

22 August 2017

Committee	Planning
Date	Thursday, 31 August 2017
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 16

To approve the Minutes of the meeting held on 1 August 2017.

5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

(a) Schedule

To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".

6. DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

To note the following decisions of Gloucestershire County Council:

Site/Development	Decision
17/00559/CM Gloucester North Community Fire Station Cheltenham Road East Churchdown	Application PERMITTED subject to conditions relating to the commencement of the development and scope of the development.
Variation of Condition 2 – Scope of Development on Planning Consent 15/0098/TWREG3 [Erection of a training tower], dated 22/12/2016 in order to relocate the training tower.	
17/00036/LA3 Woodmancote Primary School Station Road Bishop's Cleeve	Application PERMITTED subject to conditions relating to the scope of the development; soft landscaping; lighting; and tree works.
Variation of condition 3 (revision to elevation drawing from the previously submitted drawing 5092-P-600 with drawing number 5092-W-701G) relating to planning consent 15/0069/TWREG3 dated 04/09/2015.	

17/00228/CM
Long Meadow Farm
Stoke Road
Stoke Orchard

Retrospective change of use of an agricultural barn (part of) to a waste transfer operation (sui generis).

Application **PERMITTED** subject to conditions relating to the commencement of the development; scope of the development; permitted development; hours of working; vehicular access and highway safety; waste management; and drainage.

7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

17 - 24

To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.

DATE OF NEXT MEETING

TUESDAY, 26 SEPTEMBER 2017

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, R Furolo, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman, D J Waters and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 1 August 2017 commencing
at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R E Allen (Substitute for J R Mason), P W Awford (Substitute for D T Foyle), Mrs G F Blackwell, D M M Davies, M Dean, R Furolo, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, Mrs A Hollaway, Mrs E J MacTiernan, A S Reece, T A Spencer, Mrs P E Stokes, H A E Turbyfield (Substitute for P D Surman), D J Waters and P N Workman

PL.15 ANNOUNCEMENTS

- 15.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 15.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 16.1 Apologies for absence were received from Councillors D T Foyle, J R Mason and P D Surman. Councillors R E Allen, P W Awford and H A E Turbyfield would be acting as substitutes for the meeting.

PL.17 DECLARATIONS OF INTEREST

- 17.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

17.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	17/00396/FUL Land Adjacent Duglynch Lane, Gretton.	The curtilage of his property is in close proximity to the application site so he could be construed as having a prejudicial interest.	Would not speak or vote and would leave the Chamber for the consideration of this item.
P W Awford	17/00515/FUL Field Number 5588, Deerhurst Road, Apperley.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P W Awford	17/00111/OUT Moorcroft House Farm, Main Road, Minsterworth. 17/00659/TPO To the Rear of 7 Clayburn Close, Highnam. 17/00517/CLP La Casita, Old Road, Maisemore.	Is a Borough Councillor for the area. Is a Gloucestershire County Councillor for the area.	Would speak and vote.
Mrs G F Blackwell	17/00630/TPO Tesco Stores, Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M Dean	17/00528/FUL Flagstaff, Cleeve Hill, Southam.	Is a Borough Councillor for the area.	Would speak and vote.
R D East	17/00111/OUT Moorcroft House Farm, Main Road, Minsterworth.	Had received correspondence in relation to the application.	Would speak and vote.

M A Gore	Agenda Item 6 – Current Appeals and Appeal Decisions Update.	Is an applicant for one of the appeals included within the report -16/00610/FUL Land Opposite the Orchard, Alstone, Tewkesbury.	Would not speak or vote and would leave the Chamber for the consideration of this item.
Mrs A Hollaway	17/00528/FUL Flagstaff, Cleeve Hill, Southam.	Is a Borough Councillor for the area. Is a Member of Woodmancote Parish Council but does not participate in planning matters.	Would speak and vote.
T A Spencer	17/00452/OUT Land to the North of Shuthonger Garage, A38 Pages Lane to Woodend Farm Lane, Shuthonger.	Had attended a coffee morning with a friend where they had been joined by the applicant as someone known to his friend, who had made reference to the application, but he had not expressed an opinion. The applicant had later contacted him in his capacity as a Borough Councillor, with a view to sending him a letter regarding the application, and he had said that it should be sent to all Planning Committee Members and Planning Officers. He confirmed that he had no personal interest in the application.	Would speak and vote.
Mrs P E Stokes	17/00630/TPO Tesco Stores, Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

17.3 The Chair stated that all Members would have received correspondence and this had been extensive in relation to 17/00111/OUT – Moorcroft House Farm, Main Road, Minsterworth. No further declarations were made on this occasion.

PL.18 MINUTES

- 18.1 The Minutes of the meeting held on 4 July 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.19 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 19.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

17/00396/FUL – Land Adjacent Duglynych Lane, Gretton

- 19.2 This application was for a proposed dwelling with garage, improved vehicular access, parking and turning area and landscaping. The Committee had visited the application site on Friday 28 July 2017.

- 19.3 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. Upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation.

17/00452/OUT – Land to the North of Shuthonger Garage, A38 Pages Lane to Woodend Farm Lane, Shuthonger, Twynning

- 19.4 This was an outline application for four self-build dwellings with all matters reserved for future consideration except vehicular access. The Committee had visited the application site on Friday 28 July 2017.

- 19.5 The Planning Officer explained that the Council had a duty to maintain a self-build and custom house building register of individuals, or associations of individuals, seeking to acquire plots of land in the local authority area in order to build houses for those individuals to occupy as homes. The Council must have regard to the register in terms of plan-making and decision-taking and must grant permission to enough suitable serviced plots of land to meet the demand for self-build and custom house building. In accordance with the Self-Build and Custom House Building Act 2015, the register ran for 12 month periods; the first base period commenced on the day on which the register was established and ended on 30 October 2016. At the end of each base period, the Council had three years in which to grant permission for enough plots to service the demand for that period.

- 19.6 The Chair invited Phil Handy, a representative of the applicant, to address the Committee. Mr Handy indicated that he was the applicant's son-in-law. This was an outline application for four self-build properties – something which was not catered for by the local plan, Policy HOU4 or the draft Neighbourhood Development Plan. He reiterated that all local authorities had a duty to hold a self-build register and to permit sufficient self-build applications to meet the demand on that register. There were currently 28 people registered in the borough, a rapid rise from the previous year, and he pointed out that self-builds could help to meet specific needs. The Officer report failed to specify that the site appeared in the Council's own land availability assessment as suitable, available and achievable; neither did it mention Gloucestershire Highways' positive reference to the sustainable nature of the

location. He pointed out that, in a separate approval just across the road, Officers had stated that the site could be easily accessed on foot or bicycle and that there were bus services very close by. As for the alleged landscape impact, the site had been carefully designed to continue the existing linear development to the north. The proposal would settle neatly into the landscape and would finish adjacent to the garage, carwash, shop and café. Although the site was outside of the residential development boundary, it would provide for a social need not currently being met and would assist the Council in meeting its legal duty to grant sufficient permissions for self-builds. He also made reference to a recent appeal decision, circulated to Members the previous day, issued for a development in Wiltshire where a scheme for self-build homes had been approved despite a robust five year supply of housing and being contrary to policy and a recently adopted Neighbourhood Development Plan. In summary, the local authority had a duty to permit self-builds; the development would fit in with existing nearby developments; no objections had been received from neighbours, County Highways or Severn Trent; the site was accessible and serviced by buses and footpaths; detailed terms for a legal agreement had been provided - and the applicant had indicated that he would be happy to sign this; and a new case appeal precedent had been set. He believed this to be a perfect location for this development, which would be an exemplar for the borough, and he urged Members to permit the application on that basis.

- 19.7 The Chair confirmed that he had received a copy of the email referenced by the speaker and had shown this to the Legal Adviser prior to the meeting. The Legal Adviser explained that she had only had sight of the email that morning and had not had time to analyse it fully but it appeared to be a decision relating to a development of up to 35 custom/self-build dwellings which had been granted by the Secretary of State. Notwithstanding this, it seemed that a number of other factors had contributed to the decision aside from the fact that the dwellings were self-build, for example, affordable housing provision. She advised that each case must be determined on its own merits and Members should consider the particular scheme before them.
- 19.8 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion was of the view that the conflict with Policy HOU4 was the only reason to refuse the application. This was not an application for a major development and the only objection received was from Twyning Parish Council which also made reference to the conflict with Policy HOU4; there had been no objections from any of the statutory consultees. In his view, there would be significantly more activity at the adjacent garage, carwash, shop and café in a 30 minute period than would be generated by the four houses over the course of a week. He did not consider that it would be an infill development and felt that it would fit well with the existing streetscene. Furthermore, the houses would not be seen from the A38 due to the existing vegetation and would have no adverse impact on neighbouring properties. The seconder of the motion supported this view and noted from the Committee Site visit that the proposal would accord with the existing ribbon development. He raised concern that the site was described as being located on "land to the north of Shuthonger, A38 Pages Lane to Woodend Farm Lane" and suggested that "A38 Pages Lane to **Church End Lane**" would be more accurate. From the current description it could be construed that the site was far closer to the Member's own property than it actually was and, for that reason, he may have a personal interest in the application which was certainly not the case.

- 19.9 The Development Manager explained that, when he had addressed Members at a recent seminar, he had alluded to some new case law regarding Policy HOU4. Now this had been properly assessed, he confirmed that it did not change the position and, from an Officer perspective, Policy HOU4 was up-to-date. The Council was able to demonstrate a five year supply of deliverable housing sites, therefore all applications should be considered in light of that policy where the site was outside of a residential development boundary. In such circumstances, there was a presumption in favour of refusal unless specific material planning considerations indicated otherwise. As the Planning Officer had set out in his introduction, and the speaker had alluded to in his speech, the Council had a statutory duty in relation to self-build and custom house building but this was not a duty to grant planning permission for new houses in locations where they would not normally be permitted. There were very clear policy objections to the application and it was a matter of judgement for Members as to whether there were material planning considerations which meant that the application could be determined in a way which was not in accordance with the development plan. From an Officer point of view, those circumstances did not exist and the very minor benefits in terms of the provision of new housing did not overcome the policy objections. He reiterated that the proposed development was recommended for refusal on the basis that it conflicted with Policy HOU4 as the site lay outside of any recognised settlement; would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on character and appearance of the locality; and was not well-served by public transport, pedestrian or cycling facilities.
- 19.10 A Member sought clarification as to the difference between the case law referenced by the Development Manager and that which had been sent to Members by the applicant the previous night. In addition, she understood that the Twynning Neighbourhood Development Plan was not significantly advanced enough to hold any weight. The Development Manager advised that the starting point was the presumption in favour of refusal; case law was about legal judgements and the information sent to Members related to a Secretary of State appeal decision upon which he was unable to comment, having not had the opportunity to consider it due to its late circulation. Whilst there may have been matters which weighed in favour of that particular application, that was not the case here. A Member indicated that he had read the email correspondence which suggested that, although the Council was able to demonstrate a five year supply of deliverable housing sites, this was a minimum as opposed to a cap. He drew attention to Page No. 147, Paragraph 5.4 of the Officer report, which stated that Policy S1 of the draft Neighbourhood Development Plan provided that proposals for new housing outside of the development boundary in the open countryside would be supported if they were: replacement dwellings; rural exception housing to meet an identified Parish need; agricultural and forestry dwellings; or if the proposal involved the re-use or conversion of an existing building. The proposal did not meet any of these criteria and therefore he was of the view that the Officer recommendation to refuse the application was correct. Given that each application had to be determined on its own merits, he was unsure as to the relevance of the appeal decision which had been referenced by the applicant.
- 19.11 The Chair advised that, if Members were minded to permit the application, at least indicative conditions needed to be included and it should be borne in mind that it was probably not possible to include a condition to ensure that the dwellings were self-built. The Development Manager indicated that the guidance was very clear that planning permission should not be granted in a location where housing would not normally be permitted simply because the dwellings were self-build. If planning permission was granted for this proposal, there would be nothing to prevent an application being submitted without the self-build element and there would be no grounds for refusal. If Members were minded to permit the application, he suggested that conditions in relation to landscaping, levels, detailed design,

highways, materials and drainage would need to be included, and consideration should also be given as to whether a Construction Method Statement would be necessary given the location of the site on the eastern side of the A38. The proposer of the motion indicated that he had listened carefully to the debate and he continued to be of the view that there were exceptions in this case to justify planning permission being granted. Another Member disagreed with this view and considered that it would be very dangerous to permit the application on the basis that the dwellings would be self-built given the Officer advice in this regard. In his opinion the recommended refusal reasons had been well thought out and would protect the site from potential problems in future.

- 19.12 A Member pointed out that the Committee was constantly reminded that each application should be considered on its own merits and Members should not try to predict what might happen in the future. She proposed that the application be deferred to allow Officers to digest the information received from the applicant's agent and to consider ways in which planning permission could be conditioned to restrict the houses to self-build dwellings only. This proposal was seconded and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to allow Officers to properly digest the information received from the applicant's agent and to consider ways in which permission could be conditioned to restrict the houses to self-build dwellings only.

17/00515/FUL – Field Number 5588, Deerhurst Road, Apperley

- 19.13 This application was for the partial rebuilding and conversion of an agricultural building to create a single dwelling house in accordance with the previous approval Ref: 16/00869/PDAD. The Committee had visited the application site on Friday 28 July 2017.
- 19.14 The Chair invited the applicant's agent, Ben Greenaway, to address the Committee. Mr Greenaway advised that planning law required applications for planning permission to be determined in accordance with the development plan, unless material considerations indicated otherwise; in this case, there were compelling material considerations. This was an unusual situation as this was a planning application for a development that had already been approved and there were no proposed changes to the previously approved plans. He explained that the inexperience of the applicant had resulted in the need for the planning application as he had failed to provide temporary bracing or scaffolding during the replacement of the roof and cladding and, during high winds, the steel frame had become unstable resulting in the applicant taking down part of the frame for health and safety reasons. In doing so, the applicant had not appreciated that he would not be able to continue under permitted development rights. Mr Greenaway advised that the same steels that had been dismantled would be put back in the same place and the dwelling, once complete, would be exactly in accordance with the previously approved plans. The applicant was not trying to exploit the system or seek to gain from the situation in any way but was simply asking to be allowed to continue with the development that had already been approved. He was surprised and disappointed with the Officer recommendation to refuse the application and pointed out that Officers had approved two cases almost identical to this one where winds had caused problems and some of the buildings had to be rebuilt, one of which was in the Green Belt. In each of those cases, Officers had decided that material considerations outweighed the rigid application of policy. The same compelling material considerations existed in this case and the rigid application of policy on such a technical point was simply not appropriate. No objections had been lodged against the application and the community fully supported the applicant. He asked that Members take a pragmatic approach and consider who would benefit from a refusal and what harm would be caused by allowing the development to proceed.

- 19.15 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion indicated that it was clear from the Committee Site Visit that work on the conversion had been started and he had great sympathy with the applicant who had taken action to address the damage that had been caused by the wind; had he not done so, the dwelling would have been built under permitted development rights without the need to apply for full planning permission. The seconder of the motion was of the view that the principle of residential development had already been established and the position would not be any worse if planning permission was granted. Whilst she recognised that there had been a significant change in case law around permitted development rights, this could change again if another case went to court. She believed there were exceptional circumstances here and the application should be permitted.
- 19.16 The Chair also had a huge amount of sympathy with the applicant; however, he had a specific concern regarding the design of the proposed dwelling, particularly given the highly exposed nature of the site. In response to a query as to whether the applicant could be asked to come back with a different design, the Development Manager explained that there was no longer a building on the site to be converted, therefore the applicant was unable to implement the previous approval and the proposal was tantamount to a new dwelling. Notwithstanding this, he shared the concerns about design and suggested that it was highly unlikely that this proposal would have been put forward for a new dwelling being built from scratch; as the structure of the agricultural building had been dismantled it was no longer a barn conversion so there was no reason for it to look like one. If Members were so minded, it would be possible to defer the application, or to delegate the final decision to Officers, in order to negotiate a more suitable design.
- 19.17 A Member expressed the view that the application had already been approved showing that it had been the will of the Council for a dwelling to be built on the site. He raised concern that a refusal on the basis of aesthetics could set a dangerous precedent; the applicant had acted in the interests of safety and had been honest about what he had done, but this seemed to have been to his detriment which was not the message he would wish to see conveyed to others.
- 19.18 A Member drew attention to Page No. 153, Paragraph 3.1 of the Officer report, which set out that the applicant was unable to implement the prior planning approval as the building operations would go beyond what constituted permitted development under the Town and Country Planning (General Permitted Development) Order 2015; and Page No. 154, Paragraph 5.2, which stated that, since the conversion of the pre-existing building under permitted development rights had been considered, there had been significant change in case law surrounding permitted development rights for conversion from agricultural to residential use. As he understood it, the proposal before Members could not be considered to be in line with the prior approval 16/00869/PDAD. The Development Manager clarified that the acronym 'PDAD' denoted a permitted development notification which meant that, at that time, the Council was being asked whether a proposal constituted permitted development. Whilst there was limited scope to make changes, Officers could look at design; however, in the context of the building that was already there, there had been very little that could be done to make it more attractive. As stated in the Officer report, there had been a significant change in case law since that time; whereas previously there had been a number of appeal decisions where Inspectors had allowed conversions under permitted development rights where substantial alterations were made to buildings that would not have been considered acceptable as conversions - and it had become common practice to take a more relaxed approach in those circumstances - a High Court judgement in November 2016 had confirmed that conversions of buildings should mean exactly that; barn conversions should be about a substantial brick or stone building which played an important role in the character of the landscape, not turning pole barns into dwellings. If the prior

notification under which the conversion was originally proposed was submitted today, the proposals would not have constituted permitted development; it was only where the existing building was structurally strong enough to take the loading which came with the external works to provide for residential use that the building could be considered to have the permitted development right. The proposal did not meet the Council's barn conversion policies as emphasised in the National Planning Policy Framework.

- 19.19 In view of the Officer advice, the proposer and seconder of the motion to permit the application indicated that they would be happy to change this to a delegated permit in order for further negotiations to take place to secure a more appropriate design. Clarification was provided that the application would be brought back to the Committee if an appropriate solution could not be reached. A Member raised concern that the site was in the middle of open countryside and, under normal circumstances, an application for a residential dwelling in that location would be refused. Another Member indicated that he had an open mind in relation to this application; he welcomed the opportunity for the applicant to state his case and did not feel that permitting the application would set a precedent given the change in case law. Several Members reiterated the point that planning permission had essentially been granted already, albeit under permitted development rights, and therefore the principle of residential development in that location had already been established. A Member expressed the opinion that the description of development no longer reflected what was actually proposed and she suggested that the applicant should come back with a new application for a dwelling. She noted that there were very few issues in terms of policies and constraints and, whilst the site was within a Landscape Protection Zone, development had been permitted in these areas in other parts of the borough. The Development Manager agreed that the description was inaccurate and Members had seen the exposed nature of the site for themselves on the Committee Site Visit. He explained that a proposal for a new dwelling in this location would be recommended for refusal for the same reasons as the current application, as set out in the Officer report, i.e. that it would be contrary to Policy HOU4, would be harmful to the landscape and was remotely located in terms of the nearest facilities and not served by adequate public transport. A Member was of the view that planning permission had essentially already been granted and, had the applicant not taken down part of the structure, the property would have been built. He did agree that the design was unacceptable and should be changed but he felt that the Committee had a moral obligation to honour the prior approval given the unfortunate circumstances. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to securing a more appropriate design.

17/00358/FUL – Hillend Farm, Hillend, Twyning

- 19.20 This application was for the proposed refurbishment/reconstruction of three existing brick-built farm buildings at Hill End Farm to create two holiday cottages and annex accommodation for the main farmhouse.
- 19.21 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

17/00469/FUL – 3 Knights Way, Newtown, Tewkesbury

19.22 This application was for a single storey extension to front, side and rear and a loft conversion with rear dormer.

19.23 The Chair invited the applicant's father, Brian Parsons, to address the Committee. Mr Parsons wished to emphasise the fact that his son had a good relationship with all of his neighbours and there had been no complaints or concerns about the impact of the proposal upon their amenity. The concern raised by Tewkesbury Town Council in respect of design had been addressed with the Planning Officer and he agreed entirely with the Officer report.

19.24 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

17/00646/FUL – 6 Maxstoke Close, Walton Cardiff, Tewkesbury

19.25 This application was for a single storey rear extension.

19.26 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

17/00522/LBC – Vine Tree Cottage, Vine Tree Farm, Gander Lane

19.27 This was an application for listed building consent for the proposed installation of two new windows in the south-east (rear) elevation.

19.28 A Member noted that Teddington Parish Council had suggested that there were wider breaches resulting from the unapproved conversion of the building into two dwellings and she sought further information in this regard. The Development Manager explained that there had been some issues with the site which had been subject to planning enforcement. A number of other planning applications had been submitted, including the sub-division of the property into two dwellings, which would come before the Planning Committee in due course. This application was for listed building consent only and would have no impact on the other applications. Members should consider the proposal in terms of whether it would have an acceptable effect on the listed building. He pointed out that the original application had been for the retention of new windows that had been put in, which were considered to be highly inappropriate, and Officers had negotiated their replacement with windows of a more appropriate design which had addressed the Parish Council's original concern. It was noted that condition 2 of the Officer recommendation had been amended to reflect this, ensuring that the windows would be in timber, as set out in the Additional Representation Sheet, attached at Appendix 1.

19.29 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent for the application and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

17/00111/OUT – Moorcroft House Farm, Main Road, Minsterworth

- 19.30 This was an outline application for the erection of up to 10 dwellings with all matters reserved except for access.
- 19.31 The Chair invited the applicant's agent, Paul Barton, to address the Committee. Mr Barton indicated that the application was recommended for refusal largely because of the impact it would have on the landscape character of Minsterworth. Rather than conflict with the landscape, the applicant's landscape consultant considered that the scheme would complement the existing built form of the village. Minsterworth was one of the longest villages in Europe, with houses located along the A48 for 2.5km, as much of the village was confined by land which flooded. The most westerly approved houses were just beyond Church Lane and the most easterly were immediately opposite the application site. This application proposed to extend the village by approximately 100m to a location adjacent the existing 'Welcome to Minsterworth' sign - a location which the Committee had approved for residential development earlier this year when allowing an application for nine dwellings at Hector's Farm immediately opposite. The recommendation for refusal was disappointing given that the pre-application advice had been positive and the applicant had only proceeded with the application on that basis. He noted that the Council's position had changed in terms of being able to demonstrate a five year housing supply but local planning authorities were required to boost the supply of housing in appropriate places and the site was in the same sustainable location as when Officers had initially been approached. There had been no objections to the application - which was unusual given its size and location immediately adjacent to a village - and the Parish Council supported the application. He indicated that a land contamination survey had been requested by Officers, however, the applicant did not consider there to be any landfill on the site; the previous owner had filled land to the west of the application site and the Environment Agency map and topography seemed to support this. Notwithstanding this, the applicant would be willing to instruct the survey, should Members be minded to permit the application. Members had an opportunity to approve an uncontroversial application in a sustainable location, and to boost housing numbers as required by the National Planning Policy Framework, and he hoped they would be able to support it.
- 19.32 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application on the basis that Minsterworth had been identified as a service village, and therefore was a suitable location for some limited residential development, and the proposal would not represent an incongruous intrusion into the rural landscape and open countryside, subject to the inclusion of appropriate conditions and/or a Section 106 Agreement to address possible affordable housing requirements. The proposer of the motion indicated that there was no local objection to the application and it was supported by the Parish Council – the reference to an accident in the vicinity was not due to the speed or safety of the road – and the Environmental Health concern regarding noise could be mitigated. The past landfill use was not due to the applicant, who did not own the site at the time, and the application did not seek to use any part of the landfill area. Nevertheless, she had agreed to pay for a land contamination survey, should Members be minded to permit the application. Minsterworth was a linear village and this development was no different to the other development recently permitted on the A48; he pointed out that it was difficult to establish where the centre of the village really was. The proposal would help to meet the needs of Minsterworth as a service village without any adverse impact and the site benefited from a regular bus service which also weighed in its favour. He

noted that the applicant had offered to restrict the dwellings to 1.5 storeys in height in order to reduce the perceived harm. The seconder of the motion indicated that the development would also help to boost the number of children attending the local school. The local community wished to see growth in Minsterworth and refusing this application would deny them the chance of a better village.

- 19.33 The Planning Officer advised that one of the reasons for the application being recommended for refusal was the absence of an appropriate planning obligation to secure affordable housing. The application was confusing in that it stated that the “footprint/floorspace” was below 1,000sqm and, as such, there was no requirement for an affordable housing contribution. If Members were minded to permit the application, this could be dealt with by a condition to restrict the floorspace to not more than 1,000sqm gross, or by Section 106 Agreement to secure a contribution should the floorspace in the reserved matters application exceed 1,000sqm gross. There were other matters to resolve including the contamination issues - the Environmental Health Officer was adamant that a land contamination survey should be undertaken prior to determination. In addition to any condition restricting the floorspace to no more than 1,000sqm, the Planning Officer recommended the inclusion of conditions in relation to levels; materials; noise mitigation; highways; drainage; restricting the reserved matters application to the parameters in the indicative layout and design and access statement; and contamination - should the survey indicate this was necessary.
- 19.34 A Member wished to reiterate the importance of the land contamination survey given the close proximity of the site to the landfill area. He pointed out that methane could travel underground and would follow a watercourse so this needed to be thoroughly investigated before planning permission was granted. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application on the basis that Minsterworth had been identified as a service village, and therefore was a suitable location for some limited residential development, and the proposal would not represent an incongruous intrusion into the rural landscape and open countryside, subject to outstanding contamination issues and possible affordable housing requirements being addressed - either by Section 106 Agreement or condition as appropriate - and the finalisation of appropriate planning conditions.

17/00528/FUL – Flagstaff, Cleeve Hill, Southam

- 19.35 This was a retrospective application for a wooden treehouse.
- 19.36 The Chair invited the applicant, Stephen Pierini, to address the Committee. Mr Pierini apologised for wrongly assuming that the treehouse would not need planning permission, however, the only objection was from the Parish Council which considered it to be tall and obtrusive and felt that it did not blend in with the existing buildings along the road or with the Edwardian house. He explained that, for most of the year, the treehouse was well hidden by leaves. In winter, whilst it was visible from the main road, it lay roughly in line with the base of the house, due to the slope, and, when viewed through the trees and hedge in front, it looked like a colourful shed. He clarified that the photographs submitted by the Parish Council had been taken from the top of, and halfway down, Petty Lane and not from the main road. Petty Lane was a private road and, before building the treehouse, he had sought opinions of the four neighbours who lived there, all of whom wholeheartedly approved; one of the neighbours had even helped him build the treehouse and had submitted a letter of support, as had the owners of Petty Lane. He pointed out that there had been many supportive posts on social media since the story had appeared in the press a few days earlier. The Parish Council stated that the treehouse sat

upon a dead tree but he confirmed that the tree had been pollarded before he had bought the property some years ago, was very much alive and would soon wrap branches around the treehouse which would camouflage it further. For that reason the treehouse could not be lowered. As for it not blending in with the main house, or the other houses on Cleeve Hill, he explained that Cleeve Hill had a very diverse range of property styles - from ultra-modern glass and steel structures to stone built Victorian properties - and many were a mixture of old and new. The colour scheme for the treehouse had been taken from a Victorian bathing house design and was based around Cotswold greens and blues, to blend with earth and sky. In summary, this was a magical children's playhouse to encourage outdoor time. It was wholly supported by the people most impacted by it and, in his opinion, blended in well with his house and surrounding properties - though for most of the year it was actually only visible from his own garden.

- 19.37 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation but with the omission of condition 1 to remove the requirement for the applicant to repaint the treehouse. Upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation but with the omission of condition 1.

17/00630/TPO – Tesco Stores, Cheltenham Road East, Churchdown

- 19.38 This application was for the removal of nine limbs from four birch trees (TPO326); it was noted that the description in the Officer report incorrectly referred to five trees. The Committee had visited the application site on Friday 28 July 2017.

- 19.39 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent for the application and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

17/00659/TPO – To the Rear of 7 Clayburn Close, Highnam

- 19.40 This application was for remedial works to a pear tree TPO 301(T1).

- 19.41 The Planning Officer advised that, following further negotiation, the Landscape Officer had confirmed that they had no objection to a 30% crown reduction, provided that the shape of the tree was maintained. If Members were minded to grant consent, condition 1 would be reworded to reflect this, as set out in the Additional Representation Sheet, attached at Appendix 1.

- 19.42 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent for the application and he invited a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation. A Member indicated that the pear tree had been there for some time and dropped pears into the neighbouring gardens which caused a nuisance. He hoped that granting consent would help to control this and requested that the work be overseen by an Officer. The Development Manager noted these points and undertook to pass this on to Property Services and Ubico, which was likely to carry out the work should Members be minded to grant consent for the application. Upon being put to the vote, it was

RESOLVED That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

17/00517/CLP – La Casita, Old Road, Maisemore

19.43 This was a certificate of lawful proposed development application for the erection of a car port to the side of the property.

19.44 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant the certificate and he sought a motion from the floor. It was proposed and seconded that the application be granted in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **GRANTED** in accordance with the Officer recommendation.

PL.20 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

20.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 15-19. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

20.2 It was

RESOLVED That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 10:45 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 1 August 2017

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

Page No	Item No	
169	6	<p>17/00646/FUL</p> <p>6 Maxstoke Close, Walton Cardiff, Tewkesbury.</p> <p>Additional Information:</p> <p>The agent for this application has confirmed in an email entitled "<i>Re: 6 Maxstoke Close, Walton Cardiff, Tewkesbury (reference 17/00646/FUL)</i>" and dated 24 July 2017, that the existing garage is currently used as a store and that no cars have been parked in it for years. The email confirms that the applicants are keen cyclists and propose to use the front section for cycles etc. and the rear of the building for garden equipment etc. and states that there would still be three parking spaces on site; two to the side and one across the front, all as existing.</p> <p>The email further confirms that the garage doors would be a pair of traditional purpose-made side hung garage doors, with a paint finish.</p> <p>Recommendations:</p> <p>The proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions. Taking into account the additional information provided within the email dated 24 July 2017, it is recommended that Condition 3 within the Committee Report is omitted and replaced by the following condition:</p> <p>3 The door(s) on the front (eastern) elevation of the store room hereby permitted shall be installed in strict accordance with details provided by the agent within the email entitled "<i>Re: 6 Maxstoke Close, Walton Cardiff, Tewkesbury (reference 17/00646/FUL)</i>" and dated 24th July 2017, and shall be retained as such thereafter.</p> <p>Reason: In order to respect the character and appearance of the existing building, in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).</p>

172	7	<p>17/00522/LBC</p> <p>Vine Tree Cottage, Vine Tree Farm, Gander Lane, Teddington.</p> <p>Recommendation</p> <p>To ensure that the proposed windows are constructed of appropriate materials, Condition 2 should be amended as follows:</p> <p>2 The proposed works shall be completed in full accordance with the window detail drawings numbered 2017.15.09 & 2017.15.10 unless otherwise agreed in writing by the Local Planning Authority. The windows hereby permitted shall only be constructed in timber.</p>
184	9	<p>17/00528/FUL</p> <p>Flagstaff, Cleeve Hill, Southam.</p> <p>Consultations & Representations</p> <p>An additional letter of support has been received from the neighbours at The Beeches. They own the drive adjacent to the property where the treehouse is built and have no objection to it.</p>
186	10	<p>17/00630/TPO</p> <p>Tesco Stores, Cheltenham Road East, Churchdown.</p> <p>Consultations & Representations</p> <p>The Parish Council would like its disappointment with the recommendation to be noted.</p>
189	11	<p>17/00659/TPO</p> <p>To the rear of 7 Clayburn Close, Highnam.</p> <p>Consultations & Representations</p> <p>Parish Council - No objection.</p> <p>Representation received from 7 Clayburn Close highlighting the issue with the dropping of pears into the garden which is making their garden area unusable for their family due to the amount of wasps swarming around. The Landscape Officer has taken these comments into consideration and appreciates the resident's circumstance, therefore, on balance there would be no objection to a 30% crown reduction providing the shape of the tree is maintained.</p> <p>In light of the above, a change to Condition 1 is required which will now read:</p> <p>1 The tree works hereby granted consent shall be undertaken by a suitably qualified arboricultural contractor or tree surgeon whose work will comply with British Standard 3998:2010 - Recommendations for Tree Work and to carry out a 30% crown reduction providing the shape of the tree is maintained. The works hereby granted shall be completed within one year of the date of this notice.</p>

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	31 August 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr Mrs E J MacTiernan, Lead Member for Built Environment
Number of Appendices:	None

<p>Executive Summary: To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued</p>
<p>Recommendation: To CONSIDER the report</p>
<p>Reasons for Recommendation: To inform Members of recent appeal decisions</p>

<p>Resource Implications: None</p>
<p>Legal Implications: None</p>
<p>Risk Management Implications: None</p>
<p>Performance Management Follow-up: None</p>
<p>Environmental Implications: None</p>

1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the First Secretary of State of CLG:

Application No	16/00034/FUL
Location	Land adj. Rudgeley House, Cold Pool Lane, Badgeworth, Glos, GL51 4UP
Appellant	Mr Danny Connors
Development	Change of use of land for 2 traveller pitches, 2 mobile homes, 2 utility day rooms and 2 touring caravans for nomadic use only
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	<p>The Inspector concluded that the proposal would be inappropriate development in the Green Belt and agreed with the Council that as a result of the development the site's contribution to openness had largely been lost and the integrity of the green belt seriously compromised.</p> <p>The Inspector also agreed with the Council that the effect of the unauthorised works, and the domestication of the site had been to completely change the site's character, to that of a developed suburban garden, concluding that "As such, the appearance of the development is alien to its surroundings, and incompatible with the unspoilt and undeveloped character of this rural area". It was concluded that these considerations weighed heavily against the development.</p> <p>The Inspector also agreed with the Council that the site was poorly located for accessibility to schools, shops, and any other local facilities, and that the occupants of the proposed development would therefore be likely to be largely dependent on less sustainable transport modes such as the private car for the majority of journeys, contrary to the aims of National and development plan policy.</p> <p>Against the harms identified above, the Inspector recognised that the Council had an unmet need for gypsy and traveller sites and a lack of a five year supply of deliverable sites. Although he was satisfied that the shortfall in terms of identified deliverable sites was fairly small, and that there was a reasonable prospect that this could be made up through windfalls over the JCS period.</p> <p>In concluding the Appeal the Inspector acknowledged the serious implications of refusing the application for the occupiers of the site and their children, but concluded that the protection of the green belt, the recognition of the countryside's intrinsic beauty, and managing patterns of</p>

	development to achieve greater sustainability, are all core principles of the NPPF and that these core principles could only realistically be secured by refusing permission. Consequently, he found that the identified benefits of the development, to the site occupiers and their children, and to the supply of sites in the area generally, were not sufficient to clearly outweigh the harm that the development would cause. The very special circumstances that are required by paragraph 88 had therefore not been demonstrated. Having taken account of all the other matters raised, the Inspector concluded that the conflict with the development plan was not outweighed by the other material planning considerations.
Date	26 July 2017

Application No	16/01113/FUL
Location	Uphill Cottage, Churchdown Lane, Churchdown, Gloucestershire, GL3 2LR
Appellant	Mr Robert Mann
Development	Demolish existing derelict 'corrugated zinc' garage. Erect a detached outbuilding associated with Bee keeping (i.e. for honey preparation and storage).
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	<p>The Inspector agreed with the Council that the proposed building would represent inappropriate development in the Green Belt and would result in harm to its openness.</p> <p>Whilst the Inspector accepted that the loss of openness to the Green Belt would be modest, that reduction in openness would be at odds with the thrust of both national and local Green Belt policy and this had to weigh against the appeal proposal.</p> <p>In considering whether very special circumstances existed to outweigh the harm to the Green Belt by reason of inappropriateness and the loss of openness, the Inspector gave very limited weight to the prospective improvements to the appellant's beekeeping enterprise, as no firm justification has been given for a building of this size and type, at this location and he was not persuaded that they amounted to anything significant to counterbalance the harm</p>
Date	31 July 2017

Application No	16/00860/FUL
Location	Land at Hillview Stables Bushcombe Lane Woodmancote Cheltenham
Appellant	Mr James Duggan
Development	Erection of a single dwelling
Officer recommendation	Permit
Decision Type	Committee - Refuse
DCLG Decision	Allowed
Reason (if allowed)	<p>The Inspector considered that that the proposal would not result in harmful effects on the AONB's landscape and scenic beauty and it would therefore accord with the Framework objectives to conserve and enhance the natural environment. He felt that the site represents only a very small part of the wider protected landscape and it is within an area less sensitive to change than the higher escarpment land.</p> <p>In determining the appeal the Inspector concluded that Policy HOU4 of the Local Plan is out-of-date and that the presumption in favour of sustainable development applied. He thus gave limited weight to Policy HOU4 even though a five year housing supply could be demonstrated. However Officer's initial view is that in doing so the Inspector misdirected himself having regard to the law which has been clarified through a recent Supreme Court judgment involving two separate developments, known as the Richborough Estates/Suffolk Coastal judgment.</p> <p>This judgment clarified that policies for the supply of housing were effectively those which allocated land for development. On the other hand, policies of countryside protection etc. (such as HOU4 which seeks to protect the countryside for its own sake and encourage sustainable patterns of development) were not policies for the supply of housing. In this respect it is not considered that Policy HOU4 is a policy for the supply of housing and as such is not out of date. It is a policy which is consistent with the NPPF and should be given substantial weight.</p> <p>The Inspector however made no reference to this judgment in his decision and appears to have followed the law as it was understood before this judgement was given.</p>
Date	04 Aug 2017

Application No	16/00417/OUT
Location	Land rear of Dormans Mill Lane Prestbury GL52 3NE
Appellant	Gleeson Developments Ltd
Development	Residential development of up to 76 dwellings with the creation of a new access to Southam Road (BH4632) together with an emergency, pedestrian and cycle link to Mill Lane, associated landscaping, and public open space.
Officer recommendation	Refuse
Decision Type	Committee - Refuse
DCLG Decision	Dismissed
Reason (if allowed)	<p>In dismissing the appeal, the Inspector found that that the development would be contrary to the development plan as a whole and would not amount to sustainable development. This was because of the environmental harm to the Special Landscape Area which he agreed was a valued landscape which protects the foreground setting of the AONB.</p> <p>The Inspector considered that the Appellant had significantly overplayed the impact of urban features on the character of the area and underplayed the impact of the proposed development. The appellant argued that the development would be well related to the urban form of Prestbury however the Inspector agreed with the Council and the local protest group that it would contrast unacceptably with the low density character of development on the southern side of Mill Lane. He opined that while there is sporadic development to the north of Mill Lane, this is very limited in extent, and related more to the countryside character of the area rather than to the built-up area of Prestbury.</p> <p>The Inspector further concluded that the proposal would have an unacceptable impact on the setting of heritage assets, including the rural setting of the Prestbury Conservation Area afforded by the existing site and to the 'parkland' setting of the Grade II listed 'The Hayes'. Overall the Inspector concluded that the benefits of the scheme would not outweigh the harm, and that the appeal should be dismissed.</p> <p>In this case however the Inspector did have regard to the Richborough Estates/Suffolk Coastal Supreme Court judgment referred to above. He acknowledged that the Council could demonstrate a five year supply of deliverable housing sites, agreeing with the Council's evidence. However the Inspector proceeded to give limited weight to policy HOU4 on the basis that housing need as identified in the emerging JCS will require substantial changes to existing development boundaries and that if the acknowledged housing objectives for the JCS Boroughs are to be achieved.</p>
Date	15 Aug 2017

Application No	16/00539/OUT
Location	Trumans Farm Manor Lane Gotherington GL52 9QX
Appellant	Lioncourt Strategic Land
Development	Outline application with all matters reserved except for access for the development of up to 75 dwellings (inc 30 affordable homes) including access, landscaping and other associated works
Officer recommendation	Delegated Permit
Decision Type	Committee - Refuse
DCLG Decision	Dismissed
Reason (if allowed)	<p>The Inspector shared ‘the views of Council Members’ that the appeal proposal would encroach into the SLA which is already relatively narrow at this point and would significantly reduce the gap between the village and the AONB. Whilst he acknowledged that new planting was proposed, he felt this would not serve to offset the landscape harm he identified. The proposed development would also be at odds with the generally linear form of the existing village at its eastern end, and as is proposed to be continued by the 10 dwelling development put forward in the GNDP for the northern side of Gretton Road, opposite the appeal site.</p> <p>In respect of social cohesion/well-being, the Inspector concluded that, bearing in mind the concerns expressed by both the Council and the Parish Council on this matter, he was not persuaded that the appeal proposal would reflect the community’s needs and support its health, social and cultural well-being, or contribute to supporting a strong, vibrant and healthy community, as set out in paragraph 7 of the Framework. On balance therefore, he concluded that the appeal proposal would have an adverse effect on the vitality and social well-being of Gotherington, with this failure to satisfy the social role of sustainable development carrying significant weight against the proposal.</p> <p>Another day, another Inspector, another decision...we then had yet another take on the five year supply position. Here the Inspector agreed that the Council could demonstrate a five year supply of deliverable housing sites however unlike his colleague who dismissed the Prestbury appeal, he gave substantial weight to policy HOU4.</p> <p>Notwithstanding this, the Inspector concluded that the presumption in favour of sustainable development (aka the ‘tilted balance’) did come in to play here as Policy LND2 (Special Landscape Areas) was not up to date as it is not fully consistent with the NPPF. This again was not consistent with the views of the Inspector at Prestbury. There, the Inspector concluded that the first part of policy LND2 is consistent with the advice in Paragraph 109 of the Framework, and attracts considerable weight.</p>

	These three appeal decisions at Woodmancote, Prestbury and Gotherington indicate that there is inconsistency amongst planning inspectors as to the proper application of the law in respect of determining the weight that should be attributed to various planning policies. It is accepted that weight is a matter for the decision-maker however appeal decisions are made in the name of the Secretary of State and the inconsistency of approach between Inspectors does not help all those involved in dealing with planning applications both in Tewkesbury Borough and across the country.
Date	15.08.2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None to report

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: Jane Bagley, Appeals Administrator
01684 272286 Jane.Bagley@teWKesbury.gov.uk

Appendices: None