



North Devon Council

Report Date: 16th September 2022

Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 10th August 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 – Planning Appeal Decision re 74194 – Prior Approval for change of use of agricultural barn to dwelling (Class Q(A & B)) at Garliford Barn, Garliford Lane, Bish Mill, South Molton EX36 3QX - Appeal Dismissed on 24th August 2022.
- 4.2 Appendix B - Planning Appeal Decision re 70713 – Erection of nine dwellings (2 social rented and 7 open market) and conversion two flats to form one dwelling (open market) together with associated landscaping and access works at Fairleigh and adjacent land, Georgeham EX33 1JZ – Appeal Dismissed on 6th September 2022. **NB. Appeal Costs Decisions (LPA and Appellant) still awaited.**
- 4.3 Appendix C – Listed Buildings and Conservation Areas Appeal Decision re 73481 – Listed Building consent for replacement of 4 rotten wooden sash windows with UPVC windows at Flat 6, 1 Union Terrace, Barnstaple, Devon EX32 9AB – Appeal Dismissed on 8th September 2022.
- 4.4 Appendix D – Planning Appeal Decision re 72649 – Erection of an agricultural building (part retrospective) at Trees Farm, Brayford, EX32 7QE – Appeal and Appeal Costs (against LPA) Dismissed on 14th September 2022.
- 4.5 Appendix E – Planning Appeal Decision re 73020 – Erection of 1 open market dwelling and associated works at Lemons Cottage, Atherington EX37 9HY – Appeal Dismissed on 14th September 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 74194 (Appendix A)

11.2 Planning Inspector's Appeal decision re 70713 (Appendix B)

11.3 Planning Inspector's Appeal decision re 73481 (Appendix C)

11.4 Planning Inspector's Appeal and Appeal Costs decisions re 72649 (Appendix D)

11.5 Planning Inspector's Appeal decision re 73020 (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