

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting;	Tuesday 16 February 2016
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
Number of Appendices:	1

Executive Summary:

To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued January 2016.

Recommendation:

To **CONSIDER** the report

Reasons for Recommendation:

To inform Members of recent appeal decisions

Resource Implications:

None

Legal Implications:

None

Risk Management Implications:

None

Performance Management Follow-up:

None

Environmental Implications:

None

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	15/00356/FUL
Location	Twitlocks Farm, Twyning, Tewkesbury, GL20 6HG
Appellant	Mrs Anna Reeves
Development	Erection of 1.67m stock proof post and rail fencing to enclose parcel of land to front of property with gates at either end.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Allowed
Reason	<p>Although a rural environment, the Inspector considered that the character of the immediate site area has been compromised to some extent by the roundabout and motorway access roads, with their attendant lighting columns, steel palisade fencing and road signs.</p> <p>Furthermore it was noted that there is also fencing similar to that proposed on the opposite side of the road. In addition, intermittent hedge and tree cover along both field boundaries was considered to provide some screening and reduce the overall visual impact of the fencing. Moreover, given the rural environment, timber post and rail, stock-proof fencing was not considered to be inappropriate where used to separate pasture or other agricultural uses from a major road.</p> <p>For these reasons the proposal was not considered to be out of character with the area or discordant with the appearance of other rural features in this landscape.</p>
Date	13.01.16

Application No	14/01286/FUL
Location	Land opposite the Orchard and Lamorna, Dixton Road, Alstone, Tewkesbury, GL20 8JD
Appellant	M Gore, D Fisher and S Fisher

Development	Proposed 3 no dwellings with garages, access, drives/turning & parking spaces - revised scheme to 14/00299/FUL
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason	<p>The Inspector agreed with the Council that there would be substantial harm to the character and appearance of the surrounding area, noting the site's location in the SLA, close to the AONB.</p> <p>Whilst the Inspector did not agree that the application site was 'isolated' in context of Paragraph 55 of the NPPF, he agreed with the Council that the site's limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers was contrary to saved policy TPT1 of the Local Plan and weighed against the proposal.</p> <p>The Inspector noted the appellants' argument that weight should be given to their personal circumstances, however, the Inspector noted that the particular circumstances of the appellants may change over time whereas the development will be permanent. Accordingly, he found that any weight afforded to such circumstances was limited and insufficient to overcome the harm identified.</p> <p>Overall, the Inspector did not consider that the proposals represented sustainable development and dismissed the appeal.</p>
Date	19.01.16

Application No	15/00738/FUL
Location	7 Read Way, Bishops Cleeve, Cheltenham, Gloucestershire
Appellant	Mr & Mrs Leon Piercy

Development	Proposed front porch extension, first floor rear extension and single storey rear extension
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason	<p>This was a split decision where the Council had permitted the porch but refused the two storey extension on the basis that it would have an unacceptable impact on the living conditions of the neighbours.</p> <p>In dismissing the appeal the Inspector noted that, in this instance, the development would add approximately 45% to the length of the two-storey part of the host building. Given the limited distance between the two properties, this would have an overbearing effect on outlook for occupants of No 9 and would also have an adverse effect on the amount of daylight reaching the kitchen window. Although he noted that the harm would be limited to the occupants of one property, nevertheless, for those occupants the development would be significant and harmful.</p>
Date	22.01.16

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

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: Marie Yates, Appeals Administrator
01684 272221 Marie.Yates@teWKesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

Appendix 1

List of Appeals Received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
15/00764/FUL	Part Parcel 2363 Butts Lane Woodmancote Cheltenham Gloucestershire	Erection of 38 no. two, three, four and five bedroom dwellings, open space, parking, associated works and new vehicular access from Butts Lane.	04/01/2016	W	MAT	08/02/2016
15/00409/FUL	Over Farm Over Bridge Over GL2 8DB	Construction of a ground-mounted solar PV generation project (including 9.6ha of solar panels) and associated works.	22/01/2016	W	JWH	26/02/16
15/00410/FUL	Land At Highnam Farm Two Mile Lane Highnam GL2 8DN	Construction of a ground-mounted solar PV generation project and associated works.	22/01/2016	W	CIP	26/02/2016
15/00951/OUT	Plot 14 Alpha Close Tewkesbury Gloucestershire	Outline application for the erection of a power plant compound including generators, banded fuel storage tanks and containerised substation located within perimeter fencing, erection of switchroom, flood lighting and provision of access road (landscaping to be reserved for future consideration)	27/01/2016	W	EMB	02/03/2016

Process Type

- "HH" Indicates Householder Appeal
- "W" Indicates Written Reps
- "H" Indicates Informal Hearing
- " I " Indicates Public Inquiry