

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	11 April 2017
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Cllr D M M Davies, Lead Member for Built Environment
<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>	<b>16/00520/FUL</b>
<b>Location</b>	Treglos Fleet Road Twyning
<b>Appellant</b>	Miss Janet Houlan
<b>Development</b>	Slimline 1000L oil storage tank at front of property
<b>Officer recommendation</b>	Permit with conditions
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	Allowed with condition amendment
<b>Reason (if allowed)</b>	Permission had been granted for this application, subject to a condition requiring screening for the proposed oil storage tank to be provided in advance of the storage tank being put in place. The applicants were unhappy with the timing of the requirement. The Inspector concluded that the disputed condition was necessary, having regard to the impact on the character and appearance of the area and Government policy in the NPPF, however, the timescale originally given for implementation was not reasonable. Therefore the Inspector deleted the original condition (condition 3) and replaced it with the Council's suggested alternative condition, with some minor changes of wording to improve clarity.
<b>Date</b>	10.03.2017

<b>Application No</b>	<b>16/00344/PDAD</b>
<b>Location</b>	Hayden Farm Barns Hayden Farm Hayden Lane Boddington GL51 0SR

<b>Appellant</b>	Mrs T M Hadley & Mrs E James
<b>Development</b>	Conversion of two agricultural barns to 2. no residential dwellings, including the works necessary to allow them to function as dwellings.
<b>Officer recommendation</b>	Refusal
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed – Costs Application A and B refused.
<b>Reason (if allowed)</b>	<p>Class Q of the General Permitted Development Order permits the change of use of an agricultural building to residential use, though the permitted development rights are restricted through conditions in the Order. Proposals must be a true conversion and not a rebuild and if a proposal fails this, then it is not permitted development. The Inspector considered that the structures required substantial rebuilding of the exterior walls for the building to function as a dwelling and this would not represent conversion. The proposal was therefore not permitted development and the appeal dismissed.</p> <p>Both the Council and Appellant sought an award of costs for unreasonable behaviour however in both instances the Inspector considered that this had not been proven.</p>
<b>Date</b>	21.03.2017

### **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:** Jane Bagley, Appeals Administrator  
01684 272286 [Jane.Bagley@teWKesbury.gov.uk](mailto:Jane.Bagley@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
16/00610/FUL	Land Opposite The Orchard Alstone Tewkesbury Gloucestershire GL20 8JD	Erection of two new dwellings with garages including altered vehicle access, drives, turning, parking spaces and landscaping.	03/03/2017	W reps	CIP	07/04/2017
16/00640/OUT	Tredington House Tredington Tewkesbury Gloucestershire GL20 7BU	A pair of agricultural workers dwellings	03/03/2017	Hearing	LLJ	07/04/2017

#### Process Type

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