

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

09 February 2021

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 16 FEBRUARY 2021**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional reports:

<b>Agenda Item</b>	<b>Description</b>
<b>6.</b>	<b>Annual Review of Planning Committee Decision-Making 2019/20</b>  To consider the contents of the report.

Should you have any queries regarding the above please contact Democratic Services on  
Tel: 01684 272021

Yours sincerely

**Head of Democratic Services**

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	16 February 2021
<b>Subject:</b>	Annual Report on Planning Committee Decision-Making 2019/20
<b>Report of:</b>	Development Manager
<b>Corporate Lead:</b>	Head of Development Services
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	Three

**Executive Summary:**

The Council's Protocol for Councillors and Officers involved in the Planning Process requires an annual report to the Planning Committee on decision-making, to include the number of applications where Officers' recommendations were not accepted and the outcome of any appeal decisions. The Council's local key performance indicators also requires an annual review of Officer recommendations on planning applications overturned by the Planning Committee.

This report relates to the Planning Committee decision-making in 2019/20 and provides:

- A statistical analysis of all decisions taken by the Planning Committee (Appendix 1).
- An analysis of the cases where the Officers' recommendations were not accepted (Appendix 2).
- A summary of the outcomes of the appeals against decisions made by the Planning Committee in 2019-20 (Appendix 3).

**Recommendation:**

**To CONSIDER the contents of the report.**

**Reasons for Recommendation:**

To inform the Committee of decisions made by it during 2019/20.

**Resource Implications:**

None as a direct result of this report.

**Legal Implications:**

None as a direct result of this report.

**Risk Management Implications:**

None as a direct result of this report.

**Performance Management Follow-up:**

None as a direct result of this report.

**Environmental Implications:**

None as a direct result of this report.

**1.0 INTRODUCTION/BACKGROUND**

**1.1** The Council's Protocol for Councillors and Officers involved in the Planning Process includes an annual review of Planning Committee decisions and provides at paragraph 3.7:

*A review of decision-making will take place each year through consideration of an annual report to the Planning Committee. This report will include a statistical analysis of all decisions taken (specifying the Officer recommendation) during the previous year and will report the outcome of any related appeal decisions. The analysis will also identify the number of cases where Officer's recommendations were not accepted. The annual report will be considered by the Planning Committee along with any recommendations to improve quality, consistency or performance.*

**1.2** Furthermore, the key performances indicators for the Planning Service include the following indicator:

*Annual review of application recommendations overturned by the Planning Committee*

In relation to this indicator, the Overview and Scrutiny Committee, at its meeting on 23 July 2019, agreed the templates for the review of recommendations overturned attached at Appendices 1-3.

**1.3** This report relates to the Planning Committee decision-making in 2019/20 and includes:

- A statistical analysis of all decisions taken by the Planning Committee.
- An analysis of the cases where the Officers' recommendations were not accepted.
- A summary of the outcomes of the appeals against decisions made by the Planning Committee in 2019/20.

**2.0 STATISTICAL ANALYSIS OF PLANNING COMMITTEE DECISIONS 2019-2020**

**2.1** The statistical analysis of decisions made by the Planning Committee is attached at Appendix 1. The information also includes data for the two previous financial years, to provide contextual information. During 2019/20, 95 applications were considered by the Planning Committee, the same number as the previous year. During 2019/20, 79 (83%) of those applications were permitted and 14 applications were refused.

**2.2** Planning Committees can, and often do, make a decision which is different from the Officer recommendation. This may result from a different interpretation of the relevant planning policies, or that different weight has been ascribed to material considerations.

- 2.3** In 2019/20, the Planning Committee did not agree with the Officer recommendation for eight (8.4%) applications. Of these, five applications recommended for refusal were granted planning permission, with three applications recommended for permission being refused. The reasons given by the Committee for the Officer recommendation not being accepted are provided in Appendix 2 and are considered in section 3 below.
- 2.4** The proportion of the Officer recommendations not being accepted (overturns) shows a reduction from previous years as demonstrated in the table below.

**Annual Planning Committee Decisions that Differed from the Officer recommendation 2017-2020**

	<b>no over turned</b>	<b>% over turned</b>	<b>No permit to refuse</b>	<b>No refuse to permit</b>	<b>% permit to refuse</b>	<b>% refuse to permit</b>
<b>2017-18</b>	17	12.32%	5	12	29.41%	70.59%
<b>2018-19</b>	12	12.6%	3	9	25%	75%
<b>2019-20</b>	8	8.4%	3	5	37.5%	62.5%

- 2.5** Of the three applications refused by the Planning Committee, one was subject to an appeal, which was subsequently allowed by the Inspector. Further information on the appeal decision is attached at Appendix 3 and reviewed in Paragraphs 4.1 to 4.2 below.
- 3.0 ANALYSIS OF CASES WHERE THE PLANNING COMMITTEE DECISION DIFFERED FROM THE OFFICER RECOMMENDATION**
- 3.1** Appendix 2 provides details of each application where the Committee decision differed to the Officer recommendation, including a summary of the reasons for the recommendation and the reasons why it was overturned.
- 3.2** As set out above, there were three applications which were refused contrary to the Officer recommendation to permit, two of these being on the same site, 6 Persh Way, Maisemore. These decisions were based on the Planning Committee taking a different view on the impacts of the playhouse that had been erected in the garden of the property on the living conditions of neighbours.
- 3.3** The other application refused by Committee following a favourable Officer recommendation, a Permission in Principle application at Minsterworth, is discussed in section 4 below.
- 3.4** Of the five applications which were permitted following an Officer recommendation to refuse, there was only one which related to land in the Green Belt, Crimmond at Stoke Orchard. In that case, the Committee took the view that very special circumstances existed to clearly outweigh the harm to the Green Belt. This is notable given that in 2018/19 there were six applications where the Committee overturned a recommendation to refuse development in the Green Belt.
- 3.5** Two of the remaining applications related to the same development (full and listed building consent) where the Committee took a different view to the Conservation Specialist in respect of the impacts on the setting of the Grade II\* listed building. In the other two cases, Members took a different view to Officers in respect of the landscape impact, and in the case of Lower Langley Farm, it was judged that the personal circumstances of the applicants outweighed the harm to the Area of Outstanding Natural Beauty.

#### **4.0 APPEALS AGAINST PLANNING COMMITTEE DECISIONS 2019/20**

4.1 Details of the single appeal against Planning Committee decisions made in 2019/20 is attached at Appendix 3. The appeal was allowed.

4.2 There was an application for costs against the Council in relation to this appeal. The Inspector concluded however that the Appellant had not demonstrated unreasonable behaviour resulting in unnecessary expense during the appeal process as a result of the Committee's decision, and the application for costs was dismissed.

#### **5.0 CONCLUSIONS**

5.1 The analysis shows that the number of applications where the Planning Committee overturned the Officer recommendation in 2019/20 reduced from previous years. There are no particular planning considerations highlighted by the analysis.

#### **6.0 OTHER OPTIONS CONSIDERED**

6.1 None.

#### **7.0 CONSULTATION**

7.1 None as a direct result of this report.

#### **8.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

8.1 Joint Core Strategy [www.gct-jcs.org/](http://www.gct-jcs.org/)  
Protocol for Councillors and Officers involved in the Planning Process.  
Tewkesbury Borough Plan Pre-Submission Version (2019).  
Planning Enforcement Plan.  
Council Plan.  
Development Services Action Plan.

#### **9.0 RELEVANT GOVERNMENT POLICIES**

9.1 National Planning Policy Framework (NPPF) and Planning Practice Guidance – Updated February 2019 <http://planningguidance.planningportal.gov.uk/>  
Probity in Planning for Councillors and Officers (not Government policy but good practice advice endorsed by the LGA) [Probity in planning for councillors and officers](#)

#### **10.0 RESOURCE IMPLICATIONS (Human/Property)**

10.1 None as a direct result of this report.

#### **11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

11.1 None as a direct result of this report.

**12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

12.1 None as a direct result of this report.

**13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

13.1 Paragraph 3.7 of the Protocol for Councillors and Officers involved in the Planning Process requires an annual review of Planning Committee decisions. The key performances indicators for the Planning Service include:

*Annual review of application recommendations overturned by the Planning Committee*

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**Background Papers:** None.

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**Appendices:**

- 1 - Statistical Analysis 2019/20.
- 2 - Applications where Planning Committee decisions differed to Officer recommendation 2019/20.
- 3 - Planning Committee Decisions 2019/20: Review of Appeals.

## STATISTICAL ANALYSIS

### Planning Committee Decisions April 2019 – March 2020

Total no of applications to Planning Committee	No permitted	No refused	No split decision	% Permitted	% Refused	% with Split decision
95	79	14	2	83%	15%	2%

### Planning Committee Decisions that differed from the Officer recommendation April 2019 – March 2020

Total no of applications to Planning Committee	No overturned	% Overturned	No permit to refuse	No refuse to permit	% permit to refuse	% refuse to permit	No overturned comprising call-ins
95	8	8.4%	3	5	37.5%	62.5%	2

### Planning Committee Decisions April 2019 – March 2020: Number of Appeals

Planning Committee Refusals	No refusals appealed	No appeals allowed	No appeals dismissed	No appeals split decision	No appeals withdrawn	No appeals in progress
16 (including split decisions)	9	3	3	1	1	1

### Annual Planning Committee Decisions that differed from the Officer recommendation 2016-2019

	No of applications to Planning Committee	No overturned	% overturned	No permit to refuse	No refuse to permit	% permit to refuse	% refuse to permit	No overturned comprising call-ins
2017-18	138	17	12.32%	5	12	29.41%	70.59%	10
2018-19	95	12	12.6%	3	9	25%	75%	9
2019-20	95	8	8.4%	3	5	37.5%	62.5%	2

### Total Planning Committee Decisions that differed from the Officer recommendation April 2016 – March 2020

Total no of applications to Planning Committee	No overturned	% Overturned	No permit to refuse	No refuse to permit	% permit to refuse	% refuse to permit	No overturned comprising call-ins	% overturned comprising call-ins
471	59	12.53%	20	39	33.90%	66.10%	33	55.93%

## Applications where Planning Committee decisions differed to Officer recommendation 2019/2020

Ref No	Location	Proposal	Called in	Officer Recommendation	Committee Decision	Appeal Lodged	Appeal Decision
18/01129/FUL	6 Persh Way Maisemore	Erection of a playhouse in rear garden (retrospective).	No	<i>Delegated Permit</i> to secure amended plans to reflect the structure as built  Acceptable design and no unacceptable impact on neighbouring property.	<i>Refuse</i> Overbearing impact, overlooking and loss of privacy.	No	NA
19/00941/FUL	6 Persh Way Maisemore	Erection of children's playhouse & climbing frame in rear garden. (re-submission of application 18/01129/FUL).	No	<i>Permit</i> Revised positioning and the reduced height would address previous concerns.	<i>Refuse</i> Overbearing impact, overlooking and loss of privacy.	No	NA
18/01272/FUL	Lower Langley Farm Winchcombe	Change of use of land from agricultural to residential for the siting of a static home to provide carer's accommodation in association with Lower Langley Farmhouse and associated garden area, and provision of fencing (retrospective)	Yes	<i>Refuse</i> Development conflicts with the JCS and Neighbourhood Plan strategy for the location of housing; harm to the Cotswolds AONB	<i>Permit</i> Subject to conditions to prevent occupation by anyone other than the applicant in order to provide care for the persons living in the host dwelling.	No	NA
19/00550/PIP	Land to the West of the A48 Minsterworth	Permission in principle for residential development of between 4 to 6 dwelling houses	No	<i>Permit</i> Although the development was contrary to JCS policy SD10, and the emerging Borough Plan policy RES3 the Council could not demonstrate a five year supply of deliverable housing sites and the tilted balance applied. Officers considered the	<i>Refuse</i> The location was contrary to the Joint Core Strategy and Tewkesbury Borough Plan and would result in unacceptable encroachment into the open countryside.	Yes	Allowed

Ref No	Location	Proposal	Called in	Officer Recommendation	Committee Decision	Appeal Lodged	Appeal Decision
				proposal related well to the existing built form of the settlement, and met the requirements set out in the guidance for PIP applications. There were no significant and demonstrable harms to outweigh the benefits.			
19/01003/FUL	Land at Two Mile Lane Highnam	Proposed change of use of agricultural land to a mixed use of agricultural/equestrian, the installation of a 20M X 60M Manege for private use and erection of a barn for equestrian use to provide stabling, tack room, wash area & storage.	Yes	<i>Refuse</i> Harmful impact on the character and appearance of the locality	<i>Permit</i> Acceptable impact on the character and appearance of the locality	No	NA
18/01281/FUL	Crimmond Mill Lane Stoke Orchard	The construction of a replacement dwelling and associated works	No	<i>Refuse</i> Inappropriate development in the Green Belt, conspicuous and unduly prominent to the detriment of the appearance of the street scene and the rural character and setting of Mill Lane.	<i>Permit</i> The proposed design would have an acceptable impact on the appearance of the streetscene which, together with the fallback position, would outweigh the potential harm to the Green Belt	No	NA
20/00042/FUL	Dixton Manor Dixton	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC.	No	<i>Refuse</i> Development would result in demonstrable harm to the significance of the Grade 2* Listed Building by way of the unjustified and inappropriate loss of the stable building	<i>Permit</i> the primary point of the listing was in respect of the Manor itself and the proposal was part of bringing it back to its former grandeur rather than detracting from it and was justified in that context.	No	NA

Ref No	Location	Proposal	Called in	Officer Recommendation	Committee Decision	Appeal Lodged	Appeal Decision
		Resubmission of application reference 19/00500/FUL and 19/00501/LBC.					
20/00043/LBC	Dixton Manor Dixton	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.	No	<i>Refuse Consent</i> See above	<i>Consent</i> See above	No	NA

Planning Committee Decisions 2019/2020: Review of Appeals

Ref No	Location	Proposal	Overturn by Planning Committee	Reasons for Refusal	Appeal Decision and summary of reasons for decision
19/00550/PIP	Land to the West of the A48 Minsterworth Village Hygrove Lane Minsterworth	Permission in principle for residential development of between 4 to 6 dwelling houses	Yes	The location was contrary to the Joint Core Strategy and Tewkesbury Borough Plan and would result in unacceptable encroachment into the open countryside.	<p>Given the absence of a five year supply of deliverable housing sites the Inspector gave only limited weight to the conflict with the Council's housing policies and the fact that the site lay outside the settlement boundary in the emerging Borough Plan.</p> <p>The Inspector gave weight to the contribution of the scheme towards the shortfall in housing supply, albeit noted that these benefits would not be significant given the scale of the development. He also gave moderate weight to economic benefits, both during construction and afterwards.</p> <p>Whilst the Inspector acknowledged that the proposal would result in the introduction of built form into a currently undeveloped parcel of land, he noted that it would be positioned immediately adjacent to existing residential development, would reflect the linear form of development in the vicinity and would not extend westward into the countryside to any greater extent than the adjoining development. In this context, he judged that the encroachment into the countryside would be limited, as would the adverse effects arising.</p> <p>On that basis, and in the context of the tilted balance, the Inspector found that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. He thus concluded that permission should be granted despite the conflict with the development plan.</p>