

8 January 2018

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 16 January 2018
<b>Time of Meeting</b>	9:00 am
<b>Venue</b>	Council Chamber

**ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**



**for Sara J Freckleton  
Borough Solicitor**

## **Agenda**

### **1. ANNOUNCEMENTS**

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In the event of a fire any person with a disability should be assisted in leaving the building.

### **2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and advise of any substitutions.



**3. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

**4. MINUTES**

1 - 10

To approve the Minutes of the meeting held on 19 December 2017.

**5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****(a) Schedule**

To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".

**6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

11 - 17

To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.

**DATE OF NEXT MEETING****TUESDAY, 13 FEBRUARY 2018****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: P W Awford, G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, R Furolo, M A Gore, J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, T A Spencer, P E Stokes, P D Surman and P N Workman

**Substitution Arrangements**

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

**Recording of Meetings**

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 19 December 2017 commencing  
at 9:00 am**

### **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

### **and Councillors:**

P W Awford, G F Blackwell, D M M Davies, M Dean, D T Foyle, R Furolo, M A Gore,  
J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, T A Spencer,  
P E Stokes, P D Surman and P N Workman

### **PL.48 ANNOUNCEMENTS**

- 48.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 48.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

### **PL.49 DECLARATIONS OF INTEREST**

- 49.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 49.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M Dean	17/00960/FUL Queenwood House, Queenwood Grove, Prestbury.	Had spoken to the applicant but had not expressed an opinion.	Would speak and vote.
P N Workman	17/00865/FUL 75 Barton Street, Tewkesbury.  17/00866/LBC 75 Barton Street, Tewkesbury.	Is the owner of a nearby property.	Would not speak and vote and would leave the Chamber for consideration of these items.

49.3 There were no further declarations made on this occasion.

**PL.50 MINUTES**

50.1 The Minutes of the meeting held on 21 November 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.51 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

**Schedule**

51.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

51.2 The Development Manager advised that the Schedule had been published prior to the adoption of the Joint Core Strategy which now formed part of the development plan. This meant that some of the policies referenced within the Officer reports had been superseded and no longer held any weight in the decision-making process. This represented a significant change in circumstances. The Officer reports had been written on the assumption that the Joint Core Strategy would be adopted – given that the Gloucester City Council and Tewkesbury Borough Council meetings had already taken place and the Cheltenham Borough Council meeting was due to take place on the afternoon of the day the Planning Committee papers were published – with very significant weight being given to the policies within the Joint Core Strategy and very limited weight being given to the saved local plan policies. Therefore, the adoption of the Joint Core Strategy had no significant effect on any conclusions within the reports and did not affect any of the Officer recommendations.

**17/00865/FUL – 75 Barton Street, Tewkesbury**

51.3 This application was for change of use from A2 professional services to residential C3; creation of two dwelling units and associated refurbishment and repair.

51.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/00866/LBC – 75 Barton Street, Tewkesbury**

51.5 This was a listed building consent application for the creation of two dwelling units and associated refurbishment and repair.

51.6 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

**17/00711/FUL – Brookelands, Tewkesbury Road, Norton**

- 51.7 This application was for the erection of five detached dwellings.
- 51.8 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation.
- 51.9 A Member found it strange that no comment had been made by County Highways, given that the A38 was quite a fast and dangerous road, and he questioned whether anything had been submitted since the publication of the Officer report. The Development Manager apologised that the consultations and representations section of the report did not coincide with Paragraph 5.25 which set out that the Highways Authority had been consulted and considered that the proposed five dwellings would not create a significant increase in traffic on the highway network. The previously approved scheme for the site was a combination of two planning permissions totalling four dwellings which had already been permitted on the site; the proposed access for the current application was in a similar location to the access serving the previously permitted four dwellings and an additional single dwelling was not considered to give rise to any concerns over and above that. The visibility splays were in accordance with what was required. A Member pointed out that there was a 50mph speed limit on the road.
- 51.10 Upon being taken to the vote, it was  
**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/00827/FUL – Gallagher Retail Park, Tewkesbury Road, Uckington**

- 51.11 This application was for the erection of a class A1 retail unit comprising 929sqm at ground floor with full cover mezzanine (total floorspace 1,858sqm), car parking, realignment of service yard access, renewal/adjustment of service yard drainage, diversion of a class 5 highway and associated works to the west of Unit A Gallagher Retail Park.
- 51.12 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member - who indicated that the application site fell partly within his County Councillor area - noted with regard to flood risk and drainage, that the proposal included a 40% allowance for climate change; however, given that the development would take over a considerable amount of the car park, and taking into account the aspirations within the Council's draft revised Flood and Water Management Supplementary Planning Document, along with the fact that the industry standard was now 30% instead of 20%, he felt there may be room for further improvement, particularly as there were concerns locally regarding drainage. He noted that two-thirds of the site was in Cheltenham Borough and that Cheltenham Borough Council had already resolved to grant the application. He asked that Officers work closely with their colleagues in Cheltenham Borough when the details on this issue were submitted. The Planning Officer advised that a condition requiring the submission of drainage details was recommended so he could certainly pass these comments onto the applicant and hope that they may be taken into account in those details as and when they came forward. Upon being put to the vote, it was  
**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/00960/FUL – Queenwood House, Queenwood Grove, Prestbury**

- 51.13 This application was for the erection of a dwelling on land adjacent to Queenwood House.
- 51.14 The Development Manager advised that, since the publication of the Additional Representations Sheet, attached at Appendix 1, a further letter had been received from a local resident in support of the proposal; this made reference to the community benefit of retaining an important neighbour and the fact that no harm would arise from the erection of a new dwelling on the site. The Development Manager explained that the original application was for a replacement dwelling and there had been significant negotiations with the applicant and their agent in respect of its size and scale. Those negotiations had been close to conclusion with Officers minded to permit the application under delegated powers; unfortunately, before that had happened, the applicant had demolished the pre-existing dwelling and a different policy context now applied. The application was contrary to Policy SD10 of the Joint Core Strategy; however, given the particular circumstances, Officers considered that, on balance, there were material planning considerations which justified planning permission being granted.
- 51.15 The Chair invited the applicant's representative to address the Committee. She explained that the applicant was under considerable stress, having mistakenly knocked down the original dwelling before receiving planning permission. This was a genuine mistake with the applicant believing that he had obtained planning permission under delegated powers; this was accepted by the Planning Officer in the report. The applicant had stopped work – at considerable cost - the moment he had been made aware of the position. She went on to make reference to the applicant's personal circumstances and the impact of refusing planning permission. She delivered heartfelt apologies on behalf of the applicant and hoped that the Committee would be able to grant planning permission today.
- 51.16 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/01161/FUL – 9 Harvesters View, Bishop's Cleeve**

- 51.17 This application was for a rear dormer and front skylights.
- 51.18 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**PL.52 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 52.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 12-16. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

52.2 A Member felt that Inspectors seemed to be agreeing with the decisions made by the Council more frequently as the Joint Core Strategy had progressed. Another Member pointed out that all three appeal decisions within the report had been dismissed and all had originally been delegated decisions made by Officers. The Development Manager advised that, although it did not always win appeals with delegated decisions, the Council did have an excellent record with appeal decisions for both delegated and Committee decisions; unfortunately, this could be overshadowed, particularly when it was unsuccessful in the larger appeals. He intended to bring some statistics on this to the Committee in the New Year.

53.3 It was

**RESOLVED** That the current appeals and appeal decisions update be  
**NOTED.**

The meeting closed at 9:30 am

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 19 December 2017

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

Page No	Item No	
489	4	<p><b>17/00827/FUL</b></p> <p><b>Gallagher Retail Park, Tewkesbury Road, Uckington</b></p> <p><b><u>Updates:</u></b></p> <p><i>Cheltenham Borough Council's Decision:</i></p> <p>The application falling within Cheltenham Borough Council's administrative boundary (17/01459/FUL) was permitted at its Planning Committee on 14 December 2017.</p> <p><i>Joint Core Strategy - Green Belt:</i></p> <p>Following the decision of Cheltenham Borough Council to approve the Adoption version Joint Core Strategy (AJCS) on 11 December 2017, the AJCS is now adopted and is the development plan. As a consequence the site is no longer Green Belt (being part of Strategic Allocation A4). See Paragraphs 5.14 - 5.19 of the Committee report.</p> <p><i>Uckington Parish Council - response to revised plans:</i></p> <p>Following this amendment, the comments from the Parish Council still apply; however, it would also add that the proposal to restrict the vehicular access into Gallagher Retail Park, situated to the west of the site at the A4019 Tewkesbury Road junction, to exit only is a deeply flawed concept. By only allowing access to the retail park via the Manor Road/ Rutherford Way roundabout, it will inevitably lead to further long queues of traffic on the already congested A4019 whereas the priority is to reduce traffic volumes. It should be noted that mention is made of a potential Park &amp; Ride off the A4019, whereas the latest version of the Elms Park Planning Application does not include this proposal</p> <p><i>Highways:</i></p> <p>A letter has been received from the Transport Consultant acting for the North West Cheltenham (Elms Park 16/02000/OUT) proposal. In summary, the letter argues that the access proposals associated with the application must not be allowed to prejudice the future delivery of the roundabout access proposed as part of the Elms Park strategic allocation. A Stage 1 RSA should be submitted, taking into account the Elms Park access proposals, and if the proposed staff car park access is found to be inappropriate, it should not be consented in its current form.</p> <p><b>The letter is attached in full below.</b></p> <p>The County Highways Authority has reviewed the comments made in the letter in consultation with its Road Safety Auditor and has confirmed that it is satisfied that the works would not prejudice the access works to the Elms Park development.</p>



		<p>Vehicles leaving the proposed roundabout and entering the retail park would be travelling at low speeds and would have sufficient distance to react to any stationary vehicles and stop safely.</p> <p><i>Conditions:</i></p> <p>The plans for Condition 2 are as follows:</p> <ul style="list-style-type: none"> <li>• AAA4817-A-P29-01-REV B - Site Location Plan 15th November 2017</li> <li>• AAA4817-A-P29-02-REV C - Proposed Site Plan 15th November 2017</li> <li>• AAA817-A-P29-04-REV C - Proposed Plan 15th November 2017</li> <li>• AAA4817-A-P29-05-REV D - Proposed New Unit Ground Floor Plan</li> <li>• AAA4817-A-P29-06-REV C - Proposed New Unit Mezzanine Floor Plan Rev Drawing 15th November 2017</li> <li>• AAA4817-A-P29-07-REV C - Proposed New Unit Roof Plan Rev Drawing 15th November 2017</li> <li>• AAA4817-A-P29-08-REV C - Proposed Plan - Alternative Road Junction Rev Drawing 15th November 2017</li> <li>• AAA4817-LS-01 1 C - Landscaping 15th November 2017</li> <li>• AAA4817-LS-02-C - Landscaping 15th November 2017</li> <li>• JMK9700-RPS-FIGURE 1 - Additional Drawing 12th October 2017</li> <li>• JMK9700-RPS-FIGURE 02.01 B - Additional Drawing 12th October 2017</li> <li>• JMK9700-RPS-FIGURE 1 - Additional Drawing 12th October 2017</li> <li>• JMK9700-RPS-FIGURE 02.01 B - Rev Drawing 12th October 2017</li> <li>• JMK9700-RPS-FIGURE 02.02B - Rev Drawing 12th October 2017</li> <li>• JMK9700-RPS-FIGURE 02.03B - Rev Drawing 12th October 2017</li> <li>• AAA4817-A-P29-009 - Proposed Elevations 24th July 2017</li> <li>• AAA4817-A-P29-010 - Proposed Elevations 24th July 2017</li> <li>• AAA4817-A-P29-011 - Proposed Street Furniture 24th July 2017</li> </ul> <p>Condition 14 is amended so that it refers to AAA4817-A-P29-04 Rev C.</p>
509	6	<p><b>17/01161/FUL</b></p> <p><b>9 Harvesters View, Bishops Cleeve</b></p> <p><i>Consultations &amp; Representations:</i></p> <p>The Parish confirms that it maintains its objection and suggest a site visit to determine the height of the rooflights.</p>

## Item 4 – 17/00827/FUL (Transport Consultant, page 1 of 3)



**Mrs Victoria Harris**  
**Planning – Cheltenham Borough Council**  
 Municipal Offices  
 Promenade  
 Cheltenham  
 Gloucestershire  
 GL50 9SA

08 December 2017  
 Our ref: 02314/NM

Dear Mrs Harris,

**Application Reference 17/01459/FUL – Erection of a Class A1 retail unit and associated works to the west of Unit A Gallagher Retail Park**

Phil Jones Associates are the retained transport consultants for the Elms Park scheme, acting on behalf of Bloor Homes and Persimmon Homes. We have reviewed the supporting transport documents associated with the above scheme, and whilst we have no fundamental objections in principle, we would make the following comments in relation to the access proposals:

- The proposed access to the staff car park is in very close proximity to the proposed roundabout associated with the Elms Park scheme (see attached RPS drawing AAA4817-A-P29-08). This has the potential to result in rear-shunt accidents as vehicles waiting to turn right into the car park could be struck by vehicles exiting the roundabout.
- The risks associated with this proposed layout in combination with the proposed Elms Park layout should therefore be properly assessed through the submission of a Stage 1 Road Safety Audit.
- If the findings of that Stage 1 RSA conclude that the proposed layout is not appropriate in combination with the proposed Elms Park access, the proposed access to the staff car park must therefore be amended (note that Elms Park is of course a strategic allocation and the proposed staff car park access must not prejudice the future successful delivery of the Elms Park roundabout access).
- Note that para 5.8 of the Transport Statement prepared by WYG suggests that the roundabout access of Elms Park will not conflict with Gallagher Retail Park service road. However, the TS appears to make no reference to the compatibility or otherwise of the proposed staff car park access with the Elms Park roundabout access.
- Changing the proposed staff car park access to a left-in left-out arrangement is a possible option to address these concerns.
- Note that the consultation response from GCC Highways has overlooked this matter, therefore it should not be assumed from GCC's positive recommendation that the access is appropriate.

<b>LOCATION</b>	Seven House High Street, Longbridge Birmingham B31 2UQ	<b>TELEPHONE EMAIL</b>	+44 (0) 121 475 0234 birmingham@philjonesassociates.co.uk	<b>WEBSITE</b>	philjonesassociates.co.uk
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**Item 4 – 17/00827/FUL (Transport Consultant, page 2 of 3)**

Application Reference 17/01459/FUL – Erection of a Class A1 retail unit and associated works to the west of Unit A Gallagher Retail Park



To summarise, the access proposals associated with this application must not be allowed to prejudice the future delivery of the roundabout access proposed as part of the Elms Park strategic allocation. A Stage 1 RSA should be submitted, taking into account the Elms Park access proposals, and if the proposed staff car park access is found to be inappropriate, it should not be consented in its current form. Note that GCC appear to have overlooked this potential issue in their consultation response.

Please do not hesitate to contact me if you have any queries.

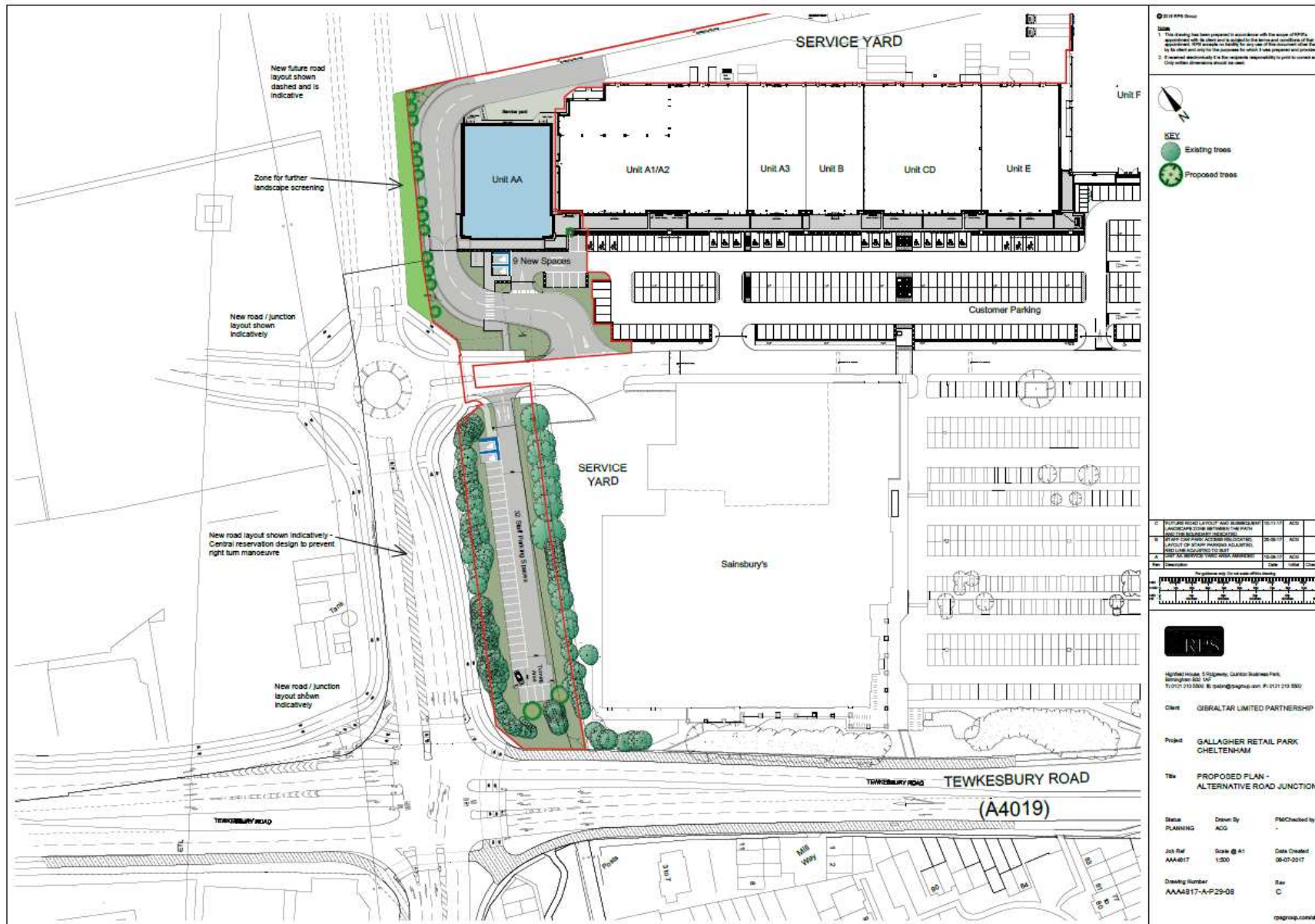
Yours sincerely



**Nigel Millington**  
Director

Item 4 – 17/00827/FUL (Transport Consultant, page 3 of 3)

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North Arrow

KEY

- Existing trees
- Proposed trees

C: PROPOSED ROAD LAYOUT AND SERVICE YARD LAYOUTS (SEE SEPARATE DRAWINGS) 19/11/17 ACD

B: PROPOSED ROAD LAYOUT AND SERVICE YARD LAYOUTS (SEE SEPARATE DRAWINGS) 05/08/17 ACD

A: PROPOSED ROAD LAYOUT AND SERVICE YARD LAYOUTS (SEE SEPARATE DRAWINGS) 19/08/17 ACD

Rev Description Date Drawn

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Project: GALLAGHER RETAIL PARK CHELTENHAM

Title: PROPOSED PLAN - ALTERNATIVE ROAD JUNCTION

Status: PLANNING Drawn By: ACD PMS/Checked by: -

Job Ref: AAA4817 Scale @ A1: 1:500 Date Created: 08-07-2017

Drawing Number: AAA4817-A-P29-08 Rev: C

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## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	16 January 2018
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Cllr E J MacTiernan, Lead Member for Built Environment
<b>Number of Appendices:</b>	1

<p><b>Executive Summary:</b> To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued.</p>
<p><b>Recommendation:</b> To <b>CONSIDER</b> the report.</p>
<p><b>Reasons for Recommendation:</b> To inform Members of recent appeal decisions.</p>

<p><b>Resource Implications:</b> None</p>
<p><b>Legal Implications:</b> None</p>
<p><b>Risk Management Implications:</b> None</p>
<p><b>Performance Management Follow-up:</b> None</p>
<p><b>Environmental Implications:</b> None</p>

## 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:

<b>Application No</b>	16/01465/FUL
<b>Location</b>	Colchesters Farm, The Village, Ashleworth, GL19 4JG
<b>Appellant</b>	Mr P Finch
<b>Development</b>	Erection of a self-build cottage together with a garage and new vehicular access
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application had originally been confused due to the conflict with Policy HOU4 and Landscape Harm within the Landscape Protection Zone.</p> <p>During the course of the appeal there was a significant change in material planning considerations, firstly with the publication of the JCS Inspector's Final Report, and then adoption of the Joint Core Strategy.</p> <p>This change in circumstances altered the Council's case in that the development then fell to be considered under policy SD10 of the JCS. Whilst the site fell on the edge of the village, the proposal did not constitute infilling.</p> <p>The Inspector concluded that the principle of the erection of a new dwelling on the appeal site would not accord with the Policy SD10 in the JCS as Ashleworth is not now identified as an accessible location in which further development should generally take place. The proposal would also cause moderate harm to the local landscape particularly when seen from the adjoining in footpath.</p> <p>He continued that this conflict with the development plan had to be balanced with other factors and benefits. The appellant had argued that the proposal would constitute sustainable development as encouraged by the Framework and that the government seeks to significantly boost the supply of housing. Further the appellant argued that, even if a five year supply of housing land is shown, there should not be an embargo on development that is otherwise sustainable. However, the Framework makes clear that the planning system is plan-led and the three dimensions of sustainable development have been considered in the formulation of the strategy set out in the JCS which itself boosts housing supply in a sustainable way. Further, he concluded that the NPPF makes clear in paragraph 11 that proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise.</p>

	Overall, the Inspector concluded that proposal did not accord with the provisions of the NPPF and that the conflict with the development plan and the local landscape harm that would arise has not been demonstrated to be outweighed by any other considerations.
<b>Date</b>	13.12.2017

<b>Application No</b>	15/00969/FUL
<b>Location</b>	Land at Kayte Lane Southam Gloucestershire GL52 3PD
<b>Appellant</b>	Mr Gilbert Smith
<b>Development</b>	Change of Use of land to include stationing of caravans for residential occupation by a gypsy-traveller family with associated hard standing and utility block.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	Allowed - 3 Year Temporary Permission
<b>Reason</b>	<p>A previous Appeal decision to allow a 5 year temporary permission for use of the land for a gypsy site was quashed in the High Court following a successful challenge by the Council. The High Court agreed with the Council that the Inspector (for that Appeal) wrongly considered that government policy on Intentional Unauthorised Development did not apply.</p> <p><b>Re-determined Appeal</b></p> <p>The Inspector concluded that the proposal was inappropriate development in the Green Belt and would reduce openness, but the harm would be limited by the proximity of the bridge and the dwelling to the north. Limited harm to the purpose of the Green Belt was also acknowledged. Substantial weight was attributed to these harms.</p> <p>In terms of landscape harm, it was accepted that the development and use would adversely affect the rural character and appearance of the area, and this would be encountered by numerous receptors, such as people using the roads and the tourist railway. But, having mind to the proximity of the other built form, and the low visual sensitivity of the area, the Inspector attached modest weight to the resulting harm.</p> <p>The Inspector did not consider the site to be remote and considered an appropriate level of public transport is available, commensurate with the traveller lifestyle. In terms of Highway Safety, the existing vehicular access was considered sub-standard. However, the Highway Authority confirmed during the appeal site visit that by moving the entry to the south, satisfactory sightlines could be provided. A condition was recommended requiring access details.</p>

	<p>With regard to Intentional Unauthorised Development the Inspector accepted the appellant's explanation that the decision to move onto the land in breach of the Injunction was intentional, but driven more by desperation for a safe place for his family to live than a desire to circumvent correct procedure. He reasoned further that there was no evidence of irreplaceable losses of such as ecology or species, and that the land is well able to be returned to an agricultural condition, and no lasting damage has been done to the Green Belt or landscape character which could not be repaired. In the balance, he concluded that there had been harm, but the level of harm was considered to be moderate.</p> <p>Against these identified harms, the Inspector argued that that, whilst the Council was able to demonstrate a 5 year supply of gypsy and traveller sites, the number of recent permissions, applications and appeals for gypsy sites, indicate a likely, but unquantified, level of unmet need that could only realistically be met in the short-term through the application of JCS Policy SD13. It was considered that the alternatives open to the Appellant and his family was a continued roadside living, or similar temporary stopping places. Substantial weight was attached to this finding. Furthermore, the family was considered to be in dire need of a settled base and substantial weight was also attached to this matter.</p> <p>With regard to the best interests of the children the Inspector commented that the children are suffering considerably from the present situation and lost opportunities now are not going to be made-up for if the situation continues. Very substantial weight was attached to this consideration.</p> <p>The Inspector concluded that in the balance, the harm to the Green Belt and the other harm identified was not outweighed by other considerations such that very special circumstances were shown to exist in order to allow <u>permanent occupation</u> of the site. He also recognised that having regard to the matter of intentional unauthorised development, the 5 year supply of sites and a more advanced Joint Core Strategy (that has been found to be sound), very special circumstances do not exist so as to allow a <u>temporary 5 year</u> permission.</p> <p>However, based on the pressing need to get the children back into formal education and for health concerns, and the timetable for adoption of the Tewkesbury Borough Plan, it was concluded that very special circumstances did exist to justify a 3 year temporary permission (made personal to the appellant and his family).</p>
<b>Date</b>	18.12.2017



<b>Application No</b>	17/00280/PDAD
<b>Location</b>	The Dutch Barn Manor Farm Deerhurst Walton GL19 4BT
<b>Appellant</b>	Mr Brian Morris
<b>Development</b>	Change of use of the agricultural building to a residential use
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application had been refused on the grounds that the development proposed went further than mere 'conversion' and as such permitted development rights did not apply. The Inspector concluded that proposal would entail the removal of all wall and roof coverings and the starting point would be a skeletal structure of the steel frame. The totality of the re-covering would go beyond what could be reasonably described as a conversion and would constitute re-building.</p> <p>Furthermore, the Inspector felt that the proposed works would exert greater load on the floor slab and the proposal has failed to demonstrate that the existing building is structurally strong enough to take the loading.</p>
<b>Date</b>	22.12.2017

<b>Application No</b>	15/00941/FUL
<b>Location</b>	Part Parcel 7200 Sandhurst Lane Sandhurst
<b>Appellant</b>	DB Land and Planning Ltd
<b>Development</b>	Erection of 16 dwellings off Sandhurst Lane Sandhurst
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Committee Decision
<b>DCLG Decision</b>	Dismiss
<b>Reason</b>	<p>This site was promoted as an affordable housing exception scheme and had been refused on the basis that the proposal would not be of high quality and that it had not been demonstrated that there were overriding reasons why the most vulnerable development was proposed to be in flood zone 2.</p> <p>The Inspector concluded that the proposed development would change the essentially open and rural character of the site and adversely impact upon the distinctive character and appearance of the locality and the intrinsic character and beauty of the countryside. In addition, the Inspector agreed with the Council that the appellant failed to provide convincing evidence to demonstrate that there are overriding reasons why two affordable dwellings were to be located in Flood Zone 2.</p>
	29.12.2017

- 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

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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
16/01234/FUL	Burberry Woods Burberry Hill Toddington Gloucestershire GL54 5DP	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.	06/12/2017	W	LJD	10/01/2018
16/00501/CLE	Part Parcel 2654 Corndean Lane Winchcombe Cheltenham Gloucestershire	Certificate of Lawfulness to establish that a two-storey extension has been commenced off the east elevation of Starvealls Cottage and constitutes permitted development.	19/12/2017	W	LJD	05/02/2018
17/00494/PDAD	Barn At The Furzens Furzens Lane Elmstone Hardwicke Cheltenham Gloucestershire GL51 9TQ	Prior approval for conversion of agricultural buildings into 1 no. dwelling (use class C3) and associated building operations	15/12/2017	W	EMB	19/01/2018
17/00083/FUL	Parcel 7710 Hygrove Lane Minsterworth.	Variation of Condition 2 of Planning application 13/01216/FUL to allow a change to the layout and variation of condition 4 to allow an increase in Gypsy and Traveller pitches from 5 to 10.	02/01/2018	I	JWH	06/02/2018

### Process Type

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