



Date: 7th February, 2023

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 25/01/2023]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;
 - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
 - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
 - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;
a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 25/01/2023]

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 25/01/2023]

11. There are no Human Resource implications arising from the report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 25/01/2023]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 25/01/2023]

13. It is considered that there are no direct health implications although health should be considered on all decisions.

EQUALITY IMPLICATIONS [Officer Initials RR Date 25/01/2023]

14. There are no Equalities implications arising from the report.

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

17. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
21/02095/FUL	Erection of new dwelling (being resubmission of application 21/00333/FUL) (amended) at Beacon Ridge, Common Lane, Clifton, Rotherham	Appeal Dismissed 13/01/2023	Conisbrough	Delegated	No
21/03607/TEL	Proposed 5G telecoms installation: H3G Phase 8 street pole of 20 metres in height, with wrap-around cabinet, 3 further additional equipment cabinets and associated works at Tadcaster Court, Doncaster Road, Armthorpe, Doncaster	Appeal Dismissed 23/12/2022	Armthorpe	Delegated	No
22/00349/FUL	Part demolition of existing cottage, with proposed 2-storey new build 4-bed family home with parking and gardens, creation of new vehicular access. at Hawthorne Cottages, Fenwick Lane, Fenwick, Doncaster	Appeal Dismissed 12/01/2023	Norton And Askern	Delegated	No
21/03313/FUL	Change of use of land to a hand car wash (Use Class Sui Generis) including two permanent storage container structures and associated works - Part Retrospective at Land Opposite Toll Bar Primary School, Askern Road, Toll Bar, Doncaster	Appeal Dismissed 18/01/2023	Bentley	Delegated	No
19/02561/FUL	Erection of rear single storey extension, formation of roof terrace with balustrade above and increased in height of gate piers to approximately 2m (Retrospective). at 8 Auckland Road, Wheatley, Doncaster, DN2 4AG	Out of Time 18/01/2023	Town	Delegated	No

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