



Planning Management Committee – 09 March 2016

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 01 February 2016 to 19 February 2016

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 01 February 2016 to 19 February 2016 and analyses the decisions made by the Planning Management 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 Value for Money.

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: Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabradshaw@east-northamptonshire.gov.uk					
Date: 24 February 2016					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 01 Feb 2016 to 19 Feb 2016

Officer

Procedure

Case Ref. No.	Appellant	Location	Appeal Type
Proposal	Date Decided	Decision	

Wayne Cattell

Written Representations

15/01163/PD - Plough Developments - 34 Brook Street Raunds Northamptonshire NN9	Against Refusal
To convert the ground floor A1 class retail unit into a self contained 1 bed flat - 09/02/2016	Allowed
15/01164/PD - Plough Developments - 36 Brook Street Raunds Wellingborough	Against Refusal
To convert the ground floor Class A1 (shop) into a self contained 1 bed flat - 09/02/2016	Allowed

These appeals related to prior notification applications for the conversion of retail premises to flats in the centre of Raunds. The Town Council issued strong objections to both applications and they were refused because the Council took the view that insufficient information had been provided to enable it to be concluded whether allowing the proposals would have an adverse impact on the viability of Raunds town centre. The inspector, in considering this matter, was of the view that the proposals were of a small enough scale so as not to have an adverse impact on the town centre. He therefore allowed the appeals. He added that approving the proposals would help increase the choice and supply of housing in the district and incoming occupiers would be likely to spend some of their income supporting existing retail businesses in the town centre.

Decided Appeals Dismissed :	0	0.00%
Decided Appeals Allowed :	2	100.00%
Decided Appeals Withdrawn :	0	0.00%
Decided Appeals Total :	2	100.00%

East Northamptonshire Council

EN Appeal Results

For Period from: 01 Feb 2016 to 19 Feb 2016

Officer

Procedure

Case Ref. No.	Appellant	Location	Appeal Type
Proposal			Date Decided Decision

George Russell

Written Representations

13/00111/PP Mr G Worthington - The Riverside Bluebell Lakes, Fotheringhay	Against Enforcement Notice
Appeal against	17/02/2016 DISMEF
13/00111/PP - Mr Mark Peskett - The Riverside Bluebell Lakes, Fotheringhay	Against Enforcement Notice
Appeal against	17/02/2016 ALLOE
13/00111/PP Mr T Adams - The Riverside Bluebell Lakes, Fotheringhay	Against Enforcement Notice
Appeal against	17/02/2016 DISMEF
13/00111/PP Mr L Hebden - The Riverside Bluebell Lakes, Fotheringhay	Against Enforcement Notice
Appeal against	17/02/2016 DISMEF

These appeals related Enforcement Notices issued against the creation of amenity plots on the riverside at Tansor. A number of plot holders had erected sheds and other structures without planning permission. Five enforcement notices were issued requiring the removal of structures but only four appeals were submitted. One of the plot holders complied with the terms of the notice.

Three of the remaining appeals were dismissed; the Inspector agreeing that the development of the plots is unacceptably harmful to the rural character of the area and contrary to development plan policy.

The appeal on the remaining plot was allowed and the notice quashed. The Inspector considered that this plot had a quite different character than the others, and therefore the breach of planning control alleged in the notice has not occurred. However, the Inspector commented that the conclusion did not necessarily mean that the development on this plot was lawful as it is questionable whether it falls within any permitted development rights. It is a matter for the Council to decide whether or not it is expedient to take further action.

A further site visit is planned by the Offices and a view will be taken whether to take further action on this plot.

Decided Appeals Dismissed :	3	75.00%
Decided Appeals Allowed :	1	25.00%
Decided Appeals Withdrawn :	0	0.00%
Decided Appeals Total :	4	100.00%