

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	Tuesday 13 March 2018
<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 Mrs E J MacTiernan, 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>	17/00338/FUL
<b>Location</b>	Land At The Coach House Post Office Lane Cleeve Hill Cheltenham Gloucestershire GL52 3PS
<b>Appellant</b>	Andrew P Jones Associates
<b>Development</b>	Construction of a new dwelling
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Allowed
<b>Reason</b>	<p>The application was refused under Local Planning Policy such as HOU4 which was superseded when the Joint Core Strategy (JCS) was adopted. As a result the appeal was considered on the current development plan which consists of JCS policies.</p> <p>The Inspector considered the proposed site to be 'well related to existing build development.' In this instance the Inspector considers the proposal to be infill within the existing built up area of Tewkesbury Borough's towns and villages and would comply with policies DP2 and SD 10 of the JCS. Contrary to the Council's recommendation the Inspector considered that there are sufficient services and facilities in close proximity to the site, and whilst a car might be needed the journeys would be short which would limit the effects on greenhouse emissions.</p> <p>The Inspector also considered the proposal to not be harmful to the landscape and its character or appearance. Whilst the site is located in the AONB and there would be some views into the site the proposed dwelling would be seen within a backdrop of existing built form.</p> <p>The Inspector concluded that the proposal would make a contribution to the supply of housing and future occupiers would help maintain the vitality of local services. Additionally the proposal would bring some economic uplift to the area. Whilst there would be some reliance on a car there are other transport options available as the site is in a relatively accessible location.</p>
<b>Date</b>	06.02.2018

<b>Application No</b>	16/01238/FUL
<b>Location</b>	Liberty Farm Stanway Road Stanton Broadway WR12 7ND
<b>Appellant</b>	Mr William Hance
<b>Development</b>	Use of agricultural building as a temporary rural workers dwelling
<b>Officer recommendation</b>	Non determination
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	Allowed – Costs Refused
<b>Reason</b>	<p>This was an appeal against non-determination of the planning application which had been refused on the basis that insufficient evidence had been submitted to justify the need for a dwelling on the site to satisfy the essential needs of the proposed farming enterprise. This had followed a previous temporary permission which had been allowed on appeal. The Appellant had not implemented the previous permission as expected and thus sought a further period to establish the enterprise to justify a permanent dwelling on the site.</p> <p>The Inspector understood the reasons for the Council's reticence to grant a further temporary permission and that the reasons given by the Appellant for not implementing the permission earlier were arguably weak.</p> <p>Nevertheless the Inspector reasoned that there were other considerations in this case. There are however, other circumstances to consider. Firstly, neither the development plan nor PPG rule out the granting of further temporary planning permissions entirely.</p> <p>Secondly, he felt that there seems every chance on the basis of the evidence that the business will grow; he had no reason to question the appellant's intentions and felt there was clear visible evidence of continuing investment.</p> <p>Thirdly, the Inspector considered the ramifications of not granting another planning permission, i.e. that the appellant would effectively be homeless. In addition, the business that had been established would inevitably suffer. This would not be the desired outcome from an economic perspective and would, there seems no doubt, detrimentally affect a livelihood.</p> <p>Placing these 'highly likely outcomes' in the context of the limited planning harm that granting a second temporary planning permission would cause (in particular harm to the AONB), the Inspector concluded that he could not reasonably justify withholding a second temporary permission.</p>

	<p>In respect of the Appellant's costs application the Inspector concluded that, in determined to be minded to refuse the application, Members set out clearly their reasons for resistance of the scheme, taking into account the history of the appeal site and the reasons the applicant gave for not implementing the original scheme. Members gave significant weight to the advice set out in PPG on the matter of further temporary planning permissions, a stance also set out in the development plan. Notwithstanding the Inspector's findings on the appeal scheme, he considered that the Council had sufficiently and robustly defended their position with the assistance of further specialist advice.</p> <p>On that basis, the Inspector saw no clear demonstration of unreasonable behaviour.</p>
<b>Date</b>	14.02.2018

### **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
17/00474/FUL	23A Gray Close Innsworth Gloucester Gloucestershire GL3 1EE	Single storey front extension.	31/01/2018	W	FIM	07/03/2018
17/01044/FUL	Land Rear Of Rectory Farm Maisemore Gloucester Gloucestershire	Retrospective application for the erection of a wooden fence and gateway.	21/02/2018	W	ANB	28/03/2018

### Process Type

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