



Planning Management Committee – 15 August 2018

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 23 June 2018 to 27 July 2018

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 23 June 2018 to 27 July 2018 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: Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk					
Date: 28 June 2018					
CFO		MO		CX	

East Northamptonshire Council

DC Appeal Results

For Period from 23 June 2018 to 27 July 2018

Officer

Procedure

Case Ref. No. Appellant
Proposal

Location

Appeal Type
Date Decided

Decision

Amie Baxter

Informal Hearing

16/01659/FUL Mr E Whitelaw The Old Nags Head Church Street Hargrave Against Refusal
Proposed change of use from a former Public House with residential dwelling 17/07/2018 **Dismissed**

The main issue for this informal hearing is whether the loss of a community facility in the form of a public house is justified. At the time of the informal hearing, the building was an Asset of Community Value (ACV). The pub is a Grade II listed building.

The building was last in use as a pub in 2001 and the current owner and the former owner of the property have applied for planning permission on two previous occasions to change the use of the property from a public house to residential without success. The applicant has offered the property on the open market as both a pub and a residential property but for an elevated price (cheapest being £425,000) which has not resulted in a sale. A local Community Pub Group has received £180,000 in pledges of investor funding with another £20,000 likely from Hargrave Windfarm Trust. The Pub Group has put in several reasonable offers for the pub (£210,000) but each has been declined by the applicant. The offers put to the applicant by the pub group are closer to the valuation figure for the property (when used as a pub) reached by an independent valuer appointed by the Council. The Inspector noted that the applicant failed to submit any credible viability information.

The Inspector noted that the applicant had not demonstrated, on the balance of probability, that the property would not potentially have as good a chance as other local pubs of being viable and successful, provided it could be purchased at a realistic price to account for the necessary works required to re-fit the bar/kitchen etc.

The applicant had not been able to demonstrate that the loss of the pub would be justified, as the building has the potential to be used as such and there is clear local interest in doing so.

The council has since refused Hargrave Parish Councils application to re-list the property as an Asset of Community Value for a second term.

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