



Development Control Committee - 18 August 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 21 June to 23 July 2010

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 21 June to 23 July 2010 and analyses the decisions made by the Development Control Committee and Officers under Delegated Authority.

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

2.0 Recommendation

2.1 That the report be noted.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
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"/>
Other:		
Decision(s) would be outside the budget or policy framework and require full Council approval <input type="checkbox"/>		
Financial	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"/>
Risk Management	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 - residual risk score -	<input type="checkbox"/>
Staff	There are no additional staffing implications	<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph	<input type="checkbox"/>
Equalities and Human Rights	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"/>
Legal	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations:	

Background Papers:					
Person Originating Report: Sue Wheatley - Development Control Manager 01832 742227 sjwheatley@east-northamptonshire.gov.uk					
Date: 9 August 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 21)

East Northamptonshire Council

DC Appeal Results

From: 21 June to 23 July 2010

Officer

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

Amie Baxter

Written Representations

09/00838/FUL	Mr P Johns	Cherry Lap Farm, Brigstock Road, Sudborough	Against Refusal	
	Formation of freshwater pond on existing grazing land		06/07/2010	Allowed

The Inspector pointed out that the pond is already in place and has been constructed on rough grazing land within a paddock and it is not proposed to incorporate the pond and the surrounding paddock into the domestic garden of Cherry Lap Farm.

The Inspector notes that the pond bears some resemblance to typical field ponds which are often found in rural areas. It has shallow and deeper sections, sloping sides and no raised edges and therefore, the Inspector feels that its construction is appropriate in terms of creating a valuable habitat for wildlife. The absence of information on planting is not a critical issue, according to the Inspector and he notes that new ponds do not need to be planted up as they can be left to colonize naturally. According to the Inspector, the pond is likely to enhance and add to biodiversity rather than have implications.

In addition, there is no evidence that the land surrounding the pond consists of the best and most versatile agricultural land and in the future, if a farming enterprise were to be set up, then the paddock fencing could be removed. The appellant pointed out at the site visit that none of the existing animals on site have had difficulties with the pond.

The Inspector also adds that the pond is not obvious from any public vantage points and is not domestic or ornamental in nature. The Inspector considers that the pond does not compromise the quality of the landscape.

The Council suggested conditions but now that the pond is established, conditions regarding landscaping are no longer relevant. The Inspector used one condition, clarifying that the permission relates only to the formation of the pond.

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