

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee
Author: Mark Simmonds
Subject: Planning Appeals
Purpose: To provide an update on recent Appeal Decisions

Recommendation

a) That the contents of this report be noted
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1.0 OVERVIEW

1.1 Since the last report 12 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed: 10

Appeals Allowed: 2

Appeals Part Allowed: 0

1.2 Since the 1st April 2017 190 planning appeal decisions have been received of which 140 have been dismissed, which equates to a success rate of 73.68%

2.0 PLANNING APPEALS DISMISSED

H16-0349-22 CK Hutchison Networks

Wygate Park, Spalding	APP/A2525/W/22/3301188
Proposed 15.0m Phase 9 super slimline monopole & associated ancillary works.	Decision Date: 30th March 2023

Main Issue

The main issue is effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives. The appeal site comprises part of a wide grass verge on Wygate Park alongside its junction with Claudette Avenue. Relatively inconspicuous street furniture including lighting columns and road signage is situated nearby. Wygate Park is a tree lined road incorporating a wide landscaped verge along much of its length, and is the principal road through the surrounding residential area. Together with interspersed areas of amenity greenspace, this provides a verdant and spacious character to the area. The formal planting and landscaping along this route also provides a regularity to the street scene and the impression of a linear parkland feature.

The Inspector found that the proposed 15m high monopole would be very visible in very long range views along Wygate Park from the west due to the road's straight alignment, and in medium distance views from the east due to its more curved alignment in this direction. These views would encompass the whole monopole due to its siting within the verge. A significant proportion of its upper part would also be visible from some distance along Claudette Avenue and other nearby streets, the open spaces, and from residential properties. While in some instances these views would be broken up by foreground and backdrop vegetation and dwellings, the monopole would rise above the skyline in almost all views. As such, being a tall utilitarian structure with a very significant height difference to anything nearby, it would appear as alien and obtrusive compared to the area's existing character and scale.

The proposal would not comply with the SELLP policies 2 and 3 as it would have a harmful impact, would not have a high quality design appropriate to the local area, and would not complement the area's existing scale, views, and massing, the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area.

The proposal would specifically conflict with paragraphs 115, 126, and 130 of the Framework, which require developments to be of high quality design that adds to the overall quality of an area, sympathetic to local character including the surrounding built environment and landscape setting, and for 5G equipment to be sympathetically designed and camouflaged.

H21-0314-22 Mr S Necker

29 Station Road, Tydd Gote	APP/A2525/W/22/3303340
Proposed Dwelling	Decision Date: 5th April 2023

The main issues were:

- whether the proposed development was in a suitable location for housing, having regard to the local development strategy for the area;
- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would allow for suitable waste collection.

The Inspector concluded that the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area. It would be contrary to Policy 1 of the SELLP and undermine the spatial strategy by directing growth to the wrong place. It would also cause harm to the character and appearance of the area. This would conflict with SELLP policies 2 and 3.

The Inspector indicated that whilst the scheme's design failed to accord with the Council's Guidance Note 'Private Drives - Waste Vehicle Collection Service', the Note does not constitute adopted planning policy. The Note states that its restriction on the carrying distance for private drives is in part to avoid the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities. However, such general guidance must be considered with regard to the particular circumstances of the case. In this instance, future occupiers would be aware of the waste transportation distance, and the distance to the kerbside does not appear unreasonably excessive to the extent that it would generate unmanaged depositing.

H23-0591-21 M Grummitt

Wheatfields, 105a Broadgate, Whaplode Drove	APP/A2525/W/22/3291621
Erection of agricultural dwelling and storage building.	Decision Date: 19th April 2023
<p>The main issues were as follows:</p> <ul style="list-style-type: none">• Whether the proposal met the requirements of local and national policy with regards to development in the countryside; and• The effect of the proposal on the character and appearance of the area. <p>The Inspector considered that whilst a dwelling in this location would be convenient for the appellant and his family, these private benefits would not amount to an essential need. The proposal would also domesticate a significant portion of the site and cause a minor adverse and urbanising effect to the rural character of the appeal site. The Inspector therefore concluded that the proposal would conflict with Policies 1, 2 and 3 of the LP and guidance in the Framework and PPG. There were no material considerations sufficient to outweigh the conflict with the development plan.</p>	

H11-0546-22 Mr Keith Bunn

32 West Street Long Sutton	APP/A2525/D/22/3307257
Change of roof materials - retrospective	Decision Date: 21st April 2023
<p>The appeal site is covered by an Article 4 Direction, which has the effect of requiring planning permission to be obtained for a range of alterations which would otherwise be covered by "permitted development" rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I understand that in this circumstance, the Article 4 Direction requires, amongst other things, consent to be sought and granted for works to any roof surface which fronts onto any highway, waterway or public open space.</p> <p>The main issue is whether the development preserves or enhances the character or appearance of the Long Sutton Conservation Area (CA).</p> <p>The immediate surrounding area is characterised largely by C19th residential and commercial development. Within close proximity to the site are a number of grade II listed buildings and the grade I listed Church of St Mary. There are also a number of other locally listed 'buildings of local heritage' near to the site. It is therefore reasonable to conclude that the appeal site is within a sensitive part of the CA.</p> <p>The works to the appeal property have introduced a modern replica slate and whilst the tiles are of a similar size and colour, they have a much smoother appearance which lacks the variation and character of a natural slate. Located in the centre of the terraced row the introduction of the fibre-cement materials disrupts the uniform appearance of the roof. Their smooth and shiny appearance emphasises the contrast of the materials with the slate of the remainder of the properties within the row. Given the prominence of the terrace roof the replacement materials at the appeal property appear incongruous in the street scene and from the parkland.</p> <p>Furthermore, fibre-cement tiles will weather in a different manner to natural slate and therefore the harmful contrast with the slate on the neighbouring roofs will remain. Overall, the new roof materials have a detrimental impact on the significance of the terrace as a non-designated heritage asset and fail to preserve the character or appearance of the CA.</p> <p>As required by paragraph 199 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, the Inspector considered that the harm to the significance of the heritage asset is less than substantial.</p> <p>Paragraph 202 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal. The proposal would not preserve or enhance the character or appearance of the CA. The development is in conflict with Policy 29 of the South East Lincolnshire Local Plan 2019 (the development plan) and the Framework which together seek to secure high quality design that respects local details, character and heritage.</p>	

Land Adj. Nightingale Way, Granville Terrace, Withington Street & Chestnut Terrace	APP/A2525/W/22/3313330
Residential development of 123 dwellings (including 34 affordable units), site access and associated external works - re-submission of H18-0824-20	Decision Date: 4th May 2023
<p>Appeal is dismissed.</p> <p>The Inspector recognised affordable housing delivery was low, but was not persuaded that it is unsound, or local housing need is a reason to restrict the area of search in this case to only Sutton Bridge. She says National guidance is clear that allocated sites should be considered as part of a sequential test and should be considered reasonably available.</p> <p>"I would therefore expect in this instance for the exercise to include all residential sites allocated within the Plan, unless it was evident that such a site was not available."</p> <p>Appellant did not carry out comparative exercise of all available sites.</p> <p>Inspector found the evidence of the deliverability of the allocated site persuasive.</p> <p>Appeal site not a replacement site, but additional within an area of flood risk.</p> <p>Allocated site is sequentially preferable.</p> <p>Even if you restrict the area of search to Sutton Bridge, proposed scheme would not pass the Sequential Test.</p> <p>Not necessary to pass the Exception Test as the Sequential Test has failed.</p> <p>On the issue of the previous sequential test being passed on part of the site - she is not bound by past Council decisions.</p> <p>The lack of visual harm does not negate the conflict with the strategy set out in the Plan, which advocates containment within settlement boundaries other than in selected cases.</p> <p>Not necessary in this location.</p> <p>Additional housing does not represent a development need capable of forming an exception.</p> <p>Amended plans would not be a visual improvement, so no discernible benefit.</p> <p>S106 contributions and BNG are not benefits to the proposal - they just mitigate impact.</p> <p>Conflicts with Policy 1. Does not meet the sustainable development needs of the district, scheme conflicts with the Framework.</p>	

H13-1204-21 Mr B De Lacey

Spalding Gate High Road	APP/A2525/W/22/3302147
Change of use of agricultural land to amenity area including siting of static caravan for domestic storage and occasional overnight stay - retrospective.	Decision Date: 5th May 2023
<p>Main Issue</p> <p>The Inspector commented that the site is located outside of Moulton's designated settlement boundary, and thus comprises Countryside as defined in local planning policy terms. Befitting of its Countryside location, and notwithstanding the proximity of established and recent residential development, the main rear portion of the site takes the general appearance of a grassed paddock. Moreover, it is predominantly grassed, edged by some elements of established hedgerow, and bordered by neighbouring parcels of agricultural land.</p> <p>The Inspector found that the static caravan, being stepped away from any site boundary, is not especially discreet in terms of its on-site positioning and can be read as a somewhat jarring domestic addition to the Countryside, with visibility of its uppermost parts from a range of publicly accessible vantage points along Spalding Gate and with potential to influence available views from neighbouring properties and land, areas of recently mown grass serving as pathways, a freestanding covered seating area, and a small amount of externally located garden furniture were all observable features that, when taken in combination, failed to seamlessly integrate with their inherently rural surroundings. Moreover, these features, whether recent or longstanding, could be observed to erode the site's ruralness.</p> <p>The Inspector found that the development that is the focus of considerations has, to some material degree, eroded the simple rural qualities of the site and, on this basis, caused harm to the character and appearance of the rural area. There is thus identifiable conflict with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) (the LP) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies set out a spatial strategy for development and require all new development to create distinctive places through the use of high quality and inclusive design and layout.</p>	

26 West Bank, Crowland	APP/A2525/W/22/3308445
The development as set out on the application form is: 'Demolition of existing garage and construction of new Dwelling, built in accordance with materials agreed and 750mm above ground level instead of 1m'.	Decision Date: 9th May 2023
<p>The main issues are:</p> <ul style="list-style-type: none"> • Whether or not the development is acceptable, having particular regard to flood risk; and • The effect upon the character and appearance of the area, having particular regard to the brick type and windows/doors utilised. <p>The Inspector commented that, the site, whilst positioned in the vicinity of the River Welland, is located within Flood Zone 1. This zoning indicates the site to be at low risk of flooding from rivers and the sea. However, it also falls within an area identified through the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (the SFRA) to be at increased risk of flooding in the future. Indeed, whilst flood defences reduce the risk of flooding, they do not, even if of considerable size and height, completely remove this risk. A future breach would be anticipated to cause a rapid inundation of the areas situated behind installed defences and could lead to significant building damage and a high risk of loss of life. Moreover, a future risk of rapid flooding applies at the appeal site.</p> <p>The Inspector carried on with commentary that set out that, in accordance with the SFRA, the site has a 'Danger to Most' hazard rating. When the relevant residual flood risk map (as pinpointed by the Environment Agency in its role as a technical consultee) is considered, flood depths of 0.5m-1m are predicted. Related standing advice contained within the SFRA suggests finished floor levels of 'more vulnerable' non-major residential developments to be set a minimum of 1m above ground level and flood resilient construction to a height of 300mm above the predicted flood depth.</p> <p>The appellant has accepted that, whilst there are variations in existing ground levels around the appeal dwelling, the finished floor level of the property is less than 1m above the existing average ground level. Indeed, a figure of 540mm is referenced in the appellant's Statement of Case and accompanying Flood Risk Assessment (the FRA). The existence of long-established adjacent properties with lower finished floor levels when compared to the appeal property does not alter the fact that the minimum 1m requirement, as endorsed by the SFRA, is not met.</p> <p>However, the Inspector found that the potential for flood doors to be retrospectively fitted to the property in the interests of offering protection up to a flood level in excess of 1m above average ground level has been raised as a possible solution. Moreover, through direct reference to a relevant peak velocity forecast map appended to the SFRA, it has been demonstrated that the anticipated velocity of potential flood waters would not be at such speed to necessarily discount this approach as a justifiable option.</p> <p>The Inspector commented that Planning Practice Guidance is clear that resistance measures, such as flood doors, are unlikely to be suitable as the only mitigation measure and should only be used to address residual risks remaining after the use of avoidance and control measures. And acknowledges that the success of flood doors would be at least partly dependent upon periodic maintenance to ensure full functionality.</p> <p>However, of relevance here the Inspector found, a two-storey dwelling offering an upper-floor safe haven is under consideration and the property has been constructed with a finished floor level that exceeds, by a not insignificant extent, the existing average ground level. Further, although a flood breach could occur without prior warning, the potential to receive Environment Agency flood warnings does offer some further assurance that an unacceptable risk to life would not ensue should the dwelling become occupied. This is not least due to the degree of physical separation from a Main River (located beyond the intervening Crowland Washes) that applies here.</p> <p>Therefore, the Inspector decided that, subject to potential planning conditions being imposed to secure full details of the intended flood doors (as well as their subsequent implementation and retention) and full compliance with the various measures set out in the FRA, and that, on</p>	

balance, the development is acceptable having particular regard to flood risk. There is satisfactory compliance with Policy 4.

Character and appearance

The Inspector commented that the elevations of the appeal property have been constructed with bricks of single size and their comparatively bright/yellowish colouring which does not closely match that of the reconstituted stone that dominates The Willows. As such, particularly upon entry to the cul-de-sac and when viewed in the context of (and against the backdrop of) other dwellings within The Willows, the appeal property's elevations can be experienced as discordant, monotonous, and unsympathetic to their immediate surroundings.

Notwithstanding the undoubted prevalence of white-coloured windows and doors in the locality, the Inspector was able to identify replacement windows and doors of differing colours and specific designs near to the site. This included properties on The Willows. In this context, noting that a condition could be imposed to secure that the dwelling's front door is replaced so as to be of matching colour and specification to other front-facing openings, they do not consider that the anthracite grey colour used can be fairly resisted.

Interestingly, and of note, the Inspector acknowledged whilst the site is not located within a conservation area and there are no listed buildings nearby, these circumstances do not justify development that has an unacceptable effect in character and appearance terms.

For the above reasons, having particular regard to the brick type utilised, the development causes harm to the character and appearance of the area. There is identifiable conflict with Policies 2 and 3 of the LP and the Framework in so far as these policies set out that all development will create distinctive places and that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

H13-0441-22 Mrs A Colwell

46 & 46a Hall Lane Moulton Seas End	APP/A2525/W/22/3306658
Change of use to 2 independent dwellings	Decision Date: 9th May 2023
Main Issue Whether or not the site represents an appropriate location for an additional independent dwelling, having particular regard to the relevant provisions of the development plan. The Inspector noted the National Planning Policy Framework (July 2021) (the Framework), where it is stated that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other provisions, the development would involve the subdivision of an existing residential building. Whilst the subdivision of a residential building is under consideration, the Inspector found that the site, owing to its proximity to other rural development and to the defined settlement boundary of Moulton Seas End, cannot fairly be found to represent an isolated location. This particular provision of the Framework therefore is not directly applicable and is of limited relevance. In any event, it must be noted that the development plan, not the Framework, has statutory status as the starting point for decision-making. The Inspector commented that, having particular regard to the relevant provisions of the development plan, namely Policy 1 of the LP, the site does not represent an appropriate location for an additional independent dwelling. The Inspector concluded that the scheme's benefits do not outweigh the harm and associated conflict with the development plan by virtue of the site not representing an appropriate location for an additional independent dwelling. Moreover, the scheme conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.	

H11-0487-22 Mr K Bunn

Browns Gate, Long Sutton	APP/A2525/W/22/3307452
Proposed dwelling.	Decision Date: 15th May 2023

The main issues are:

- i) whether the principle of residential development would be appropriate, with particular regard to its countryside location; and
- ii) the effect of the proposed development upon highway safety, with particular regard to the safety of pedestrians.

In this case, the Inspector found that the proposal would introduce built development into an expanse of open land and would have a suburbanising effect on an undeveloped site, extending built development into the open countryside. The proposal would not be within the settlement boundary or well-integrated with it, given it is separated by the A17, a major trunk road. As the A17 would need to be traversed to access the services and facilities at Long Sutton and nearby settlements, it is likely that the future occupiers of the dwelling would have a high car dependency to meet their everyday essential needs. Given that the Council's ability to demonstrate adequate housing land supply is not contested, the net benefit of 1 unit is minimal and therefore this would only be a very minor benefit and would not outweigh the environmental harm identified, the principle of residential development would not be appropriate, with particular regard to its countryside location. Having regard to the local development strategy for the area the proposal would be contrary to Policy 1 of the LP, it would also conflict with the National Planning Policy Framework (the Framework) which supports the development plan to include strategic policies to actively manage patterns of growth and promote sustainable transport. Highway Safety - Browns Gate is a relatively straight road with good visibility, The Inspector found that given the road conditions along this section of Browns Gate, being devoid of any street lighting and of narrow carriageway width, pedestrians would be vulnerable using this road to access Long Sutton, resulting in potential conflict with other road users, particularly vehicles using the road at speeds up to 40 mph. This would be to the detriment of highway safety, particularly for pedestrians and the access and navigation to the existing footpath network would be unrealistic throughout the year, particularly in winter months, when light is poor in the early evenings compared to the summer months. Whilst the access crossover could be constructed to the highway authority's standards, further to the above the proposed development would not result in a safe and suitable access for all users.

The Inspector concluded that the principle of residential development would not be appropriate, with particular regard to its countryside location and that the proposal would have a harmful effect upon highway safety, with particular regard to the safety of pedestrians. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, the appeal is dismissed.

H17-0190-21 Mrs H Laches

Land At Gubboles Drove Surfleet	APP/A2525/W/22/3309635
Change of use of land to dog training centre with associated works - re-submission of H17-0239-20.	Decision Date: 18th May 2023

The Main Issue is;

The effect upon the living conditions of residential occupiers in the locality, having particular regard to the potential for noise and disturbance to occur.

The Inspector described the context as follows;

"the site occupies an inherently rural location and is comprised of an approximately square-shaped grassed field. Gubboles Drove (the Drove) runs alongside the northern edge of the site and connects to Little Lane adjacent to the position of the site's gated access. Beach Bank, which also connects to the Drove, runs alongside the western edge of the site.

Upon inspection, I experienced these different rural routes to be very lightly trafficked and the area to benefit from a distinct sense of tranquillity. Even so, there is a residential presence in the area, with properties sparsely distributed in differing directions from the site. These include Drove Farm to the north, which is situated off Little Lane a relatively short distance from its junction with the Drove, Gatehouse to the west off the Drove, and The New Gatehouse and The Cottage to the south off Beach Bank".

The proposed dog training facility would be multi-faceted. Regular group classes, catering for a maximum of 8 clients and centring on day-to-day training and behaviour, would be complemented by agility classes (including low-impact Hoopers classes) and private sessions specially focussed upon the training requirements of individual clients. In addition, it is proposed that training camps running for several consecutive days be held during summer months. Such camps, alternatively referred to as training weeks, would allow people located at distance to attend the training facility, would cater for a maximum of 16 clients, and would, it is envisaged, be held two or three times per year. The operating hours sought are 0900 to 2000 hours Monday to Friday, and 0900 to 1900 hours on Saturdays, Sundays and Bank Holidays.

The Inspector felt that sessions, even if agility-based, held by the appellant and aimed at individuals or small groups would be unlikely to cause any undue noise or disturbance at this site. This is especially if such sessions were to be held on an appointment-only basis as proposed, to guard against potential appointment crossovers. Moreover, the levels of dog noise and vehicular comings and goings typically associated with sessions catering for a small number of clients would realistically be low.

However, the Inspector went to further consider that the facility is intended to cater for a breadth of different session types and group sizes across a wide spectrum of opening hours, seven days per week and that whilst the intended opening hours have been formulated in the interests of promoting flexibility and the appellant's own wellbeing, there remains the potential for several training sessions to be held and a not insignificant number of clients to attend the site over the course of any given day, including during evening hours, this is especially as the centre would be available for other trainers/clubs to hire.

Of particular concern to the Inspector was the intention to run occasional training weeks for a maximum of 16 clients. As set out in supporting documentation, these events would represent the centre's busiest times with most students anticipated to bring multiple dogs. When compared to the site's present use as an agricultural field, a dog training event of this intensity would be fairly anticipated to lead to a noticeable increase in general activity and associated noise from dogs, their handlers, and vehicular comings and goings.

For the above reasons, having particular regard to the potential for noise and disturbance to occur, the Inspector found that the proposal would cause harm to the living conditions of residential occupiers in the locality and that the scheme conflicts with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) and the National Planning Policy Framework (July 2021) in so far as these policies require sustainable development considerations to be met specifically in relation to, amongst other provisions, the impact upon neighbouring land uses by reason of noise and disturbance.

The Appeal was thereby dismissed.

3.0

PLANNING APPEALS ALLOWED

H06-0892-21 Mr D Carnell & Miss A Towler

Belvedere, Blazegate, Gedney	APP/A2525/W/22/3299204
Retention of dwelling without complying with agricultural habitation clause (Condition 3 of H06-0639-80)	Decision Date: 31th March 2023
<p>The appeal related to the removal of an agricultural occupancy condition. The main issue was whether the condition was necessary and reasonable to safeguard the property for agricultural occupancy, having regard to the local development strategy for the area, and evidence relating to marketing the property for sale. The Inspector concluded that the condition was no longer necessary and reasonable to safeguard the property for agricultural occupancy, having regard to the local development strategy for the area, and evidence relating to marketing the property for sale. He found no conflict with policy 1.</p>	

H09-1094-21 Mr D & A Rulewski

47 Low Lane Holbeach	APP/A2525/W/22/3309266
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Erection of 4 detached dwellings, 1 detached garage and demolition of existing bungalow	Decision Date: 18th May 2023
<p>Summary of appeal and awards of costs.</p> <p>The application was for four dwellings (the principle of which had been established by a previous approval albeit with a different design for Plot 1).</p> <p>The main issue was related to the impact Plot 1 upon an adjoining property, The Chestnuts, as it extended 8.8m beyond its rear main wall.</p> <p>The decision to refuse was taken at committee. Both the applicant and neighbour spoke setting out their viewpoints. A lengthy debate ensued and the proposal was refused against officer recommendation for approval. The debate focussed upon sunlight and daylight.</p> <p>The decision notice was issued but was subject to high court challenge and quashed because the discussion by committee members on the overbearing nature of the proposal was not overtly discussed but had been included in the decision notice. A revised decision notice was issued as the Council accepted that sunlight and daylight were the only reasons for refusal put forward by Members.</p> <p>A subsequent application on a materially very similar scheme was subject to a detailed review by BRE since the sunlight, daylight and amenity evidence was challenged by the neighbour. This information was used in the Council's Statement of Case. BRE concluded that there was no significant sunlight and daylight impacts but the amenity submission information was flawed as they do not produce advice about loss of outlook or if a scheme is overbearing, and the submitted Amenity Assessment did not apply their advice on layouts appropriately. The Council used these conclusions in the Statement of Case to invite the Inspector to consider sunlight, daylight and overbearing and to focus upon the proposal being contrary to policy. A further focus of the Statement of Case was that BRE guidelines do not have the same development plan status as adopted policy.</p> <p>The appeal was allowed and partial costs were awarded against the Council because the Council's statement was not consistent with the reason for refusal and did not focus solely on daylight and sunlight. The Inspector noted the Local Plan does not contain a policy that mentions daylight and sunlight (a point asserted by the appellants) but did add that it was not unreasonable for the Council to refuse planning permission on daylight and sunlight grounds.</p> <p>What the Inspector found inappropriate was the invitation for him to consider if the scheme was overbearing, because this wasn't in the reason for refusal. It was this aspect that was considered unreasonable.</p> <p>It was a partial award of costs because it only applied to the point in the process where the appellant had to refute the Council's submission (where it strayed from the reason for refusal). He went on to not accept later information introduced by the appellant (referred to as Document 2) which also introduced new information at that stage.</p> <p>The decision emphasises the need to strictly adhere to the precise wording of the reason for refusal in appeal cases, and, therefore, for refusals to be comprehensive and to cover all material issues.</p>	

4.0 ENFORCEMENT APPEALS DISMISSED

None

5.0 ENFORCEMENT APPEALS UPHELD

None

Mark Simmonds; Development Manager (Interim)

01775 764444

mark.simmonds@sholland.gov.uk