

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 10 April 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr Mrs 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	16/01310/FUL
Location	Yew Tree Farm Bushcombe Lane Woodmancote Cheltenham GL52 9QJ
Appellant	Mr & Mrs H Davies
Development	Change of use of existing buildings to form two dwellings.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application had been refused on the grounds that the development would involve major reconstruction and substantial alterations which would by reason of poor design be visually intrusive and harmful to the rural character and appearance of the area. In addition, due to the unsympathetic conversion scheme the proposal would have a harmful impact on the landscape character of the AONB.</p> <p>The Inspector agreed with the council and concluded that the conversion works would have a considerable adverse effect on the external appearance of the buildings, robbing them of their simple form and giving them a more urban appearance. This coupled with the associated domestic paraphernalia would cause significant harm to the character and appearance of the Yew Tree Farm group of buildings and their immediate surroundings. As such the appeal proposal would not achieve a high quality design and would neither respect nor respond positively to the character of the site and its surroundings.</p> <p>Furthermore, the Inspector considered the development would cause harm to the rural setting of the village, reducing the contribution which the hillside makes to the landscape character of the AONB. Therefore the proposals would fail to conserve and, where appropriate, enhance the AONB's landscape and scenic beauty.</p>
Date	09.03.2018

Application No	16/01234/FUL
Location	Burberry Woods, Burberry Hill, GL54 5DP
Appellant	Mr & Mrs Julian Cresswell
Development	Conversion of existing barn to a dwellinghouse including retention of timber barn for storage, the demolition of all other structures, reinstatement of woodland/orchard, and long term landscape/ecological management.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Allow
Reason	<p>The application was refused principally due to the conflict with housing policy, having regard to the fact that the Council did not consider that the proposal constituted an acceptable conversion; harm to the AONB; and the location al disadvantages of the site.</p> <p>In allowing the appeal proposals the Inspector took the view that the works proposed to make the building habitable were appropriate in the context of policy AGR7 of the Local Plan and thus was in accordance with JCS policy SD10. In terms of accessibility, the Inspector concluded that whilst the site does not provide for easy access to shops and services, the resultant car journeys by the future occupiers of the dwelling would be limited in number and of relatively short duration.</p> <p>In terms of the potential impact on the AONB the Inspector gave significant weight to the proposed restoration and future management of the orchard, woodland, pond and other features on the appellant's land. Disappointingly the Inspector did not discuss other potential harms to the landscape arising from improved security/access measures which formed part of the council's case. The Inspector concluded that there would be no material harm to the character and appearance of the site and its surroundings and no harm to the landscape character of the AONB.</p>
Date	09.03.2018

Application No	16/01042/FUL
Location	Land on the North Side of Gabb Lane Apperley GL19 4DL
Appellant	Mrs Flora Macleod
Development	Construction of 1 no dwelling
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application was refused due to the conflict with housing policy; design; landscape impact and accessibility.</p> <p>In dismissing the appeal the Inspector agreed with the Council that the proposal would cause significant harm to the character and appearance of the site and surroundings and harm the landscape character of the Landscape Character Area and Landscape Protection Zone in conflict with local and national planning policies.</p> <p>The Appellant had promoted the development on the basis that it would be a replacement dwelling and indicated they would be happy for their existing dwelling, which was not on the same site as the proposed dwelling and was some distance away. The Inspector considered that in his experience, a replacement dwelling is normally either on the same site or in very close proximity to that to be replaced. In any event, he judged that the proposed replacement would not comply with replacement dwelling policies given its size and impact and thus did not comply with JCS policy SD10 or Local Plan policy HOU7 (replacement dwellings).</p> <p>The Appellant had also promoted the application on the basis that the existing dwelling was at risk of flooding however the Inspector had no evidence, in the form of a Flood Risk Assessment to show that the proposed dwelling would not be similarly at risk.</p> <p>The Inspector also concluded that, as he had dealt with the application on the basis of it being a replacement dwelling (which the Council had not), there would be no increase in the number of frequency of such journeys provided that the existing dwelling were demolished.</p>
Date	09.03.2018

Application No	17/00553/FUL
Location	382 Longford Lane Longford Gloucester GL2 9BX
Appellant	Mr Sidney Staton
Development	Erection of a detached dwelling with alteration to existing vehicular access. Revised application 16/00948/FUL
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application was refused on design grounds in that the proposal would fail to respect the character of the area and respond to the local context.</p> <p>The Inspector noted that the context of Sherwood Green was a pleasantly fairly open and spacious street scene with dwellings that are noticeably set back from the road behind front gardens. He considered that the proposed dwelling would be seen in a closer context than the existing dwellings. This would result in it appearing uncharacteristically cramped and a jarring and incongruous feature in the streetscene.</p> <p>He did not consider that the proposed dwelling would have an adverse impact on residential amenity and it would preserve the setting of the nearby listed building, 98 Tewkesbury Road. He also acknowledged the economic and social benefits gained from the construction of an additional dwelling. He concluded that the harm to the character and appearance of the surrounding area was not outweighed by the limited benefits of the proposal and dismissed the appeal accordingly.</p> <p>The Inspector refused the claim for costs as he considered that the Council's reasons were adequately set out in its decision and the officer report. Furthermore, the previously refused scheme had referred to the cramped siting of the dwelling and the lack of amenity space surrounding the dwelling.</p>
Date	09.03.2018

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

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
17/00478/FUL	Vine Tree Farm The Wharf Coombe Hill Gloucester Gloucestershire GL19 4AS	Proposed erection of replacement three-storey dwelling with attached orangery, additional basement level and basement level garaging. Associated re-grading, land and hard and soft landscaping and new access/driveway - Revised scheme further to allowed appeal ref: 15/01007/FUL & withdrawn application ref: 16/00410/FUL.	28/02/2018	W	LJD	04/04/2018
17/00693/FUL	The Guildhouse Stanton Tewkesbury Gloucestershire WR11 9SN	Erection of two storey lodge building to provide either additional capacity for residential users of The Guildhouse or accommodation for staff of The Guildhouse, plus single storey element comprising an office	01/03/2018	W	EMB	05/04/2018
17/00952/FUL	Doctors Surgery Chance Street Tewkesbury Gloucestershire GL20 5RF	Proposed demolition of existing doctors' surgery and associated outbuildings and erection of 3no. 3 bedroom dwellings, associated landscaping and parking.	09/03/2018	W	LJD	13/04/2018

Process Type

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