

**PLANNING AND REGULATORY COMMITTEE – 18 JANUARY 2023  
REPORT OF THE DIRECTOR OF PLACE**

**A - PLANNING APPEAL DECISIONS**

1. Enforcement Number 21/00106/UAW

**Site: Broadoak House, Broadoak Hill, Dundry**

Description: Without planning permission, the material change of use of land to a use as residential garden, including the construction of an enclosed sports pitch with access steps and the regrading of the land.

Recommendation: Enforcement Notice

**Appeal Dismissed 5 Dec 2022**

Type of appeal: Written Representation

Officer: Chris Joannou

Appellant: Mr Tony Barry and Mrs Tammy Barry

The main issues that were identified by the Planning Inspector were 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; 2) the effect of the proposal on the openness of the Green Belt; 3) the effect of the proposal on the character and appearance of the area; and 4) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

2. Planning Application Number 21/P/1820/LDE

**Site: Orchard Lodge, Brinsea Batch, Congresbury**

Description: Certificate of Lawfulness for the existing use as a residential dwelling without compliance with the agricultural occupancy condition.

Recommendation: Refused

**Appeal Dismissed 6 Dec 2022**

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: Mrs Sheila Stuckey

The main issue that was identified by the Planning Inspector was whether the authority's decision to refuse to grant an LDC was well-founded. This turns on whether the appellant can show, on the balance of probabilities, that the relevant occupancy condition has been

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continuously breached for a period of 10 years prior to the date of the application for the LDC, such that the application of that condition would no longer be lawful.

3. Planning Application Number 21/P/3522/FUL

**Site: Chicken Barn, Cedar Farm, Wick Road, Wick St Lawrence**

Description: Demolition of existing agricultural building and the erection of 2no. dwellings and associated carports

Recommendation: Refused

**Appeal Dismissed 20 Dec 2022**

Type of appeal: Written Representation

Officer: Ellena Fletcher

Appellant: Mrs A Jacobsen

The main issues that were identified by the Planning Inspector were 1) whether the proposal has adequately addressed flood risk; 2) whether the location of the proposed development would be acceptable with regard to development plan policy; and 3) the effect of the proposal on the character and appearance of the area.

**B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE**

1. Planning Application Number 22/P/0912/FUH

**Site: 7 Bruton Close, Nailsea**

Description: Erection of first floor extension over existing garage, plus a two storey front extension.

Date of Appeal: 12 Dec 2022

Type of appeal: Fast Track Appeal

Case Officer: Charles Cooksley

Appellant: Mr Tom Densley

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2. Planning Application Number 22/P/0599/FUL

**Site: Garage to the rear of 35 Swiss Road, Weston-super-Mare**

Description: Change of use from commercial car repair garage (Use Class B2 ) to 1no. dwelling (Use Class C3). Work to include demolition of single storey building and creation of a first floor within existing building.

Date of Appeal: 16 Dec 2022

Type of appeal: Written Representation

Case Officer: Ellena Fletcher

Appellant: Mr Ben Whitcombe

**C- INQUIRIES/HEARINGS DATES AND VENUES**

None

**Summary Performance April 22 – March 23**

Appeals received 31

Appeals decided 39

Appeals dismissed 31

Percentage dismissed of appeals decided 79.5%

**Appeals Allowed April 22 – March 23**

Delegated Decision 7

Committee Decision 1

**Costs awarded against the Council**

Delegated Decision: 0

Committee decision: 0

Total: 0

**Costs awarded to the Council**

Delegated Decision: 0