

APPEALS SECTION

(a) NEW APPEALS

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd

WRITTEN REPRESENTATIONS

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd

WRITTEN REPRESENTATIONS

POTTER HEIGHAM - PO/18/1402 - Erection of detached bungalow and garage - outline (details of appearance reserved); White Gables, Dove House Lane, Potter Heigham, Great Yarmouth, NR29 5LJ for Mrs Elam

WRITTEN REPRESENTATIONS

(b) INQUIRIES AND HEARINGS - PROGRESS

None.

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd

HINDOLVESTON - PO/18/1436 - Outline application for the erection of 2no. dwellings (All Matters Reserved); The Mill House, Foulsham Road, Hindolveston, Dereham, NR20 5BY for Mrs Ellis

HOLT - PF/18/0513 - Construction of 2 No. single storey detached dwellings and use of existing access; The Grove, Cromer Road, Holt for Mr Storey

HOVETON - PF/18/1848 - Single storey extension to side/rear and replacement roof to allow for accommodation with the roof space; Flamingo Cottage, 15 Church Road, Hoveton, Norwich, NR12 8UG for NGS Civil Engineer & Technician Services

HOVETON - PF/18/2202 - Erection of rear single storey extension, creation of front first floor extension, demolish existing garage and erection of garage with annexe accommodation above; Windborne, 21 Stalham Road, Hoveton, Norwich, NR12 8DJ for Mr Webster

NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater

PUDDING NORTON - PF/18/0331 - Erection of two single storey dwellings (affordable housing); Adjacent to 1-4 Green Lane, Pudding Norton, Fakenham, Norfolk, NR21 7LT for Mr Tevenan

THORPE MARKET - PU/18/0842 - Notification for prior approval for proposed change of use of agricultural building to 4 dwellinghouses (Class C3) and for associated operational development; Ash Tree Lodge, Church Road, Thorpe Market, NORWICH, NR11 8UA for Mr E Morgan -Evans

HAPPISBURGH - ENF/18/0069 - Land being used for siting a caravan for residential purposes; 17 Rollesby Way, Happisburgh

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham NR29 5LZ for Mr & Mrs Lawn

APPEAL DECISION:- **APPEAL DISMISSED**

SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green

APPEAL DECISION:- **APPEAL DISMISSED**

WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis

APPEAL DECISION:- **APPEAL ALLOWED**

Summaries of the above decisions will be reported to the next meeting.

(e) **COURT CASES - PROGRESS AND RESULTS**

BODHAM - PF/14/0925 - Erection of wind turbine with a hub height of 40m and blade tip height of 66m with associated substation buildings, access tracks and crane hardstanding; Land at Pond Farm, New Road, Bodham, Holt, NR25 6PP

Conjoined appeal with

SELBRIGG – PF/14/1669 - Installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hardstanding, a small substation building, a temporary meteorological mast and associated infrastructure; Selbrigg Farm, Kelling Road, Hempstead, Holt, NR25 6NF

Latest position: The above cases are currently awaiting a decision regarding an application made in Oct/Nov 2018 to appeal to the Court of Appeal.

Given that new members have been elected to the Council since the last update on these cases I have attached a short summary of the history.

Both applications were separately refused by the Development Committee by reason of heritage impacts and landscape harm in 2015. Both applicants appealed the Council's decisions. Given the relative proximity between the two proposals affecting similar heritage assets and landscape a conjoined appeal (Public Inquiry) was held over five days in Nov/Dec 2016. The Planning Inspector (Mr Braithwaite) subsequently allowed both appeals in March 2017. The Council challenged the lawfulness of those decisions by the Planning Inspectorate and, by way of a consent order dated 24 May 2017, the decisions were quashed and remitted for redetermination by the Planning Inspectorate.

The new Planning Inspector concluded that the two appeals could be re-determined using the written representation process rather than holding another Public Inquiry. The Council challenged the Inspectorate's decision not to re-hear the appeals as a Public Inquiry and lodged a legal challenge with the High Court. This was heard in July 2018 and after hearing evidence from both sides, and despite the judge finding that the Planning Inspectorate's decisions, for the most part, were not expressed within the right framework, Mr Justice Ouseley found in favour of the Planning Inspectorate and concluded that the decision to re-determine the appeals by written representation procedure is lawful.

In August 2018 the Council applied for permission to appeal Mr Justice Ouseley's decision which was refused. In October 2018 the Council made an application to the Court of Appeal to appeal Mr Justice Ouseley's decision. A decision on the Council's application for permission to appeal is currently awaited.