

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	2 August 2016
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 2016.

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	15/00162/FUL
Location	Grafton House, Gretton Fields, Gretton
Appellant	Mr W Gilder
Development	Proposed use of land and buildings for a mixed use Class B1, Class B2, Vintage Vehicle Storage (Class B8) and Equestrian Purposes. Formation of Manege. Construction of vehicular access and driveway.
Officer recommendation	Refuse
Decision Type	Delegated decision
DCLG Decision	Appeal Dismissed
Reason	The inspector noted that there is already an existing access to the appeal site and whilst it is relatively narrow, she considered that it was perfectly usable for larger vehicles. She concluded that the new access and driveway would result in harm to the character and appearance of the SLA, for which there is no justification before her.
Date	03.06.16

Application No	15/00678/FUL & 15/00679/LBC
Location	Lynch Lane Farm, Greenway Lane, Gretton
Appellant	Mr & Mrs A Steward
Development	Demolition of existing extensions & erection of one and a half storey extension. (Revised scheme to 13/01065/FUL & 13/01066/LBC)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Dismissed
Reason	The Inspector concluded that the proposals would fail to preserve the special architectural and historic interest of the listed building, and would also fail to preserve or enhance the character or appearance of the Conservation Area. When considered in the context of the National Planning Policy Framework (NPPF), the Inspector considered that the harm to the significance of designated heritage assets would be less than substantial. However, the Inspector noted that the NPPF requires that great weight be given to the conservation of heritage assets. In this case, the Inspector concluded that any public benefits of the proposals would not outweigh the harm to heritage assets and the proposals would not comply with the Framework. The Inspector therefore concluded that the appeals should be dismissed.
Date	16.06.16

Application No	15/00481/FUL
Location	The Paddock, Teddington Hands, Tewkesbury
Appellant	Mr Furlos Follows
Development	Change of use to a single family Gypsy and Traveller

	residential site involving the siting of an amenity building, a portacabin and up to eight caravans of which no more than four will be static caravans
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Allowed temporary use for 5 years
Reason	The Inspector accepted that the proposal would result in landscape harm and that the site would not be in an accessible location given the lack of public transport opportunities and the distance to main service centres. Whilst the Inspector considered that the lack of a five year supply and the general unmet need as well as the needs of the family attracted moderate weight in support of a permanent permission, the Inspector concluded that the harm identified was not outweighed by the other factors in support of the grant of a permanent planning permission. Whilst the Planning Inspector did not consider the site suitable for permanent permission the lack of a 5 year supply of deliverable sites was a significant material consideration when considering the grant of temporary planning permission. When substantial weight was applied to the general unmet need, the Inspector was satisfied that the overall balance is tipped in favour of the grant of a temporary planning permission.
Date	28.06.16

Application No	15/00954/FUL
Location	4 Walls Court, High Street, Tewkesbury
Appellant	Mr Ian Coleman
Development	Replace existing softwood framed doors and windows with white UPVC framed windows and white UPVC and white aluminium doors
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Allowed
Reason	The Inspector considered that the main issue is the effect of the proposal on the character and appearance of the Tewkesbury Conservation Area. He considered that, as the proposed replacement doors and window frames would be 'like-for-like', of the same colour, profiles, central glazing bars and opening arrangements, the outward appearance of the building would be similar to that existing. Specifically it was noted that the proposal related to the replacement of windows and doors on a modern building. The Inspector concluded that the proposal would preserve the character and appearance of the Conservation Area in line with national and local planning policies and that the appeal should be allowed.
Date	28.06.16

Application No	15/01211/FUL
Location	Newton Farm, Natton, Ashchurch
Appellant	Mrs M Ball

Development	Retrospective consent for the creation of a construction training centre
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Dismissed
Reason	<p>The Inspector recognised that although the appeal site is close to the building complex at Newton Farm and the nearby industrial estate, it is very much read in the context of the surrounding open countryside. The Inspector also noted that the land opposite the site is an employment allocation in the emerging JCS (SA1) and that outline permission has been granted on that land for a retail outlet centre, but gave limited weight to these matters due to the emerging/speculative nature of the allocation/permission. He also felt that in any event this didn't affect the site being in open countryside as it is separated by Fiddington Lane. It was considered that the container and scaffolding tower punctuate the openness of the area, introducing an industrial element to what is otherwise a rural setting. Overall, the Inspector considered that the container and scaffolding tower appear incongruous in the landscape and significantly harm the intrinsic value of the open countryside. The operation of heavy plant machinery on the site would further add to their incongruity. This impact could not be adequately mitigated by planting. Furthermore, it had not been satisfactorily demonstrated why a rural location is necessary for the development as required by Policy EMP4 of the TBLP.</p>
Date	30.06.16

Application No	15/00639/FUL
Location	Kings Head, Norton, Glos, GL2 9LR
Appellant	Mrs Angela Hughes

Development	Construction of 4 dwellings (Revised scheme to previously approved under 14/00686/FUL to incorporate a double garage at plot 2)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	The appellant contended that the appeal site should not be considered as part of a larger development site and therefore affordable housing contributions sought by the Council were not justified. However the Inspector agreed with the Council, concluding that the appeal site formed part of a larger whole, which also includes another development of four dwellings, and therefore the overall development comprises a total of eight dwellings with a combined floorspace of in excess of 100 square metres. Therefore, in accordance with Policy HOU13 of the Local Plan, the Inspector concluded that contributions towards affordable housing were required.
Date	06.07.16

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

List of Appeals Received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
15/00969/FUL	Land At Kayte Lane	Retrospective planning application for change of use of land to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing, amendments to access, fencing, entrance gate, package treatment plant and utility block.	11/07/2016	H	JWH	15/08/2016
15/00972/FUL	Site Adj To The North Of The Bungalow Evesham Road Teddington Tewkesbury Gloucestershire	Vehicle maintenance and storage building with additional vehicle parking.	29/06/2016	W	JBD	03/08/2016
16/00188/FUL	1 Tobacco Close Winchcombe Cheltenham Gloucestershire GL54 5NE	Demolish existing garage, link and front entrance porch to construct a one and a half storey side and rear extension with new porch.	24/06/2016	HH	JLL	N/A

Process Type

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