



## North Devon Council

Report Date: 10<sup>th</sup> October 2022

**Topic: Planning and Enforcement Appeal Decisions received since last report to Planning Committee. See Agenda for Planning Committee held on 28<sup>th</sup> Sept 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 73372 – Erection of single storey detached outbuilding for ancillary use following demolition of existing garage at 34 Beach Road, Ilfracombe EX34 9QZ - Appeal Allowed on 3<sup>rd</sup> October 2022.

Explanatory Note re Appeal Decision:

The appellant objected to two of the conditions (3 & 4) of the planning permission (73372). The Inspector states in her decision that condition 3 is "entirely reasonable and necessary" (paragraph 8 of Appeal Decision). She goes on to say that condition 4 of the planning permission is deleted but substituted with "Notwithstanding the details shown on the approved plans, the development shall be constructed using horizontal timber cladding for external walls and roof tiles to match the host dwelling". The appeal is ONLY allowed in respect of condition 4 and the planning permission only varied in that regard.

### 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 73372 (Appendix A)

## 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