

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	21 September 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Head of Development Services
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	20/00886/FUL
Location	The Old Orchard Land East Of Badgeworth Manor Badgeworth End Badgeworth Cheltenham Gloucestershire GL51 4UL
Proposal	Erection of a single detached dwellinghouse with associated parking and landscaping.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/21/3271802
PINS decision	Appeal Dismissed
Reason	<p>The fundamental issue related to the site's location in the Green Belt and whether the proposal would be inappropriate development having regard to the NPPF. The Inspector also examined the effect of the proposal on openness of the Green Belt, whether the site was a suitable location for residential development and effect of the proposal on character and appearance of the area, namely the setting of Badgeworth Manor (Grade II listed).</p> <p>The Inspector acknowledged Badgeworth as a village but commented it is not a typical nucleated settlement, with more tight-knit bulk of development towards the north-eastern end in contrast to loosely configured historic development centred around a green. The Inspector reasoned the proposed dwelling would address neither the built-up area of the village nor the village green, stating the appeal site has a strong rural character that has greater affinity with the countryside. As such, the Inspector did not consider the proposal to constitute limited infilling in a village and would therefore constitute inappropriate development in the Green Belt.</p> <p>With regard to openness, the Inspector considered the presence of the building, associated domestic paraphernalia, hardstanding and vehicles would markedly reduce the openness of the Green Belt. It would also fail to safeguard the countryside from encroachment, one of the five purposes of the Green Belt designation. It was acknowledged that existing vegetation would afford some screening although glimpses of the development would still be possible. The Inspector concluded the proposal</p>

	<p>would therefore have an adverse spatial and visual impact on openness of the Green Belt.</p> <p>The Inspector did not consider the proposal to constitute infilling within the meaning of JCS Policy SD10 (criterion 4). This is similar to the Green Belt assessment in that the appeal site would not be within the existing built-up area of Badgeworth due to its closer affinity with the nearby countryside and would not be well-related to existing built development.</p> <p>Finally, the Inspector regarded the appeal site as contributing positively to the heritage significance of Badgeworth Manor. It is identified as former orchard and one of the only surviving elements which evidences the former farmstead function of Badgeworth Manor. The introduction of considerable built form would diminish the historic rural character of land resulting in less than substantial harm to the setting of the listed building. The Inspector considered the limited public benefits would not outweigh the harm.</p> <p>On the basis that the proposal would adversely affect the significance of a designated heritage asset and would constitute inappropriate development in the Green Belt, the Inspector concurred with the Council in that the tilted balance in paragraph 11d of the NPPF should not be engaged and the presumption in favour of sustainable development would not apply in this instance.</p> <p>The appeal was therefore dismissed.</p>
Date of appeal decision	18.08.2021

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

Background Papers: None

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Appendices: Appendix 1: List of Appeals received

Appendix 1

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
21/00175/PIP	Brookelands Tewkesbury Road Norton	Permission in principle application for the development of up to 9no. dwellings.	27.08.2021	W	PMS	
19/01084/OUT	Land To The North Fleet Lane Twynning	Outline application for residential development for up to 52 units and associated works with all matters reserved for future consideration except for access.	31.08.2021	I	PDS	

Process Type

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