

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 05 November 2022 and 31 December 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/02721/FHA</a>	D/22/3310774	Green Bank, Gossoms End, Berkhamsted	Householder
2	<a href="#">22/02159/FHA</a>	D/22/3311270	The Old Stables, Delmer End Lane, Flamstead	Householder
3	<a href="#">22/02737/FUL</a>	W/22/3313021	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
4	<a href="#">22/02738/FUL</a>	W/22/3313023	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
5	<a href="#">22/00897/FUL</a>	W/22/3313055	Land at Chenies Court, Hemel Hempstead	Written Representations
6	<a href="#">22/01347/FHA</a>	D/22/3313973	Lower Farm End, Luton Road, Markyate	Householder
7	<a href="#">22/02563/FHA</a>	D/22/3313976	147 George Street, Berkhamsted	Householder

### 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 05 November 2022 and 31 December 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">21/04223/RET</a>	W/22/3294517	Land at Berry Farm, UBEL, Bovington	Written Representations
	<b>Date of Decision:</b>		16/11/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294517">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294517</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The containers and fencing have been placed and erected on the site, and the appeal has been considered on this basis.</p> <p>The buildings are used for the storage of equipment, feed and materials, basic daytime catering facilities and the keeping of hay/straw. One unit was laid out with straw to accommodate pigs. However, the need for storage areas for equipment and materials would not be great given the small size of the site.</p>			

<p>There were less than 10 pigs present on my site visit whilst in the previous appeal, there were 15 pigs present. The numbers of pigs only represent snapshots in time but the size of the site would significantly restrict the number of possible pigs, and the Council has indicated that the species of pig breed present would require only a very small amount of daily feed. Moreover, the use of a metal storage container, with domestic sized entry/exit doors, as an animal shelter for 6 female pigs, is not persuasive justification that the buildings are agricultural.</p> <p>For all these reasons, the size, design and steel construction of the buildings are unjustified in relation to agricultural use and therefore, it has not been demonstrated that the buildings are agricultural. Consequently, they represent inappropriate development.</p> <p>The buildings would be of a single storey scale and would cover an area of approximately 88m<sup>2</sup> in an open location where there was previously no building development, and fencing, comprising timber posts with wire fencing. The resultant loss of openness would be visual as well as spatial, and in isolation, there would be a small harmful loss of openness within the Green Belt.</p> <p>The buildings appear modular in design with their single storey rectangular shapes and flat roofs. The timber cladding and recent application of a green roof material do little to ameliorate their stark utilitarian and bulky impact, and resultant incongruity in this rural area. As such, the buildings harm the intrinsic character and beauty of the countryside.</p> <p>The scheme represents inappropriate development harming the Green Belt and harms the character and appearance of the area in conflict with Green Belt, design and landscape character policies of the CS. The economic benefits are limited and therefore, there would be a conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">21/02331/FUL</a>	W/22/3290318	Land Off, Cupid Green Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			18/11/2022	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290318">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290318</a>	
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is erection of a polytunnel, agricultural storage building, livestock shed, a chicken coup and associated works.</p> <p>The proposed 'livestock shed' is described for storage. However, there is no reference to any animals other than chickens on the appeal site which are to be kept in the chicken coop. Therefore, there is uncertainty over the use of this building for agriculture. More significantly, although the agricultural storage barn is intended for storage in connection with the horticultural enterprise, part</p>				

<p>of this building would incorporate a carpentry workshop. Irrespective of the carpentry being for agricultural and farm related structures, and the appellant's company registration, referring to 'Mixed farming'. This does not fall within the above definition of 'agriculture'. Therefore, this building would not be exclusively for agriculture and does not fall within the exception under of Paragraph 149 (a) of the Framework.</p> <p>On the information before me, the appeal site was historically an open field and the proposed buildings would be sited within a relatively open part of the site, almost at the head of the shared drive. Even though the proposed development would be flanked by previously approved buildings on two sides, collectively, the proposed buildings because of their footprints and scale would have an erosive effect on the visual and spatial openness of the Green Belt.</p> <p>The proposal would support the diversification of the rural economy, whilst also enabling some agricultural activity on the site. However, given the harm to the Green Belt this would not be consistent with the principles of sustainable development. Therefore, the proposal and any benefits arising from this are only afforded moderate weight.</p> <p>Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">21/03283/FUL</a>	W/22/3297409	The New Forge, Maple Farm, Shantock Lane, Bovingdon	Written Representations
<b>Date of Decision:</b>			22/11/2022	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297409">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297409</a>	
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described as "redevelopment of the site to provide 5 detached dwellings".</p> <p>The main parties agree that the appeal site comprises previously developed land. The concern is therefore whether the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. The main parties have used different methods of calculating the comparative size of the existing and proposed buildings. However, both sets of figures indicate that the proposed dwellings would have a greater overall size when compared to the existing buildings on site. Furthermore, other than the existing bungalow, the proposed dwellings would have a greater overall height than the existing outbuildings.</p> <p>Whilst the area of the site covered by timber and some machinery is large, its height is predominantly low in level and is not highly visible from the surrounding area. In contrast, the scale and height of the built form in these areas would increase considerably with the construction of the dwellings, which would be prominent from the surrounding area.</p>				

The area covered by the timber would be consolidated, however, the proposal would not result in these areas being completely free from development. Instead, the land would be subdivided by boundary treatments and utilised as gardens which would likely contain such items as occupiers' vehicles, garden sheds and other domestic paraphernalia. Furthermore, some of the gardens would be located in parts of the site that are currently free from development. In addition, the scale and spread of the proposed development across the appeal site would be clearly discernible from public views, particularly from Shantock Lane and Leyhill Road.

For these reasons, the proposed development would have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development and therefore it would comprise inappropriate development in the Green Belt.

The proposed development would comprise a group of five dwellings arranged around a cul-de-sac. Four of the dwellings would have a similar L-shaped appearance, whilst the fifth would have an elongated design. All would comprise bungalows with a steeply pitched roof which appears top heavy and disproportionate in scale to the ground floor elevations. The dwellings would have the appearance of a modern suburban housing development. The dwellings' similar design and suburban layout would be in stark contrast to the sporadic and diverse character and appearance of the existing dwellings in the surrounding area, which would be visible from both Shantock Lane and Leyhill Road. For these reasons, the proposed development would harm the character and appearance of the surrounding area.

The provision of five dwellings weighs in favour of the scheme, albeit it would only result in a net increase of two dwellings above a recently approved scheme for three dwellings<sup>2</sup>. This would make a contribution, albeit moderate, to the Government's objective of significantly boosting the supply of new homes. The proposal would also provide a limited amount of short-term employment through the construction of the development, although the scale of the benefit would be reduced due to the site already having approval for the construction of three dwellings. These benefits therefore carry moderate weight in favour of the scheme.

Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">21/02763/FUL</a>	W/21/3287876	Burleigh, New Road, Chipperfield	Written Representations
	<b>Date of Decision:</b>		22/11/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287876">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287876</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is change of use of existing outbuilding and conversion to a detached two bedroom dwelling.</p> <p>The Council state that the proposal would not compromise the openness of the Green Belt. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with the guidance set down in the Framework on this matter.</p> <p>The proposal would sub-divide the original plot for Burleigh and introduce sizeable areas of hardstanding for car parking, turning and access. In combination with the additional boundary treatments to demarcate these areas, this would have the effect of compartmentalising the garden into areas notably smaller than those found within the surrounding area.</p> <p>I acknowledge that the location of the structure at the lower part of the rear garden would not be easily seen from surrounding properties, and there would be only minor alterations to the appearance of this building. I also note that the roof form, height and palette of materials would be consistent with surrounding dwellings and the existing boundary landscaping would be retained. Nonetheless, the dwelling, along with its associated access, parking and turning areas and boundary treatment, would be apparent in views from the road, where its siting and scale would appear discordant and unrelated to the form, scale and layout of dwellings in the area and the spacious character of the surrounding area. Accordingly, I find that the proposal would diminish the feeling of spaciousness and disrupt the well-ordered prevailing pattern of development resulting in harm to the character and appearance of the area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">21/04401/FUL</a>	W/22/3298236	1 The Orchard, Kings Langley	Written Representations
	<b>Date of Decision:</b>		29/11/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298236">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3298236</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is extension of existing dwelling to split into 4 dwellings.</p> <p>The proposal would result in the extension of the existing dwelling to form 4 dwellings. Amenity space for 2 of the units (dwellings C and D) would be located to the rear and amenity space for dwellings A and B would be to the front, in line with front gardens in this part of The Orchard. This would result in</p>			

the subdivision of the original plot, compartmentalising the space into areas notably smaller than those found within the surrounding area, as evidenced on the submitted site location plan. This would be particularly apparent at the front of the property, where proposed levels of boundary treatment and the siting of private amenity space to the front would be at odds with the open character of the surrounding area. Furthermore, whilst boundary treatment could screen domestic paraphernalia, as a consequence of the site's prominent location on a corner plot, it would likely dominate the appeal site and surrounding area and would fail to integrate with the existing green and spacious streetscape character.

The limited separation between the parking area and the entrances to dwellings C and D would appear cramped and contrived and would fail to integrate with the spacious character of the surrounding area.

The Council states that the existing permissions would not result in the subdivision of the site into 4 dwellings with associated boundary treatments and the associated effect on the character and appearance of the surrounding area. Based on the information before me, it would be unlikely that a single or 2 dwellings would subdivide the amenity space as is proposed. This proposal, with its separate front doors and amenity spaces demarked by boundary treatment, would be clearly identifiable as 4 dwellings, the layout of which would be at odds with the spacious character of the surrounding area. Therefore, if any of the alternative fallback schemes were implemented, they would be less harmful to the character and appearance of the area. I therefore give limited weight to these decisions.

The appeal site adjoins the Kings Langley CA and Church House, a grade II listed building. There is no dispute between the main parties that these could be implemented resulting in a similar, or greater, built form and that there would seem a greater than theoretical possibility that this alternative would take place. Consequently, I agree with the Council's assessment that the harm to these heritage assets would be less than substantial. There would be economic benefits during construction and the proposal would result in 3 additional dwellings, to which I attach moderate weight. Nevertheless, heritage assets are an irreplaceable resource. Overall, I do not consider that collectively the public benefits are sufficient to outweigh the great weight that I must attach to the less than substantial harm caused to the designated heritage assets.

Whilst I have found that the proposal would provide adequate amenity space for the occupiers of dwellings A and B, for the foregoing reasons the proposal would fail to provide satisfactory amenity space provision for the occupiers of dwellings C and D and a satisfactory internal living environment for the occupiers of all dwellings, contrary to those aims of Saved Appendix 3 of the LP that seek, amongst other matters, to ensure that development provides appropriate open space. I also find conflict with paragraph 130 of the Framework which requires that places are designed with a high standard of amenity for future users.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">21/03489/FUL</a>	W/21/3289930	Land r/o 9 Chambersbury Lane, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		01/12/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3289930">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3289930</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a detached bungalow.</p> <p>The proposed private amenity space would be to the side of the new bungalow and directly behind No 9. Established planting to the common boundary with No 9 would be allowed to grow to an increased height, measuring approximately 2.9m height. There would be fencing along this boundary as well. However, the first floor windows of No 9 would be elevated above the garden and there is no guarantee that the vegetation would remain in perpetuity. There can be any number of reasons that vegetation disappears, for instance, disease, storm or accidental damage. As such, there would be significant overlooking of the garden of the dwelling. The proposal would result in a significant loss of privacy for the future occupiers of the dwellings, having regard to the amenity space, and would fail to secure high standards of residential amenity.</p> <p>[In respect of the Chilterns Beechwoods SAC] No mitigation has been put forward by the appellants. On this basis, there would not be compliance with conditions, or other restrictions, such as a planning obligation, that enable it to be ascertained that the proposal would not adversely affect the integrity of the SAC.</p> <p>Two off-street car parking spaces would be positioned in tandem and parallel to the road at Mill Close. The Highway Authority advised that insufficient detail has been provided in relation to these arrangements and as such, vehicular access would be unacceptable on highway safety grounds. However, the development would be within a residential estate, where traffic speeds would be low. Within this environment, visibility impaired by parked vehicles and any neighbouring retaining walls would encourage safe access entry/exit. For all these reasons, the development should not be refused on unacceptable impact on highway safety.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">4/02356/19/FUL</a>	W/21/3285827	21/21A High Street, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		16/12/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3285827">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3285827</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a change of use on ground floor from A1 shops to A3 restaurant and cafes and addition of first and second floors, loft conversion including dormers to create 3 dwellings.</p>			

	<p>The new roof slope would recede away from No.23. Nevertheless, the substantial increase in height and length of the extended building, and its close proximity, would seriously foreshorten and severely restrict views from all of these habitable room windows in the flats, especially the ground floor. This would be overbearing and unduly oppressive. [The ground floor bedroom] would fail the BRE daylight distribution and winter sunlight hours standards. It is the only bedroom in this flat but it could be used for other domestic activity during the day or evening. A significant part of this room would be unacceptably gloomy for a substantial proportion of the day and year. Such use of it would be over-reliant on artificial lighting. I find that the proposal would cause significant harm to the living conditions of the existing occupants of ground and first floor flats at the rear of No.23 High Street with regard to outlook and in the ground floor flat with regard to natural light to a bedroom.</p> <p>Based on the evidence before me, as the competent authority in this appeal I am unable to undertake an appropriate assessment, which would also necessitate consultation with NE. In turn, I cannot be certain that the proposal would not harm the nature conservation interests of the SAC. In these circumstances I find that the proposal would adversely affect the integrity of the SAC.</p> <p>Car ownership would be a matter for future occupants in deciding whether living in the flats would meet their needs. Notwithstanding the provisions of Class E (change from a shop to a restaurant or café is not development that requires planning permission) there is no compelling evidence that the proposal would not function effectively with no off-street parking or that customers would be unduly disadvantaged. This would be consistent with aims of the Council to reduce parking provision and encourage lower car ownership in the most accessible, higher density locations. The marginal distance of the site beyond Accessibility Zone 1 is not significant in this case and the proposal is for conversion and extension on a constrained, historic built-up site. A flexible approach is justified in this case. I find that it would not be necessary for the proposal to provide off-street car parking.</p>
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### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 05 November 2022 and 31 December 2022.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">21/04454/ROC</a>	W/22/3296561	Barn A, Birch Lane, Flaunden	Written Representations
	<b>Date of Decision:</b>		25/11/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296561">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296561</a>			
	<b>Inspector's Key conclusions:</b>			
	Planning permission for the conversion and alteration of the barn into two dwellings included a condition (condition 3) that required the development to			

be constructed of materials that were specified in the application form submitted with an earlier planning approval. The application form specified that the exterior walls would be vertical timber cladding painted black. The development has been completed without complying with the requirements of condition 3 and instead has been constructed using horizontal timber cladding painted black.

From my site visit, I did not see any examples of buildings constructed of vertical timber boarding within the CA and therefore vertical timber boarding is not a feature of the CA. The appellant has directed me to a planning approval for four dwellings at Sharlowes Farm, Flaunden, which is also within the CA. The Council has discharged the materials for this development, which includes horizontal feather edged treated weatherboarding in a dark stained finish. The new dwellings at Sharlowes Farm are close to a traditional barn constructed of horizontal timber cladding and sited within the former farmstead. I have been provided evidence that, in that instance, the Conservation Officer concluded that the materials were acceptable and would preserve the character and appearance of the CA. Furthermore, the appellant has directed me to an earlier approval for the conversion of the appeal building in which horizontal timber cladding was approved to be used on the exterior walls.

The use of horizontal boarding does not result in harm to the character, appearance of the area. The material would not harm the setting of the CA or therefore by extension the significance of the CA itself. Therefore, I conclude that the condition is not reasonable or necessary in the interests of the character and appearance of the existing building and the surrounding area, including the CA.

## **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 05 November 2022 and 31 December 2022.

**None.**

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 05 November 2022 and 31 December 2022.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/21/00302/NPP</a>	C/22/3311899	45 Lawn Lane, Hemel Hempstead	Written Representations

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 05 November 2022 and 31 December 2022.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 05 November 2022 and 31 December 2022.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 05 November 2022 and 31 December 2022.

**None.**

## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 31 December 2022).

<b>APPEALS LODGED IN 2022</b>	
PLANNING APPEALS LODGED	67
ENFORCEMENT APPEALS LODGED	3
TOTAL APPEALS LODGED	70

<b>APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	76	100
APPEALS DISMISSED	56	73.7
APPEALS ALLOWED	17	22.4
APPEALS PART ALLOWED / PART DISMISSED	2	2.6
APPEALS WITHDRAWN	1	1.3

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2022</b>		
Total	56	100
Non-determination	1	1.8
Delegated	48	85.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	7	12.5

<b>APPEALS ALLOWED IN 2022</b>	<b>TOTAL</b>	<b>%</b>
Total	17	100
Non-determination	0	0
Delegated	15	88.2
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	2	11.8

## 6.10 UPCOMING HEARINGS

None.

## 6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">E/21/00041/NPP</a>	C/22/3290614	The Old Oak, Hogpits Bottom Flaunden	tbc
2	<a href="#">21/04770/FUL</a>	W/22/3309745	Hamberlins Farm, Hamberlins Lane, Northchurch	tbc
3	<a href="#">22/01187/MOA</a>	W/22/3309923	Land East of Tring	13.03.23 (scheduled for 16 days)

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 05 November 2022 and 31 December 2022.

None.

## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 05 November 2022 and 31 December 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">21/04454/ROC</a>	W/22/3296561	Barn A, Birch Lane, Flaunden	Written Representations
	<b>Date of Decision:</b>		25/11/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296561">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296561</a>			
	<b>Inspector's Key conclusions:</b>			
	The application relies on the fact that the reason for refusal was not supported by evidence; that the Council had previously approved the use of the same material on the same building and therefore the Council was being inconsistent			

in refusing its use; that the Council did not refute the appellant's evidence in respect of the document, Historic England's "Best Practice Guidelines for Adaptive Re-Use" (the document); and that the Council failed to categorise the building correctly.

The reason for refusal set out in the decision notice is complete, precise, specific, and relevant to the application. It also clearly states the policies of the Dacorum Borough Core Strategy 2006-2031 (2013) and the Dacorum Borough Local Plan 1991-2011 (2004) that the development would conflict with. This reason has been adequately substantiated by the Council in its Officer Report, which details how the Council considers the development would result in harm to the character and appearance of the Flaunden Conservation Area.

The acceptability or otherwise of a proposed material on a particular building, in the context of other buildings as well as the Conservation Area, is a matter of subjective judgement. The Council was entitled to come to the view that the use of horizontal boarding would not be acceptable. Although it can be seen from my decision that I do not share the Council's view, this does not constitute unreasonable behaviour on behalf of the Council.

The Council's description of the appeal building may not have been precise however, it was clear that the Council considered the building to be a modern structure rather than a traditional barn, and it was on this basis that they considered the material to be unsuitable. Therefore, it did not amount to any unnecessary cost to the appellant in deciding to lodge an appeal.

Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, rather they arrived at a different conclusion than I have arrived at, which is not a basis for unreasonable behaviour. Therefore, the appeal could not have been avoided. I have found that the Council had legitimate subjective concerns about the impact of the development, which justified its decision. The appellant had to address these concerns in any event.

## 6.14 FURTHER SUMMARY OF APPEALS IN 2022

<b>APPEALS LODGED IN 2022</b>	<b>TOTAL</b>	<b>% OF TOTAL</b>
HOUSEHOLDER	35	50
MINOR	23	32.8
MAJOR	2	2.9
LISTED BUILDING	1	1.4
CONDITIONS	3	4.3
TELECOMMUNICATIONS	1	1.4
LAWFUL DEVELOPMENT CERTIFICATE	1	1.4
PERMISSION IN PRINCIPLE	1	1.4
ENFORCEMENT	3	4.3
<b>TOTAL APPEALS LODGED</b>	<b>70</b>	<b>100</b>

<b>APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
HOUSEHOLDER	26	34.2
MINOR	37	48.7
MAJOR	2	2.6
LISTED BUILDING	2	2.6
CONDITIONS	3	3.9
PRIOR APPROVAL	2	2.6
ENFORCEMENT	4	5.2
<b>TOTAL APPEALS DECIDED</b>	<b>76</b>	<b>100</b>

<b>HOUSEHOLDER APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
DISMISSED	15	57.7
ALLOWED	10	38.5
PART ALLOWED / PART DISMISSED	1	3.8
WITHDRAWN	0	0
<b>TOTAL HOUSEHOLDER APPEALS DECIDED</b>	<b>26</b>	<b>100</b>

<b>MINOR APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
DISMISSED	32	86.5
ALLOWED	3	8.1
PART ALLOWED / PART DISMISSED	1	2.7
WITHDRAWN	1	2.7
<b>TOTAL MINOR APPEALS DECIDED</b>	<b>37</b>	<b>100</b>

<b>MAJOR APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
DISMISSED	2	100
ALLOWED	0	0
PART ALLOWED / PART DISMISSED	0	0
WITHDRAWN	0	0
<b>TOTAL MAJOR APPEALS DECIDED</b>	<b>2</b>	<b>100</b>

<b>ENFORCEMENT APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
DISMISSED	3	75
ALLOWED	1	25
PART ALLOWED / PART DISMISSED	0	0
WITHDRAWN	0	0
<b>TOTAL ENFORCEMENT APPEALS DECIDED</b>	<b>4</b>	<b>100</b>

<b>COSTS APPLICATIONS AGAINST COUNCIL DECIDED IN 2022</b>	<b>TOTAL</b>	<b>%</b>
REFUSED	5	100
GRANTED	0	0
WITHDRAWN	0	0
<b>TOTAL COSTS APPLICATIONS DECIDED</b>	<b>5</b>	<b>100</b>