

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	4 August 2015
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
Number of Appendices:	1

Executive Summary:

To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued June and July 2015.

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 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	14/00154/CLE
Location	Manor Farm, Alstone, Tewkesbury
Appellant	James Beynon-Brown
Development	Certificate of lawfulness for use of land as a commercial haulage yard.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal and costs dismissed
Reason (if allowed)	
Date	23.06.15

Application No	14/01021/FUL
Location	Land Adjacent Gretton View, Alderton
Appellant	Mr D Greening
Development	Revised submission of planning application 13/01018/FUL for the erection of 4 detached dwellings and associated works.
Officer recommendation	Minded to Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason (if allowed)	
Date	24.06.15

Application No	14/01129/FUL
Location	26 Drews Court, Churchdown
Appellant	Mr Lee Rudge
Development	Conversion of existing single storey bungalow to a two storey residential property with new roof over and new two storey kitchen and garage extension to side and rear elevations - revised scheme
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	
Date	01.07.15

Application No	13/01216/FUL
Location	Parcel 7710 Hygrove Lane Minsterworth.

Appellant	Mr A Smith
Development	The use of land for the stationing of static and transit caravans for residential purposes for 5 no. gypsy pitches, together with the formation of additional hardstanding and utility/dayrooms ancillary to that use.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Allowed
Reason (if allowed)	<p>The application was refused on landscape impact and sustainable transport grounds.</p> <p>The Inspector noted that residential caravan sites are already part of the character of the area so the additional development would not be out-of-keeping. He also bizarrely concluded that I find that the development would not adversely affect the appearance of the site or landscape. This is perhaps difficult to understand given that the site is currently an open field. Moreover it is a strange conclusion given that the Inspector found it necessary to require a detailed landscape scheme to mitigate the harm...having already concluded that there would be no harm.</p> <p>Officers have considered whether the above decision would be challengeable given the apparently strange conclusions of the Inspector on landscape issues. However, having taken legal advice, it is not considered that such a challenge would be successful.</p> <p>On sustainable transport grounds the Inspector found that nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation.</p>
Date	10.07.15

Application No	13/00978/FUL
Location	Cornerways, High Street, Twyning
Appellant	Persimmon Homes

Development	Residential development of 58 dwellings, access from Shuthonger Lane, landscaping, SUDs drainage, public open space and services and proposed community car park.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Allowed
Reason (if allowed)	The application had been refused by the planning committee on landscape impact grounds. The Inspector concluded that, on balance the proposed scheme did comprise sustainable development because there were no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, which included the prospect of early implementation in order to meet the urgent housing need in the area. Taking account of all the identified benefits, he concluded overall that planning permission should be granted because material considerations clearly outweigh the adverse impacts, including the identified conflict with LP Policy LND4.
Date	13.07.15

3.0 ENFORCEMENT APPEAL DECISIONS

3.1

Application No	13/00119/ENFB
Location	AA Services Centre, Cheltenham Road East, Churchdown
Appellant	Mr Timms
Enforcement Notice Served On	17.11.15
Unauthorised Development	Use of land for car wash business
DCLG Decision	Dismissed and notice varied
Reason (if allowed)	
Date	08.07.15

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: Appendix 1: List of Appeals received

Appendix 1

List of Appeals Received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
14/01160/FUL	Parcel 6329 Stockwell Lane Cleeve Hill Cheltenham Gloucestershire	Erection of new dwelling with associated access and landscaping (Revised scheme Ref: - 14/00691/FUL)	22/06/2015	W	PDS	27/07/2015
15/00016/FUL	Coombs Farm Goodiers Lane Twyning	Erection of new dwelling.	17/07/2015	W	LIV	21/08/2015
14/00915/OUT	Land At Toddington B4632 Toddington	Outline planning application for the erection of up to 25 dwellings and associated works with all matters reserved for future consideration with the exception of access.	24/06/2015	W	CIP	29/07/2015

Process Type

- "HH" Indicates Householder Appeal
- "W" Indicates Written Reps
- "H" Indicates Informal Hearing
- " I " Indicates Public Inquiry