

# South Northamptonshire Council

## Planning Committee

3 December 2020

## Appeals Progress Report

## Report of Assistant Director of Planning and Economy

This report is public

### Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled, or appeal results achieved.

### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

### 2.0 Introduction

- 2.1 The report lists appeals submitted, those outstanding and those determined.

### 3.0 Report Details

#### 3.1 New Planning Appeals Received

##### Public Inquiry

##### **S/2020/0441/MAO Land at Waters Lane Middleton Cheney**

An appeal by Catesby Strategic Land Ltd against the refusal of outline planning permission for the development of up to 54 dwellings (use class C3) including means of access into the site (not internal roads), associated highway works, public open space and extended gardens to No's. 6, 8, 10, 16 Waters Lane and 15 Thenford Road.

**Start Date:** 29/10/2020      **Statement Due:** 03/12/2020

**Inquiry Date:** 16/03/21

## Informal Hearing

None

## Written Reps

### **S/2019/2539/MAF Sky Bird Sales Weavers Coving Towcester Road Whittlebury**

An appeal by Sky Bird Sales against the refusal of planning permission for Static Caravan (retrospective)

**Start Date:** 14/10/2020      **Statement Due:** 18/11/2020

### **S/2020/0042/FUL 82 Winston Crescent Brackley**

An appeal by Mr & Mrs Harding against the refusal of planning permission for Single Dwelling attached to existing dwelling

**Start Date:** 19/10/2020      **Statement Due:** 23/11/2020

### **S/2020/1103/FUL 5 Parsons Close Nether Heyford**

An appeal by Mrs Suzanne Richer against the refusal of planning permission for Proposed garage conversion to habitable accommodation and side first floor extension.

**Start Date:** 27/10/2020      **Statement Due:** N/A

### **S/2020/1276/FUL Chestnut View School Lane Quinton**

An appeal by Mr S Chalcraft Georgian House Developments against the refusal of planning permission for Erection of 2no. dwellings

**Start Date:** 09/11/2020      **Statement Due:** 14/12/2020

## **3.2 New Enforcement Appeals**

### **S/2020/1934/EN The Mill House Mill Lane Cogenhoe NN7 1NA**

An appeal by David Owen – Pure Leisure Group against enforcement notice regarding, without Listed Building Consent, the replacement of the existing windows on the ground and first floor of the front elevation and windows on the ground and first floor of the southern side elevation of the property with doubled glazed units. the repainting of the units in a colour which does not match with the existing lintels and is not in keeping with the character or the appearance of the original building.

**Start Date:** 04/11/2020      **Statement Due:** 16/12/2020

## **3.3 Appeals in progress**

### Public Inquiries

### **S/2019/0856/MAO Land South of Grange Park Quinton Road Northampton**

An Appeal by Manor Oak Homes against the refusal of Outline planning permission for up to 300 dwellings and land for a new school (up to two forms-of-entry) along with open space, drainage, footpath improvements, new off-site footpath links, vehicular access and all matters reserved other than access.

**Start Date:** 13/05/2020      **Inquiry Date:** 20/10/2020

## Hearings

Nil

## Written Representations

### **S/2020/2091/FUL 16 High Street Roade**

An appeal by Michael Davies against the refusal of planning permission for Detached double garage and storage above

**Start Date:** 13/07/2020    **Statement Due:** 17/08/2020

### **S/2020/0480/LDP 9 Astrop Road Kings Sutton**

An appeal by Mr Timothy Beckett against the refusal of a lawful development certificate for conversion of the workshop/garden room to a self-contained annexe, ancillary to the main dwelling

**Start Date:** 29/06/2020    **Statement Due:** 10/08/2020

### **S/2020/0765/LDE Poplars Farm Syresham Road Wappenham**

An appeal against the refusal of a lawful development certificate of the implementation of planning permission APP/Z2830/A/13/2202083 Ref S/2013/0010/FUL( Single Freestanding Wind Turbine, Hard Standing, Access Road, Sub Station and Trenching for Cable) by virtue of material operations carried out prior to 23 July 2017

**Start Date:** 08/09/2020    **Statement Due:** 20/10/2020

## Enforcement Appeals

### **S/2020/1509/EN 24 Woods Lane Potterspury**

An appeal against enforcement notice regarding installation of windows not to approved plans.

**Start Date:** 07/09/2020    **Statement Due:** 19/10/2020

### **S/2020/1404/EN Land adjacent to 11 Furnace Lane Nether Heyford**

An appeal against enforcement notice regarding the removal of a fence.

**Start Date:** 07/09/2020    **Statement Due:** 19/10/2020

## CIL Appeals

Nil

### **3.4 Forthcoming Public Inquires and Hearings between 3<sup>rd</sup> December 2020 and 7<sup>th</sup> January 2021**

Nil

### **3.5 Planning Appeal Results**

Inspectors appointed by the Secretary of State have:

**ALLOWED the appeal S/2019/1912/FUL at Bugbrooke Barns Kislingbury Road Bugbrooke by The Northampton Old Grammar School Kislingbury against the refusal of planning permission for the conversion of brick built agricultural buildings and rebuild elements to form two residential dwellings. (Committee Refusal)**

**Application Site**

The application related to barns in the open countryside near Bugbrooke

**Proposal**

The application to convert two barns into two dwellings was recommended for approval, but overturned and refused by Planning Committee due to concerns regarding the effect of the proposal on the character and appearance of the area and whether the site is an appropriate location for new housing with regard to supporting essential local services.

**Summary of Inspector's Decision**

The Inspector concluded that there will only be glimpsed views of the access track from the surrounding area due to natural level changes and the track will successfully integrate into the wider area.

Committee raised a concern regarding the infrastructure required to enable residential dwellings to be sited in this location, the Inspector stated there was no persuasive evidence to demonstrate that the lighting or electricity infrastructure would harm the character and appearance of the area and that this can also be addressed by conditions.

When assessing the location the Inspector acknowledged that the application only related to two dwellings, despite the small number concluded that any residents would still support local services and facilities and can access Bugbrooke via the pathway that runs from the entrance to the site from the roadside. In addition to this the reinvestment of the monies from the sale of the site with planning permission into Northampton Old Grammar School was deemed to satisfy the requirement to support local services.

The Inspector concluded that there was no evidence that graffiti would continue, no issues in regard to highway safety and there was no evidence that the site fell within a 'made' Neighbourhood Plan Area.

The Inspector made a number of alterations to the standard conditions suggested including removing the requirement for a sample panel, obscurely glazing the rooflights, removed the condition for a revised protected species survey, removed the requirement for electric charging vehicle points and meter boxes location and finish.

**Costs Decision - Refused**

The Inspector concluded that there was no compelling evidence to indicate that the Council failed to give due consideration to a Class Q fallback position.

The recommendation of the Planning Officer was noticed, however whilst the Council members took an alternative view, they are not duty bound to follow the advice of the Officers.

The Inspector considered that the Council had reasonable concerns based on the evidence provided and was satisfied that there was no unnecessary or wasted expense occurred in the appeal process.

**DISMISSED the appeal S/2019/1808/FUL at Evenley Stores 23 The Green Evenley NN13 5SQ against the refusal of planning permission for Change colour of windows and door to Stiffkey blue from white. (Delegated Refusal)**

**Application Site:**

The appeal property is located within the village of Evenley and within the Evenley Conservation Area. It sits on the northern side of The Green an important open space denoting the historic plan of the village. It is a Coffee and Local Shop.

**Proposal:**

To change the colour of the windows from white to blue (retrospective)

**Summary of Inspector's Decision**

Properties in the CA and especially around The Green have a pleasing coherence created through their scale, limestone appearance, and architectural detailing including white or light-coloured windows and doors. Whilst the applicant placed a large importance on the colour for their brand identity, the Inspector considered that the colour used is a stark contrast to the surrounding colour palette. It draws the eye and is an unduly prominent and incongruous feature along The Green diminishing the prevailing sense of coherence.

The Inspector considered that the colour of the windows and door were not sympathetic to the neighbouring properties around The Green undermining the appearance of the area and causing harm to the conservation area. He acknowledged the economic benefit that the company brings to the local community, however considered this benefit modest and afforded this benefit limited weight. It was considered that the harm to the CA clearly outweighed the public benefits of the development, therefore being contrary to policy.

**DISMISSED the appeal S/2019/1286/FUL Garage at rear of 25 High Street Deanshanger by Mr R Todd against the refusal of planning permission for the Retrospective change of use of a residential garage into dwelling. (Delegated Refusal)**

Summary to follow in written updates

**DISMISSED the appeal S/2020/0636/FUL at 68 High View Deanshanger by Mr & Mrs A Kaur against the refusal of planning permission for Two storey side extension and single storey rear extension to replace conservatory (Delegated Refusal)**

Summary to follow in written updates

**ALLOWED the appeal S/2020/0400/FUL at College Farm Station Road Aynho by Mr J Callaby against the refusal of planning permission for Double garage/equipment store. (Delegated Refusal)**

Summary to follow in written updates

### **3.6 Enforcement Appeal Results**

Nil

### **3.7 CIL Appeal Results**

Nil

## **4.0 Conclusion and Reasons for Recommendations**

4.1 To accept the position statement

## **5.0 Consultation**

None

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Linda Turland, Principal Accountant For Planning and Economy, 01327 322236

[Linda.Turland@southnorthants.gov.uk](mailto:Linda.Turland@southnorthants.gov.uk)

### **Legal Implications**

7.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Matthew Barrett, Planning Solicitor - Planning & Litigation 01295 753798

[Matthew.Barrett@cherwellandsouthnorthants.gov.uk](mailto:Matthew.Barrett@cherwellandsouthnorthants.gov.uk)

## **Risk Management**

- 7.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Matthew Barrett, Planning Solicitor - Planning & Litigation 01295 753798

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## **8.0 Decision Information**

**Key Decision** N/A

**Financial Threshold Met:** N/A

**Community Impact Threshold Met:** N/A

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

A district of opportunity

### **Lead Councillor**

Councillor Phil Bignell, Deputy Leader and Portfolio Holder for Planning

## **Document Information**

### **Appendix number and title**

None

### **Background papers**

None

### **Report Author and contact details**

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