



# B O S T O N

## B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	3 April 2018
SUBJECT:	Receipt of Appeal Decision
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Interim Development Manager
EXEMPT REPORT?	No

### SUMMARY

The purpose of this report is to advise members of the receipt of an appeal decision in respect of a delegated refusal at Former Garage, Brand End Road, Butterwick PE22 0JD.

The appeal against the refusal of an outline application for the demolition of two existing dwellings and the erection of up to two detached dwellings was upheld – planning permission was granted. A copy of the Inspector's decision letter is attached to this report.

### RECOMMENDATION

The Committee are asked to note this report and the comments arising from it.

### REASONS FOR RECOMMENDATION

To address Service Delivery Action Plan points for 2017/18.

## 1.0 INTRODUCTION

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. This right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which any appellant has to follow.

## **2.0 APPEAL DECISIONS SINCE February 2018**

### **Former Garage, Brands End Road, Butterwick PE22 0JD**

- 2.1 The Inspector considered that there were two main issues:
- a) The principle of the development, with specific regard to its location; and
  - b) its effect on the character and appearance of the area.
- 2.2 In respect of a) above, the Inspector determined that although there may be limited service provision, the scale of development is equally limited. He also took the view that the appeal site would not result in isolated dwellings in the countryside.
- 2.3 In respect of b), he concluded that although the appeal site is not part of the main built up area of the village, it is part of a small built up area of its own. He considered that the proposed development would be contained and of a small scale relative to the wider, predominantly rural context, and constitute the redevelopment of previously developed land. He did not agree that the proposed development would not fit appropriately with the prevailing pattern of development.
- 2.4 The Inspector was content that the proposed development would not be harmful to the character or appearance of the area and thus not conflict with the protection of the character or intrinsic beauty of the countryside or Policy G1 of the Local Plan.
- 2.5 On this basis, the Inspector upheld the appeal and granted planning permission.

## **3.0 CONCLUSION**

- 3.1 For the year to date eight out of twelve appeal decisions have gone in favour of the Council (67%) which equates to 33% going against the Council. This compares unfavourably to the Performance Target which would tolerate 1 out of 5 going against the Council (20%).
- 3.2 However, Officers are currently formulating a Performance Target which will measure the total number of all planning decisions that are subsequently appealed. This is likely to be a very small number and indicates that the overall quality of the Council's planning application decisions remains robust.

### **FINANCIAL IMPLICATIONS**

None

### **LEGAL IMPLICATIONS**

None

**ANY OTHER IMPLICATIONS**

None

**CONSULTATION** Portfolio Holder: Councillor Michael Cooper

**APPENDICES**

Appeal decision Former Garage, Brand End Road, Butterwick

**BACKGROUND PAPERS**

Background papers used in the production of this report are listed below: -

**Document title**

Appeal file and application file.  
Former Garage, Brand End Road,  
Butterwick. B/17/0056

**Where the document can be viewed**

Development Management