



Planning Management Committee – 24 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 14 July 2016 to 05 August 2016

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 14 July 2016 to 05 August 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: 11 August 2016					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from: 14 July 2016 to 05 August 2016

Officer

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

Graham Wyatt

Public Inquiry

14/01954/OU	Gladman	Land North Of West Street Stanwick	Against Refusal	
	Outline planning application for up to two hundred and thirty residential		14/07/2016	Withdrawn

Rosalind Hair

Written Representations

15/01327/FUL	Lidl UK GmbH	25 Newton Road Rushden Northamptonshire	Against Refusal	
	Provision of an area of staff car parking and associated point of access		21/07/2016	Dismissed M

This planning application proposed a staff parking area at a new Lidl supermarket in Rushden. The parking area would have been accessed off Wheatcroft Gardens. Members did not consider that planning conditions and a parking order obligation suggested by Officer's would overcome their concerns about crime and the impact on residential amenity through disturbance. The Planning Inspector concluded that the proposal would be likely to materially harm the living conditions of the residents of dwellings on Wheatcroft Gardens and that given its location at the rear of the supermarket site and behind buildings on Newton Road, and the fact that natural surveillance of this area is limited, there was a danger that the proposed car park could become a focal point for anti-social behaviour and crime. Consequently the appeal was dismissed as contrary to national and local policy.

15/01727/FUL	Whitfield Associates	Bridge Court Bridge Street Thrapston	Against Refusal	
	Construction of a block of five flats (accessed off of Midland Road)		26/07/2016	Dismissed

This planning application for a block of flats in a car park at Bridge Court in Thrapston was refused under delegated powers for the following reasons; adverse impact on the living conditions of adjacent residents at Bridge Court; inadequate living conditions for future residents as a result of failure to comply with the national space standards; impact on the character and appearance of the area; and failure of the applicant to properly apply the sequential test (with respect to floodrisk). The Inspector agreed with the Council's conclusion in respect of these issues and consequently dismissed the appeal. The Inspector clarified that despite no objection from the Environment Agency, it is the Local Planning Authority's responsibility to consider if the sequential test has been satisfied and therefore upheld this reason for refusal.

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

EN Appeal Results

For Period from: 14 July 2016 to 05 August 2016

Officer

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

Written Representations

15/00332/CA	Joanne Houghton Appeal against	Chestnut Cottage 14 The Green Ashton	Against Enforcement Notice 27/07/2016	ALLOW
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Planning permission was granted for the erection of an octagonal summerhouse. The appellant erected a rectangular summerhouse in the same location. The Council's Senior Conservation Officer strongly took the view that the summerhouse, as built, has a larger footprint, greater visual presence and lacks the design quality of the approved structure, which was considered to be far more in keeping with the picturesque character of the village. The Council has successfully taken action to remove similar unauthorised structures in Ashton and therefore issued an enforcement notice because of the impact on the character of the conservation area.

The Inspector took an opposing view, commenting that "the summerhouse as built is complimentary to the built form of the area. The summerhouse is set well back behind the dwelling and shrubs and other vegetation within the garden area almost completely screen the building in views from The Green. Even in winter months it is likely that there would only be glimpses of the summerhouse from the public domain. There can be no complaint with the materials used for its construction because they comply with the finishes approved by discharge of condition three of the planning permission." He concluded that the summerhouse does not cause any harm to the character and appearance of the conservation area.

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