

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	15 October 2019
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	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 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	15/00752/FUL
Location	Leigh Court Church Lane The Leigh Gloucester GL19 4AF
Development	Construction of three new poultry units for up to 155000 birds, feed bins, new access road, landscaping (including associated hard surfacing), flood mitigation and associated works.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The main issues in consideration were landscape impact, heritage assets and the impacts of noise and odour on nearby residential property.</p> <p>The Inspector considered that the sheds and feed bins would be visible from a number of vantage points both in the immediate vicinity along Church Lane as well as from further afield, including nearby public rights of way. Here, the Inspector considered that the sheds would appear more industrial in nature, out of keeping with the agricultural landscape and at odds with the sensitive rural character of the surroundings.</p> <p>Likewise, the Inspector considered that the introduction of the proposed passing bays along Church Lane, would materially erode the pleasant and attractive appearance of the picturesque rural lane which is dominated by the Church and its rural character contributes to the setting of that important heritage asset.</p> <p>Consequently, the Inspector found that the proposal would be harmful to the character and appearance of the surrounding landscape and would negatively impact on local distinctiveness. This would be detrimental to the Landscape Protection Zone in conflict with Local Plan Policy LND3 as well as JCS Policy SD6</p> <p>For the reasons set out above, the Inspector also considered there would be 'less than substantial' harm to the Grade 1 Church of St Catherine. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. The Inspector did not consider the public benefits identified by the appellant would outweigh the harm to the Church and as such, the proposal is also in conflict with the guidance</p>

	<p>set out in the Framework.</p> <p>Furthermore the Inspector was not satisfied that the appellant has demonstrated that there would not be significant impacts on nearby receptors in respect of noise and odour, including the church which was considered a 'highly sensitive receptor'. Accordingly, the Inspector found that the proposal was in conflict with Policy SD14 of the JCS and paragraph 170 of the Framework which advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution.</p> <p>For these reasons, the Inspector considered that the proposal is in conflict with a number of development plan policies which are fundamental to the effective operation of the development plan as a whole as well as the guidance set out in the Framework and concluded that the appeal should be dismissed.</p>
Date	05.08.2019

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: 1: List of Appeals received.

Appendix 1

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
19/00025/OPDEV	Parcel 8384 Broadway Road Winchcombe Cheltenham Gloucestershire	Appeal against alleged unauthorised fencing	12/09/2019	W	WIC	24/10/2019

Process Type

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