

# TEWKESBURY BOROUGH COUNCIL

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|------------------------------|---|
| <b>Report to:</b>            | Planning Committee                          |
| <b>Date of Meeting:</b>      | 12 April 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 February and March 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:

|                               |  |
|-------------------------------|--|
| <b>Application No</b>         | 15/01059/FUL   |
| <b>Location</b>               | 36 Pottersfield Road, Woodmancote  |
| <b>Appellant</b>              | Miss E Elliott   |
| <b>Development</b>            | Erection of detached single garage.  |
| <b>Officer recommendation</b> | Refuse   |
| <b>Decision Type</b>          | Delegated  |
| <b>DCLG Decision</b>          | <b>Dismissed</b>   |
| <b>Reason</b>                 | <p>The application was for a garage in front of the existing house and was refused on the basis of its unacceptable impact on the streetscene in this open plan estate.</p> <p>There had been previous refusals on this site however the Inspector concluded that the reduction in scale from earlier refused applications did not overcome the harm caused to the character and appearance of the area and agreed with the Council that permission should be refused.</p> |
| <b>Date</b>                   | 09.03.16   |

|                               |  |
|-------------------------------|--|
| <b>Application No</b>         | 15/00587/FUL   |
| <b>Location</b>               | Woodlands Bank, Gander Lane, Teddington  |
| <b>Appellant</b>              | Mrs J Baker  |
| <b>Development</b>            | Erection of stabling for Alpaca breeding herd  |
| <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 on the grounds that it would have an undue impact on the Cotswolds AONB in accordance with the Parish Council view.</p> <p>In allowing the appeal, the Inspector considered that existing farm buildings and timber structures within the fields close to the appeal site form part of the landscape character of the area, and that the size of the proposed building would not be disproportionately large or excessive. He further observed that the building would be discretely sited close to the adjoining woodland 'Teddington Grove', and that it would be largely viewed against this woodland from public vantage points, including from the nearby rights of way and the rear elevations of properties in Teddington village. The woodland would rise above the height of the building up the hillside, such that the building would not be intrusive in the wider landscape.</p> <p>In this context, the Inspector considered that the scale, siting and size of the proposal would not be overly prominent, intrusive or out of keeping with the rural landscape, or overbearing or harmful to the character of</p> |

|             |  |
|-------------|--|
|             | the Cotswolds AONB, and that the visual impact of the building could be mitigated further with the addition of further landscaping |
| <b>Date</b> | 15.03.16   |

|                               |   |
|-------------------------------|---|
| <b>Application No</b>         | 15/00836/PDAD   |
| <b>Location</b>               | The Dutch Barn, Sawpit Lane, Apperley   |
| <b>Appellant</b>              | Mr Paul Benbow  |
| <b>Development</b>            | Change of use of existing agricultural barn to 1 no. residential dwelling and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses)  |
| <b>Officer recommendation</b> | Refuse  |
| <b>Decision Type</b>          | Delegated   |
| <b>DCLG Decision</b>          | Dismissed   |
| <b>Reason</b>                 | <p>This case was a notification under permitted development rights to change the use of a barn to a dwelling. The Council refused the application on the basis that there would be substantial alterations involved which took it outside the ambit of permitted development rights and because the building had not been previously solely used for agriculture.</p> <p>The appeal was made on the basis that the Council had not given notice of its decision within the relevant period however the Inspector noted the Council's reasons for deciding that the scheme did not represent permitted development in any event.</p> <p>The Inspector was not convinced that the evidence showed that the barn had solely been used for agricultural use and the proposal did not therefore constitute permitted development. Nevertheless, and disappointingly the Inspector considered that whilst the works required for the proposed conversion were extensive, they would fall within the requirements of the General Permitted Development Order. Whilst each case is different this does seem to be in conflict with other appeal decisions and better guidance on this matter from Government is sorely needed to help inform decision makers.</p> |
| <b>Date</b>                   | 17.03.16  |

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|-----------------------|----------------------------|
| <b>Application No</b> | 15/00994/FUL               |
| <b>Location</b>       | 74 Stanford Road, Northway |

|                               |   |
|-------------------------------|---|
| <b>Appellant</b>              | Mr G Short  |
| <b>Development</b>            | Erection of first floor rear extension (revised proposal to previous permission reference 15/00518/FUL)   |
| <b>Officer recommendation</b> | Refuse  |
| <b>Decision Type</b>          | Delegated   |
| <b>DCLG Decision</b>          | <b>Dismissed</b>  |
| <b>Reason</b>                 | <p>The application was refused on the basis that the proposals would have an unacceptable impact on neighbouring property by reason of overshadowing/overbearing impact and overlooking.</p> <p>The Inspector agreed with the Council and in doing so made the point that even if a side window overlooking the neighbouring property was obscure glazed, there would still be a real perception of overlooking, particularly given the very close proximity of the garden and rear windows of the neighbouring property.</p> |
| <b>Date</b>                   | 23.03.16  |

### **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 |

### List of Appeals Received

| Reference    | Address  | Description  | Date Appeal Lodged | Appeal Procedure | Appeal Officer | Statement Due |
|--------------|--|--|--------------------|------------------|----------------|---------------|
| 15/00865/FUL | Land At Berrow Farm<br>Wickridge Street<br>Ashleworth<br>Gloucester<br>Gloucestershire<br>GL19 4JW | Installation of two no. biomass boilers on a concrete pad and the change of use of the grain store and mill house for use in association with commercial wood chip drying.   | 14/03/2016         | W                | HMS            | 18/04/2016    |
| 15/00639/FUL | Kings Head Inn<br>Tewkesbury Road<br>Norton<br>GL2 9LR   | Construction of 4 dwellings (Revised scheme to previously approved under 14/00686/FUL to incorporate a double garage at plot 2)  | 14/03/2016         | W                | CIP            | 18/04/2016    |
| 15/01211/FUL | Newton Farm<br>Natton<br>Ashchurch<br>Tewkesbury<br>Gloucestershire<br>GL20 7BE                    | Retrospective consent for the creation of a construction training centre   | 14/03/2016         | W                | MAT            | 18/04/2016    |
| 15/00162/FUL | Grafton House<br>Gretton Fields<br>Gretton<br>Cheltenham<br>Gloucestershire<br>GL54 5HH            | Proposed use of land and buildings for a mixed use Class B1, Class B2, Vintage Vehicle Storage (Class B8) and Equestrian Purposes. Formation of Manege. Construction of vehicular access and driveway.   | 29/02/2016         | W                | JBD            | 04/04/2016    |
| 15/01139/FUL | The Willows<br>Bamfurlong Lane<br>Staverton<br>Cheltenham<br>Gloucestershire<br>GL51 6SL           | Change of use of holiday touring caravan and camping site to gypsy and traveller site for 20 static caravan pitches and 9 touring caravans pitches, amenity space, landscaping and utility building, following demolition of existing buildings. | 04/03/2016         | W                | JWH            | 08/04/2016    |
| 15/01007/FUL | Vine Tree Farm<br>The Wharf<br>Coombe Hill   | Proposed replacement dwelling with attached garage building. Hard and  | 29/02/2016         | W                | LJD            | 04/04/2016    |

| List of Appeals Received |   |   |                    |                  |                |               |
|--------------------------|---|---|--------------------|------------------|----------------|---------------|
| Reference                | Address                                   | Description   | Date Appeal Lodged | Appeal Procedure | Appeal Officer | Statement Due |
|                          | Gloucester<br>Gloucestershire<br>GL19 4AS | soft landscaping. Provision of new access and driveway. - Revised scheme following planning permission ref: 14/01224/FUL. |                    |                  |                |               |

### Process Type

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