



Planning Management Committee – 13 March 2019

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 26 January 2019 to 27 February 2019

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 26 January to 27 February 2019 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 Privacy Impact Assessment

6.1 There are no privacy implications.

7.0 Corporate Outcomes

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

7.2 The report is submitted for information.

Legal	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
Background Papers: Office Files					
Person Originating Report: Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk					
Date: 27 February 2019					
CFO		MO		CX	

East Northamptonshire Council

DM Appeal Results

For Period from: 26 January 2019 to 27 February 2019

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided

Decision

Amie Baxter

Written Representations

17/01174/LDE Mr D Wildash - Woodland Adj Willowbrook House Nassington

Against Refusal
11/02/2019

Allowed

Proposal: The applicant's case is the land is used for forestry use, only. For this reason, the applicant considers that the siting and use of the caravan matters do not constitute a breach of planning control

The appeal was made against the Council's refusal to grant a certificate of lawful use relating to the positioning of a large caravan on a concrete slab in a wooded area on the outskirts of Fotheringhay. The Council maintained that the caravan is not considered to be of a scale which is reasonably necessary and commensurate to the hobby level forestry operation being carried out at the site. The Council also concluded that the caravan constitutes development within the meaning defined by section 55 of the Town and Country Planning Act 1990 (as amended) and would require planning permission, so is not classed as permitted development under Part 6, Class E of the General Permitted Development Order. The applicant's case was that the land is used for forestry and the use of the caravan would not constitute a breach of planning control.

The principle matters for consideration were 1) whether or not the caravan is a use of land or operational development and 2) if it is a use of land, whether the caravan siting and use amounts to development.

The Planning Inspector noted that the caravan is sited and used permanently and would be more than a *de minimus* use of the land, and that the primary use of the planning unit is for forestry. The appellant refers to the use of the caravan for purposes incidental to the forestry use for health and safety, shelter and welfare facilities for employees. There is also an office in the caravan for use by the employees/appellant. The Inspector noted that, on the basis of the evidence, these uses are incidental to the forestry use of the planning unit. The Inspector concluded that there is nothing to demonstrate the caravan is used for anything other than for purposes incidental to the forestry use of the planning unit. The Inspector was satisfied, on the evidence provided and despite there being items such as a razor/shaving foam/toothpaste in the bathroom of the caravan during her visit, that the caravan is used for purposes incidental to the primary use of the planning unit and as such does not amount to a material change of use of the land. Also, because the caravan can be disconnected from the service pipes within minutes, it would not amount to development, despite there being a permanent concrete slab in situ to accommodate the caravan.

Decided Appeals Dismissed:

0 0.00%

Decided Appeals Allowed:

1 100.00%

Decided Appeals Withdrawn:

0 0.00%

Decided Appeals Total:

1 100.00%

M Denotes Member
Decision against
Officer advice