



Development Control Committee – 30 November 2011

Appeal Decision Monitoring Report

Purpose of report

Update on appeal decisions from the Planning Inspectorate and an analysis of the main issues to monitor consistency between the council's and Planning Inspectorate's decisions.

Attachment(s)

Appeal decisions from 24 October to 11 November 2011.

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 24 October to 11 November 2011 and analyses the decisions made by the Development Control Committee and officers under delegated authority. Details of costs awarded against the council (if any) are also given.

2.0 Equality and Diversity Implications

2.1 There are no equality and diversity implications arising from the proposals.

3.0 Legal Implications

3.1 There are no legal implications arising from the proposals.

4.0 Risk Management

4.1 There are no significant risks arising from the proposals.

5.0 Financial implications

5.1 There are no financial implications arising from the proposals, except for those decisions where costs have been awarded against the council.

6.0 Corporate Outcomes

6.1 The report supports priority outcomes set out in the Corporate Plan - Effective Management; and Knowledge of our Customers and Communities.

6.2 The report is submitted for information.

Legal	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations: None	
Background Papers: Office Files		
Person Originating Report: Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk		
Date: 18 November 2011		
CFO	MO	CX

East Northamptonshire Council

DC Appeal Results

For Period from: 24 Oct 2011 to : 11 Nov 2011

Officer

Procedure	Appellant	Location	Appeal Type	Date Decided	Decision
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Carolyn Tait

Written Representations

11/00173/FUL	Mr P Verlander	Patch Lodge Farm Cranford Road Great	Against Refusal	31/10/2011	Dismissed
Subdivision of property to form two residential dwellings					

- This was an application for the subdivision of a dwelling to form two separate residential units. There is an extant permission on the site to carry out extensions and alterations to the existing farmhouse to link it to the outbuildings to form a large residential unit. These works are currently being carried out.
- Due to the recent economic climate the applicant was unable to sell the plot as one dwelling and therefore submitted this application to subdivide the dwelling into two.
- The application was refused for two reasons. The first was because the site is within the open countryside where there is a presumption against the creation of new dwellings unrelated to agriculture or forestry. No evidence was provided of exceptional circumstances which justified the proposal. The proposal was therefore considered contrary to PPS3, PPS7, Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy, Policies 1 and 25 of the Rural North Oundle and Thrapston Plan and Policy AG4 of the East Northamptonshire Local Plan. The second reason for refusal was that the applicant had failed to show that there would be no harm caused to highway safety and as such the proposal was considered contrary to Policy 13(d) of the North Northamptonshire Core Spatial Strategy and the Highway Authority Standing Advice for Planning Authorities.
- The Inspector states that Paragraph 17 of PPS7 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes would be preferred, but residential conversions are said to be appropriate in some locations.
- He continues, that Policy 1 of the Rural North Oundle and Thrapston Plan states that in the open countryside housing development will not normally be permitted and the re-use of buildings will be judged against specific policies in the Development Plan Document. Policy 23 of this document states that permission will be granted for employment generating or tourism use or for residential use where the building or location is more appropriate for such a use and subject to certain criteria. Policy 23 does not identify whether residential use is purely an extension to an existing residential property or to form a new dwelling. The Inspector states that Policy 23 is aimed at setting out the circumstances in which new housing will be allowed.
- He states that it is clear from the granting of permission in 2007 and 2008 for extended residential use that the Council considered employment or tourism use was not appropriate for the redundant outbuildings. It is clear that economic or tourism use will not occur in the buildings that are currently under construction. The inherent sequential approach which is set out in Policy 23 and contained in PPS7 means that residential use can occur. The Inspector found that the proposal would not conflict with the criteria of Policy 23 and the Council did not dispute this. He considered therefore, that the proposal complied with Policies 1 and 23 of the Rural North Oundle and Thrapston Plan.
- Since the Inspector found that the proposal would comply with Policies 1 and 23 of the Rural North Oundle and Thrapston Plan it would therefore comply with Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy.
- He states that Policy 25 of the Rural North Oundle and Thrapston Plan is not relevant to this proposal as it is not a farm diversification scheme.
- The Inspector agreed with the Council's refusal reason relating to the impact on highway safety and stated that in the absence of any detailed evidence, he can not be reassured that sufficient visibility would be provided consistent with the speed of traffic along Cranford Road. The proposal would allow for an increase in the amount of traffic using the junction and it would be necessary to ensure that no harm would arise. The Inspector found that the proposal would be contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy.
- The Inspector concluded that he was in favour of the proposal on the issue of creating a new residential unit, but the conflict caused by highway safety issues was sufficient to outweigh that matter.

Decided Appeals Dismissed :	1	100.00%	
Decided Appeals Allowed :	0	0.00%	M Denotes Member
Decided Appeals Withdrawn :	0	0.00%	Decision against
Decided Appeals Total :	1	100.00%	Officer advice