



Planning Management Committee – 20 April 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 09 March 2016 to 01 April 2016

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 09 March 2016 to 01 April 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 ✉ rabadshaw@east-northamptonshire.gov.uk					
Date: 05 April 2016					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 09 Mar 2016 to : 01 Apr 2016

Officer

Case Ref. No.	Appellant	Location	Appeal Type	Decision
15/00393/VA	Mr R Burgess	Garages Rear Of 15 St Marys Avenue Rushden	Against Refusal	
	Removal of condition 15 (highway improvements to meet with Brooke Close)		01/04/2016	Allowed M

Graham Wyatt

Written Representations

15/00393/VA	Mr R Burgess	Garages Rear Of 15 St Marys Avenue Rushden	Against Refusal	
	Removal of condition 15 (highway improvements to meet with Brooke Close)		01/04/2016	Allowed M

Planning permission was granted for the erection of four bungalows in 2014. A condition requiring the resurfacing of the existing access from the adopted highway to the application site was imposed. The applicant applied to remove this condition as the owner of the land would not agree to the resurfacing works. The committee refused the application on the grounds it would result in a substandard footpath, causing a source of danger to pedestrians.

In assessing the appeal, the Inspector observed that the length of track between the site and the end of Brooke Close is not a significant distance and that its alignment is such that there is ample visibility for drivers to see oncoming vehicles or pedestrians. The Inspector judged that the condition is unnecessary as there is no evidence to demonstrate that the resurfacing works would be essential to make the development acceptable. He also pointed out that the Highway Authority had not objected to the removal of the condition. As well as necessity, he also considered the enforceability of the condition and, having been notified that there was no prospect of the works being undertaken, the Council should have granted the removal of the condition.

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Decided Appeals Withdrawn :	0	0.00%	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