



Planning Management Committee – 11 May 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 04 April 2016 to 22 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 04 April 2016 to 22 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: 27 April 2016					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 04 Apr 2016 to : 22 Apr 2016

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided Decision

Amie Baxter

Householder Appeal

15/01651/AD	Spirit Group Ltd	The Needle And Awl Northampton Road	Against Refusal
One internally illuminated post sign with banners (retrospective).			22/04/2016 Dismissed

This advert consent for the retrospective installation of a 6m high illuminated 'lollypop' sign was refused under delegated powers due to its harmful impact upon the character and appearance of the area, and as it is superfluous to requirements adding visual clutter. The appellant noted that the sign was necessary as the site is at a lower level than surrounding land and that roadside advertising is required for financial sustainability. The Inspector concluded that there are other signs to advertise the business and that the sign, by virtue of its size, prominence and design, detracts materially from the character, appearance and amenity of the area.

Written Representations

15/00695/FULDFS	Construction - Mr	Peck House Peck Way
Rushden	Against Refusal	
Erection of two storey dwelling over existing vehicular access - resubmission of		19/04/2016 Allowed M

This application was refused by the Planning Management Committee due to concerns over the perceived lack of parking. In his report, the Planning Inspector referred to the councils adopted Parking SPG and noted that the standards are subject to flexibility where there are alternative means of transport to the car and the availability of public car parking. He also noted that planning authorities should only impose local parking standards for residential development where there is clear and compelling justification. The site is located within walking distance of the town and a supermarket, and it is also close to a bus route and this would justify a relaxation of any parking standards. The Inspector stated that there is no evidence to suggest that the current level of parking is such that it should preclude development and the addition of one small dwelling is unlikely to generate a significant level of car ownership. The development would not conflict with parts d and n of Policy 13- North Northamptonshire Core Spatial Strategy.

Claim for Costs

The appellant also submitted an appeal for costs, on the grounds that the council acted unreasonably for failing to produce any evidence to substantiate the reason for refusal and making inaccurate assertions.

The Inspector noted the following:

"The PPG makes it clear that a Council is at risk of an award of costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore the Council is at further risk of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.

While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. In this case the highway officers concluded that the site is located close to the town centre with local roads carrying no parking restrictions and a public car park nearby. Yet little evidence was put forward by the Council to support the reason for refusal and establish that there is an existing parking problem and if so how this would be made worse on highway safety grounds. Instead the Council relied on local knowledge. Nor has the alleged harm to highway safety been substantiated other than a vague assertion that it would cause inconvenience to other road users.

The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the basic guidance in the Framework and the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal”.

The application for costs was awarded.

Rosalind Hair

Written Representations

14/01751/FUL The Benefield The Benefield Wheatsheaf Main Street Upper Against Refusal
Proposed conversion and change of use of The Wheatsheaf Coaching Inn to 20/04/2016 **Allowed M**

This planning application for the conversion of the Benefield Wheatsheaf Coaching Inn to provide 6 no. residential units with 2 no. new dwellings to be constructed in the grounds to subsidise the cost of the conversion, was refused at Planning Management Committee for the following two reasons:

1. The proposed new build dwellings would extend beyond the defined settlement boundary, and by virtue of the layout, scale and design, the proposal would be out of keeping with the established built form, character and appearance of the area, and
2. The application did not demonstrate that the loss of the business was justified.

In considering the appeal, the Inspector concluded that the Wheatsheaf had not been extensively used as a community facility and that being the case, the need to demonstrate viability/non viability as a pub and marketing as such becomes questionable.

The Inspector noted that a local proposal for a community co-operative society had been submitted during the appeal, however determined that this could only be given limited weight. The inspector further noted that the amount of built form extension across the settlement boundary would not, in principle, be significant and concluded that the scheme as a whole would adequately respect, enhance and integrate with the character of its immediate surroundings.

Decided Appeals Dismissed :	1	33.33%	M Denotes Member Decision against Officer advice
Decided Appeals Allowed :	2	66.67%	
Decided Appeals Withdrawn :	0	0.00%	
Decided Appeals Total :	3	100.00%	