

**TITLE OF REPORT:** Planning Appeals

**REPORT OF:** Anneliese Hutchinson, Service Director, Climate Change, Compliance, Planning and Transport

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### **Purpose of the Report**

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

### **New Appeals**

2. There have been **no** new appeals lodged since the last committee.

### **Appeal Decisions**

3. There have been **four** new appeal decisions received since the last Committee:

DC/22/00900/FUL - The Cottage, 18 Talbot Terrace, Birtley, DH3 2PQ  
 Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).

This was a delegated decision refused on 13 December 2022

Appeal dismissed 7 September 2023

DC/22/01187/FUL - Jack And Jo's Nursery Garden, Middle Hedgefield Farm, Stella Road, Ryton, Gateshead NE21 4NN

Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023).

This was a committee decision refused on 24 May 2023

Appeal withdrawn 18 September 2023

DC/23/00157/FUL - Site West Of Worley Avenue / South Of Earls Drive  
 Earls Drive (Opposite Numbers 50-60), Low Fell, Gateshead, NE9 6AA

Use as residential amenity and garden land with construction of a driveway and a single residential outbuilding / garage for the storage of vehicles and residential paraphernalia, with the felling of 8 trees, the replacement planting of 8 trees and new boundary hedgerow.

This was a committee decision refused on 19 May 2023

Appeal dismissed 15 September 2023

DC/23/00331/HHA - 12 Long Bank, Gateshead, NE9 7HE  
Retrospective planning permission to Remove and replace rear garden boundary 15-metre-long, 1.5-metre-high timber fence with an incorporated double gate and posts with a 15-metre-long timber fence, at 1.8 metre high, with an incorporated single gate and posts.

This is an appeal against non-determination.  
Appeal allowed 13 September 2023

### **Appeal Costs**

4. There have been **no** appeal cost decisions.

### **Outstanding Appeals**

5. Details of outstanding appeals can be found in **Appendix 3**.

### **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and  
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3.

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



## APPENDIX 3

## OUTSTANDING APPEALS

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/22/00900/FUL	The Cottage 18 Talbot Terrace Birtley Central Birtley Gateshead DH3 2PQ	Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).	Written	Appeal dismissed
DC/22/01187/FUL	Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton Gateshead NE21 4NN	Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023).	N/A	Appeal withdrawn
DC/22/01226/FUL	Land To The Rear Of 2 Ashfield Road Newcastle Upon Tyne NE16 4PL	Erection of Dutch Bungalow on land to the rear of 2 Ashfield Road with access from Whaggs Lane.	Written	Appeal in Progress

DC/22/01392/CDPA	The Glasses Factory, 32 Wesley Court, Blaydon, NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of first floor commercial unit to create 4 flats - mix of 1 and 2 bed.	Written	Appeal in Progress
DC/23/00148/ODPA	Shoefayre Ltd 4 Wesley Court Blaydon NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of vacant first floor Class E premises to C3 residential (2no. 1 bedroom flats).	Written	Appeal in Progress
DC/23/00157/FUL	<b>Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 50-60) Low Fell Gateshead Borough NE9 6AA</b>	<b>Use as residential amenity and garden land with construction of a driveway and a single residential outbuilding / garage for the storage of vehicles and residential paraphernalia, with the felling of 8 trees, the replacement planting of 8 trees and new boundary hedgerow.</b>	Written	<b>Appeal dismissed</b>
DC/23/00331/HHA	<b>12 Long Bank Gateshead NE9 7HE</b>	<b>Retrospective planning permission to Remove and replace rear garden boundary 15-metre-long, 1.5-metre-high timber fence with an incorporated double gate and posts with a 15-metre-long timber fence, at 1.8 metre high, with an incorporated single gate and posts.</b>	Written	<b>Appeal allowed</b>