



Planning Management Committee – 01 June 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 25 April 2016 to 13 May 2016

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 25 April 2016 to 13 May 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: 219 May 2016					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 25 Apr 2016 to : 13 May 2016

Officer

Procedure	Case Ref. No.	Appellant	Location	Appeal Type	Date Decided	Decision
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Anna Lee

Householder Appeal

15/02105/FUL	Mr S Law	19 Moor Road Rushden Northamptonshire	Against Refusal
Refurbishment of unused barn to rear of garden to additional living space			09/05/2016 Allowed M

This application was refused by Committee due to concerns that the proposal would result in the creation of a separate dwelling and would fail to provide an adequate standard of amenity for the future occupiers. As a dwellinghouse, the Inspector noted that the outbuilding would be small in size and would have limited internal living space and external amenity areas. However, as ancillary living accommodation, the building would share a kitchen and garden with the main house; and the Inspector made it clear in the decision that "*the application was not for a change of use of the outbuilding into an independent new dwelling*". The Inspector was mindful that there is potential to create a separate dwelling because of the shared pedestrian access from the street, but also noted that the proposal seeks to re-establish a common open garden between the main house and the outbuilding. The view was taken that the proposal would not lead to the creation of a separate dwelling and would not comprise new 'backland' development as it would be for ancillary use of an existing building within the curtilage of a dwelling. The Inspector found no substantive evidence to demonstrate that there would be material harm to the living conditions of the occupiers of the proposed ancillary living space given the benefit of shared indoor and external space with no.19.

Award of Costs

The Appellant has submitted an application for costs, on the grounds that the Council acted unreasonably as the decision was not taken on Local Plan or national planning policy grounds and that the decision was unreasonable.

The Inspector found no conflict with the NPPF or the relevant local planning policies, subject to the imposition of conditions.

Whilst the Inspector took into consideration that there is potential to create a separate dwelling with a shared pedestrian access from the street, there is a fence that would be removed to re-establish a common garden and the proposal would not be tantamount to the creation of a separate dwelling. The Inspector considered that "*the consideration of the amount of living space solely within the outbuilding, and not shared space with other residents in the main building, or shared external amenity space, is unreasonable in these circumstances. Moreover, the fourth bullet point of paragraph 049 of the guidance indicates that the Council risks an award of costs where it is concluded that suitable conditions would enable the proposal to go ahead...Whilst the Council considered matters that are material to planning, those matters were not considered wholly in the context of the application made to the Council*". Therefore, the Inspector concludes that "*the appeal could have been avoided. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has been demonstrated and that a full award of costs is justified*".

Anne Dicks

Householder Appeal

15/01609/FUL	Mr and Mrs M Wells	The Old Milking Parlour Pound Lane	Against Refusal
Extension to dwelling			13/05/2016 Dismissed

This application proposed the erection of a combined one and half storey and single storey extension to the single storey barn conversion, adding a new kitchen/breakfast room with a fifth bedroom and en suite/dressing room to the first floor. The dwelling forms part of a group of converted barns within a farmyard grouping, attached to the Grade II Willowbrook Farm House. The application was refused because the scale, design and form would be detrimental to the character and appearance of the original building.

The Inspector agreed, concluding that, given the harmful impact of the proposal on the character of the group of converted farm buildings as a whole, the proposal would materially harm the setting of the nearby listed building - in line with local policies and the NPPF.

Decided Appeals Dismissed :	1	50.00%
Decided Appeals Allowed :	1	50.00%
Decided Appeals Withdrawn :	0	0.00%
Decided Appeals Total :	2	100.00%

M Denotes Member
Decision against
Officer advice