

Appeals to the Secretary of State: Update and Annual Review
Report by Head of Planning and Administrative Officer

Summary:	This report sets out the current position regarding appeals against the Authority and provides an annual summary of the decisions received from the Secretary of State from April 2015.
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Recommendation:	That the report be noted.
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1 Introduction

- 1.1 The attached table at Appendix 1 shows an update of the current position on appeals to the Secretary of State against the Authority.
- 1.2 The attached schedule at Appendix 2 shows a summary of the decisions by the Secretary of State on appeals in the last year since April 2015.
- 1.3 Between 1 April 2015 and 31 March 2016 the Authority has received decisions on six appeals, two of which related to award for costs. The decisions concerned four appeals against refusal, three of which were decisions made by Officers under delegated powers, the fourth being a Committee decision. The table below provides a comparison with those decisions in 2014/15.

<u>2014/15</u>	<u>2015/2016</u>
Decisions: 8	Decisions: 6
Dismissed: 5	Allowed: 4
Allowed: 2	Dismissed – Award for Costs: 2
Part Allowed/Part Dismissed: 1	
Withdrawn (Award for costs to BA)	
Decisions outstanding: 1	

- 1.4 Members will note that, other than the costs appeals, all appeals in this period were allowed. This is disappointing, however, there is some context to two of the decisions which gives some explanation.
- 1.5 The first listed appeal, at 104 Lower Street, Horning, NR12 8PF, relates to a proposal which had been the subject of a previous appeal which had been dismissed. The Appellant had made some amendments to the proposal

following that first appeal decision; officers had not felt that they were sufficient to overcome the concerns but the Inspector disagreed and allowed the appeal. The development permitted is considerably better than the original proposal.

- 1.6 The fourth listed appeal, at River Barn, Church Lane, Surlingham, related to a refusal of planning permission on the grounds of lack of information. The applicant subsequently provided all the requested information in a resubmitted application, but chose also to submit an appeal, which was supported by this additional information.
- 1.7 There is also an additional appeal concerning the site of Jenner's Basin at Thorpe Island which was against the decision by the Planning Inspectorate and the details are contained within the Enforcement Schedule as it is **not** an appeal against the Broads Authority.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: BA appeal and application files.

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Date of report: March 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Schedule of Current Outstanding Appeals to the Secretary of State since
APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2015.

**Schedule of Outstanding Appeals to the
Secretary of State**

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
19-11-15 25-2-16	App Ref BA/2015/0004/REF APP/E9505/W/15/3 137422 River Barn Church Lane Surlingham Norfolk Mr S Mitchell	Appeal against Refusal Use as existing with additional use in the commercial use of the site for holiday letting.	Delegated decision on 28 May 2015 Questionnaire sent by 26 November 2015 Statement of case submitted by 21 December 2015 Site visit 18 February 2016 Appeal Allowed
Appeal to be validated by Inspectorate	App Ref BA/2016/0001/ENF Staithe n Willow	Appeal against Enforcement Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016 Awaiting start date

BROADS AUTHORITY
Schedule of Decisions on Appeals to the Secretary of State since April 2015

Start and Decision Dates	Appeal Details	<u>Decision</u>
SD3-3-15 22 –7-15	<p>APP/E9505/W/15/3004216 BA/2014/0381/FUL BA/2015/0002/REF</p> <p>104 Lower Street, Horning, NR12 8PF</p> <p>Appeal against refusal Alteration of existing south west facing window and formation of a double doorway in place of double opening window and formation of access via external stairway to quay head decking area.</p> <p>Mr and Mrs Wright</p>	<p>Delegated Decision 17-2-14</p> <p>Appeal allowed 22-7-15</p>
SD28-05-15 24-9-15	<p>APP/E9505/W/15/301389 BA/2014/0281/COND BA/2015/0002/REF</p> <p>Pampas Lodge Holiday Park, The Street, Haddiscoe NR14 6AA</p> <p>Appeal against refusal Variation of Condition 6 of 1998/1645/CU to allow use of caravan pitch for year-round warden's accommodation</p> <p>Mr Colin Shirley</p> <p>APP/E9505/W/15/3013891 Costs application in relation to appeal</p>	<p>Delegated Decision 3 -12-14</p> <p>Appeal Allowed. 24-9-15</p> <p>Dismissed 24-9-15</p>
SD10-06-15 24-9-15	<p>APP/E9505/W/15/3132155 BA/2012/0056/FUL BA/2015/0003/REF</p> <p>Silver Dawn, Woodlands Way, Horning NR12 8JR</p> <p>Appeal against refusal Variation of Condition 3 of BA/2012/0056/FUL to amend approved roof material</p>	<p>Committee Decision 6 February 2015</p> <p>Appeal Allowed</p>

Dd 22-2-16	<p>Mr N Barrett</p> <p>Costs application in relation to appeal</p>	<p>22-2-16</p> <p>Dismissed</p>
<p>SD 19-11-15</p> <p>25-2-16</p>	<p>APP/E9505/W/15/3137422 BA/2015/0073/FUL BA/2015/0004/REF</p> <p>River Barn, Church Lane, Surlingham</p> <p>Appeal against Refusal Use as existing with additional use in the commercial use of the site for holiday letting</p> <p>Mr S Mitchell</p>	<p>Delegated decision on 28 May 2015</p> <p>Appeal Allowed</p>