

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

Summary:	This report sets out the position regarding appeals against the Authority since March 2015. The report also gives an annual summary of the decisions received from the Secretary of State from April 2014.
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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 position on appeals to the Secretary of State against the Authority since March 2015. There is in fact only one appeal which has been validated and which the Authority has received since May 2014.
- 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 2014.
- 1.3 Between 1 April 2014 and 31 March 2015 the Authority has received eight decisions on appeals, although seven of these had been registered before April 2014. Three of the appeal decisions related to decisions made by officers under delegated powers all of which were dismissed, five were matters referred to Committee, four of which were appeals against enforcement. The fifth related to the site at Broads Edge Stalham. One appeal was registered and then withdrawn although the Authority was awarded costs. The table below provides a comparison with decisions in 2013/14.

<u>2013/14</u>	<u>2014/15</u>
Decisions: 6 Dismissed: 4 Allowed: 1 Part Allowed/Part Dismissed: 1 (Withdrawn: 1) (Decisions Outstanding: 6) .	Decisions: 8 Dismissed: 5 Allowed: 2 Part Allowed/Part Dismissed: 1 Withdrawn 1 (Award for costs to BA) (Decisions outstanding: 1)

2 Financial Implications

2.1 There are no financial implications.

Background papers: BA appeal and application files.

Author: Sandra A Beckett

Date of report March 2015

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since March 2015
APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2014.

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State
since January 2015

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
	<p>Appeal Ref E9505/W/15/3002735, BA/2015/001/NONDE T The Island, Yarmouth Road, Thorpe St Andrew</p> <p>Former Jenners Basin</p> <p>Mr Roger Wood</p>	<p>Appeal against non-determination of application for variation of conditions, 19 of which were imposed through a decision by the Planning Inspectorate to grant planning permission for 25 vessels subject to conditions in October 2014 Application not validated by BA</p>	<p>Appeal lodged with Secretary of State but not yet validated</p>
<p>3-3-15</p>	<p>App Ref E9505/W/15/3004216 BA/2014/0381/FUL BA/2015/0002/REF 104 Lower Street, Horning, NR12 8PF</p> <p>Mr and Mrs John and June Wright</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>Delegated Decision on 17 December 2014</p> <p>Questionnaire and Notification Letters sent by 10-3-15 Statement to be sent by 7 April 2015</p>

BROADS AUTHORITY

Schedule of Decisions on Appeals to the Secretary of State since April 2014

Start and Decision Dates	Appeal Details	_____
<p>6-12-11</p> <p>May 2013</p> <p>20-10-14</p>	<p>Appeal Ref E9505/C/11/2165163, BA/2011/0006/ENF BA/2010/0040/UNAUP4</p> <p>The Island, Yarmouth Road, Thorpe St Andrew</p> <p>Appeal against enforcement concerning unauthorised development of "marina":</p> <p>The construction and installation of two jetties, the erection or standing of a green metal storage container, the use of part of the land for the standing of motor engines and the change of use of the site for the mooring of boats without the grant of planning permission</p> <p>Public Inquiry held on 1/2-05-12</p> <p>Decision issued 15 June 2012</p> <p>Decision challenged July 2012 and subsequently conceded by Secretary of State in May 2013</p> <p>Appeal to be reheard by Written Representations. Following Site visit on 28-1-14 Inspector decided on Hearing to be held on 8 July 2014</p> <p>Appeal Decision received on 20 October 2014</p> <p>Subsequently the appellant has lodged an appeal in the High Court against the Inspector's decision.</p> <p>Mr Roger Wood</p>	<p>Committee authorisation 5 December 2008 and subsequent reports to Committee</p> <p>Appeal allowed in part and dismissed in part. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions</p>
<p>11-09-13</p>	<p>APP/E9505/C/13/2204391 BA/2013/0010/ENF</p> <p>The Old Grain Store, Wainford Road, Bungay</p> <p>Appeal against Enforcement (Written Representations)</p> <p>Change of use of land from single residential dwelling</p>	<p>Committee consideration 7-12-12</p> <p>Appeal dismissed and</p>

	<p>house to a dwelling house in use as self-contained flats. Mrs Helen Brundle</p> <p>APP/E9505/C/13/2204390 BA/2013/0009/ENF Change of use of land from single residential dwelling house to a house in multiple occupation (unauthorised HMO Use)</p>	<p>Enforcement Notice upheld with variations 2-4-14</p> <p>Appeal allowed and enforcement notice quashed</p>
9 -10-13	<p>APP/E9505/C/13/2206420 BA Appeal Ref - BA/2013/0011/ENF BA/2012/0044/UNAUP3 Site at Land Known As Newlands Caravan Site Or Three Rivers Caravan Site, Station Road, Geldeston, NR34 0HS</p> <p>Appeal against Enforcement Unauthorised installation of mooring platform</p> <p>Mr James Bromley</p>	<p>Committee consideration 28-03-2013</p> <p>Public Inquiry scheduled for 13-05-2014</p> <p>Appeal Withdrawn 8-5-14 BA applied to Planning Inspectorate for Award for costs - granted on 27-6-14</p>
12-11-13 24-7-14	<p>APP/E9505/C13/2208559 and 2208560 BA/2012/0056/UNAUP2 Heathacre Barns, The Common, Chedgrave</p> <p>Appeal Against enforcement (Former Piggeries) Unauthorised conversion and change of use to residential</p> <p>Dealt with by Public Inquiry 10-06-2014</p> <p>Mr David Younger and Mrs Elizabeth Younger</p>	<p>Committee Consideration 01-03-2013</p> <p>Appeal Dismissed and Enforcement Notice corrected upheld 24-7-14</p>
2-01-14 9 -6- 14	<p>APP/E9505/A/13/2210570 BA/2013/0134/COND Site at Ferry Quay, Ferry Road, Horning Appeal against refusal</p>	<p>Delegated decision 5-8-13</p>

	<p>Removal of conditions 2, 3 and 4 of PP - PF/98/0373 - to allow ground floor workshops to be used as ancillary accommodation</p> <p>Mr T Wood</p>	<p>Dismissed 9-6-14</p>
<p>27-1-14 6-6-14</p>	<p>APP/E9505/A/14/2212337 BA/2013/0170/FUL BA/2014/0002/REF Broads Edge Marina, Mill Road, Stalham</p> <p>Appeal against Refusal Provision of twelve camping pitches and the demolition of existing and erection of replacement toilet and shower building</p> <p>David Phillip Investments</p>	<p>Committee Decision 8-11-13</p> <p>Allowed 6-6-14</p>
<p>25-2-14 2-6-14</p>	<p>APP/E9505/A/14/221426 BA/2014/0004/REF Driftwood (Arcadia Moorings) Lower Street Horning</p> <p>Appeal against refusal To remove existing window to south west elevation and timber cladding below. Install double door access to sail loft in timber glazed frame set back</p> <p>Mr John Wright</p>	<p>Delegated Decision 26-11-2013</p> <p>Dismissed and Award for costs by appellant dismissed 2-6-14</p>
<p>22-05-14 15-08-14</p>	<p>APP/E9505/D/14/2218853 BA/2013/0385/FUL BA/2014/0001/HHAPP Hales Cottage, 2 Staithe Road, West Somerton, NR29 4AB</p> <p>Appeal against refusal Householder appeal procedures. Proposed extensions to rear of the dwelling</p> <p>Mr Clinton Button</p>	<p>Delegated decision 10-3-14</p> <p>Dismissed 15-08-14</p>