

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	Tuesday 15 March 2016
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Rachel North, Deputy Chief Executive
<b>Lead Member:</b>	Cllr D M M Davies
<b>Number of Appendices:</b>	1

## **Executive Summary:**

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

## **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:

<b>Application No</b>	15/00107/CLE & 15/00106/CLP
<b>Location</b>	Cotswold Grange Country Park, Meadow Lane, Twyning, Tewkesbury
<b>Appellant</b>	Cotswold Grange Country Park LLP
<b>Developments</b>	Existing use as part of a caravan site without restriction as to type of caravan or nature of occupation and Proposed siting of 19 caravans for residential occupation
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decisions</b>	<b>Dismissed</b>
Reason (if allowed)	<p><u>Appeal A</u></p> <p>The first appeal sought a declaration that the site was currently lawfully used as part of the neighbouring caravan site. The application had been refused as the Council did not agree that the evidence demonstrated this.</p> <p>The Inspector agreed and stated that just because the land in question had been used as part of the landscaping for the site, it did not follow that it must be used as part of the caravan site. He judged it to be a functionally separate area and that implementing the tree planting had actually prevented any other form of use associated with the caravan site, even had there been any such use before the planting.</p> <p><u>Appeal B</u></p> <p>The second appeal sought a declaration that the use of a different parcel of land could lawfully be used for the proposed siting of 19 caravans for residential occupation. The application was refused on the basis that the use was restricted by planning conditions which restrict the number, type and occupation of caravans that can be stationed on the land.</p> <p>The Inspector noted that part of the site was the same as for Appeal A which he had dismissed and therefore he could not allow this appeal. Nevertheless, whilst the original permission (allowed on appeal) sought to restrict the use of 19 caravans for holiday use, it did not restrict the number or use of other caravans that could be placed on the land i.e. it did not state that the land should <u>only</u> be used for holiday use. This is a disappointing conclusion particularly given that the conditions on the site were put in place by another Inspector who clearly intended to limit the use of the site to holiday use.</p>
<b>Date</b>	02.02.16

<b>Application No</b>	15/00134/FUL
<b>Location</b>	2 Paynes Pitch, Churchdown, GL3 2NP
<b>Appellant</b>	Mrs Kathryn Howard
<b>Development</b>	Proposed two storey rear extension and alterations to include new pitched roof to existing two storey side extension and new front porch.
<b>Officer recommendation</b>	Permit
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason (if allowed)</b>	<p>This was an unfortunate and unnecessary appeal against a condition requiring matching materials. On this occasion the application wished to use brick for their extension as opposed to the existing render. The applicant was badly advised that an appeal was the most appropriate route to resolve the issue, whereas it could have been much more simply dealt with by way of a 'free go' application or even as a minor amendment to the original permission.</p> <p>The Council did not offer any evidence against the appeal as there were no planning objections and the Inspector duly, and rightly, allowed the appeal.</p>
<b>Date</b>	05.02.16

<b>Application No</b>	15/00027/FUL
<b>Location</b>	Uphill Cottage, Churchdown Lane, Churchdown, GL3 2LR
<b>Appellant</b>	Mr R Mann
<b>Development</b>	Change of use of barn to a dwelling and associated works
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason (if allowed)</b>	<p>The application was refused as the building had been subject to substantial works to enable its conversion contrary to local plan policy. This followed an application to change the use of the barn under permitted development rights which had been refused exactly because it was not of substantial construction. The application was also refused due to its Green Belt and landscape harm and remote location.</p> <p>The Inspector concluded that the proposal would not have an unacceptable impact on the Green Belt, although this does appear at odds with the conclusions reached by his colleague in determining the appeal at Uckington (see below) with regard to residential paraphernalia etc. He also considered that the evidence before him indicated that whilst the building had been repaired, the works were acceptable in light of local plan policies AGR6/7. The Inspector similarly felt there would be an acceptable impact on landscape grounds and that the proposal was not so unsustainable from a transport perspective that it</p>

	should be refused.
<b>Date</b>	10.02.16

<b>Application No</b>	15/00606/FUL
<b>Location</b>	West Wall Cottage, Tewkesbury Road, Uckington
<b>Appellant</b>	Mrs Barbara Perry
<b>Development</b>	Erection of new dwelling (2 bed bungalow)
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason (if allowed)</b>	<p>The application was refused on the basis that it constituted inappropriate development in the Green Belt and would compromise its open character, appearance and function.</p> <p>The Inspector noted that although the proposal would result in the replacement of several smaller buildings and chattels, it would be the case that the new dwelling and detached garage would be materially larger than that which it replaces. Thus the Inspector agreed that the proposals represented inappropriate development which conflicted with national and local Green Belt policy. She also agreed that the impact of the proposal on the openness of the Green Belt would be greater than the existing buildings on site and that this would be exacerbated by the domestic paraphernalia associated with the use, such as parked cars, garden furniture and children's play equipment.</p> <p>In considering whether very special circumstances existed to justify the impacts on the Green belt the Inspector concluded that the appellant's contention that the land will remain in its existing state if not developed was an argument that could be repeated many times and it is not sufficient reason for allowing what is otherwise an unacceptable form of development. Further, the Inspector concluded that in relation to the appellants personal circumstances (the wish to downsize from their existing property), the harm described above would continue long after these personal circumstances cease to be material.</p>
<b>Date</b>	10.02.16

### 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

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**Background Papers:** None

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**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
15/01059/FUL	36 Potters Field Road Woodmancote Cheltenham Gloucestershire GL52 9PY	Erection of detached single garage.	02/02/2016	HH	SNB	N/A
15/00670/OUT	32 Ermin Street Brockworth Gloucester Gloucestershire GL3 4HN	Outline Planning Permission for the demolish existing house and garage and replace with 3 townhouses (All matters reserved)	09/02/2016	W	CIP	15/03/2016
15/00678/FUL	Lynch Lane Farm Greenway Lane Gretton Cheltenham Gloucestershire GL54 5ER	Demolition of existing extensions & erection of one and a half storey extension. (Revised scheme to 13/01065/FUL & 13/01066/LBC]	04/02/2016	W	EMB	10.03.2016
15/00679/LBC	Lynch Lane Farm Greenway Lane Gretton Cheltenham Gloucestershire GL54 5ER	Listed Building Consent for Demolition of existing extensions & erection of one and a half storey extension (revised scheme 13/01065/FUL & 13/01066LBC)	04/02/2016	W	EMB	10.03.2016
13/01215/CLE	Green Garden Coopers Hill Gloucester GL3 4SD	Use of land for purposes incidental to the enjoyment of the residential dwelling at Green Garden.	02/02/2016	W	HMS	15/03/2016
15/01193/FUL	29 The Holt Bishops Cleeve GL52 8NQ	Demolish existing garage and replace with attached garage with addition of first floor over garage to provide additional bedroom.	16/02/2016	HH	SNB	N/A

#### Process Type

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