



## Planning Management Committee – 03 August 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 16 May 2016 to 15 July 2016

#### 1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 16 May 2016 to 15 July 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.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabadshaw@east-northamptonshire.gov.uk					
<b>Date:</b> 22 July 2016					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

# East Northamptonshire Council

## DC Appeal Results

For Period from: 16 May 2016 to : 15 Jul 2016

Officer

Procedure	Appellant	Location	Appeal Type
Case Ref. No.		Date Decided	

Proposal  
Decision

Anna Lee

### Written Representations

15/01746/FUL	Mrs S Butcher	Olivers Folly 12 Main Street Woodnewton	28/06/2016	Against Refusal <b>Allowed</b>
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Installation of three solar panels to existing garage roof.

28/06/2016

Against Refusal  
**Allowed**

- The proposed panels, by reasons of their size, siting and number (in accumulation with the row of solar panels that had already been given planning permission), were considered to clutter the roofslope of the building and would fail to be in keeping with the existing panels. The proposal was regarded by the case officer and the Council's Senior Conservation Office to have a harmful impact on the setting of the grade II listed thatched cottage and would fail to conserve the character and appearance of the conservation area.
- The Inspector came to the view that the proposal would have minimal harm on the setting of the listed building and would conserve the character and appearance of the conservation area. In particular, she felt that the small amount of harm to the setting of the listed building would be far outweighed by the benefits that the three solar panels would bring.

15/02078/FUL	Mr And Mrs Ian	14 Tenter Close Higham Ferrers Rushden	28/06/2016	Against Refusal <b>Dismissed</b>
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Construction of new detached bungalow together with off road parking and

28/06/2016

Against Refusal  
**Dismissed**

- The proposal was refused as it would result in a cramped form of development and would have a detrimental impact on the street scene. In addition, the proposal was considered to unacceptably reduce the garden of the existing property and would provide limited outdoor amenity space for the future occupiers.
- The Inspector agreed that the proposed dwelling would appear prominent and cramped on the plot and would harm the character and appearance of the area. In particular, the Inspector noted that the corners of the development would be positioned close to the footpath and road frontage on Linnetts Lane and this would contrast with the other nearby dwellings which maintain a greater distance from the front boundaries and which sit more comfortably on their plots.
- The Inspector noted that the proposal would reduce the rear garden of no.14 considerably, however, he was content that the remaining space would be sufficient for the existing and future occupiers.

<b>Decided Appeals Dismissed :</b>	<b>1</b>	50.00%
<b>Decided Appeals Allowed :</b>	<b>1</b>	50.00%
<b>Decided Appeals Withdrawn :</b>	<b>0</b>	0.00%
<b>Decided Appeals Total :</b>	<b>2</b>	100.00%

**M** Denotes Member  
Decision against  
Officer advice

**Enforcement Appeal Results**

For Period from: 16 May 2016 to 15 Jul 2016

Officer

Procedure

Case Ref. No. Appellant  
Proposal

Location

Appeal Type

**George Russell****Written Representations**

13/00154/PP	Mr And Mrs C Ashman	Carters Travel At Rectory Farm Cranford Road	Against Enforcement Notice 29/06/2016	<b>Allowed</b>
	Appeal against			

- The notice was issued in response to neighbour complaints and evidence of breaches in planning conditions, particularly in relation to numbers and storage of vehicles kept at the address.
- The Inspector acknowledged that the operator does keep more vehicles than permitted but that the question is whether the increase in numbers is injurious to the character and appearance of the locality. It was commented that due to roadside vegetation and the topography there are only intermittent glimpses of the site and where there are views, the major feature is the large widespan building. In any event the evidence shows that historically the site was part of a working farm and hence the parking of large and sometimes brightly coloured vehicles and farm machinery would have been part of the established character and appearance of the site.
- Within the complex there are three dwellings. Of these only one has a direct line of sight and that this is occupied by the owner of the appeal site. Representations have been made by the occupiers of Rectory Farm regarding the increased use of the site. However, this property faces south east, and thus the effect of visual impact and/or disturbance that could arise from the increased number of vehicles would be limited. Highways have stated that the access has adequate visibility.
- For the reasons stated, the appeal was allowed on ground (a) - that the notice is quashed. The planning conditions are discharged and planning permission is granted for the change of use to Mini Bus and Coach business. The condition regarding parking of vehicles and the number of vehicles allowed is replaced to allow an increase to 11.

15/00157/PP	Mr S Lindsell	Yew Tree House Mill Street Duddington	Against Enforcement Notice 12/07/2016	<b>Dismissed</b>
	Appeal against			

- The Notice related to the replacement of Collyweston slates on a garage roof slope with imitation slates. The notice followed the refusal of a retrospective planning application for the retention of the imitation slates. The main issue is whether the development would preserve or enhance the character or appearance of the Duddington Conservation Area.
- The Inspector commentated that balancing all of the various factors and because of the scale of the development, the effect of the development is to create less than substantial harm. Nonetheless, small changes to materials in the Conservation Area would, over time, have a significant impact on the defining characteristics of the Conservation Area and original vernacular local materials once removed could be lost forever. Less than substantial harm does not equate to a less than substantial planning objection since I attach great weight to the conservation of Duddington Conservation Area as a designated heritage asset.
- In conclusion the appeal did not succeed, the enforcement notice was upheld. The appellant has 6 months to replace the slate.

15/00194/PP	Mr Richard Jeremy Firth	51 North Street Oundle Peterborough	Against Enforcement Notice 29/06/2016	<b>Withdrawn</b>
	Appeal against			

<b>Decided Appeals Dismissed :</b>	<b>1</b>	<b>33.33%</b>
<b>Decided Appeals Allowed :</b>	<b>1</b>	<b>33.33%</b>
<b>Decided Appeals Withdrawn :</b>	<b>1</b>	<b>33.33%</b>
<b>Decided Appeals Total :</b>	<b>3</b>	<b>100.00%</b>