



North Devon Council

Report Date: 29th July 2022

Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 13th July 2022.

Report by: Sue Thomas – Senior Planning Support Officer (Appeals)

1. INTRODUCTION

1.1. This report is to inform Planning Committee Members of the Planning and Enforcement Appeal Decisions received from the Planning Inspectorate.

2. RECOMMENDATIONS

2.1. That Members and other interested parties note the appeal decisions reported.

3. REASONS FOR RECOMMENDATIONS

3.1. The Appeal Decisions are reported for general information and to enable consideration of any implications they may have on future cases.

4. REPORT

- 4.1 Appendix A – Tree Preservation Order Appeal Decision re 72879 – Application for consent for works to trees covered by a tree preservation order in respect of crown reduction of 2 Ash trees at 32 Yelland Road, Fremington, Barnstaple Devon EX31 3DS - Appeal Dismissed on 4th July 2022.
- 4.2 Appendix B - Planning Appeal Decision re 73789 – Erection of dwelling at 3 Woolacombe Rise, Woolacombe EX34 7AS – Planning Appeal Withdrawn on 14th July 2022
- 4.3 Appendix C – Planning Appeal Decision re 73951 - Variation of condition 2 (approved plans) attached to planning permission 71713 (Change of use from A1 to C3 - former undertakers to two flats) to allow amendment for a roof terrace at 22A Trinity Street, Barnstaple, Devon EX32 8HX – Appeal Dismissed on 18th July 2022.
- 4.4 Appendix D – Planning Appeal Decision re 74115 - Outline application for erection 1 dwelling (all matters reserved) at 1 Willoway Grove, Braunton EX33 1AT - Planning Appeal Dismissed on 19th July 2022.
- 4.5 Appendix E – Planning Appeal Decision re 73792 – Creation of agricultural access track at Putsborough Road, Putsborough, Braunton EX33 1LD – Appeal Dismissed on 25th July 2022.

5. RESOURCE IMPLICATIONS

- 5.1. Where an application by the appellant for an award of Appeal Costs is successful it is expected that this will be paid from the Planning budget (financial resource implication)
- 5.2. Where an application by the LPA for an award of Appeal Costs from the appellant is successful it is expected that this will be paid into the Planning budget (financial resource implication)
- 5.3. There may be a financial implication if Consultants are employed to confirm that any claim for Appeal Costs is reasonable/acceptable (financial resource implication)
- 5.4. There may be a call on NDC staff (Planning/Legal) to confirm that any claim for Appeal Costs is reasonable/acceptable (staffing resource implication)

6. EQUALITIES ASSESSMENT

- 6.1. There are not any equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

- 7.1. It is considered by the Author that, as this report is simply to advise Planning Committee Members and other interested parties of recent Planning and Enforcement Appeal decisions, there are no Environmental implications arising from its contents.

8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:
 - 8.1.1. The commercialisation agenda: - Positive as will learn lessons to reduce potential costs awards against the Council
 - 8.1.2. Improving customer focus and/or – Positive as will learn lessons for future consideration
 - 8.1.3. Regeneration or economic development – Positive as will learn lessons for future consideration

9. CONSTITUTIONAL CONTEXT

- 9.1. Article of Part 3 Annexe 1 paragraph: - Not applicable
- 9.2. Referred or delegated power? – Not applicable

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).



11.1 Planning Inspector's Appeal decision re 72879 (Appendix A)

11.2 Advice that Appeal Withdrawn re 73789 (Appendix B)

11.3 Planning Inspector's Appeal decision re 73951 (Appendix C)

11.4 Planning Inspector's Appeal decision re 74115 (Appendix D)

11.5 Planning Inspector's Appeal decision re 73792 (Appendix E)

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Sue Thomas – Senior Planning Support Officer (Appeals) - Planning, Housing & Health