relation to the nearby dwellings and the adjacent countryside, and therefore would not enhance its immediate setting or be sensitive to the defining characteristics of the local area. The Inspector did not consider that the dwelling accords with the requirements of paragraph 79(e) of the NPPF.</p>	

3.0 PLANNING APPEALS ALLOWED

H08-0939-19 Sally Brown - Dave Gedney

Cawood Hall Apple Tree Farm Cawood Lane	APP/A2525/W/20/3248049
Proposed barn conversion and reinstatement of an extension to create a residential dwelling (existing annexe attached to the barn is to be partially demolished), plus proposed detached outbuilding - approved under H08-1108-17 - Modification of Condition 2 to allow amendments to previously approved plans	Decision Date: 7th September 2020
<p>The Inspector concluded in respect of condition 2 having regard to the specific characteristics of the site, the restrictions in the GPDO are sufficient to ensure that the specified freestanding</p>	

buildings or structures would be unlikely to have a material impact on the character and appearance of the dwelling, its wider setting or neighbouring living conditions. Consequently, Condition 2 i) is not necessary having regard to the parts of Policies 2 (Development Management), 3 (Design of New Development) and 23 (The Re-use of Buildings in the Countryside for Residential Use) of the SELLP that seek to protect the character and appearance of the area and neighbouring living conditions as well as the guidance in the NPPF and PPG.

In respect of condition 6 the Inspector concluded there is no material harm to the living conditions for occupants of Cawood Farm arising from the proposed variation of the plans when considered against the original planning permission. Given these specific circumstances, there is no identified conflict with Policies 2 and 3 of the SELLP and condition 6 is not necessary.

A claim for costs by the appellant was dismissed. The Inspector concluded there had not been unreasonable behaviour which had caused unnecessary expense in this instance.

4.0 **ENFORCEMENT APPEALS DISMISSED**

None

5.0 **ENFORCEMENT APPEALS UPHELD**

None

Background Papers - Planning Application and Enforcement Working Files

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