



## Development Control Committee – 25 July 2012

### 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)

Appendix 1 - Appeal decisions from 20 June 2012 to 6 July 2012.

#### 1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 20 June 2012 to 6 July 2012 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.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations: None	
<b>Background Papers:</b>	Office Files	
<b>Person Originating Report:</b>	Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk	
<b>Date:</b>	12 July 2012	
<b>CFO</b>	<b>MO</b>	<b>CX</b>

# East Northamptonshire Council

## DC Appeal Results

For Period from: 20 Jun 2012 to : 06 Jul 2012

Officer

Procedure

Case Ref. No. Appellant

Location

Appeal Type

Proposal

Date Decided

Decision

## Planning Consultant

### Public Inquiry

10/00415/FUL	Chelveston	Chelveston Renewable Energy Park The	Against Refusal
	Development of wind farm comprising nine wind turbines, five of which are in Bedford		29/06/2012 <b>Allowed M</b>

The Inspector identified that Section 38(6) of the 2004 Act and the NPPF include the requirement to balance often conflicting factors; particularly in relation to heritage assets.

On the one hand he identified that the proposal would:

- provide significant benefits in terms of energy generation from a renewable source, securing reductions in greenhouse gas emissions, adding to energy security, and providing resilience to climate change.
- generate economic growth and create jobs

On the other hand he identified that the proposal would:

- Cause harm to the landscape, though that would be ameliorated by a number of factors.
- Cause harm to the settings, and thereby the significance, of a range of heritage assets. He noted that this harm would be less than substantial.
- Result in a limited degree of harm to the use of bridleways

He quoted a range of policies in the relevant development plans concluding that the proposal failed to accord with the requirements of the development plan.

He referred however to paragraph 98 in the NPPF which advises that planning applications for schemes like this should be approved (unless of course material considerations indicate otherwise) if impacts are (or can be made) acceptable. He took that to mean that a degree of harm can be accommodated if the benefits outweigh the harm.

His conclusion was, that the significant benefits provided by the proposals were material considerations that clearly outweighed the limited harm caused to bridleway users and the failure to accord with the development plan in terms of the less than substantial harm that would be caused to the landscape, and the setting of designated heritage assets.

11/00805/OU	Duchy Of Lancaster -	Land Between A6 Higham Ferrers Bypass And	Non-determination
	Outline: erection of up to one hundred and fifteen new dwellings with access,		20/06/2012 <b>Withdrawn</b>

**Decided Appeals Dismissed :** 0 0.00%

**Decided Appeals Allowed :** 1 50.00%

**Decided Appeals Withdrawn :** 1 50.00%

**Decided Appeals Total :** 2 100.00%

M Denotes Member  
Decision against  
Officer advice

