

Appeals to the Secretary of State: Update and Annual Review 2017/18
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 2017 to 31 March 2018.

Recommendation: That the report be noted.

1 Introduction

- 1.1 The Authority has not received any new appeals since August 2017, when the last appeal was received and the last decision on an appeal was received in January 2018, so there are no outstanding appeals.
- 1.2 The attached schedule at Appendix 1 shows a summary of the decisions by the Secretary of State on appeals in the year 1 April 2017 – 31 March 2018.
- 1.3 Between 1 April 2017 and 31 March 2018 the Authority received decisions from the Planning Inspectorate on 6 appeals. The decisions concerned five appeals against refusal (one which was against the Authority's refusal to remove conditions), and one against an Enforcement Notice. Of the appeals against refusal three were allowed and two dismissed. The remaining appeal, which was dismissed, was against enforcement action at Burghwood Barns at Ormesby St Michael. Three appeals related to decisions made by Planning Committee and the other three appeals concerned decisions made under delegated powers. The table below provides a comparison with the number of decisions in 2016/17.

<u>2016/2017</u>	<u>2017/18</u>
Decisions: 7	Decisions: 6
Allowed: 4	Allowed: 3
Dismissed: 3	Dismissed: 3

- 1.4 The appeals record for 2017/18 is disappointing, and follows on from a similarly disappointing record in 2016/2017. Members may recall that appeal performance was the subject of a report to Planning Committee at the meeting on 25 May 2017, where it was resolved to take a more pragmatic approach to matters such as materials. All of the appeal decisions received in the period after 1 April 2017 related to decisions made on applications before the new approach was adopted in May 2017. Members should note that in some cases there were considerable delays between the decisions being

made and the appeals being considered and this is shown in the table at Appendix 1.

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files.

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Date of report 12 April 2018

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Schedule of Appeals to the Secretary of State on which decisions have been made since 1 April 2017.

BROADS AUTHORITY
Schedule of Decisions on Appeals to the Secretary of State since April 2017

Start and Decision Date	Location Nature of Appeal/ Description of Development	Decision and Date
25 January 2017 21 April 2017	APP/E9505/W/16/3164553 BA/2016/0158/FUL BA/2016/0007/REF Land at Griffin Lane, Thorpe St Andrew Appeal against refusal Boatshed, storage container and shelter BCK Marine	Delegated Decision 24 June 2016 DISMISSED
3 April 2017 6 June 2017	APP/E9505/W/17/3169091 BA/2016/0284/CU Violet Cottage, Irstead Road, Neatishead Appeal against refusal Retrospective application to use annexe building as holiday accommodation Mr Simon Ciappara	Delegated Decision 3 October 2016 ALLOWED
18 May 2017 3 August 2017	APP/E9505/W/17/3170595 BA/2016/0343/FUL The Workshop, Yarmouth Road LUDHAM NR29 5QF Appeal against refusal Change of use of outbuilding (MT Shed) to residential dwelling Dr Rupert Gabriel	Delegated Decision 20 January 2017 DISMISSED
22 May 2017 9 January 2018	APP/E9505/C/17/3173753 APP/E9505/C/17/3173754 BA/2015/0026/UNAUP2 Burghwood Barnes Burghwood Road, Ormesby St Michael Appeal against Enforcement Unauthorised development of Agricultural land as residential curtilage	Committee Decision 3 March 2017 DISMISSED Enforcement Notice varied to allow compliance within 6 months.

Start and Decision Date	Location Nature of Appeal/ Description of Development	Decision and Date
<p>17 August 2017</p> <p>2 November 2017</p>	<p>APP/E9505/W/17/3174937 BA/2016/0356/COND Waveney Inn and River Centre Staithe Road Burgh St Peter</p> <p>Waveney River Centre Appeal against refusal to grant removal of condition conditions 1 and 6 (Temporary approval and passing bay signs) of permission BA/2016/0064/COND (April 2016)</p>	<p>Committee Decision 9 December 2016 re BA/2016/0356/COND</p> <p>ALLOWED</p>
<p>19 July 2017</p> <p>12 October 2017</p>	<p>App/E9505/W/17/3176423 BA/2017/0060/CU Eagles Nest, Ferry Road, Horning</p> <p>Mr Robert King /Ellis Forest Marine Appeal against refusal Change of use of first floor of boathouse to residential manager's accommodation (Class C3) associated with the adjacent King Line Cottages</p>	<p>Committee Decision 28 April 2017</p> <p>ALLOWED</p>