

7. ANNUAL REPORT ON PLANNING APPEALS 2020/21 (A.1536/AM/BJT/KH)

Purpose of Report

This report summarises the work carried out on planning appeals from 1 April 2020 to 31 March 2021.

Information on Appeals Process

In this period, 38 new appeals were received, of which 16 were still in hand as of the 1 April. During the year, 40 appeals were decided, which included some appeals that had been carried over from the previous year.

Of the total new appeals received:

- 22 - followed the written representation procedure (5 of which were Enforcement Appeals)
- 13 - followed the householder appeals procedure
- 2 - followed the public inquiry procedure (1 of which is an Enforcement Appeal)
- 1 - followed the hearing procedure (Enforcement Appeal)

Outcome of Appeals

The chart below shows the outcome of appeals over the last five years. The percentage of appeals dismissed in the year 2020/21, at 65% is higher than the previous year, although the context for this is analysed in more detail below.

	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16
DECISIONS	40	40	24	23	41	29
Allowed	14 35%	15 37%	9 38%	9.5 41%	14 34%	7 24%
Dismissed	26 65%	25 63%	15 62%	13.5 59%	27 66%	22 76%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December) for 2020/21 was 24% for householder appeals and 25% for all other appeals excluding householder.

Of the 14 appeals allowed during this period, 9.5 (68%) were dealt with by written representations, 4.5 (32%) by the householder procedure. (.5 indicates an appeal was part allowed/past dismissed)

Enforcement

During the 2020/21 period, the Public Inquiry procedure dealt with a Local Development Certificate (LDC) Appeal in March 2021 regarding The Garrett, Calver, with an Inquiry set to take place in July 2021 in connection with the Midhope Moor Track.

Householder Appeals

In the year to 31 March 2021, 13 new householder appeals were submitted. Of these 7.5 (58%) were dismissed, 3.5 (27%) were allowed and 2 (15%) were still ongoing. (.5 indicates an appeal was part allowed/past dismissed)

List of Appeals Allowed

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The following is a list of all the appeals that were allowed or partially allowed during 2020/2021.

Appeal Site	Development subject to appeal	Mode of appeal	Decision date	Delegated/committee	Main issue
Bleaklow Farm, Bramley Lane, Hassop (3238013)	Change of use of agricultural barn to 3 letting rooms	Written Representations	04/05/2020	Committee	Whether the proposal raises any highway safety concerns and the effect of the proposal on the living conditions of the residential properties within the surrounding areas with particular regard to noise and disturbance.
Home Farm, Church Lane, Rowsley (3245622)	Agricultural Building	Written Representations	02/06/2020		The main issue for the appeal is whether the proposal would preserve the special interest of the Grade II listed Holly House and The Beeches and any special archaeological interest at the site.
Carpenters Cottage, Winster	Blocking up of a door using limestone rubble and lime mortar and	Written Representations	04/06/2020	Delegated	Whether the proposal would

3246060	replace small area of floor tiles with flagstones and install an extractor fan in the bathroom				preserve the special interest of the Grade II Carpenters Cottage and any special interest the building possesses, and whether it would preserve or enhance the character or appearance of the Winsters Conservation Area.
Road bridge over River Dane, Danebridge 3246680	Installation of a commemorative plaque to the bridge parapet	Written Representations	23/06/2020	Delegated	The main issue is whether the proposal would preserve the Grade II listed Dane Bridge and any special architectural or other interest that it possesses, and whether it would preserve or enhance the character or appearance of the Danebridge and Wincle Conservation Area
Charlotte Cottage, Bradwell 3249972	Retrospective planning permission for limestone and oak timber frame porch, decking area and shed	Householder	22/07/20	Delegated	Whether the development preserves or enhances

					the Bradwell Conservation Area
Broadhay Farm, Highlow 3251761	New agricultural storage building	Written Representations	04/08/20	Delegated	Whether the proposal would be reasonably necessary for the purposes of agriculture and the effect on the landscape character of the area.
Shire Horse Barn, Macclesfield Forest 3243568	S.73 removal or variation of condition 2 on NP/CEC/0718/0600	Written Representations	05/08/20	Delegated	The main issue is the effect the proposal would have on the character and appearance of the appeal property and its setting.
76 Castleton Road, Hope 3253769	Rear 2 storey extension	Householder	11/08/20	Delegated	The main issue is the effect of the proposed development on the character and appearance of the area.
78 Castleton Road, Hope 3253768	Rear 2 storey extension and demolition and rebuild of porch	Householder	11/08/20	Delegated	The main issue is the effect of the proposed rear extension on the character and appearance of the area.

4 Bank Cottages, Hayfield 3259025	Rear facing first floor balcony with glass balustrade	Householder	03/12/20	Committee	Effect of the proposed development on the character and appearance of the area, the living conditions of the neighbouring dwellings and environmental impact with regard to carbon usage and climate change.
Field off Cliff Lane, Curbar 3262158	Relocation of horse shelter	Written Representations	28/01/21	Committee	Effect of the development on the character and appearance of the area and the wider landscape
The Lodge, Hollow Meadows 3257551	Two storey detached residential units to existing care home	Written Representations	23/02/21	Committee	Whether the proposal would represent sustainable development. The effect of the development on the character and appearance of the area and the effect of the proposal on local biodiversity.
Carpenters Cottage, Winster	Modify previously approved work to an internal first floor wall	Written Representations	03/03/21	Delegated	Effect of the works on the special

3246060	between the landing and bedroom and to retain the unplastered architectural timber member within an adjoining wall.				architectural and historic interest of the grade II listed building.
4 Mill Farm Close, Calver 3268018	Slate roof conservatory	Householder	17/03/21	Delegated	Effect of the proposal on the character and appearance of the area
Spring Croft, Grindon 3264570	Erection of an agricultural building for sheep/storage, plus access track	Written Representations	18/03/21	Committee	Effect of the proposal on the character and appearance of the Peak District landscape.

Delegation / Planning Committee

Total number of planning applications received between 1 April 2020 and 31 March 2021 was 1203 of which 679 (56%) were determined under delegated powers.

Of the 40 appeals decided:

- 31 (77%) related to applications determined under delegated powers. Of these 21 were dismissed and 10 were allowed
- 9 (23%) appeals were determined by Planning Committee. Of these 5 were dismissed and 4 were allowed

Comment

The percentage of appeals allowed in 2020/21- was lower than the previous year, at 35% rather than 37%.

Those appeals, which have been allowed, have mainly been cases where a site-specific judgment by the Inspector has been different from that of the Authority. Overall appeals allowed have been consistent with strategic policies and not fundamentally contrary to policy or which raised wider policy issues.

However, during the last quarter the Head of Planning did write to the Planning Inspectorate to express the Authority's concern over the decisions relating to proposals at The Lodge, Hollow Meadows (new residential units at a care home) and Spring Croft, Grindon (a modern agricultural building). Both involved new development in sensitive open countryside locations. Officers were concerned at the poor reasoning in the decisions in relation to the adopted development strategy and weight to be applied to landscape protection. As was noted in last year's annual report it was not anticipated that these decisions would be overturned but it is important to raise matters of weight and the statutory context for decision makers and the Authority's expectations of Inspectors to have full regard to this in their reports, in accordance with section 62 of the Environment Act 1995. The letter has been acknowledged and officers await a detailed response.

Overall such cases are very few. This is welcome and shows that the Planning Inspectorate is generally supporting the Authority's decisions and its policies.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Head of Planning sends all members a short analysis of each decision, together with the decision letter itself, when an appeal is determined.

The householder appeal service continues to be a success, allowing a quicker and simpler process and the opportunity for officers to use the delegated report as the essential evidence to defend the appeal. As there is no opportunity to provide additional information in householder appeals, this ensures that the Inspector always has the policy background clearly set out and can easily understand why in the National Park there is a greater need to conserve and enhance the special qualities of the place. To date no problems have occurred with the processing of appeals electronically.

Human Rights

The appeals procedure is consistent with human rights legislation.

RECOMMENDATION:

That the report be noted.

Background Papers (not previously published) - None

Appendices – None

Report Author, Job Title and Publication Date

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