

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr E J MacTiernan, 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	17/00277/FUL
Location	4 Orchard Way Churchdown Gloucestershire GL3 2AN
Appellant	Mr Paul Hathaway
Development	Proposed first floor extension to form additional bedrooms
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Allowed
Reason	<p>The main issue was the effect of the proposed extension on the living conditions at the neighbouring property 2 Orchard Way, with particular regard to the outlook from, and availability of light to, that property.</p> <p>The Inspector considered that as a result of this scheme, the outlook from that window would become more restricted to the left. However, the window is wide, and is set in slightly from the boundary. Furthermore, the Inspector concluded that the scheme would have a hipped roof which would slope down towards the boundary, thereby limiting its bulk. Consequently, the principal open outlook straight down No.2's rear garden and over the rear gardens of the properties to the south and south-east would remain largely unimpeded. Although the scheme would breach a 45 degree line drawn from that window, as it would be sited to the north-east, the Inspector felt that it would result in very little if any loss of direct sunlight within that bedroom.</p> <p>The Inspector therefore concluded that the scheme would not impact on the living conditions at No 2 to a harmful degree and would not therefore conflict with Policy HOU8 of the Local Plan.</p>
Date	15.09.2017

Application No	16/00481/OUT
Location	Land off Kyderminster Road Winchcombe GL54 5YP
Appellant	Tata Steel UK Ltd

Development	Proposed erection of 35 dwellings vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works
Officer recommendation	Delegated Permit
Decision Type	Committee - Refuse
DCLG Decision	Dismissed
Reason	<p>The Inspector considered the main issue to be the effect of the proposed development upon the Cotswolds AONB. The Inspector concurred with the Council's view in that, taking the population of the Town as a whole, the development of 35 dwellings would not constitute major development in the AONB. The Inspector accepted the assessment of landscape impact on both sides in that the degree of harm would be low adverse. Nevertheless, the development would represent an intrusion of built development into the AONB and would occupy an area of characteristic agricultural land which forms part of the setting of Langley Hill and which would be highly visible to residents of the adjacent existing development.</p> <p>The Inspector concluded that the effect upon the landscape would be, for the most part, localised but that this would still amount to actual harm to the AONB, in conflict with Policy SD8 of the emerging JCS and Policy 1.1 of the Neighbourhood Development Plan.</p> <p>The Inspector also agreed with the Council's position in that it is able to demonstrate a five year supply of housing land. Consequently, he did not consider that the need to identify further housing sites was so pressing as to outweigh the conflict with the development plan and the importance placed on the protection of the AONB within the Framework.</p>
Date	05.10.2017

Application No	16/00484/CLE
Location	Bus Bungalow Walham Sandhurst Gloucester GL2 9ND
Appellant	Mr J Royles

Development	Certificate of Lawful use or development is sought is use as a residential caravan site (including use ancillary thereto).
Officer recommendation	Split Decision
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The certificate of lawfulness had been refused on the basis that it had not been demonstrated that, on the balance of probability, the land in question had been used as a residential caravan site for a period in excess of 10 years.</p> <p>The Inspector agreed with the Council that the site is functionally different to the lawful Bus Bungalow residential site and any ancillary residential use has not occurred on the land to the west for a continuous period of more than 10 years. He therefore concluded that the Council's refusal to grant a certificate of lawful use was well-founded.</p>
Date	12.10.2017

Application No	17/00339/FUL
Location	Land at Twigworth Court
Appellant	Res Land & New Homes Ltd
Development	New dwelling within grounds of garden
Officer recommendation	Refusal
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application had been refused as the proposed development would be sited outside any identified settlement boundary and was refused as it was contrary with Local Plan Policy HOU4. The Inspector agreed with the Council that this policy was compliant with the NPPF as it seeks to avoid sporadic development in the countryside and ensure that development is directed to the most appropriate locations. She also did not consider that the presence of settlement boundaries did not appear to constrain housing delivery and therefore HOU4 could be afforded full weight.</p> <p>The Inspector noted that the NPPF seeks to maximise the use of sustainable transport options and therefore it remains desirable for new development to be located in appropriately served settlements In this case, the Inspector concluded that the location of the appeal site would conflict with the development strategy of the adopted development plan.</p> <p>The Inspector considered that the proposed dwelling would not be harmful to the setting of the listed building or the rural landscape and proposed occupiers would have a good level of amenity. However, she concluded that</p>

	there was no weight of material considerations to outweigh the conflict with HOU4 and the proposed development would not be sustainable development.
Date	16.10.2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None to report

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: Appendix 1: List of Appeals received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/00553/FUL	382 Longford Lane Longford Gloucester Gloucestershire GL2 9BX	Erection of a detached dwelling with alteration to existing vehicular access. Revised application 16/00948/FUL	12/10/2017	W	SDA	16/11/2017
17/00612/FUL	The Old Mill House Oxenton Cheltenham Gloucestershire GL52 9SE	Demolition of existing structure to erect new building for ancillary use of The Old Mill House.	19/10/2017	W	LJD	23/11/2017
17/00484/FUL	Ashgrove Toddington Cheltenham Gloucestershire GL54 5DT	Erection of two storey detached dwelling to side of existing dwelling at Ashgrove and provision of associated vehicular access, parking and turning area, boundary treatment and landscaping	20/10/2017	W	EMB	01/12/2017
17/00077/FUL	Regency Court Park Bamfurlong Lane Staverton Cheltenham Gloucestershire GL51 6SL	Change of use of land to accommodate 30 static caravans for holiday let use and associated works	23/10/2017	W	SDA	27/11/2017
15/00941/FUL	Part Parcel 7200 Sandhurst Lane Sandhurst Gloucester Gloucestershire	Application for the erection of 16 dwellings (8 affordable and 8 open market sale) with landscaping, access and associated works.	11/10/2017	W	PAI	15/11/2017
17/00338/FUL	Land At The Coach House Post Office Lane Cleeve Hill Cheltenham Gloucestershire GL52 3PS	Construction of a new dwelling.	12/10/2017	W	FIM	16/11/2017
16/00486/OUT	Land South Of Oakridge Highnam Gloucester Gloucestershire	Outline application for the erection of 40 dwellings with all matters reserved except access.	07/11/2017	P	PDS	

Process Type

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