

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 15 th September
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:

(A) Appeal Decisions	
Application No	19/00787/APP
Location	Land To The South Of Brockhampton Lane Brockhampton Lane Brockhampton
Proposal	Erection of an agricultural hay and implement storage barn, with concrete apron and access track.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3248648
PINS decision	Appeal Withdrawn
Reason	N/A
Date of appeal decision	12.08.2020

(A) Appeal Decisions	
Application No	19/00135/FUL
Location	Bishops Leys Farm Butts Lane Woodmancote Cheltenham Gloucestershire GL52 9QH
Proposal	The erection of a detached dwelling with integrated garage.
Officer recommendation	Refuse
Decision type	Committee Decision
PINS reference	APP/G1630/W/20/3244459
PINS decision	Appeal Dismissed

Reason	<p>The main issues for consideration were-</p> <ul style="list-style-type: none"> - if the site was suitable for residential development having regard to the local policies for housing in the countryside. - The effect of the proposal on the character and appearance of the surrounding area and the AONB. <p>The inspector concluded that the site is not part of the village and SD10 (3) and (4) did not apply. Consequently the proposal did not comply with JCS policies SD2 and SD10.</p> <p>The Inspector noted that the site falls within the Cotswold AONB and is positioned at an important point of transition for semi-rural to rural character. He felt that the proposal would not conserve or enhance the character of the landscape. Given its location towards the end of a loose ribbon of development, further domestication of the site would result in harmful encroachment into the surrounding countryside at this sensitive location.</p> <p>The Inspector also agreed that the proximity of the development to the existing property would be unusually close when compared to other houses on this side of the road and would represent a harmful intensification of development, reducing the sense of openness in this sensitive landscape in conflict with JCS policy SD4 (Design).</p> <p>Because of the harm to the AONB landscape, the Inspector concluded that the 'tilted balance' did not apply and in assessing the planning balance concluded that the limited benefits of the proposal would be insufficient to overcome harm arising from the conflict with local policies regarding development in the countryside and the great weight given to potential harm to the AONB.</p>
Date of appeal decision	19.08.2020

(A) Appeal Decisions	
Application No	19/00977/PIP
Location	Land To The Rear Of The Hoot Twigworth Fields Twigworth Gloucester Gloucestershire GL2 9NH
Proposal	Erection of 5 no infill dwellings
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3246922
PINS decision	Appeal Dismissed

Reason	<p>The main issue was whether the principle of the proposed development is acceptable with specific regard to its location.</p> <p>The Inspector noted that outside of allocated sites and the existing built up areas of towns, rural service centres and service villages, Policy SD10 only allows housing development on other sites where it meets certain limited exceptions. The exception relevant to this proposal is 4.ii which allows for infilling within the existing built up areas of villages except where restricted by policies within District plans. The supporting text in paragraph 4.10.5 sets out that infill development in the context of Policy SD10 (4(ii)) means 'the development of an under-developed plot well related to existing built development'. As there is no definition of the term 'underdeveloped' in the JCS, the Inspector felt it was reasonable to consider that it could include an undeveloped plot, such as the appeal site.</p> <p>The inspector did not consider the appeal site fell within the existing built up area of any village or represent infilling. The appeal site relates more closely to the surrounding countryside than to other built form. As a result, the proposed dwellings would not be well related to existing built development. The proposal would not follow the established pattern of development in the area and, therefore, would not form a logical extension to the settlement form.</p> <p>The Inspector considered that it was highly likely that some form of built development would be visible from the PROW, from which viewpoint it would be seen with little development around it. As such, it would appear as a harmful encroachment of built form into the countryside. The proposal would comply with criteria i of policy H2.</p> <p>Whilst the Inspector judged that the 5 dwellings proposed would make a limited contribution to enhancing or maintaining the vitality of the rural community as advocated by paragraph 78 of the NPPF, he felt that the proposal conflicted with the development plan as a whole (JCS and Neighbourhood Development Plan) and with the NPPF aim that the planning system should be genuinely plan-led.</p> <p>The Inspector did not feel that it had been demonstrated that the proposed involved previously developed land and as such would not benefit from the support in local and national policy for re-use of such land.</p> <p>Overall the Inspector noted the lack of a five year housing supply and even if the shortfall in supply were to the extent suggested by the appellant, he concluded that the adverse impacts of granting permission in principle for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the</p>
---------------	---

	Framework taken as a whole.
Date of appeal decision	21.08.2020

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
01684 272062 AppealsAdmin@teWKesbury.gov.uk

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
19/01071/OUT	Land Off Ashmead Drive Cobblers Close Gotherington	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.	17.08.2020	I	ALW	
19/00780/OUT	Land To The Rear Of 48 Brookfield Road Churchdown	Outline application for the erection of two detached dwellings.	20.08.2020	W	JWH	

Process Type

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