



**5 March 2024**

**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
 <b>Tackling Climate Change</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Developing the skills to thrive in life and in work</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Making Doncaster the best place to do business and create good jobs</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Building opportunities for healthier, happier and longer lives for all</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>	✓			

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

## LEGAL IMPLICATIONS [Officer Initials AH Date 21/02/2024]

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 21/02/2024]**

- 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 21/02/2024]**

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

**TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 21/02/2024]**

- 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
21/02867/FULM	Erection of stables and change of use of field to equestrian use (Amended plans - change of access and design of stable block as well as the addition of a perimeter fence.) at Land On The North Side Of, Bawtry Road, Finningley, Doncaster	Appeal Dismissed 08/02/2024	Finningley	Committee	YES
23/00711/TEL	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets. at Grass Verge, Barnsley Road, Scawsby, Doncaster	Appeal Dismissed 02/02/2024	Roman Ridge	Delegated	NO

23/01222/FUL	Creation of a new vehicular access at the rear with a 4x6m driveway and installation of a sliding gate. at 1 Mallin Drive, Edlington, Doncaster, DN12 1HB	Appeal Dismissed 13/02/2024	Edlington And Warmsworth	Delegated	NO
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Copies of the appeal decisions are appended to this report.

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

16. N/A

## **REPORT AUTHOR & CONTRIBUTORS**

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