

**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 December 2011. The report also gives an annual summary of the decisions received from the Secretary of State since April 2011.

**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 November 2011. It lists those appeals where decisions have been received in this 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 2011.
- 1.3 Between 1 April 2011 and 31 March 2012 the Authority has received decisions on eight appeals. Decisions on seven more appeals received since December 2011 are outstanding. However, two of these have only been received since February. Six decisions on appeals were against refusal of planning permission while one was against enforcement and one against conditions.

2011/2012

Decisions: 8  
Dismissed: 5  
Allowed: 3  
Withdrawn: 3.

**2 Financial Implications**

- 2.1 There are no financial implications.

Background papers: BA appeal and application files.

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Date of report 5 April 2012

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Schedule of Outstanding Appeals to the Secretary of State since December 2011  
APPENDIX 2 – Schedule of Appeals to the Secretary of State on which decisions have been made since April 2011.

**APPENDIX 1**

**Schedule of Outstanding Appeals to the Secretary of State  
since December 2011**

<b>Start Date of Appeal</b>	<b>Location</b>	<b>Nature of Appeal/ Description of Development</b>	<b>Decision and Date</b>
2-12-11	<b>Appeal Ref: E9505/ A/11/2165917/NWF BA/2011/0014/REF BA/2011/0091/CON D</b> Anchor Cottage, Mill Road, Stokesby  <b>Mrs W Martin</b>	Appeal against refusal 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	Delegated Decision on 10-06-11  Notification Letter and Questionnaire to be sent by 16-12-11  Statement sent by 13-1-12
6-12-11	<b>Appeal Ref E9505/C/11/216516 3, BA/2011/0006/ENF BA/2010/0040/UNA UP4</b> The Island, Yarmouth Road, Thorpe St Andrew  <b>Mr Roger Wood</b>	Appeal against enforcement concerning unauthorised development of "marina"  To be dealt with by Planning Inquiry	Committee authorisation 5 December 2008 and subsequent reports to Committee  Notification Letter and Questionnaire sent by 20-12-11 Statement sent 03-02-12  Public Inquiry to be held on 1-05-12
9-01-12	<b>Appeal Ref: E9505/A11/2167180 /NWF BA/2012/001/ BA/2011/0200/FUL</b>  Fir Tree Farm, Waxham  <b>Mr Robert Dixon</b>	Appeal against refusal for Installation of 11 kw wind turbine on 18 metre galvanised tower.	Delegated Decision on 2-9-11  Notification Letter and Questionnaire sent on 20-1-12 Statement sent by 20- 02-12
30-01-12	<b>Appeal Ref E9505/A12/2169337 /NWF</b>	Appeal against refusal for Resubmission of BA/2010/0326/CU for the	Delegated Refusal 12-08-11

<b>Start Date of Appeal</b>	<b>Location</b>	<b>Nature of Appeal/ Description of Development</b>	<b>Decision and Date</b>
	<b>BA/2011/0167/CU</b> <b>BA/2012/003/F</b>  Broad Farm Caravan Park, Main Road, Fleggburgh  <b>Mr and Mrs</b> <b>Shingles</b>	provision of ten additional static caravans	Notification Letter and Questionnaire sent 13-02-12  Statement to be sent by 12-03-12  Site Visit Scheduled for 3-04-12
30-01-12	<b>Appeal Ref</b> <b>E9505/A12/2169339</b> <b>/NWF</b> <b>BA/2011/0258/CU</b> <b>BA/2012/002/REF</b>  Broad Farm Caravan Park, Main Road, Fleggburgh  <b>Mr and Mrs</b> <b>Shingles</b>	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	Delegated Refusal 4-10-11  Notification Letter and Questionnaire to be sent by 13-02-12  Statement sent by 12-03-12  Site Visit scheduled for 3-04-12
3-02-12	<b>Appeal Ref</b> <b>E9505/C12/2167767</b> 37/38 Crabbetts Marsh, Horning  <b>Mr Ivan Sharp</b>	Appeal against enforcement notice for unauthorised development: piling	Committee authorisation to take enforcement action 4-11-11 Enforcement Notice served 18-11-11  Notification Letter and Questionnaire by 17-02-12  Statement sent by 16-03-12
8-02-12	<b>APP/E9505/A/12/21</b> <b>70219/NWF</b> <b>BA/2011/0365/</b> Pinetree Cottage, 2 Lower Street, Horning  <b>Mr and Mrs L and</b> <b>M Cooper-Smith</b>	Appeal against refusal for erection of detached bungalow	Delegated refusal on 23-12-12  Notification Letter and Questionnaire sent 21-2-12  Statement sent by 21-03-12

## BROADS AUTHORITY

## Schedule of Decisions on Appeals to the Secretary of State since April 2011

Start and Decision Dates	Appeal Details	Decision
9-12-10 12-7-11	<p><b>BA/2010/0113/FUL</b>  <b>E9505/A10/2141778/NWF</b>  <b>Appeal Against Refusal</b>            Site at Morses Wind Engine Park, Staithe Road, Repps with Bastwick            Retention of log cabin/Chalet for holiday cottage and retention of existing driveway</p> <p><b>Mrs D Nicholson</b></p>	<p><b>Dismissed</b>            Claim for costs by appellant refused</p>
28-02-11 22-07-11	<p><b>E9505/C/11/2144652</b>            (BA/2010/0017/BOCP4)  <b>Wayford Mill, Wayford Bridge, Smallburgh</b>  <b>Appeal against Enforcement Notice</b>            Works to mill and sub-division of property to create two units of holiday accommodation</p> <p><b>Mr Rogers</b></p>	<p><b>Allowed following correction of Enforcement Notice relating to change of use and on grounds that the property was not being let for holiday accommodation when Enforcement Notice issued.</b></p>
3-02-11 20-05-11	<p><b>E9505/A11/2145600/NWF</b>  <b>BA/2010/0219 /FUL</b>  <b>Land between Reedham Caravan and Camping Park and Reedham Road to North East of Reedham Appeal against refusal</b>            Proposed creation of one way traffic system through Reedham Ferry Camping and Caravan Park.</p>	<p><b>Dismissed</b></p>
21-03-11	<p><b>E9505/C/11/2149092</b>            Land adjacent to Pallet Yard, The Old Station Yard, Geldeston Road, Ellingham, Bungay</p>	<p><b>Withdrawn</b>            Following negotiations. Section 106</p>

	<b>Appeal against Enforcement</b> Unauthorised use of land as scrap yard and storage <b>Mr A E Loines</b>	Agreement between BA and Landowner
15-06-11 20-09-11	<b>BA/2010/0418/FUL</b> <b>E9505/A/11/2154391/NW</b> 16 Bureside Estate Crabbetts Marsh, Horning NR12 8JP Appeal against refusal Replacement of existing bungalow <b>Mr David Allen</b>	<b>Dismissed</b>
04-07-11 20-10-11	<b>E9505/A/11/2154854/NWF</b> <b>BA/2010/0313/CU</b> Peninsula Cottages, Staitheway Road, Wroxham NR12 8TH(Change of use and internal alterations to parts of former leisure centre to form bistro and bar with associated tap room, brewing and distilling area, shop demonstrations and retail area.)  Appeal against conditions re temporary consent, flood alert notice and flood response plan. <b>Mr John Frankland</b>	<b>Allowed in Part - deletion of condition 1 (temporary consent) and replacement with 3 year standard time limit condition</b>
10-08-11	<b>E9505/A11/ /2158023/NWF</b> <b>BA/2011/0081/CU</b> <b>BA/2011/0002/COND</b> Site at Old Farmyard, Mill Road, Dilham, North Walsham, NR28 9PU  Appeal against conditions  <b>Mr A Blogg</b>	<b>Withdrawn</b> 12-08-11
08-09-11 22-02-12	<b>BA/2011/0107/FUL</b> <b>APP/E9505/A/11/2159804/NWF</b> Land at end of Marsh Lane, Gillingham  Appeal against refusal: The erection of a general purpose agricultural building for the storage of farm machinery/implements and the accommodation of cattle for limited periods during the year  <b>Mr and Mrs J C and P P Read</b>	<b>Dismissed</b>
5-10-11 23-11-11	<b>BA/2011/0164/FUL</b> <b>Appeal reference: BA/2011/0009/REF</b> <b>APP/E9505/D/11/2161117</b> 15 Top Road Belough Proposed orangery extension to existing dwelling and	<b>Dismissed</b>

	proposed extension to existing boat house. Householder Appeals (HAS) Appeal against refusal: <b>Mr Lester Bayfield</b>	
2-11-11	<b>App/E9505/C/11/2163562</b> Marsh Cottage, Staithe Road, Repps with Bastwick <b>Appeal against Enforcement:</b> Unauthorised retention of mobile home and track	<b>Withdrawn following submission of Certificate of Lawful Use application.</b>
22-11-11 10-01-12	<b>Appeal Ref:</b> <b>APP/E9505/D/11/2164046/</b> <b>BA/2011/0191/FUL</b> Cobwebs, Beech Road, Wroxham Householder Appeals (HAS) Appeal against refusal Retrospective application for the erection of maintenance stair to existing flat roof <b>Mr E Plane</b>	<b>Allowed</b>

## Decisions

Since 1 April 2011, the Authority has received decisions on eight Appeals (to 30 March 2012). Three of these had been registered before April 2011. Six of the Appeals were against refusal of planning permission, One was against conditions and one was against enforcement. (Three appeals were withdrawn, two of which related to enforcement, the other to conditions.)

Decisions on seven more appeals received since December 2011 are outstanding.

Decisions: 8

Dismissed: 5

Allowed: 2

Part Allowed/Part Dismissed: 1

Decisions outstanding: 7

## Appeals Received

Since 1 April 2011, the Authority has received 14 Appeals (to 30 March 2012) . Decisions have been received on five of these. The Authority withdrew the Enforcement Notice on one appeal and therefore the appeal was withdrawn. Four appeals on which the Secretary of State has made a decision were appeals against refusal of planning permission. Of these, three were dismissed and one allowed. Two appeals were against conditions, one of which was part allowed/part dismissed and the other withdrawn. The remaining Decisions on seven appeals received since December 2011 are outstanding, although it must be noted that five of these have only been received since January 2011.

**Number of Appeals received between 1 April 2011 and 31 March 2012: 14**

Decisions: 5

Dismissed: 3

Allowed: 2

Withdrawn: 2

Decisions outstanding: 7