



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:	21 August 2018
SUBJECT:	Receipt of Appeal Decisions
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Development Manager
EXEMPT REPORT?	No

SUMMARY

The purpose of this report is to advise members of the receipt of appeal decisions in respect of:

- **Location:** Redundant Office, Field View, Fen Road, Boston, PE20 1SD
Proposal: Convert office and extend existing redundant office to provide a two bedroom chalet bungalow
Planning Decision: Delegated Refusal
Appeal Decision: Dismissed and planning permission refused
- **Location:** Land North of Spalding Road, Sutterton, Boston, PE20 2ET
Proposal: Outline application with some matters (appearance, landscaping, layout and scale) reserved for the erection of up to 5no. residential dwellings
Planning Reference: B/17/0061
Planning Decision: Committee Refusal
Appeal Decision: Allowed and planning permission granted

- **Location:** Land North of Spalding Road, Sutterton, Boston, PE20 2ET

Proposal: Outline Application for residential development (up to 5 dwellings) including access with all other matters reserved for later approval

Planning Reference: B/17/0359

Planning Decision: Committee Refusal

Appeal Decision: Allowed and planning permission granted

- **Location:** Old Leake Caravan and Leisure Park, Shaw Lane, Old Leake, Boston, PE22 9LQ

Proposal: Application under s.73 to remove condition 2 on planning approval B/15/0017 and to remove condition 3 of B16/0606/86 to enable a maximum of 25 caravans to be occupied by agricultural workers for a period of up to three years with the maximum continuous length of stay of any individual worker being limited to 10 months

Planning Decision: Committee Refusal

Appeal Decision: Appeal withdrawn by Appellant

A copy of the Inspector's decisions are attached to this report.

RECOMMENDATION

The Committee are asked to note this report.

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 MAY 2018

Redundant Office, Field View, Fen Road, Boston, PE20 1SD

- 2.1 The Inspector considered that there was one main issue:
 - a) The effect of the development on the character and appearance of the surrounding countryside and whether the appeal site would be an appropriate location for a new dwelling.
- 2.2 The Inspector determined that the proposed development would involve significant alterations to the existing building and whilst the site is already developed, the significant alterations to the building would change the nature and appearance of the appeal site within its rural setting. Additionally, it would be in a location that is detached from any nearby services and facilities which would not provide an appropriate location for new housing
- 2.3 On this basis, the Inspector dismissed the appeal, refusing planning permission.

Land North of Spalding Road, Sutterton, Boston, PE20 2ET (B/17/0061)

- 2.4 The Inspector considered that there was one main issue:
 - a) the living conditions of the occupiers of neighbouring dwellings with particular regard to potential noise and disturbance from traffic movements; and
 - b) the character and appearance of the area
- 2.5 Measures to protect future residents from noise had not been submitted as part of this application. They were submitted and assessed under application B/17/0359 and found to be acceptable.

- 2.6 The Inspector considered the impact of the proposal upon the character and appearance of the locality. It was concluded the area had an eclectic mix of housing and commercial units with no dominant architectural style. It was considered that ad hoc development had resulted in an ill-defined edge to the village and the proposal would result in a neater edge. This would enhance the character of the area and compliment the appearance of existing structures and spaces. The proposal therefore complied with Policies H3 and G1.
- 2.7 On this basis, the Inspector allowed the appeal, approving planning permission.

Land North of Spalding Road, Sutterton, Boston, PE20 2ET (B/17/0359)

a) the character and appearance of the area

- 2.8 The Inspector considered the impact of the proposal upon the character and appearance of the locality. It was concluded the area had an eclectic mix of housing and commercial units with no dominant architectural style. It was considered that ad hoc development had resulted in an ill-defined edge to the village and the proposal would result in a neater edge. This would enhance the character of the area and compliment the appearance of existing structures and spaces. The proposal therefore complied with Policies H3 and G1. This appeal was refused contrary to Officer recommendation.
- 2.9 On this basis, the Inspector allowed the appeal, approving planning permission.

Old Leake Caravan and Leisure Park, Shaw Lane, Old Leake, Boston, PE22 9LQ

- 2.10 This application was withdrawn by the Appellant prior to the Hearing.

3.0 CONCLUSION

- 3.1 For the year to date seven out of fifteen appeal decisions have gone in favour of the Council (47%) which equates to 53% going against the Council. This compares unfavourably to the local Performance Target which would tolerate 1 out of 5 going against the Council (20%).
- 3.2 The Ministry of Housing, Communities and Local Government monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned). For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. The statistics collaged by MHCLG shows 1 appeal in the previous 2 years as being overturned (up to the end of March 2018) of a total number of 69 decisions. This represents 1.4%. The Council is therefore well within the statutory target.

3.3 The Government is also monitoring the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold this is the total number of non-major applications overturned at appeal compared to the total number of non-major decisions made. The statistics collated by MHCLG up until the end of March 2018, show a total of 637 applications having been determined of which 4 were allowed. The percentage is therefore 0.6%. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

ANY OTHER IMPLICATIONS

None

CONSULTATION Portfolio Holder: Councillor Michael Cooper

APPENDICES

Appendix 1: Appeal decision Redundant Office, Field View, Fen Road, Boston, PE20 1SD

Appendix 2: Appeal decision Land North of Spalding Road, Sutterton, Boston, PE20 2ET (both appeals)

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. Redundant Office, Field View, Fen Road, Boston, PE20 1SD - B/17/0424	Development Management
Appeal file and application file. Land North of Spalding Road, Sutterton, Boston, PE20 2ET – B/17/0061 and B/17/0359	