

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	22 June 2021
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

## **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**

(A) Appeal Decisions	
<b>Application No</b>	20/00580/PIP

<b>Location</b>	Part Parcel 9070 Toddington Cheltenham Gloucestershire GL54 5DT
<b>Proposal</b>	Permission in Principle for the erection of up to 8 dwellings and associated vehicular accesses.
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/W/20/3264572
<b>PINS decision</b>	Appeal Dismissed
<b>Reason</b>	<p><b>Officer to summarise decision</b></p> <p>The Inspector identified the main issues as whether the principle of the proposed development was acceptable and the effect on the character and appearance of the area, which is part of the Cotswold Area of Outstanding Natural Beauty (AONB).</p> <p>The Inspector acknowledged that the site is not on previously developed land, being that it is an agricultural field, neither is the site a form of infill development as it does not fill an existing gap.</p> <p>Furthermore, the Inspector noted that the proposal would project into the open countryside to the north of the settlement and was not within its built-up area. The Inspector therefore concluded that the proposal did not meet any of the exception criteria in JCS Policy SD10 and was thus contrary to the development plan.</p> <p>The Inspector further noted that the proposed houses would urbanise a section of a field and reduce the openness of this northern side of the settlement, which currently provides an attractive rural landscape setting to this small settlement. The Inspector considered that the erosion of this positive rural setting would be harmful to the AONB and its scenic beauty, contrary to policies SD4, SD6 and SD7 of the JCS.</p> <p>The Inspector acknowledged within his decision that this was an application for permission in principle and that the design and scale of the proposal was not before him. However, he concluded that, if allowed, the development could be up to eight houses and that, even with additional landscaping and having spacious plots to mitigate some of this harm, this would not be sufficient as there would still be up to eight new houses on what is currently undeveloped agricultural land forming the positive 'soft edge' setting to the village within the AONB.</p> <p>The Inspector concluded that the harm to the AONB would be a clear reason for refusing the development and therefore the 'tilted balance' under paragraph 11 of the Framework did not apply.</p> <p>Whilst there may be no 'tilted balance' the Inspector recognised that the proposal would introduce eight new dwellings into the district which would go towards housing</p>

	<p>land supply, of which there is a significant need. The Inspector also considered that the proposal would make a modest contribution to the local economy during its construction phase and thereafter through the use of services and facilities in the area by its future occupants.</p> <p>In dismissing the appeal, the Inspector concluded that the modest benefits did not outweigh the harm and dismissed the appeal.</p>
<b>Date of appeal decision</b>	15.04.2021

**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.

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**Background Papers:** None

**Contact Officer:** Appeals Administrator Tel: 01684 272062  
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**Appendices:** 1: List of Appeals received

## Appendix 1

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
21/00003/DECISI	Land To The North Of Tynning House Main Road Shurdington	Permission in Principle for the erection of 1 to 2 No. dwellings.	08.03.21	W	VIS	
21/00004/DECISI	Myrtle Cottage Gretton Road Gretton	Proposed dropped kerb for creation of a new access. Erection of a garage following the demolition of the existing shed buildings	19.03.21	W	JLL	
21/00005/NONDET	The Lodge The Leigh	Outline application for the erection of 1 no. detached dwellinghouse including associated access, garaging and car parking, with all matters reserved for future consideration except for access	29.04.21	W	EMB	
21/00006/DECISI	Land East Of Teddington Teddington	Permission in Principle for the erection of up to 4 no. dwellings	29.04.21	W	EMB	
21/00007/DECISI	The Old Orchard Land East Of Badgeworth Manor Badgeworth End Badgeworth	Erection of a single detached dwellinghouse with associated parking and landscaping.	24.05.21	W	HMS	

### Process Type

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