



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 Cherry Tree Lodge, Swineshead Road, Frampton Fen, Boston PE20 1SF.

The appeal against the refusal of an outline application for residential development (up to 13 dwellings) including access, was dismissed – planning permission was refused. 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

Cherry Tree Lodge, Swineshead Road, Frampton Fen, Boston PE20 1SF

- 2.1 The site's southern boundary adjoins an adjacent concrete batching plant for which planning permission was granted in 1958. Aggregates, sand and cement are delivered to the site. There is fixed plant and high level elevators on the site. The use is not restricted by any planning conditions in relation to hours of operation or noise.
- 2.2 The Inspector considered that the main issue was whether or not the living conditions of future occupants of the proposed dwellings would be adversely affected by noise and dust.
- 2.3 On the matter of noise, the Inspector concluded that the overall effect of noise exposure would significantly adversely affect the living conditions of future occupants of the proposed housing.
- 2.4 On the matter of dust, the Inspector concluded that the living conditions of future occupants of the proposed housing would be likely to be adversely affected by dust at times.
- 2.5 On this basis, the Inspector dismissed the appeal and refused 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 Cherry Tree Lodge, Swineshead Road, Frampton Fen, Boston PE20 1SF

BACKGROUND PAPERS

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

Document title	Where the document can be viewed
Appeal file and application file. Cherry Tree Lodge, Swineshead Road, Frampton Fen, Boston PE20 1SF. B/17/0132	Development Management