



## Planning Management Committee – 18 December 2019

### 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 October 2019 to 3 December 2019

---

#### **1.0 Introduction**

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 26 October 2019 to 3 December 2019 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.

#### **3.0 Legal Implications**

3.1 There are no legal implications.

#### **4.0 Risk Management**

4.1 There are no significant risks.

#### **5.0 Financial implications**

5.1 There are no financial implications except for those decisions where costs have been awarded against the council.

#### **6.0 Privacy Impact Assessment**

6.1 There are no privacy implications.

#### **7.0 Constitutional Implications**

7.1 There are no constitutional Implications

#### **8.0 Implications for our Customers**

8.1 There are no implications for our customers.

#### **9.0 Corporate Outcomes**

9.1 The report supports priority outcomes set out in the Corporate Plan – Effective Management and Value for Money.

## 10.0 Recommendation

10.1 The Committee is recommended to note the report.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk					
<b>Date:</b> 04 December 2019					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

# East Northamptonshire Council

## DM Appeal Results

For Period from: 07 Oct 2019 to : 25 Oct 2019

Officer

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

### Anne Dicks

#### Written Representations

19/00303/FUL	Mr David Johnson	20 Nassington Road, Yarwell, Northamptonshire	Against Refusal
	Side and rear extension (Resubmission of 18/02116/FUL)		11/10/2019 <b>Split Decision D</b>

This Appeal Decision was an unusual split decision in that the Inspector dismissed the appeal in relation to the side extension but granted planning permission for the separate rear extension.

The application was for a prominent two storey side extension which was not considered to be visually subservient and as such would fail to respect the style, character and appearance of the existing dwelling, the approach to the village and the views from the surrounding countryside. The proposed oriel window detail and excessive glazed areas in materials to include large areas of oak cladding and zinc were considered incongruous with the character of the property and appearance of those buildings in the immediate courtyard area. This element was dismissed.

The application further proposed a rear extension which the Inspector considered was both physically and functionally severable from the proposed side extension. This element was allowed.

### Gordon Smith

#### Written Representations

18/02133/FUL	Mr D Hicks - Country	19 Cotterstock Road, Oundle, Peterborough	Against Refusal
	Demolition of 7 bedroom dwelling and erection of care home with 36 bedrooms		11/10/2019 <b>Dismissed C</b>

The planning application for the demolition of a 7 bedroom dwelling and the erection of a care home with 36 bedrooms, was refused due to concerns about form and character and the impact on residential amenity. The absence of a s106 agreement to secure a required library contribution was also recorded as a reason for refusal.

In dismissing the appeal, the Inspector concluded that *'the development would have an adverse impact upon the character and appearance of the surrounding area...'* and *'would have an adverse effect upon the living conditions of the occupiers of neighbouring properties.'*

The Inspector commented that *'on the evidence provided, no significant harm would arise from the non-provision of a financial contribution to library services.'* Nevertheless, this did not outweigh his concerns with the appeal proposal.

### Joe Davies

#### Written Representations

19/00030/OUT	Mrs S Bateman -OCS	3 Spinney Close, Warmington, Peterborough	Against Refusal
	Erection of 2 dwellings - Land off Spinney Close (north of Horse View Barn)		11/10/2019 <b>Dismissed D</b>

This was an application for outline planning permission for two dwellings. These dwellings were refused permission under delegated powers, due to being outside of the settlement boundary for Warmington, as defined in both the Rural North Oundle and Thrapston Plan and the Emerging Warmington Neighbourhood Plan. At the time of the appeal the Warmington Neighbourhood Plan could only be given limited weight as the referendum on this plan had not yet taken place. This referendum has taken place since this appeal was decided. The Inspector referred to Policy 11 of the Joint Core Strategy and how this resisted development in the open countryside unless there are special circumstances, which are identified in Policy 13. He confirmed that the development did not meet any of these special circumstances and that these policies were consistent with the National Planning Policy Framework 2019. He therefore agreed with the Council's initial decision to refuse planning permission and the appeal was dismissed on this basis.

## Sundas Shaban

### Written Representations

19/00986/FUL Mr Duncan Foster - The Fieldings, Main Street, Tansor  
Erection of single dwelling and garage with alterations to side elevation of elevation of  
existing bungalow and enlarged access

Against Refusal  
23/10/2019

**Dismissed D**

The main issue for consideration as part of this appeal, was whether the proposed development would provide a suitable location for housing, having regard to the relevant national and local policies regarding development in the countryside.

In dismissing the appeal, the Inspector commented that: *'The defined settlement boundary cuts through the rear garden of the property, such that the appeal site does not fall within this defined settlement.'* The Inspector noted that the proposal did not meet the exceptions in Joint Core Strategy (JCS) Policy 11 and would not be *'infill'* development as the site lies outside the main built up area of Tansor. Furthermore the proposal was not supported by JCS Policy 13.

<b>Decided Appeals Dismissed :</b>	<b>3</b>	<b>75.00%</b>	
<b>Decided Appeals Allowed :</b>	<b>1</b>	<b>25.00%</b>	(split decision)
<b>Decided Appeals Withdrawn :</b>	<b>0</b>	<b>0.00%</b>	
<b>Decided Appeals Total :</b>	<b>4</b>	<b>100.00%</b>	

**M** – Denotes Member decision against officer advice

**C** – Denotes Committee decision

**D** – Denotes delegated decision