

## 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

## 1.0 OVERVIEW

1.1 Since the last report 2 appeal decision(s) have been received, the results are as follows:

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

1.2 Since the 1st April 2017 201 planning appeal decisions have been received of which 148 have been dismissed, which equates to a success rate of 73.63%

## 2.0 PLANNING APPEALS DISMISSED

West View, Hall Gate, Moulton	H13-0734-22 - Miss E Tamutyte APP/A2525/W/23/3315911
Sundas Shaban	Decision Date: 14 Dec 23
<p>The development is described as “retrospective application to keep more than 6 dogs on site. The site will not house more than 15 dogs at any given moment”.</p> <p>The provided plans indicate that the development includes the erection of kennels and a grooming area.</p> <p>The Inspector found that;</p> <p>“I acknowledge that the Council has previously identified that the proposal would not constitute statutory nuisance, and that a previous noise complaint was not taken further. However, the fact that an activity might not amount to statutory nuisance does not necessarily mean that it would not have an unacceptable effect upon the living conditions of the occupiers of neighbouring properties. This, therefore, is not a determinative factor in my considerations.</p> <p>16. Therefore, I conclude that the development has an unacceptable effect on the living conditions of the occupiers of nearby neighbouring properties with particular regard to noise and disturbance. It would therefore be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019, which together, and amongst other factors, state that development will be permitted where considerations in relation to the impact upon</p>	

neighbouring land uses by reason of noise are met, that it is demonstrated that residential amenity can be secured, and that development proposals will not be permitted where, after any mitigation, they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise and disturbance”.

The Appeal was therefore DISMISSED.

75 Church Street, Pinchbeck	H14-0983-22 - Mr N Odedra APP/A2525/W/23/3316411
Catherine Sutton	Decision Date: 15 Dec 23 Costs Refused: 15 Dec 23
<p>The development proposed is described on the application form as “conversion of existing building to provide a local convenience store, to include; new front elevation design, shutters, signage, totem signage, condensing units, extension of opening hours and associated external area upgrades.”</p> <p>The Inspector found that;</p> <p>“Although I have found that the appeal proposal would be in an appropriate location having regard to the local retail strategy, it would nevertheless be harmful to highway safety. It would conflict with the development plan as a Whole”.</p> <p>Therefore the Planning Appeal was – DISMISSED.</p> <p>The associated COSTS CLAIM was – REFUSED.</p>	

### 3.0 PLANNING APPEALS ALLOWED

None

### 4.0 ENFORCEMENT APPEALS DISMISSED

None

### 5.0 ENFORCEMENT APPEALS UPHELD

None

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Background Papers - Planning Application and Enforcement Working Files

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