

**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 2016.

**Recommendation:** That the report be noted.

**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 since January 2017.
- 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 2016 – 31 March 2017.
- 1.3 Between 1 April 2016 and 31 March 2017 the Authority has received decisions on 7 appeals from the Planning Inspectorate. The decisions concerned five appeals against refusal, four of which were on decisions made by Officers under delegated powers, the other being on a Committee decision. Of these, two were dismissed and three allowed. The remaining two appeals were appeals against Enforcement Action, one of which was dismissed and one allowed. The table below provides a comparison with the number of decisions in 2015/16.

<u>2015/2016</u>	<u>2016/2017</u>
Decisions: 6 Allowed: 4 Dismissed – Award for Costs: 2	Decisions: 7 Allowed: 4 Dismissed: 3

- 1.4 The recent appeals record is disappointing. It is particularly disappointing in the context of the impending monitoring by CLG of appeal decisions as an indicator of the quality of decision making.
- 1.5 A full report on the recent appeal decisions will be prepared for the 28 April meeting of the Planning Committee.

**2 Financial Implications**

- 2.1 There are no financial implications.

Background papers:	BA appeal and application files.
Author:	Cally Smith/ Sandra A Beckett
Date of report	21 March 2017
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Schedule of Current Outstanding Appeals to the Secretary of State since January 2017 APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2016.

## APPENDIX 1

### Schedule of Outstanding Appeals to the Secretary of State since January 2017

Start Date of Appeal	Location	Nature of Appeal/ Description of Development	Decision and Date
25 January 2017	<b>P/E9505/W/16/3164553 BA/2016/0007/REF</b> Land at Griffin Lane, Thorpe St Andrew  BCK Marine	<b>Appeal against refusal</b>  Boatshed, storage container and shelter	Delegated Decision 24 June 2016  Questionnaire submitted 31 January 2017  Statement of case sent 24 February 2017
Awaited	<b>APP/E9505/W/17/3169091 BA/2016/0284/CU</b> Violet Cottage, Irstead Road, Neatishead  Mr Simon Ciappara	<b>Appeal against refusal</b>  Retrospective application to use annexe building as holiday accommodation	Delegated Decision 3 October 2016  Awaiting start date
Awaited	<b>APP/E9505/W/17/3170595 BA/2016/0343/FUL</b> The Workshop Yarmouth Road LUDHAM NR29 5QF  Dr Rupert Gabriel	<b>Appeal against refusal</b>  Change of use of outbuilding (MT Shed) to residential dwelling	Delegated Decision 20 January 2017  Awaiting start date

**APPENDIX 2**

**BROADS AUTHORITY**

**Schedule of Decisions on Appeals to the Secretary of State since April 2016**

<b>Start and Decision Date</b>	<b>Location Description of Development Nature of Appeal</b>	<b>Decision and Date</b>
31 March 2016	<b>APP/E9505/16/3145873</b> <b>BA/2016/0001/ENF</b>  Staithe n Willow Relating to fencing on grounds that there has been no breach of planning	Committee Decision 8 January 2016
9 January 2017	<b>Appeal against Enforcement Notice</b>	<b>DISMISSED</b> and Enforcement Notice upheld 9 January 2017
10 May 2016	<b>APP/E9505/W/16/3147689</b> <b>BA/2015/0403/FUL</b>  Anchor Cottage, Mill Road, Stokesby Proposed change of use of annexe to separate unit for holiday accommodation	Delegated Decision 1 April 2016
29 July 2016	<b>Appeal against Refusal</b>	<b>DISMISSED</b> 29 July 2016
2 August 2016	<b>APP/39505W/16/3154806</b> <b>BA/2014/0408/COND</b>  Hall Common Farm, Hall Common Ludham Breach of conditions 2 and 3 and unauthorised installation of metal roller shutter door	Committee Decision 4 December 2015
6 January 2017	<b>Appeal against Enforcement</b>	<b>ALLOWED</b> and Enforcement Notice quashed 6 January 2017
12 October 2016	<b>APP/E9505/W/16/3158503</b> <b>BA/2016/0026/COND</b>  50 Riverside Estate, Brundall Variation of condition to retain upvc windows and doors	Delegated Decision 24 March 2016

<b>Start and Decision Date</b>	<b>Location Description of Development Nature of Appeal</b>	<b>Decision and Date</b>
13 January 2017	<b>Appeal against refusal</b>	<b>ALLOWED</b> and Planning permission granted 13 January 2017
23 December 2016	<b>APP/E9505/D/16/3163616 BA/2016/0263/HH</b>  70 Riverside Estate, Brundall Retrospective application for retention of replacement cladding	Delegated Decision 26 August 2016
14 February 2017	<b>Appeal against refusal</b>	<b>ALLOWED</b> and planning Permission granted 14 February 2017
9 December 2016	<b>APP/E9505/D/16/3163088 BA/2016/0260/FUL</b>  Slad Lane, Woodbastwick, Salhouse Change of use of ground floor cottage to tea room (class A3)	Committee Decision 17 October 2016
20 February 2017	<b>Appeal against refusal</b>	<b>ALLOWED</b> and planning permission granted 20 February 2017
9 December 2016	<b>APP/E9505/W/16/3163872 BA/2016/0276/FUL</b>  Gunton Lodge, Broad View Road, Oulton Broad New dwelling and replacement garage Mr Lloyd Crisp	Delegated Decision 20 September 2016
20 February 2017	<b>Appeal against refusal</b>	<b>DISMISSED</b> 20 February 2017