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 9 November 2020 to 22 January 2021

1.0 Introduction
1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 9 November 2020 to 22 January 2021 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.

<table>
<thead>
<tr>
<th>Legal</th>
<th>Power: Planning and Compulsory Purchase Act 2004</th>
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<tbody>
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<td>Other considerations: None</td>
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**Background Papers:** Office Files

**Person Originating Report:** Carolyn Tait, Planning Development Manager  
☎ 01832 742321 ✉ ctait@east-northamptonshire.gov.uk

**Date:** 03 February 2021

CFO | MO | CX 03.02.21 |
## East Northamptonshire Council

### DM Appeal Results

For Period from: 09 Nov 2020 to: 22 Jan 2021

<table>
<thead>
<tr>
<th>Officer</th>
<th>Procedure</th>
<th>Case Ref. No.</th>
<th>Appellant</th>
<th>Location</th>
<th>Appeal Type</th>
<th>Date Decided</th>
<th>Decision</th>
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### Amie Baxter

**Written Representations**

20/00017/FUL  Mr And Mrs Barnes  312A Newton Road Rushden Northamptonshire  Against Refusal

Proposed new bungalow, double garage and new access.

The proposed development was for the erection of a bungalow in the rear garden of the property. The Local Planning Authority (LPA) refused the application as it does not represent an infill development of vacant or underused land within the main built up area of Newton Road and as such the proposal would be contrary to policy and therefore harmful to the well established pattern of ribbon development in the immediate area. The Inspector agreed with the LPA, noting that the position of the dwelling would not closely follow the predominantly linear pattern of existing dwellings and would not have a frontage to the road and would be harmful to its character. Further, the Inspector agreed that the development would make a limited contribution towards the Council's housing requirement but a new dwelling in this location would conflict with the sustainable development aims of the development plan and the Framework.

In conclusion, the Inspector stated that the development would conflict with the sustainable development principles and aims to protect distinctive local character in Policies 8 (North Northamptonshire Place Shaping Principles) and 11 (The Network of Urban and Rural Areas) of the CS, Policy H1 of the NP and the Framework.

### Carolyn Tait

**Written Representations**

18/02459/OUT  Lourett Developments  Land Rear Of 7 - 12 The Willows Thrapston  Against Refusal

Outline: Proposed residential development to erect four dwellings on redundant land (all matters reserved apart from access and scale)

This appeal result is the follow up from the High Court ruling to quash the original appeal decision and to allow a different Inspector to determine the appeal. The LPA continued to defend this appeal as it considered that the dwellings would be too large and would have too many bedrooms and as such continued to defend reasons 2 and 3 of the original decision, despite a subsequent application having been submitted for four smaller dwellings, on the same site, with an extant permission. However, the Inspector, whilst agreeing with the LPA’s concerns, determined that the size of the dwellings and the number of bedrooms could be conditioned and as such allowed the appeal.

This is an unfortunate situation where there was a fall back position for four smaller dwellings (approved after the original appeal decision, but prior to the High Court ruling), following the original appeal decision to allow planning permission and as such it would not have been reasonable to defend the reason for refusal regarding the principle of development on the site. This was a complex case with many matters to consider.

Despite the applicant submitting a claim of costs against the LPA for unreasonable behaviour, they were unsuccessful as the Inspector agreed with the LPA’s reasons for continuing to defend the reasons for refusal, despite there being an extant permission in place.
The proposed development was for the erection of a two storey side extension. The application was refused as the design of the proposed extension would be out of keeping with the prevailing built form in the immediate area, located in a prominent position in the street scene, that it would cause harm to the character and appearance of the street scene and would affect the symmetry of the existing pair of semi-detached properties. In addition, the proposal would have an unacceptable impact on the adjacent public footpath in terms of massing and overshadowing. The inspector agreed with the LPA and concluded that the proposed two-storey extension would, by way of its design and siting, jar with and harm the character and appearance of the surrounding area, including the footpath along the side of the site. In conclusion, the Inspector stated that the development would conflict with Policy 8 of the Northamptonshire County Council Joint Core Strategy and Policy R2 of the Raunds Neighbourhood Plan the high-quality design requirements of Paragraphs 127 and 130 of the National Planning Policy Framework and the guidance on extensions and their surroundings, as set out in the Householder Extensions Supplementary Planning Document.

Patrick Reid
Informal Hearing
19/01613/FUL M.C And J Day Land OP0069 TL0096 Morehay Lane Kings Cliffe Against Refusal
Demolition of redundant farm building and proposed creation of agricultural worker’s dwelling 12/01/2021 Dismissed D

(See below 20/00762/FUL)

Written Representations
19/01235/OUT Estates Ltd OP0512 TL0097 Blatherwycke Road Kings Cliffe Against Refusal
Outline: Proposed residential development, of up to 20 affordable homes and 10 market homes, allotments and landscaping (all matters reserved except access) (resubmission of 17/02426/OUT) 13/01/2021 Dismissed C

The appeal was against a refusal for thirty dwellings and the key matter was the principle of the development in relation to the JCS and the King's Cliffe Neighbourhood Plan. The Appellant challenged the local housing need, claiming it was significantly greater than the Council’s figures indicate. Ultimately, the Inspector agreed with the Council that the need for the housing proposed was not adequately justified. The Inspector also agreed that the financial viability case for the inclusion of market housing in the scheme was justified. The Inspector also agreed with the Council that there would be significant harm to the character and appearance of the area. The Inspector dismissed the appeal for these reasons.

Sunny Bains
Informal Hearing
20/00762/FUL M.C And J Day Land OP0069 TL0096 Morehay Lane Kings Cliffe Against Refusal
Demolition of redundant farm building and proposed creation of agricultural 12/01/2021 Dismissed D

This application and the previously refused application (19/01613/FUL, above) were considered together as part of a linked informal hearing, on the basis of the refusal reasons of the Applicant not being able to demonstrate a functional need for an agricultural dwellinghouse, the garden size being excessive and the dwelling size being excessive. The Planning Inspector held that Policy 13 of the Northamptonshire County Council Joint Core Strategy (JCS) was not out-of-date and a key policy consideration, to which the Applicant failed to comply with due to not being able to demonstrate a functional need. The Inspector found that the garden size on the previously refused application to be excessive but the garden size under this application be acceptable as well as the dwelling size. Although, the Inspector found the garden and dwelling size to be acceptable, with the principle of development being unacceptable the Inspector dismissed both appeals.

Written Representations
19/01410/PDU Mr John Northen Agricultural Barn At TL07938 90654 Taylors Green Warmingston Against Refusal
Conversion of an agricultural general purpose concrete framed building to a residential building (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q) 17/11/2020 Allowed D

This prior approval application was refused by the Council due to the Applicant not being able to demonstrate acceptable access and visibility splays. The Applicant provided supporting transport and highway information during the appeal. The Inspector held that the transport and highway information demonstrated acceptable visibility splays as demonstrated at the time of the application and that the upgrade works to the access in accordance with highway standards could be conditioned in line with the National Planning Policy Framework (NPPF) and within the remits of the permitted development right. Thus, the appeal was allowed.

20/00311/FUL Mr David Pennell - 98 Main Road Collyweston Stamford Against Refusal
Refurbishment and conversion of disused Collyweston School to a dwelling and additional dwelling house on subdivided site 05/01/2021 Dismissed D
This application was for the conversion of Collyweston School into a dwelling and the erection of a dwelling. The application was refused due to the proposed dwelling introducing an unwarranted development within the countryside due to it falling outside of the settlement boundary and not forming an infill development or a rural exception development. The application was also refused because of the proposal introducing a 4-bedroom dwelling, in the absence of a local needs survey and impact on the non-designated heritage asset (Collyweston School) and Collyweston conservation area. The Inspector held that the proposed scheme would provide modest benefits which would not outweigh the significant harm and policy conflict associated with the site not representing an appropriate local for housing as well as the limited harm to the non-designated heritage asset. In respect to the housing mix and historic environment, the Inspector held that Policy 30 of the JCS emphasises small sized (1-3 bed) dwellings and did not preclude 4 / 5 beds which would not have been out of keeping with the local character. Little harm was found to the non-designated heritage asset and conservation area. By reason, of the principle of development being unacceptable the appeal was dismissed.

| Decided Appeals Dismissed: | 6 | 66.67% |
| Decided Appeals Allowed:  | 2 | 22.22% |
| Decided Appeals Withdrawn: | 1 | 11.11% |
| Decided Appeals Total:    | 9 | 100.00% |

M – Denotes Member decision against officer advice  
C – Denotes Committee decision  
D – Denotes delegated decision