

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	30 August 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) 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 Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	17/00693/FUL
Location	The Guildhouse Stanton Tewkesbury WR11 9SN
Development	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
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The Inspector considered that the main issues were whether the proposal resulted in the creation of a new dwelling; the impact of the proposals on Stanton Guildhouse, a grade II listed building and the impact on the AONB.</p> <p>The Inspector concluded that the proposal was not a new dwelling on the basis that whilst it contained all the facilities necessary for its use as such, the Appellant had not proposed a new dwelling, but a use ancillary to the main use of the site, as guest/staff accommodation.</p> <p>In respect of the listed building the Inspector agreed with the Council that the development, due to its scale and siting would undermine and detract from the appreciation of Stanton Guildhouse and dilute the experience of its approach and surroundings. He concluded that this would therefore fail to preserve its setting and cause harm to its significance. The Inspector also recognised there would be harm to the AONB.</p> <p>Whilst the Inspector recognised that there would be some benefits arising from the proposal, for the above reasons, the appeal was dismissed.</p>
Date	11.07.2018

Application No	17/00478/FUL
Location	Vine Tree Farm The Wharf Coombe Hill Gloucester GL19 4AS
Development	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.
Officer recommendation	Permit
Decision Type	Committee
DCLG Decision	Allow
Reason	<p>The Inspector clarified that the main issue was the impact of the revised scheme on the character and appearance of the area with regard to the Landscape Protection Zone (LPZ).</p> <p>The Inspector gave the extant permission substantial weight in determining the Appeal. The Inspector concluded that once the regrading works have been completed and the site landscaped, that the development would, having regard to the fallback position, not result in material harm to the character and appearance of the area with respect to the LPZ.</p> <p>The Inspector noted that the footings to the unauthorised part of the proposed development had already been carried out and that this constituted 'intentional unauthorised development' which, in light of a Written Ministerial Statement in 2015, weighed against the development.</p> <p>Nevertheless, the Inspector did not consider that this carried such significant weight that the appeal ought to be dismissed given the acceptability of the scheme in all other respects.</p>
Date	13.07.2018

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

Contact Officer: Appeals Administrator
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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/01114/FUL	Margarets Cottage Sandhurst Lane Sandhurst Gloucester Gloucestershire GL2 9NP	Erection of a single dwelling and associated works.	03/08/2018	W	DEK	07/09/2018

Process Type

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