

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 October 2012. The report also gives an annual summary of the decisions received from the Secretary of State since April 2012.

Recommendation: That the report be noted.

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 October 2012. It lists those appeals where decisions have been received in the last month and have yet to be made.
- 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 2012.
- 1.3 Between 1 April 2012 and 31 March 2013 the Authority has received decisions on fourteen appeals, although seven of these had been registered before April 2012. Eleven of the appeal decisions related to decisions made by officers under delegated powers while two appeals were against enforcement. The table below provides a comparison with those decisions in 2011/12.

<u>2011/2012</u>	<u>2012/2013</u>
Decisions: 8 Dismissed: 5 Allowed: 3 Withdrawn: 3.	Decisions: 14 Dismissed: 10 Allowed: 2 Part Allowed/Part Dismissed: 2 (Decisions outstanding: 3)

2 Financial Implications

- 2.1 There are no financial implications.

Background papers:	BA appeal and application files.
Author:	Sandra A Beckett
Date of report	5 April 2012
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since October 2012 APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2012.

APPENDIX 1

Schedule of Outstanding Appeals to the Secretary of State since October 2012

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
23-10-12	APP/E9505/A/12/2185 820/NWF BA/2012/0164/FUL Appeal Ref BA/2012/0013/REF Broadmead Ferry View Estate Horning Norwich Horning Pleasure Craft Ltd	Appeal against Refusal Replacement dwelling with erection of new boathouse and creation of a new lagoon with quay heading and boardwalk	Delegated Decision on 13-07-12 Appeal forms received 23-10-12 Questionnaire and Notification Letters sent 31-10-12 Statement sent by 4-12-12
25-1-13	APP E9505/X/12/ 2190145 BA/2011/0345/CLUED River Barn, Church Lane, Surlingham Mr Simon Mitchell	Appeal against refusal of Certificate of Lawful Use (written representations) Existing use of a dwelling house and <i>associated slipway</i>	Delegated Decision on 27-06-12 Questionnaire and Notification Letters by 8-02-13 Statement sent 8-03-13
28-01-13	APP/ E9505/A/13/2191650/ NWF BA/2012/0285/FUL BA/2013/0001/COND The Reeds, Marsh Road, Hoveton Mr J Sealey	Appeal against condition (Written Representations) Proposed erection of porch, single storey side extension and detached garage with formation of slipway.	Delegated Decision on 8-11-12 Approved subject to conditions Questionnaire and Notification letters sent 8-02-13 Statement sent 8-03-13

BROADS AUTHORITY

Schedule of Decisions on Appeals to the Secretary of State since April 2012

Start and Decision Dates	Appeal Details	Decision
2-12-11 30-05-12	<p>Appeal Ref: E9505/ A/11/2165917/NWF BA/2011/0014/REF BA/2011/0091/COND Anchor Cottage, Mill Road, Stokesby</p> <p>Appeal against refusal on Proposed removal/variation of condition No:6 (BA/2010/0004/FUL) to allow use of The Old Reading Room as a separate holiday unit and variation of condition 2 to apply to amended plan</p> <p>Mrs W Martin</p> <p>(Condition 2 allowed in part, Condition 6 dismissed)</p>	<p>Delegated Decision on 10-06-11 Part Allowed, Part dismissed</p> <p>Appeal allowed and planning permission granted for proposed renovations and extension but subject to conditions</p>
6-12-11 15-06-12	<p>Appeal Ref E9505/C/11/2165163, BA/2011/0006/ENF BA/2010/0040/UNAUP4 The Island, Yarmouth Road, Thorpe St Andrew NR7 OHE Appeal against enforcement concerning unauthorised development of "marina"</p> <p>To be dealt with by Planning Inquiry 1 May 2012</p> <p>Mr Roger Wood http://pa/online- applications/appealDetails.do?activeTab=summary&key Val=LV5WEGTB00200</p>	<p>Committee authorisation 5 December 2008 and subsequent reports to Committee Public Inquiry held on 1/2-05-12</p>
	<p>Appeal part dismissed, part allowed. (Notice corrected and varied – appeal allowed in relation to use of basin for mooring of boats but limited to 12 and subject to conditions) Appeal dismissed in relation to jetties (pontoons), storage container and motor engines and enforcement notice upheld as corrected</p>	

	<p>and varied.</p> <p>Conditions include:</p> <ul style="list-style-type: none"> • Landscaping scheme • Ecological enhancement scheme • A scheme for dealing with waste and refuse • A scheme for access, parking and treatment of the bridge <p>These to be provided within 3 months and LPA must agree it within 11 months</p> <p>If either not met, permission which Inspector has granted will lapse.</p>	
<p>9-01-12 31-08-12</p>	<p>Appeal Ref: E9505/A11/2167180/NWF BA/2012/001/ BA/2011/0200/FUL</p> <p>Fir Tree Farm, Waxham NR12 0EG</p> <p>Appeal against refusal: Installation of 11 kw wind turbine on 18 metre galvanised tower.</p> <p>Mr Robert Dixon</p>	<p>Delegated Decision 02-12-11</p> <p>Dismissed 31-08-13</p>
<p>30-01-12 16-05-12</p>	<p>Appeal Ref E9505/A12/2169337/NWF BA/2011/0167/CU BA/2012/003/F</p> <p>Broad Farm Caravan Park, Main Road, Fleggburgh</p> <p>Appeal against refusal: Resubmission of BA/2010/0326/CU for the provision of ten additional static caravans</p> <p>Mr and Mrs Shingles</p>	<p>Delegated Decision 12-08-11</p> <p>Dismissed 16-05-12</p>
<p>30-01-12 16-05-12</p>	<p>Appeal Ref E9505/A12/2169339/NWF BA/2011/0258/CU BA/2012/002/REF</p> <p>Broad Farm Caravan Park, Main Road, Fleggburgh</p> <p>Appeal against refusal for Resubmission of pp BA/2011/0112/CU for change of use to regularise permanent occupation as caretakers accommodation for family employees and provide an on-site presence to improve security</p> <p>Mr and Mrs Shingles</p>	<p>Delegated Decision 04-10-11</p> <p>Dismissed 16-05-12</p>

6-02-12 13-08-12	Appeal Ref E9505/C12/2167767/ (Enforcement Notice served 18-11-11) 37/38 Crabbetts Marsh, Horning Appeal against enforcement for unauthorised development: piling Mr Ivan Sharp	Committee authorisation Dismissed 13-08-12 Enforcement Notice Upheld
8-02-12 5-07-12	APP/E9505/A/12/2170219/NWF BA/2011/0365/ Pinetree Cottage, 2 Lower Street, Horning Appeal against refusal for erection of detached bungalow (23-12-11) Mr and Mrs L and M Cooper-Smith	Delegated decision on 23-12-12 Dismissed 05-07-12
16-04-12 18-09-12	APP/E9505/A12/2174341/ BA/2011/0040/COND Appeal Ref.BA/2012/0006/REF Fairview Park Homes, Wayford Road, Smallburgh, NR12 9LW Appeal against refusal of permission for removal of condition 10 of BA/2011/0152/FUL and replacement with 3 recommended conditions contained in Good Practice Guide on Planning for Tourism Fairview Park Homes	Delegated decision 22-03-12 Dismissed 18-09-12 BA/2012/0006/REF
20-04-12 19-11-12	APP/E9505/A/12/2174541/NWF Appeal Ref: BA/2012/0007/REF Application Reference: BA/2011/0306/FUL Outbuilding Adjacent To White House Farm Thorpe Road, Haddiscoe Appeal against Refusal Proposed conversion of existing outbuilding to residential development Mr & Mrs W Bond	Delegated Decision on 16-11-11 Dismissed 19-11-12
21-06-12 7-11-12	APP/E9505/A/12/2175137 – 21757401 BA Ref BA/2011/0297/COND (Wayford Hotel) Avocet , Bittern and Coot -Wayford Road, Wayford Bridge , Stalham BA/2011/0298/COND Curlew and Mallard – Wayford Bridge , Stalham	Delegated Decisions on 7-11-11 Appeal dealt with by Public Inquiry 9 and 10 October

	<p>Appeals against Refusal: Variation of Condition of pp/2005/1961 from use of Holiday accommodation to residential</p> <p>Variation of Condition 5 of 2005/1962 to change of use to residential</p>	<p>2012</p> <p>Allowed 7-11-12 Award for costs by both parties rejected. BA/2012/0008/REF BA/2012/0009/REF</p>
<p>6-07-12</p> <p>28-11-12</p>	<p>APP/E9505/A/12/2177093/NWF BA/2012/0004/OUT Site at Land At Griffin Lane, Griffin Industrial Estate, Thorpe St Andrew, Norwich Appeal against Refusal Industrial Unit 200 Square meters plus 4 Storage Containers Lord Neville Watts</p>	<p>Delegated Decision on 17-05-12</p> <p>Dismissed 28-11-12 BA/2012/0010/REF</p>
<p>2-08-12</p> <p>13-11-12</p>	<p>APP/E9505/D12/2180673 BA/2012/0074/FUL BA/2012/0001/HHAPP Broads Retreat, Borrow Road, Oulton Broad, Lowestoft (Householder Appeal) Appeal against refusal Installation of new floating pontoon Mr Luke Smith</p>	<p>Delegated Decision 17-05-12</p> <p>Allowed 13-11-12 BA/2012/0001/HHA P</p>
<p>31-08-12</p> <p>23-11-12</p>	<p>APP/E9505/A/12/2182365 BA/2012/0203/FUL BA/2012/0012/REF Site between Windmill Cottage and The Boundaries, Thorpe Road, Haddiscoe Appeal against refusal Proposed new residential dwelling Mr and Mrs M and J Frost</p>	<p>Delegated Decision on 17-07-12</p> <p>Dismissed 23-11-12 BA/2012/0012/REF</p>
<p>16-11-12</p> <p>10-01-13</p>	<p>AppealE9505/D/12/2186568 BA/2012/0242/FUL BA/2012/0014/REF 1 Broad Road, Fleggburgh, Norfolk Householder Appeal) Appeal against refusal Replacement</p>	<p>Delegated Decision on 2-10-12</p> <p>Dismissed 10-01-13</p>

	Conservatory to side elevation of property Mr Dennis Birkwood	BA/2012/0014/HHA PP
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Appeals Received

Since 1 April 2012, the Authority has received 10 Appeals (to 31 March 2013) . Decisions have been received on seven of these. Seven of these appeals on which the Secretary of State has made a decision were appeals against refusal of planning permission. Of these, five were dismissed and two allowed. The remaining Decisions on three appeals received since October 2012 are outstanding, although it must be noted that two of these have only been received since January 2013.

Number of Appeals received between 1 April 2012 and 31 March 2013: 10

Decisions: 7

Dismissed: 5

Allowed: 2

Decisions outstanding: 3