



## Planning Management Committee – 14 September 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 08 August 2016 to 26 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 08 August 2016 to 26 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.

<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 ✉ rabradshaw@east-northamptonshire.gov.uk					
<b>Date: 1 September 2016</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

# East Northamptonshire Council

## DC Appeal Results

For Period from: 08 Aug 2016 to : 26 Aug 2016

Officer

Case Ref. No.	Appellant Proposal	Location	Appeal Type Date Decided	Decision
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### Amie Baxter

#### Written Representations

15/00841/OU	Mr R And P Coles	38 West Street Oundle Peterborough	Against Refusal 15/08/2016	<b>Dismissed</b>
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Outline: Demolition of existing buildings and redevelopment for six town

The application site is an existing builders yard within the conservation and area. Some of the buildings within the site are identified as 'positive buildings'; in the Conservation Area Appraisal as being associated with the former Union Brewery.

The applicant proposed to demolish the building and erect 6 dwellings.

The application was refused under delegated powers as the development would result in the loss of key buildings which are of historic merit and contribute to the conservation area. The applicant dismissed the importance of the buildings and gave no details to show that the possibilities for conversion had first been explored. The access was also considered inadequate due to its narrow width.

The Planning Inspector agreed with the council with regards to the importance of the buildings to be demolished. He noted that the buildings could be converted to residential and in the absence of any convincing justification for the demolition of these buildings, the Inspector shares the Council's concerns over their loss and the resultant harm to the character of the CA.

The Inspector did not agree with the council with regards to concerns over the access. He noted that the traffic generated from six dwellings would be significantly less than the traffic generated from the builders yard, including a reduction in the volume of medium sized and heavy goods vehicles.

### Anna Lee

#### Public Inquiry

14/02372/OU	Gladman	Land Off Benefield Road And Old Dry Lane	Against Refusal 15/08/2016	<b>Dismissed</b>
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Outline: demolition of buried reservoir and residential development of 110

The application was originally refused for eight reasons and since the determination of the application, the appellant has made a resubmission and provided a unilateral undertaking to address four of the refusal reasons, by which the principle of development, sustainability, impact on the character and setting of the village, and archaeology were matters left to be considered at the appeal inquiry.

The appellant argued that the Council does not have a 5 year supply of housing land and that a 20% buffer should be applied due to persistent under delivery and that a number of the sites included within the Council's supply were not deliverable. The Inspector did not agree that under performance attributed to under delivery by the Council, but rather, it was a reflection of economic depression; therefore, the appropriate buffer allowance should be 5%. The Council's assessment identifies 6.11 years of supply compared with the appellant's 4.48 years. The difference in calculation relates to seven key sites (Ferrers School, Irthlingborough West SUE, Diamond Business Centre, Addington Road, Kings Cliffe Middle School, Brick Kiln Road and Rushden East SUE) in which the appellant's submissions were based on raising doubts about lead-in times and delivery assumptions. Whilst the Inspector had to make allowance for uncertainty for a few of the sites, his assessment fell closer to the Council's estimates than the appellants. Furthermore, even if the Inspector was to conclude that the difference in the parties' forecasts should be split 50:50, it would not be enough to bring the land supply down to 5 years. Therefore, the Inspector had no doubt that the Council has a 5 year supply of deliverable housing land.

Brigstock was noted to be one of the larger villages in the district and benefits from a range of local community services and facilities. However, the future occupants would still be heavily reliant on the more extensive facilities available in the nearest towns i.e. Corby and Kettering and the village itself was not considered to be sufficiently well provided with services and facilities to support a new housing development of the scale proposed. Despite the appellant's proposal to provide a £483 k bus subsidy to upgrade the existing bus service, with the high proportion of people commuting by car, the Inspector had no reason to believe that the subsidy would change travel patterns. In addition, the proposal was regarded to be contrary to the urban-focused strategies contained in the newly adopted Joint Core Strategy, which seeks to limit housing development in the rural areas to meet a locally arising need.

The Inspector considered that the proposed development would extend the village up to the bypass, destroy the strip of open countryside /green buffer and lead to incongruous blocks of housing outside the built form. Despite the appellant's

proposals to screen the development, the development would clearly be visible from the bypass and would be harmful to the character and appearance of the village. The Inspector considered the site to comprise of 'valued landscape' although falling under the 'below average' category. In addition, it was felt that the loss of the on-site historic ridge and furrow landscape feature would count against the development, although hold only limited weight.

Finally, the Council's Archaeology Advisor considered that further archaeological works, in the form of trial trenching, would be required. However, the Inspector came to the view that such works could be secured by way of a planning condition.

**Costs** – In 2014, it was felt that the applicant had been unreasonable as the application was submitted shortly after the Oundle decision, in which the appeal was dismissed as the Inspector concluded that the Council had a 5 year housing land supply. As the Brigstock appeal unfolded and after obtaining legal advice, it became apparent that an application for costs was unlikely to succeed as the Oundle decision and Interim Housing Statement (HIS) were becoming outdated by this time and the emerging new Joint Core Strategy was under examination and significantly altered the Council's housing supply position. However, since the Brigstock decision was issued, the appellant has also withdrawn the Stanwick appeals, and the Council will be making an application for costs for unreasonable behaviour, as a result.

#### Written Representations

14/01967/VA Mrs J Jegatheeswaran 110 Higham Road Rushden Northamptonshire Against Refusal  
Variation of condition 2 - alternative colour for shutters pursuant to planning 23/08/2016 **Allowed M**

Retrospective permission was granted for a pair of roller shutters back in 2013, with a condition to require that the colour of the shutters be altered. The applicant applied to have the condition removed in 2015 so that the shutters could be retained in the existing blue colour. The application was refused by Committee as the shutters were regarded to be too bright and garish and would have a harmful impact on the residential character of the area.

The inspector noted that the combination of roller shutters, signage and other existing shop fenestrations created an unduly commercial appearance in a predominantly residential area and the colour of the shutters is bright compared to the dwellings in the vicinity. However, the Inspector was not persuaded that an alternative colour for the shutters would significantly reduce the shop's visual impact. Given the existing hoarding is blue and white, it was felt that other colours for the shutters would provide a further contrast with the shop front. Consideration was also given to the fact that the shutters would be rolled up during opening hours. Overall, the Inspector did not consider that the colour of shutters causes material harm to the character and appearance of the area sufficient to warrant dismissal of the appeal.

#### Application for Costs

The appellant submitted an application for costs on the grounds that the council acted unreasonably as the submitted applications were recommended approval by officers. Costs were not awarded as the Inspector came to the view that Members are entitled to reach a different conclusion and she did not find that this in itself represents unreasonable behaviour providing the decision was substantiated. Whilst the Inspector has allowed the appeal, she felt that the concerns of the Council were not without substance and relate to a subjective matter. In addition, it was noted that Members have been consistent in reaching their views with regards to the colour of the shutters.

#### Graham Wyatt

##### Public Inquiry

15/02235/OU Gladman Land North Of West Street Stanwick Against Refusal  
Outline planning application for up to 198 residential units with all matters 19/08/2016 **Withdrawn**

#### Wayne Cattell

##### Householder Appeal

16/00646/FUL Mrs Joan Cole 45 Barnwell Drive Rushden Northamptonshire Against Refusal  
Second storey side extension 08/08/2016 **Dismissed**

This application was refused because the proposal was considered to result in a cramped form of development which, when viewed in the general street scene, would have created a terraced effect at first floor level between the property subject to this application and the adjacent dwelling at number 47 Barnwell Drive. This was considered to be out of keeping with the surroundings. The Inspector noted that the extension would bring the first floor of the house right up to the boundary and only leave a very small gap to the house at number 47. She agreed that this was out of keeping with the character of the surroundings and therefore dismissed the appeal.

**Decided Appeals Dismissed :** 3 60.00%  
**Decided Appeals Allowed :** 1 20.00%

**M** Denotes Member  
Decision against

<b>Decided Appeals Withdrawn :</b>	<b>1</b>	<b>20.00%</b>	Officer advice
<b>Decided Appeals Total :</b>	<b>5</b>	<b>100.00%</b>	