

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	19 February 2019
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	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 Ministry of Housing, Communities and Local Government (MHCLG) 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 Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	18/00056/PDAD
Location	Barn At Woodfold, Down Hatherley Lane, Down Hatherley, GL2 9QB
Appellant	
Development	Prior approval for conversion of agricultural building into 1 no. dwelling (use class C3) and associated building operations
Officer recommendation	Non-Determination
Decision Type	Delegated Decision
DCLG Decision	DISMISSED
Reason	<p>The main issue in this appeal was whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), as amended, having regard to the extent of the proposed building operations.</p> <p>The Inspector considered that to benefit from permitted development rights under Part 3, Class Q the building must be capable of conversion to residential use without operations that would amount to complete or substantial rebuilding. He agreed with the Council and did not consider that the existing building was cable of conversion to a dwelling with only works that are reasonably necessary.</p> <p>The Inspector concluded that as the proposed change of use did not represent permitted development there was no need for him to consider whether or not prior approval would be required.</p>
Date	27.12.2018

Application No	17/01190/FUL
Location	Elm Cottage Shurdington Road Shurdington Cheltenham Gloucestershire GL51 4UA
Appellant	
Development	Retention of residential annexe
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	DISMISSED
Reason	<p>The Inspector considered that the main issues were:</p> <ul style="list-style-type: none"> - Whether or not the appeal building would be an acceptable form of accommodation that would be ancillary to the main dwelling; - Whether the appeal development represents inappropriate development within the Green Belt, and its effect on Green Belt openness; - Whether very special circumstances existed that clearly outweighed the harm to the Green Belt, and any other harm. <p>The Inspector considered that, notwithstanding the shared vehicular access and parking area, the appeal building was set well apart from Elm Cottage and benefitted from its own entrance reached via a fenced off path. The provision of a kitchen/diner, shower room, snug, and separate storage area on the ground floor and a bedroom within the roof space offered all the facilities necessary for a separate residential unit to be occupied independently from the main house. While noting that the two buildings may share the same address and utilities connections, independent occupation of the appeal building could still easily occur.</p> <p>Based on the evidence available, the Inspector considered that the appeal building would be more than an annexe to the main house and would be capable of being used independently with no functional or practical link between the two.</p> <p>The Inspector emphasised that the appeal scheme resulted in the construction of a separate dwelling and would constitute a new separate planning unit. The appeal scheme did not qualify under any of the Framework's exceptions for the construction of new buildings in the Green Belt, and represented inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>Whilst the Inspector did not consider that the development materially harmed the landscape and scenic beauty of the AONB, this does not compensate for inappropriate development and the harmful impact on Green Belt openness.</p>

	Overall, the Inspector concluded that there would be harm arising from development within the countryside contrary to the settlement strategy and the development plan, which should not be set aside lightly and weighs heavily against the development. Although the adverse spatial impact on Green Belt openness would be moderate, substantial weight should still be given to any harm to the Green Belt.
Date	14.01.2019

Application No	18/00276/FUL
Location	Toddington Grange Burberry Hill Toddington Cheltenham Gloucestershire GL54 5DN
Appellant	
Development	Single storey side extension to form car port and log/garden machinery store
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	DISMISSED
Reason	<p>The application had been refused due to the impact of the proposals on the character and appearance of the dwelling within the AONB.</p> <p>The inspector considered that, as a consequence of its width, height and overall bulk, the extension would appear as a disproportionately wide addition to the property which would not be subordinate to the existing dwelling. He also felt that the proposal would impose itself on the expansive views of the surrounding AONB as a result of its disproportionate width. These views were a significant and important feature of the appeal site and would be restricted in a detrimental manner. He therefore concluded that the extension would harm the character and appearance of the area, failing to conserve or enhance the landscape and scenic beauty of the AONB, and would be a disproportionate, non-subordinate addition to the host dwelling.</p>
Date	17.01.2019

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

None

Process Type

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