

# PLANNING COMMITTEE

14 MAY 2024

## REPORT OF THE DIRECTOR OF PLANNING

### **A.4 Planning Appeal Annual Update**

No information in this report is considered to be confidential. Live Information was taken on 17<sup>th</sup> April 2024 for the period **1<sup>st</sup> April 2023 to 1<sup>st</sup> April 2024**.

This report for planning Appeals focuses on appeal decision against planning permission decisions, trees decisions and planning enforcement notice appeals. In total for the period covered there has been 68 planning appeals.

#### **Development Management Appeals Total 65**

Allowed: 14

Dismissed: 46

Split: 1

Turned away by PINNS without decision: 2

Withdrawn by applicant: 2

#### **Enforcement Appeals Total: 3**

Dismissed: 1

Split: 1

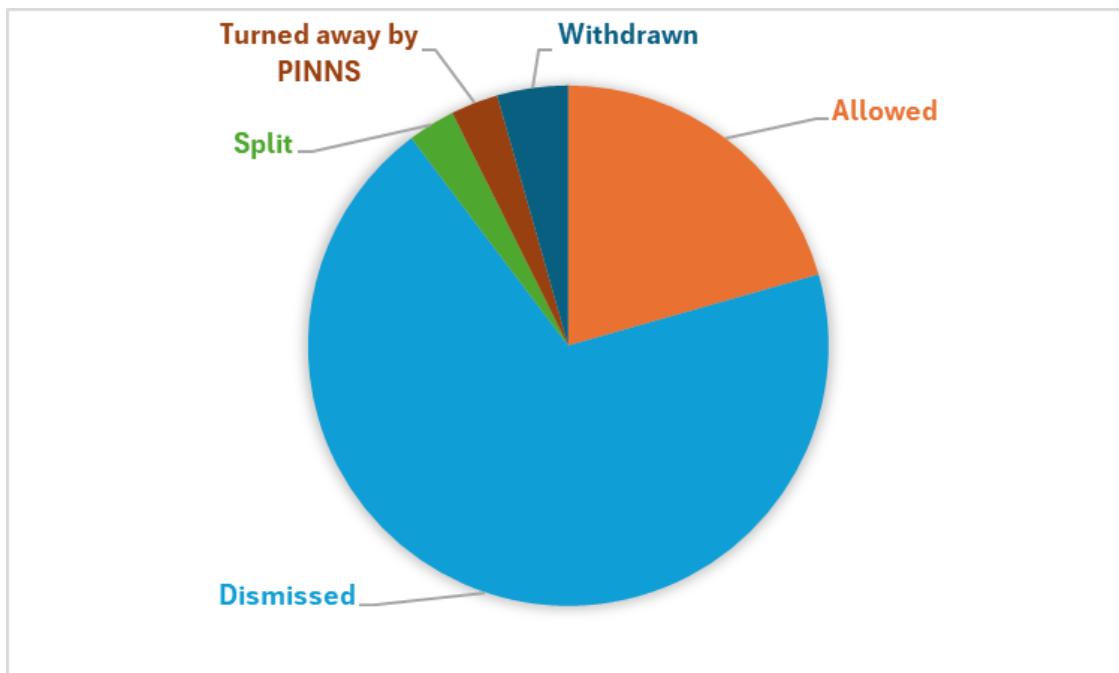
Withdrawn: 1

Allowed: The applicant won the appeal against the Council

Dismissed: The applicant did not win the appeal against the Council

Split: Part of the appeal proposal was successful and part was not.

Withdrawn / Turned away: Not determined as appeals.



Below are the number of appeals during 2023 to 2024 period by location.

Location	No
Alresford	1
Ardleigh	5
Bradfield	3
Brightlingsea	3
Clacton on Sea	8
Dovercourt	3
Elmstead	1
Frating	1
Frinton On Sea	2
Great Bentley	1
Great Oakley	1
Holland On Sea	1
Jaywick	3
Kirby Cross	1
Kirby Le Soken	2
Lawford	1
Little Bentley	1
Little Clacton	5
Manningtree	1
Ramsey	3
St Osyth	4
Tendring	1
Thorpe Le Soken	8
Thorrington	2
Weeley	3
Wix	3

### Allowed Appeals

It is the intention of all local planning authorities to made sound planning decisions that are defensible at appeal, but appeals are allowed and in the period April to April 2023 to 2024, 14 appeals have been allowed representing 23% of the appeals against dismissed (setting aside split decisions, withdrawals and appeals turned away).

Below is a review of the allowed appeals.

Ref	Address1	Parish	Reason
21/00038/REFUSE	Newlands Nursey, Slough Lane	Ardleigh	New dwelling in the countryside allowed as Inspector considered no harm despite policy conflict and consider provision of reuse of redundant buildings in respect of the NPPF
22/00004/REFUSE	Land off Connaught Road	Weeley	The Inspector consider the development acceptable adjacent for 7 dwellings for self build housing and would be acceptable to the character of the area against council arguments

22/00005/REFUSE	Land between Fieldside and Eltone	Frating	Principle of development in the countryside accepted as no planning harm despite policy conflict.
22/00016/REFUSE	Land to the south of Michael Wright Way	Great Bentley	Issues of character and contribution to infrastructure for residential scheme. The Inspector applied more weight to the economic and need of homes against the harm on character.
22/00049/CMTRAP	Auto Spares Station Yard Frating Road Thorrington	Thorrington	An extension to existing metals recycling facility that was allowed as the Inspector considered there were conflicts with the local plan and character of the area, but compared to the Council gave these limited weight.
22/00057/REFUSE	Land to The East of Bradfield Road	Wix	Despite being outside the settlement boundary, the Inspector considered that the proposed dwelling could have good access to services. Arguments on character were also set aside and appeal allowed.
22/00059/REFUSE	Land rear of 172 Point Clear Road	St Osyth	Despite the new local plan engaged, previous decision for development were given weight by the inspector and matters of policy set aside to allow this dwelling
22/00061/REFUSE	Land South West of Hill Farm House, Bromley Road	Ardleigh	Three dwellings allowed in the countryside as the inspector considered connections to settlements acceptable. Issues around impact on Listed Buildings were also discounted.
22/00065/REFUSE	Land South West of Crockleford Grange Bromley Road	Ardleigh	The Inspector gave significant weight to surrounding development also approved on appeal against the local plan and considered no conflict. Issues regarding harm to a listed building also set aside.
23/00002/REFUSE	Land adjacent Cliphedge Farm Harwich Road	Little Bentley	Construction of buildings to serve a class E use where the inspector gave weight to both a previous appeal decision that allowed development and the consultation response of the Council's economic growth team. Arguments on harm to character and residential amenity were set aside.
23/00014/FHOUSE	High Birch Farmhouse High Birch Road Weeley	Weeley	A caravan that harms a Listed Building character and agreed by the inspector, but as the Inspector concluded that the caravan was ancillary to the enjoyment of the existing dwelling and not separate, the proposal was no longer development

			and could go ahead in any event, thus allowed.
<b>23/00022/REFUSE</b>	Land Adj to Willowell Spring Valley Lane Ardleigh	Ardleigh	While this decision was allowed, it was useful in the understanding of the local plan position for holiday lets in the countryside. Matters of piecemeal development were no given weight by the inspector. A cost decision was dismissed.
<b>23/00030/REFUSE</b>	Land to rear of 8A Holland Road	Little Clacton	The dwelling proposed was allowed outside the settlement boundary contrary to policy, but the inspector considered this was not the case given the settlement boundary that surrounds three sides of the site. A cost award was also allowed on this basis and on review it remains a view that this award is unusually harsh given the position was on matters of the professional judgement.
<b>23/00034/REFUSE</b>	Land to The East of Straight Road	Bradfield	A proposal for 4 no plots for residential use by a Gypsy and Traveller family allowed. This is a detailed appeal given the nature of the proposal.

Looking at the decisions made, it is considered that on the whole the degree of weight being applied between the Inspector and the Council has been the predominate issue on subjective matters. This includes the degree of weight given to previous decisions before on the site and connections to settlements. While the local plan should be defended, there are improved arguments and consideration around access to services and character harm can should be taken away to seek improvement and reduction of allowed appeals.

At the time of writing, for planning there are 28 live appeals consisting of 25 Written Reps, 2 Householder and 1 Hearing (This does not include live Enforcement Appeals reported in the Enforcement Report).

**RECOMMENDED – That the Planning Committee notes the contents of this report.**