

# TEWKESBURY BOROUGH COUNCIL

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

## **Executive Summary:**

To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued July and August 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:

<b>Application No</b>	14/00414/FUL
<b>Location</b>	Land East Of Willow Bank Road Alderton
<b>Appellant</b>	Banner Homes Midlands Limited
<b>Development</b>	Development of 24 dwellings, access, landscaping and other associated works at land adjoining Willow Bank Road.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason (if allowed)</b>	<p>The application had been refused on the basis that would result in cumulative development of the village which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. Furthermore, the proposed development, in addition to the Beckford Road development, would not be proportional to the size and function of Alderton as a Service Village as defined in the emerging Pre-submission Joint Core Strategy.</p> <p>The Inspector concluded that the proposal would deliver new housing including 9 affordable units. Given the compelling need for new housing in the Borough this was a clear social benefit and would provide some modest economic benefits. The Inspector concluded that these benefits in combination carry substantial weight in favour of the scheme. Whilst he found that the proposal would cause harm to the social well-being and community cohesion of Alderton and there would be a limited level of harm to the character and appearance of the area, he concluded that these identified harms in combination did not significantly and demonstrably outweigh the benefits of the proposal and the scheme would represent sustainable development for which there is a presumption in favour.</p>
<b>Date</b>	17.07.15

<b>Application No</b>	14/00747/OUT
<b>Location</b>	Land To The West Of Willow Bank Road Alderton
<b>Appellant</b>	Edward Ware Homes Limited

<b>Development</b>	Outline application for the erection of up to 53 dwellings and associated works including means of access.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason (if allowed)</b>	
<b>Date</b>	17.07.15

<b>Application No</b>	14/00437/FUL
<b>Location</b>	The Lodge, Hygrove Lane, Main Road, Minsterworth
<b>Appellant</b>	Mr Ambrose Brazil
<b>Development</b>	Appeal against condition 3 - Retrospective application for the change of use of land to use as a gypsy site to provide 19 pitches and associated ancillary development, including retention of utility building and vehicular access.
<b>Officer recommendation</b>	Permit
<b>Decision Type</b>	Committee
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason (if allowed)</b>	<p>The application had been permitted subject to a condition requiring the use to cease within 3 years. The appeal was made against the imposition of that condition, to allow the permanent use of the site.</p> <p>The Inspector commented that the site is barely discernible from public vantage points due to mature vegetation which has increased since the previous temporary permission was allowed on appeal in 2011. Any limited visual harm in the immediate vicinity could be readily mitigated by further landscaping which could be the subject of a condition.</p> <p>The Inspector also felt that the location of the appeal site is not unsustainable having regard to the public services available in Minsterworth and the site's proximity to Gloucester. He also felt that any deficiencies associated with the site access are not severe and so not sufficient to justify refusal of planning permission.</p> <p>Finally, the Inspector concluded that there remains an immediate unmet need for gypsy and traveller pitches in the Borough and there appears to be little prospect of permanent sites becoming available within the immediate future. The families occupying the site therefore face the real prospect of eviction from the site upon the expiry of the temporary permission. This would interfere with their home and family and private life which would conflict with Article 8 of the European Convention on Human Rights. This was a material consideration of substantial weight in support of the appeal.</p>
<b>Date</b>	30.07.15

<b>Application No</b>	14/00484/FUL
<b>Location</b>	2 Station Road, Bishops Cleeve
<b>Appellant</b>	Mr and Mrs Leslie

<b>Development</b>	Demolition of existing garage and erection of new detached bungalow
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason (if allowed)</b>	
<b>Date</b>	03.08.15

### 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

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**Appendices:** Appendix 1: List of Appeals received

**Appendix 1**

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
14/01151/FUL	Land Adjoining Thatch Cottage Woolstone GL52 9RG	Proposal erection of two detached dwellings and access provision	28/07/2015	W	CIP	01/09/2015
15/00093/FUL	Ashley Villa Badgeworth Lane Badgeworth GL51 4UW	Construction of two new residential single storey houses	28/07/2015	W	JWH	01/09/2015
15/00403/FUL	Chapel Cottage Calcotts Green Minsterworth Gloucester Gloucestershire GL2 8JN	Single storey front extension - sunroom	03/08/2015	HH	SNB	N/A
15/00361/FUL	Barn Farm Cottage Stanboro Lane Elmstone Hardwicke GL51 9TN	Construction of 2 link-detached dwellings on land adjacent to Barn Farm Cottage	04/08/2015	W	JWH	08/09/2015

#### Process Type

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