



# Development Control Committee - 9 June 2010

## Appeal Decisions Monitoring Report

### Summary

Update on appeals decided by the Planning Inspectorate and an analysis of the main issues to monitor consistency between the Council's and Planning Inspectorate's decisions.

### Attachment(s)

Appeal Decisions - 26 April to 14 May 2010

### 1.0 Introduction

1.1 This report advises on the outcome of enforcement appeals determined by the Planning Inspectorate from 26 April to 14 May 2010 and analyses the decisions made by the Development Control Committee and Officers under Delegated Authority.

1.2 Details of any costs awarded against the Council are also given.

### 2.0 Recommendation

2.1 That the report be noted.

Implications:		
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>		
Good Quality of Life	<input type="checkbox"/>	Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery <input type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership <input checked="" type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/>	Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input checked="" type="checkbox"/>
<b>Other:</b>		
Decision(s) would be outside the budget or policy framework and require full Council approval <input type="checkbox"/>		
<b>Financial</b>	There are no financial implications at this stage <input checked="" type="checkbox"/>	
	There will be financial implications – see paragraph <input type="checkbox"/>	
	There is provision within existing budget <input type="checkbox"/>	
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>	
	Decisions may have potential for income generation <input type="checkbox"/>	
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>	
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - <input type="checkbox"/> residual risk score - <input type="checkbox"/>	
<b>Staff</b>	There are no additional staffing implications <input checked="" type="checkbox"/>	
	Additional staff will be required – see paragraph <input type="checkbox"/>	
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>	
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>	
<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations:	

<b>Background Papers:</b>					
<b>Person Originating Report:</b> Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk					
<b>Date: 27 May 2010</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 21)

# East Northamptonshire Council

## EN Appeal Results

From 26 April to 14 May 2010

Officer

Procedure

Case Ref. No. Appellant  
Proposal

Location

Appeal Type

Date Decided Decision

### Lloyd Mills

#### Informal Hearing

08/00141/LB Mr Michael Neal 15 West Street, Oundle  
Unauthorised Works to a Listed Building

Against Enforcement Notice  
26/04/2010 **DISMISSED**

- A listed building enforcement notice was served on the appellant on 22 June 2009 to remove unauthorised works from a late Victorian shop-front and to make good the building, restoring it to the state it was before the works had taken place. The unauthorised works included a plasterboard partition erected inside the shop-front and timber boards and plastic sheeting erected on the outside; all of which make the building appear very unsightly.
- The notice was appealed against on the grounds that the works were urgently necessary in the interest of health and safety, or for the preservation of the building (ground (d)); that listed building consent ought to be granted for the works (ground (e)); and the period specified by the notice was not reasonable (ground (h)).
- In assessing ground (d) the inspector considered the following three tests:
  - the works were urgently necessary in the interests of health and safety or for the preservation of the building;
  - that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;
  - and that the works carried out were limited to minimum measures immediately necessary.
- The inspector considered each of the tests and concluded that none of them had been met.
- In terms of ground (e), the appellants informed that this only related to the plasterboard lining, and argued that a number of listed shop buildings have displays in their windows which mask views into the building. They further suggested that a trompe l'oeil scene could be applied to the surface of the lining of the shop front to provide visual interest to the street. The inspector noted, however, that this would remove a sense of active use and result in a 'dead', unchanging feature in the street. The inspector concluded that it would harm the special interest of the listed building and would fail to preserve or enhance the character and appearance of the Oundle Conservation Area.
- In terms of ground (h), the inspector saw no reason to differ from the time requirements of the notice (three months), despite the appellant suggesting they required eight months to complete the works.
- The inspector concluded that the appeal should fail.

<b>Decided Appeals Dismissed:</b>	100.00%
<b>Decided Appeals Allowed:</b>	0.00%
<b>Decided Appeals Withdrawn:</b>	0.00%
<b>Decided Appeals Total:</b>	1