

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	1 August 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr Mrs E J MacTiernan, Lead Member for Built Environment
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.

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	16/00610/FUL
Location	Land Opposite The Orchard Alstone Tewkesbury
Appellant	M Gore & D Fisher & S Fisher
Development	Erection of two new dwellings with garages including altered vehicle access, drives, turning, parking spaces and landscaping.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason	<p>The application was refused by the Committee on landscape and accessibility grounds. The site is located in the Special Landscape Area, close to the AONB. The application was considered before the Council could demonstrate a five year supply of deliverable housing sites; had the application been considered post January 2017, the officer recommendation would have included a reason for refusal relating to Policy HOU4 given that the site is outside any recognised residential development boundary.</p> <p>In considering the appeal, the Inspector concluded that the site would be visible from a number of visual receptors and would represent an unacceptable incursion into a generally open landscape. It would compromise views from both Dixton Road and the wider SLA, which in turn would have a significantly harmful effect on the character and appearance of the area. Furthermore, he agreed with the Inspector in the 2016 appeal on this site that landscaping measures would not be sufficient to mitigate the negative impact that would arise from, albeit in this case, a slightly reduced development at this site.</p> <p>In terms of accessibility, the Inspector concluded that the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers to weigh heavily against the development. For that reason,, the proposal would be contrary to saved TLP Policy TPT1 and would not constitute sustainable development. The Appellant had referred to allowed appeals at Alderton and Stoke Orchard however the Inspector recognised the status of Alderton in the emerging JCS and the range of facilities there which were not present in Alstone, that the appeals referred to were not directly comparable in terms of scale and that the decisions were made at a time when the Council could not demonstrate a deliverable five year supply of housing sites.</p>
Date	14 July 2017

- 3.0 ENFORCEMENT APPEAL DECISIONS**
- 3.1 None to report
- 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

List of Appeals Received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00241/FUL	Land at Walton Cardiff Road Ashchurch Fiddington GL30 7BJ	Erection of biomass-based anaerobic digestion facility and associated works.	08/06/2017	W	CA	03/08/2017
16/00901/OUT	Parcel 1441 Cobblers Close Gotherington Cheltenham Gloucestershir	Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	29/06/2017	H	CA	03/08/2017
16/00481/OUT	Land off Kyderminster Road Winchcombe GL54 5YP	Outline application for the erection of up to 35 dwellings, vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works. All matters reserved for future consideration except for access.	30/06/2017	W	CA	04/08/2017
16/01334/FUL	Inglecroft Post Office	New Dwelling	10/07/2017	W	PAI	14/08/2017

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Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
	Lane Cleeve Hill Cheltenham Glos GL52 3PS					
17/00339/FUL	Land at Twigworth Court Tewkesbury Road Twigworth Glos	Erection of a dwelling	10/07/2017	W	SDA	14/08/2017
17/00004/FUL	8 Sandfield Road Churchdown	Erection of 1 no. new dwelling	17/07/2017	W	JWH	14/08/2017

Process Type

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