



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.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. 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

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

OPTIONS CONSIDERED






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




REASONS FOR RECOMMENDED OPTION

7. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Developing the skills to thrive in life and in work	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			
Comments:				

Quality planning decisions contribute to the Councils Great 8 Priorities				
 Nurturing a child and family-friendly borough	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building Transport and digital connections fit for the future	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
Fair & Inclusive	✓			
Comments: Demonstrating good governance				

LEGAL IMPLICATIONS [Officer Initials SC Date 06/09/2023]

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 06/09/2023]

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 06/09/2023]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 06/09/2023]

12. There are no technology implications arising from the report

RISK AND ASSUMPTIONS

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

CONSULTATION

14. N/A

BACKGROUND PAPERS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/00276/M	Appeal against enforcement action for alleged unauthorised erection of extension under grounds (a) at 175 South Street, Highfields, Doncaster, DN6 7JH	ENF- Appeal Dismissed, ENF Notice Upheld 14/08/2023	Adwick Le Street And Carcroft		No
22/01655/CPL	Certificate of proposed lawful development for erection of a 2m boundary fence to the north east and north west boundaries. at 2 Rectory Gardens, Wheatley, Doncaster, DN1 2JU	Appeal Dismissed 24/08/2023	Town	Delegated	No
20/00575/M	Appeal against enforcement action for alleged unauthorised	ENF-Appeal Allowed	Conisbrough		No

	installation of pallisade fencing adjacent to public footpath under grounds (a) (f) and (g) at Land Adjacent To 25, Kendal Crescent, Conisbrough, Doncaster	Subject to Correction 25/08/2023			
22/01126/FUL	Running of child-minding business from residential property (retrospective) (being variation of condition 5 of planning application 21/02966/FUL granted 10/12/2021 - change from 16 to 21 children) at 41 Lower Pasture, Finningley, Doncaster, DN9 3RF	Appeal Dismissed 14/08/2023	Finningley	Delegated	No
22/01232/FUL	Conversion of upper floors of building to create 6x apartments with associated works (resubmission of 21/03125/FUL, withdrawn on 12/01/22). at The Plant Hotel, 6 Hexthorpe Road, Hexthorpe, Doncaster	Appeal Dismissed 24/08/2023	Hexthorpe And Balby North	Delegated	No
23/00187/FUL	Erection of rear single storey extension, formation of roof terrace with balustrade above and increased in height of gate piers to approximately 2m (being resubmission of 19/02561/FUL refused 17.10.2022) (RETROSPECTIVE) at 8 Auckland Road, Wheatley, Doncaster, DN2 4AG	Appeal Dismissed 10/08/2023	Town	Delegated	No

Copies of the appeal decisions are appended to this report.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

16. N/A

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