

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	9 May 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr D M M Davies, Lead Member for Built Environment
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

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	16/00640/OUT
Location	Tredington House Tredington Tewkesbury
Appellant	FM & T Jukes
Development	2x Agricultural Workers Dwellings
Officer recommendation	Refused
Decision Type	Delegated
DCLG Decision	Appeal Application Withdrawn
Reason	
Date	28.03.2017

Application No	16/00757/FUL
Location	The Old Mill House, Oxenton, Cheltenham GL52 9SE
Appellant	Mr R Thomson
Development	Proposed demolition derelict structure and replace with ancillary building.
Officer Recommendation	-
Decision Type	Non-Determination
DCLG Decision	Dismissed – Costs Appeal Dismissed
Reason	<p>The Inspector considered that although the proposed building would occupy the same footprint as the existing building to be demolished, it would have a considerably greater presence within the rural landscape, primarily due to its greater height and mass. The proposal did not include any justification for a building of increased size set within a relatively small paddock and the Inspector concluded that the building would fail to conserve or enhance the natural beauty of the AONB, contrary to the NPPF.</p> <p>Costs Appeal - the basis of the application is that the Council behaved unreasonably by not determining the applications within the eight week time period or requesting an extension of time in which to do so. The Inspector considered it reasonable to assume that the Council could have determined the applications, presumably under delegated powers, within the target dates but instead, entered into dialogue and correspondence. Much of this focussed on the Council's concerns with regard to the proposed building providing storage which would be ancillary to the house but outside the residential curtilage. The Council also referred to there being a lack of justification for the proposed building in the light of a recent grant of permission for a large garage building with storage above.</p> <p>The applicant's email of 10 September raises the possibility of extending the period for determination of the application in the context of negotiations and the Inspector considered it clear that negotiations continued into October. On the basis of the email correspondence</p>

	provided by the Council in response to the Costs Appeal, the Inspector considered that the Council did not behave unreasonably in their failure to determine the application within the eight week period and the Costs Appeal was dismissed accordingly.
Date	20.04.2017

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

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
16/00539/OUT	Land At Trumans Farm Manor Lane Gotherington	Outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works	24/03/2017	WR	CA	05.05.2017
16/01113/FUL	Lakeside Churchdown Lane Churchdown Gloucester Gloucestershire GL3 2LR	Demolish existing derelict 'corrugated zinc' garage. Erect a detached outbuilding associated with Bee keeping (i.e. for honey preparation and storage).	28/03/2017	W	SDA	02/05/2017
16/01288/FUL	46 Vale Road Bishops Cleeve Cheltenham Gloucestershire GL52 8ER	Detached single garage	13/04/2017	FAS	FIM	N/A

Process Type

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