



Planning Management Committee – 14 June 2017

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 24 April 2017 to 26 May 2017

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 24 April 2017 to 26 May 2017 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: 31 May 2017					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from 24 Apr 2017 to 26 May 2017

Officer

Procedure

Case Ref. No.	Appellant	Location	Appeal Type	Decision
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Proposal

Date Decided

Decision

Anna Lee

Written Representations

16/01912/FUL	Mr J Kumar	2 Bedford Road Rushden Northamptonshire	Against Refusal	
	Conversion and extension of dwelling to create 4 self contained flats		26/05/2017	Dismissed

Officers considered that the proposed scheme of flats would be cramped and contrived and the applicant has failed to satisfactorily demonstrate that the proposal meets the National Space Standards and would provide adequate living environments for the future occupiers. In addition, in the absence of a noise/acoustic assessment, the applicant has failed to demonstrate that the condensers associated with the ground floor retail unit would not give rise to significant adverse noise effects to the detriment of the future occupiers of the proposed flats.

The Inspector concluded that:

- Flat 4 would be divided into two bedrooms and would have a restricted height with a sloping ceiling and limited headroom. Accommodating a bed in either bedroom would be difficult and would result in cramped living spaces, and as a consequence, this would be harmful to the living conditions of the future occupiers.
- In the absence of a noise/acoustic assessment, it is not possible to be certain that there would not be a significant adverse noise impact on the future occupiers of Flat 4. The condensers would be sited just below the rooflight windows of Bedroom 1 in Flat 4. Although they emit a low humming sound, the regular pattern of noise would be noticeable, particularly with the windows open and could be potentially disruptive, particularly during sensitive periods at night.

Graham Wyatt

Written Representations

16/01374/PDU	Mr G Hill	OP6486 SP9669 Stanwick Road Higham	Against Refusal	
	A Change of use of an agricultural building to provide a dwellinghouse (C3)		17/05/2017	Allowed
			17/05/2017	Allowed

The applicant applied for a change of use of an agricultural building to a residential dwelling under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Officers considered that the proposal complied with the requirements set out in Paragraph Q.1 of the GPDO and therefore it would be permitted development. However, under the prior approval matters, under paragraph Q.2 of the GPDO, Officers considered that the location and siting of the building was unacceptable.

The Inspector concluded that:

- It would be possible to segregate the track from the rest of the field to avoid any conflict with livestock.
- The distance from the building to Stanwick Road is not overly long and is comparable to farm dwellings in the surrounding area. Thus, the proposal is not impractical or undesirable in terms of access.

- Vegetation along field boundaries and changes in topography lessen its overall prominence.
- The proposed alterations to the building, including the garden and parking areas, would reduce the rural qualities of the surrounding area to a degree. However, given the above screening and the existence of isolated farm dwellings in the wider area where domestic elements already exist, this would not have an undesirable effect on the character and appearance of the countryside.
- The evidence submitted by the applicant indicates a realistic prospect of water and electricity connections via existing sources in the surrounding area.
- The proposal is close to Higham Ferrers and therefore is not impractical or undesirable in terms of the provision of services and facilities.

Decided Appeals Dismissed :	1	50.00%	
Decided Appeals Allowed :	1	50.00%	M Denotes Member Decision against Officer advice
Decided Appeals Withdrawn :	0	0.00%	
Decided Appeals Total :	2	100.00%	