

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	17 March 2020
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	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:

<b>Application No</b>	19/00550/PIP
<b>Location</b>	Land To The West Of The A48 Minsterworth Village Hygrove Lane Minsterworth Gloucester
<b>Development</b>	Permission in principle for residential development of between 4 to 6 dwelling houses.
<b>Officer recommendation</b>	PERMIT
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	<b>Allow</b>
<b>Reason</b>	<p>The Inspector considered the main issue for consideration to be whether or not the principle of the proposed development was acceptable, with specific regard to the site's location.</p> <p>The Inspector acknowledged the site was adjacent to the built-up area of Minsterworth but agreed with the Council's view that the site does not lie within the service village. Further, the Inspector reasoned that the proposal would not constitute "infill development" and would therefore conflict with JCS Policies SP2 and SD10. It was noted that the proposal would also conflict with Policies RES2 and RES3 of the PSTBP although the Inspector afforded these policies limited weight in the consideration of the appeal given the nature of unresolved objections in respect of both these policies.</p> <p>The Inspector considered the site's position immediately adjacent to existing residential development and the proposal's ability to reflect the linear form of development in the vicinity, which would not extend westward into the countryside to any greater extent than the adjoining development, would limit any encroachment into the countryside. The adverse effects arising from this encroachment would also be limited.</p> <p>Taking account of the Council's lack of a five year housing land supply, which means paragraph 11 of the NPPF was engaged, the Inspector concluded the proposal would contribute towards the shortfall in housing supply and would attract economic benefits, both during construction and afterwards. The Inspector attached moderate weight to these benefits. The site's conflict with emerging policies in the PSTBP and consequent location outside of a settlement boundary were afforded limited weight only. The proposal's encroachment into the countryside also attracted limited weight.</p>

	For these reasons, the Inspector found the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and allowed the appeal.
<b>Date</b>	20.01.2020

<b>Application No</b>	19/00192/FUL
<b>Location</b>	Land On The East Side Of Broadway Road Stanway Cheltenham Gloucestershire
<b>Development</b>	Retention of an agricultural barn and associated works (Revised scheme Ref: 18/00449/FUL)
<b>Officer recommendation</b>	REFUSE
<b>Decision Type</b>	REFUSE
<b>DCLG Decision</b>	<b>Dismiss</b>
<b>Reason</b>	<p>The Inspector based his decision on the amended plans showing the omission of the fence which were received only the day before the meeting of the Planning Committee, on the basis that Members were advised of these amended plans and were therefore able to consider them when making their decision. The Inspector did acknowledge, however, that whilst the appellant referred to the removal of the fencing from the scheme, at the time of his visit the site remained enclosed by galvanised palisade fencing and the access to the site was gated. The Inspector acknowledged within the appeal decision that the building is plainly visible from the adjacent highway when approaching and passing the site. Within the appeal decision, the Inspector considered that the building, given its scale and the use of metal sheet cladding, has a somewhat industrial character and noted that it is also unrelated to, and isolated from, any other development which emphasises it as a conspicuous feature. Consequently, the Inspector considered that the development appears as a discordant and incongruous element within the landscape that detracts from its attractive rural nature.</p> <p>The Inspector acknowledged that the site benefits from an extant planning permission for a hay storage barn, which permitted a smaller building, clad in timber boarding, located closer to the highway with a smaller area of hardstanding. The Inspector noted that the permitted scheme would have a reduced visual impact than that of the appeal scheme, in that it would have a smaller visual presence due to its lesser scale and its more sympathetic use of materials.</p> <p>Whilst the Inspector considered that the partial setting down of the building below ground level serves, to some degree, to reduce the visual presence of the building and is not of itself unacceptable, he judged that this does not overcome the identified harm.</p> <p>The Inspector also recognised that, whilst the permitted building was to be open on one side, the building which is constructed on site includes roller shutter doors enclosing the east elevation. The Inspector noted that, whilst he appreciated the need for security, the inclusion of these</p>

	<p>three roller shutters impart a, and reinforce the, industrial nature of the building, which is at odds with the rural character of the area. The Inspector also noted that the appeal scheme includes a larger hardstanding area than that which was previously permitted and that, together with the location of the building further from the road, this results in development extending further into the countryside than previously permitted.</p> <p>As such, whilst the Inspector was cognisant of the extant permission, he noted that this was for a smaller building, with less visual presence and intrusion into the countryside, and considered that the appeal scheme results in greater harm. The Inspector acknowledged that this fall-back position had weight in his consideration, but that this did not outweigh the harm that results from the appeal scheme and is not a basis on which to allow the appeal.</p> <p>The Inspector concluded that the scheme results in harm to the character and appearance of the area, including that of the AONB, and that it therefore conflicts with saved policy AGR5 of the Tewkesbury Borough Local Plan to 2011, policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) and policy CE1 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (the AONB Management Plan), as well as the design and conservation of the natural environment aims of the National Planning Policy Framework. For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be dismissed.</p>
<b>Date</b>	21.01.2020

### **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

**Contact Officer:** Appeals Administrator  
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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
18/01179/FUL	Land East Of Old Gloucester Road Staverton Gloucestershire GL51 0TG	Change of use of land to provide 9 Travelling Showperson's plots and associated works including hardstanding.	27/01/2020	I	ALW	02/03/2020
19/00333/FUL	Part Parcel 2363 Butts Lane Woodmancote Cheltenham Gloucestershire	Erection of 5 dwellings with associated access	04/02/2020	W	VIS	10/03/2020
19/00538/FUL	19 Whitefields Road Bishops Cleeve Cheltenham Gloucestershire GL52 8RR	Erection of a two storey rear extension.	20/02/2020	FAS	SNB	
19/00246/FUL	Parcel 5762 Land Adjacent Rudgeley House Cold Pool Lane Badgeworth	Proposed change of use of land to a private Gypsy and Traveller site consisting of 1 pitch of 1x Mobile Home, 1x Touring Caravan.	24/02/2020	I	HMS	
PP-07821435	Court Farm Caravan & Camping Site Court Farm Tewkesbury Road Twigworth Gloucester Gloucestershire GL2 9PX	Change of use of land from agricultural to a caravan site to be used as holiday accommodation	25/02/2020	W	VIS	07/04/2020
19/00135/FUL	Bishops Leys Farm Butts Lane Woodmancote Cheltenham Gloucestershire GL52 9QH	The erection of a detached dwelling with integrated garage.	26/02/2020	W	DLL	01/04/2020

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
19/00682/FUL	Land At Cleeve Hill Southam Cheltenham Gloucestershire	Erection of 3no. infill dwellings, new vehicular access and landscaping	02/03/2020	W	ALW	06/04/2020
19/00800/FUL	Noreen Ashleigh Lane Cleeve Hill Cheltenham Gloucestershire GL52 3QF	Erection of an agricultural storage building	04/03/2020	W	DLL	08/04/2020

### Process Type

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