



Planning Management Committee – 10 April 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 28 February to 26 March 2019

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 28 February to 26 March 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

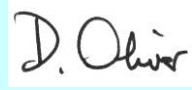
5.1 There are no financial implications arising from the proposals, except for those decisions where costs have been awarded against the council.

6.0 Privacy Impact Assessment

6.1 There are no privacy implications.

7.0 Recommendation

7.1 The Committee is recommended to note the report.

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 March 2019				
CFO		MO		CX 28/03/19
				

East Northamptonshire Council

DM Appeal Results

For Period from: 28 Feb 2019 to : 26 Mar 2019

Officer

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

Roz Johnson

Written Representations

17/01843/LDE	Mr M Pollard	42 Gretton Road, Harringworth, Corby	Against Refusal	
	Buildings have been converted to residential property more than four years		22/03/2019	Dismissed

The main issue in this appeal, was whether or not the Council's refusal to grant a certificate of lawful use / development for an existing use of the land as a self-contained residential unit with ancillary garden and parking, was well-founded.

The Inspector noted that the burden of proof is on the Appellant to show on the balance of probability that the use of the appeal building as a self-contained residential unit, and the area of land identified for use as garden and parking, took place more than four years before the date of the application and that the use has continued without material interruption since that date. The relevant date being 31 August 2013.

In dismissing the appeal, the Inspector concluded that: *'The evidence provided by the Appellant is not sufficiently precise and unambiguous, on the balance of probabilities, to discharge the onus of proof.'* She noted that it was unclear when a material change of use of the appeal building took place to form a self-contained dwelling and when the original planning unit of No 42 was subdivided into two separate units and she commented that it *'may well have taken place when No 42 was sold in April 2017 and then occupied separately.'*

A costs application was submitted by officers, as it was considered that the Appellant had acted unreasonably in submitting substantial new information at the appeal stage. However, the Inspector did not allow the costs application, as she considered that as the proposal had not been amended, it was acceptable for the additional information to be submitted.

The case has now been referred to the Planning Enforcement Team for further investigation / appropriate action.

Decided Appeals Dismissed :	1	100.00%	
Decided Appeals Allowed :	0	0.00%	M Denotes Member
Decided Appeals Withdrawn :	0	0.00%	Decision against
Decided Appeals Total :	1	100.00%	Officer advice