

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	17 December 2019
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning 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	17/01164/OUT
Location	Former Poultry Farm Littleworth Winchcombe Glos
Development	Outline Application for the erection of 24 dwellings (13 affordable and 11 Market dwellings) including formation of new access.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismiss
Reason	<p>The Inspector noted it appeared inevitable that Rural Exception Sites will have an important role to play in satisfying the identified affordable housing local need within Winchcombe Parish. However, he concluded that the parish is wide in geographic extent and the appellant had not clearly demonstrated that there were no other opportunities for rural exception development elsewhere.</p> <p>The Inspector was satisfied that the site itself could accurately be described as being situated on the edge of the settlement of Littleworth. However, he considered the scale of the proposal to be substantial when considered in the context of Littleworth's current size and composition. Furthermore, the site's shape would not allow the proposed development to mirror nor respect the pattern of development in place on the opposite side of the road. The scale of development would therefore, not be well related to Littleworth in terms of design.</p> <p>The Inspector further noted that Littleworth contains no facilities or services and the route from the site to Winchcombe is not conveniently navigable on foot, resulting in future residents being highly dependent upon the private motor car to serve their day-to-day needs. Based on the above, the Inspector concluded that the site does not meet the criteria set out for a rural exception site and therefore, conflicts with Policy SD12 of the JCS. On this basis, the Inspector also found conflict with Policies SP2 and SD10 of the JCS in so far as these policies set out the planned distribution of new development across the plan period.</p> <p>With regard to viability, the Inspector noted that it had not been robustly demonstrated that the scheme could not sustain a greater proportion of affordable homes and therefore, the proposal would not deliver an appropriate proportion of affordable housing, having particular regard to viability. The Inspector therefore, found conflict with Policy SD12 of the JCS in so far as it sets out that the</p>

	<p>delivery of less than the full affordable housing requirement should be dependent on viability assessment conforming to an agreed methodology.</p> <p>With regard to proposed housing mix, the Inspector was satisfied that any discrepancies between the proposed mix of on-site affordable homes and the ideal mix required in order to meet identified need, could be ironed out at detailed planning stage.</p> <p>The Inspector was satisfied that, due to the distances involved, the proposal would have only a minimal effect upon the setting of the AONB. Nevertheless, he concluded that the scheme would have a noticeable presence when observed from various nearby publically accessible routes including Evesham Road and designated PRow. Any proposed landscaping would take time to properly establish and if substantial in extent, would be unlikely to allow the development to integrate effectively with its receiving environment. As such, the Inspector concluded that the proposal would cause harm to the character and appearance of the area, in conflict with JCS Policies SD4 and SD6, and would appear as an urbanising out-of-character intrusion into the open countryside.</p> <p>The Inspector afforded the conflict with Policies SP2 and SD10, which relate to the distribution of housing development, limited weight, given the Council's current housing land supply deficit. However, he afforded the perceived conflict with Policies SD12 and Policies SD4 and SD6 which relate to landscape and design requirements 'very substantial weight'.</p> <p>The Inspector considered that the provision of 13nos. affordable units, tailored to meet a specific and locally identified need, would attract very significant weight. However, he concluded that the harm and policy conflict identified, would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The Inspector therefore concluded that the presumption in favour of sustainable development does not apply in respect of the proposal and the appeal was dismissed.</p>
Date	29.10.2019

Application No	18/00249/OUT
Location	Land At Stoke Road Bishops Cleeve GL52 7DG
Development	Outline planning application for up to 215 dwellings up to 2.24 HA of commercial use (B1 and B2), up to 0.2 HA of retail uses (A1), with public open space , landscaping and sustainable urban drainage including associated works and two vehicular access points form Stoke Road.
Officer recommendation	Non-Determination
Decision Type	Delegated
DCLG Decision	Allowed
Reason	<p>The Inspector identified the key issues as being whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance; whether the proposed development would be exposed to an unacceptable risk from pollution, in particular air quality issues arising from the nearby strategic Wingmoor Farm Integrated Waste Management Facility; and whether the proposal would demonstrate adequate connectivity to existing services and facilities within Bishop's Cleeve.</p> <p>In respect of the first point the Inspector noted the conflict with Policy SD10 of the JCS but also that this could be given only limited weight in the context of the Council's five year housing land supply position. Given Bishop's Cleeve's status as a Rural Service Centre, development there would meet the overall JCS strategy and whilst the Inspector noted the site was allocated for employment use in the emerging borough plan, this meant there was no objection to the site's development <i>per se</i>. He saw no reason to think that Bishop's Cleeve lacked the infrastructure to be able to accommodate the development. The Inspector therefore concluded that the site was an appropriate one for development.</p> <p>In terms of pollution the Inspector concluded that whether there is conflict with the policy is a judgment about the degree of the adverse effect that would result from any particular proposal. In his view, with particular reference to air quality concerns arising from the nearby Wingmoor Farm landfill operation, having considered the evidence he did not agree that the potential odour impacts do not amount to a cogent reason to refuse planning permission. He concluded that that the proposed development would not be exposed to an unacceptable risk from pollution.</p> <p>In terms of design and 'connectivity, the Inspector could see no difference between the site being developed for housing and the site being developed for employment use, despite the fact that the number of journeys and their purpose would be completely different depending on the type of use. The Inspector therefore concluded that the appeal proposal would demonstrate adequate connectivity to existing services and facilities within Bishop's Cleeve.</p>

Date	11.11.2019
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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