

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	26 September 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

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	16/00907/FUL
Location	Bushcombe House Farm Bushcombe Lane Woodmancote Cheltenham GL52 9QL
Appellant	Mr P Badham
Development	Siting of a single log cabin holiday let unit
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The application had been refused as it conflicted with the Council's policy TOR2 which does not support new build holiday lets, and due to the harm to the AONB.</p> <p>The Inspector agreed that the visibility requirements for the site would result in a large amount of vegetation on the site's frontage needing to be removed this would harm the character and appearance of the AONB. Additionally the removal of the vegetation would result in the enclosed rural site becoming much more open and the likely domestic accoutrements would adversely affect the character and appearance of the AONB. For these reasons the proposed development would conflict with the Framework and statutory legislation relating to protected landscapes.</p>
Date	18.08.2017

Application No	16/01435/FUL
Location	Foscombe House Foscombe Ashleworth Glos GL19 4JN
Appellant	Mr Mark Martin
Development	Erection of a woodstore to the north of Foscombe House
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	<p>The application had been refused on landscape impact grounds (conflict with LP Policy LND4) and impact on setting of a Grade II* Listed building.</p> <p>The Inspector noted that the proposed scheme had not addressed a previous Inspector's concerns in dismissing a previous appeal on the site. He concluded that the countryside setting was a part of the significance of the heritage asset, and the erection of a wood-store in its proposed location would be harmful to both setting of the Grade II* Listed Building and countryside.</p>
Date	05.09.2017

Application No	17/00028/FUL
Location	Chapel Farm Walton Cardiff Lane Tewkesbury GL20 7BL
Appellant	Mr Joseph Muscat
Development	Change of Use of land from agricultural use to domestic

	use, provision of vehicular driveway and alterations to vehicular access and associated landscaping and boundary treatments.
Officer recommendation	REFUSE
Decision Type	Delegated
DCLG Decision	DISMISSED and COSTS REFUSED
Reason	<p>The application had been refused due to the impact the proposed development would have on the character and appearance on the rural landscape.</p> <p>The Inspector agreed that the proposal would result in an adverse cumulative visual harm to the existing agricultural field. Whilst there was an existing access gate the introduction of a domestic metalled driveway which would travel a significant distance across an open field currently used for crops would be unsympathetic to the character and appearance of the landscape.</p> <p>Furthermore, the proposal would be visible from the road to the east and other public vantage points and an engineered driveway with paddocks would be unsympathetic and detrimental to the countryside.</p> <p>Costs Application The Appellant suggested that the Council failed to provide detailed evidence for the refusal reasons. The Inspector highlighted the details within the delegated officer report which assess the proposal and consider the reason for refusal was sufficiently clear and precise. Additionally, the Inspector agreed that for the scale of the proposal it was appropriate for the planning officer to use their judgement relating to landscape despite the evidence provided by the appellant's landscape expert. Overall, the Inspector did not consider that the applicant was put to unnecessary or wasted expense.</p>
Date	08.09.2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None received.

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.

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Appendices: 1 - List of Appeals Received.

Appendix 1

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/01155/OUT	Land Adjoining The Timberyard Two Mile Lane Highnam Gloucester Gloucestershire GL2 8DW	Outline planning application for the erection of a single dwelling and associated access.	01/09/2017	W	MAD	06/10/2017
17/00277/FUL	4 Orchard Way Churchdown Gloucester Gloucestershire GL3 2AN	First floor rear extension	18/08/2017	H	SNB	

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry