



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 01/11/2023]

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 01/11/2023]

- 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 01/11/2023]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 01/11/2023]

- 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
21/00565/INJ	Appeal against alleged unauthorised change of use of green belt land for the creation of 4 caravan/mobile home plots under grounds A and G. at Land West Of, Peastack Lane, Tickhill, Doncaster	ENF- Appeal Dismissed, ENF Notice Upheld 04/10/2023	Tickhill And Wadworth		No
22/01034/FUL	Regularise the sale of caravans. at Bethel House, Moss Road, Moss, Doncaster	Appeal Dismissed 04/10/2023	Norton And Askern	Delegated	No

21/00321/M	Appeal against enforcement action for selling of caravans and display of advertisements under grounds (g) at Bethel House, Moss Road, Moss, Doncaster	ENF-App Dis/Upheld Sub to Correction/Var 04/10/2023	Norton And Askern		No
22/02432/FUL	Erection of a single dwelling including associated external works at Land Between 2 & 2B Devonshire Road, Intake, Doncaster, DN2 6LA	Appeal Dismissed 18/10/2023	Wheatley Hills And Intake	Delegated	No
22/02566/FUL	Erection of 2 shops with 2 flats above at 24 The Circle, New Rossington, Doncaster, DN11 0QR	Appeal Dismissed 10/10/2023	Rossington And Bawtry	Delegated	No
22/00043/FUL	Erection of two single storey terraced dwellings following demolition of existing outbuildings and conversion and extension of attached outbuilding to form third unit. at 4 St Marys Road, Wheatley, Doncaster, DN1 2NP	Appeal Dismissed 09/10/2023	Town	Delegated	No

Copies of the appeal decisions are appended to this report.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

16. N/A

REPORT AUTHOR & CONTRIBUTORS

Ian Harris, Technical Support & Improvement Officer

01302 734926 | ian.harris@doncaster.gov.uk

Dan Swaine, Director of Place