



Planning Management Committee – 10 May 2017

Appeal Decision Monitoring Report

Purpose of report

Update on appeal decisions from the Planning Inspectorate and an analysis of the main issues, to monitor consistency between the council's and Planning Inspectorate's decisions.

Attachment(s)

Appendix 1 - Appeal decisions from 3 April 2017 to 21 April 2017

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 3 April 2017 to 21 April 2017 and analyses the decisions made by the Planning Management Committee and officers under delegated authority. Details of costs awarded against the council (if any) are also given.

2.0 Equality and Diversity Implications

2.1 There are no equality and diversity implications arising from the proposals.

3.0 Legal Implications

3.1 There are no legal implications arising from the proposals.

4.0 Risk Management

4.1 There are no significant risks arising from the proposals.

5.0 Financial implications

5.1 There are no financial implications arising from the proposals, except for those decisions where costs have been awarded against the council.

6.0 Corporate Outcomes

6.1 The report supports priority outcomes set out in the Corporate Plan - Effective Management; and Value for Money.

6.2 The report is submitted for information.

Legal	Power: Planning and Compulsory Purchase Act 2004			
	Other considerations: None			
Background Papers: Office Files				
Person Originating Report: Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabadshaw@east-northamptonshire.gov.uk				
Date: 26 April 2017				
CFO		MO		CX
				<i>D. Oliver</i>

East Northamptonshire Council

EN Appeal Results

For Period from: 03 Apr 2017 to : 21 Apr 2017

Officer

Procedure	Case Ref. No.	Appellant	Location	Appeal Type	Date Decided	Decision
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George Russell

Informal Hearing

14/00131/PP	Kevin Goodman	Glebe Meadow Ditchford Lock Ditchford Lane	Against Enforcement Notice
Appeal against			07/04/2017 WITHEF

An Enforcement Notice was issued requiring the cessation of the unauthorised use of the land and the removal of a temporary shop and associated structures which was a requirement of a planning condition applied to a previous permission. The owner of the land exercised his right of appeal against the notice and officers considered it advantageous to withdraw the Enforcement Notice and instead to issue a Breach of Condition Notice, against which there is no right of appeal. The failure to comply with the requirements of a Breach of Condition Notice is a criminal offence.

The advantage of a Breach of Condition Notice over an Enforcement Notice in these circumstances is that the Council does not have to spend time and money defending an appeal against its notice and there is no delay in seeking compliance. The requirements of an Enforcement Notice are held in abeyance pending the outcome of an appeal and the unauthorised use may therefore continue in this time.

If an appeal against an Enforcement Notice should be dismissed the period for compliance will commence on the day that the Inspector's decision is published. This means that the use in this case could lawfully continue for a further 18 months. By withdrawing the Enforcement Notice and serving a Breach of Condition Notice instead the Council has required the unauthorised use to cease within 6 months, failing which consideration would be given to prosecuting the owner of the land.

Decided Appeals Dismissed :	0	0.00%
Decided Appeals Allowed :	0	0.00%
Decided Appeals Withdrawn :	1	100.00%
Decided Appeals Total :	1	100.00%