

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 9 June 2015
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, 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 of recent Communities and Local Government (CLG) Appeal Decisions.

Recommendation:

To **CONSIDER** the report

Reasons for Recommendation:

To inform Members of appeals that have been submitted and 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 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:

Application No	12/01158/CLE
Location	Cotswold Grange Country Park, Meadow Lane, Twyning
Appellant	Cotswolds Grange Country Park LLP
Development	Caravan site used for static caravans
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Allowed
Reason (if allowed)	<p>The appeal related to a certificate of lawful use. The Inspector considered that the main issue was whether the planning permission reference T1256/I , granted in August 1983 for ‘...<i>continued use of land as a holiday caravan site</i>’ (the 1983 permission) extinguished any established use rights confirmed in a certificate of lawful development granted in 1973 (TCEU 5/B).</p> <p>The Inspector concluded that the evidence seemed to indicate that, after the 1983 permission was issued, the use of the caravan site continued in the same manner as previously and it was this use that had already been recognised by the issue of the 1973 CEU and that even if the conditions attached to the 1983 permission have been complied with in spirit, they have not brought about a new chapter in the planning history of the site.</p> <p>On the issue of ‘necessity’ the Inspector concluded that, the fact that the planning permission allowed the issuing of a site licence does not mean that it was ‘<i>necessary</i>’ either in planning terms or to avoid enforcement action. Consequently, the existing use rights conferred by the 1973 CEU and the immunity from enforcement action that applies to the remainder of the area included in the land for which the certificate of lawfulness sought are still extant.</p>
Date	22.04.15

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: Marie Yates, Appeals Administrator
01684 272221 Marie.Yates@teWKesbury.gov.uk

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
14/00211/OUT	Land West of Bredon Road Tewkesbury	Outline application for residential development on land west of Bredon Road with associated open space and new access	21.05.15	Hearing	Joan Desmond	24.06.15