

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:	5
Appeals Allowed:	1
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 148 planning appeal decisions have been received of which 111 have been dismissed, which equates to a success rate of 75.00%

2.0 PLANNING APPEALS DISMISSED

H09-0529-20 NKW Design Ltd - Lucy Buttery

Land Adjacent 65 Fen Road Holbeach	APP/A2525/W/21/3270404
Erection of 6 Self-build Eco Homes with access from Fen Road	Decision Date: 18th August 2021
The Inspector concluded the proposal would harm the character and appearance of the area and would not be in an appropriate location for this form of development, in conflict with the development plan and the NPPF. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan.	

H09-0551-20 NKW Design Ltd - Lucy Buttery

Land To South Of 36 Cranmore Lane Holbeach	APP/A2525/W/21/3270308
Erection of 6 Self Build Eco Homes with access from Cranmore Lane	Decision Date: 18th August 2021
The Inspector concluded the proposal would harm the character and appearance of the area and would not be in an appropriate location for this form of development, in conflict with the development plan and the NPPF. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan.	

Land Off Millgate Whaplode Drove	APP/A2525/W/21/3270402
Erection of 6 Self-Build Eco Homes with access from Millgate	Decision Date: 18th August 2021
The Inspector concluded the proposal would harm the character and appearance of the area and would not be in an appropriate location for this form of development, in conflict with the development plan and the NPPF. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan.	

3.0 PLANNING APPEALS ALLOWED

H23-1154-19 Woodlands Caravan Park - Polly Harris-Gorf

Woodlands Caravan Park Jekils Bank	APP/A2525/X/20/3249073
Use of land as residential caravan site without limitation on caravan unit numbers, layout or occupancy of the caravans - resubmission of H23-0736-19	Decision Date: 6th August 2021
The Inspector concluded, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of land as a residential caravan site without limitation on caravan unit numbers, layout or occupancy of the caravans (excepting the caravan approved specifically for the occupation of I M Mimmack only which is proposed to be removed off site and thereafter not reinstated) at Woodlands Caravan Park, Jekils Bank, Moulton Eaugate, was not well-founded and that the appeal should succeed.	
A full award of costs was made against the Council. The Inspector concluded that the Council acted unreasonably in not following well-established case law and by failing to review its position once the appeal was submitted.	

4.0 ENFORCEMENT APPEALS DISMISSED

ENF-324-18-E13 Mrs Sherrie Wright & Mr Carl Wright - Kate Bellamy

Land at SeasEnd Road, Moulton SeasEnd, Spalding, Lincs, PE12 6LA APP/A2525/C/21/3268958 & APP/A2525/C/21/3268959

Without planning permission the change of use from agricultural use to mixed use of agriculture and the storage of vehicles, scrap vehicles and other non-agricultural paraphernalia Decision Date: 9th August 2021

The Inspector commented that the appellants initially requested that the compliance period be extended to June but in subsequent correspondence they requested that it be extended to 8 months. As some 5 months have elapsed since the appeals were submitted, with enforcement action effectively suspended, the appellants will effectively have had the 8 months they desire to carry out the necessary works as the compliance period will begin again from the date of this decision.

It should also be noted that in that time, lockdown has been lifted and restrictions have been significantly reduced. Therefore, the Inspector was not satisfied there is good reason to justify extending the compliance period further and consider the stated harm caused by the unauthorised use to the surrounding area should be brought to an end as soon as possible. The ground (g) appeals fail accordingly.

5.0 ENFORCEMENT APPEALS UPHeld

None