



Planning Management Committee – 16 August 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 26 June to 28 July 2017

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 26 June to 28 July 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 ✉ rabradshaw@east-northamptonshire.gov.uk					
Date: 3 August 2017					
CFO		MO		CX	

East Northamptonshire Council

DC and Enforcement Appeal Results

For Period from 26 Jun 2017 to 28 Jul 2017

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided Decision

Carolyn Tait

Written Representations

16/01263/OU	Mr And Mrs Strickland	Land At 411 Newton Road Rushden	Against Refusal	
Residential Development of four	detached dwellings with detached garages		30/06/2017	Dismissed

An application was submitted for outline permission for four dwellings. The application was refused because the site does not represent an infill plot within the main built up area of Newton Road. The appellant considered that the site was surrounded on two sides and formed an infill plot. Officers took a different view - that it was not surrounded by development on two sides and as such was contrary to Policy RU2 of the East Northamptonshire Local Plan and Policy 11 of the North Northamptonshire Joint Core Strategy.

The Inspector agreed, concluding that the introduction of residential development on the appeal site would not constitute infill development and that it would extend the existing linear development, meaning that it is not an appropriate location for new development in accordance with policy RU2 of the East Northamptonshire Local Plan.

George Russell

Written Representations

15/00194/PP	Mr Richard Jeremy Firth	51 North Street Oundle Peterborough	Against Enforcement Notice	
Appeal against			12/07/2017	DISMEF

A retrospective Listed Building Consent application for the installation of photovoltaic panels was refused because of the impact on the character of the listed building and the setting of surrounding listed buildings. The applicant did not remove the unauthorised panels so an Enforcement Notice was served.

The applicant appealed the Enforcement Notice on the grounds that listed building consent should be granted. The Inspector disagreed and dismissed the appeal, upholding the Notice. In coming to this conclusion, the Inspector noted that:

"...the panels on both slopes are highly visible from the car park that serves Halfmoon Mews, a quite recent housing development outside the Conservation Area, and immediately to the west. They are also readily visible from the car park of the Gascoigne building belonging to the large school in the centre of the town, also to the west. Both these areas are raised well above the level of the back garden of no. 51, giving views at or near eye-level, resulting in the panels being particularly prominent.

The panels themselves are black and shiny. I consider the material is incongruous and unsympathetic in the context of the predominant constructional materials of the house – rubble stone walls and stone slate roofs. The uniform flat surfaces of the panels, covering significant areas of the roofs, contrast unfavourably with the small scale, complex textures of the stone and slate, and the refined detailing of the sash windows".

The Inspector also expressed concern that physical damage had probably been caused to the historic fabric of the building.

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