

TITLE: PLANNING APPEAL RESULTS
Application 2004/018 – Spodden Cottages,
Whitworth, Nr Rochdale OL12 8DL

TO/ON: DEVELOPMENT CONTROL COMMITTEE
06 September 2005.

BY: Diane Dungworth

STATUS: For Publication.

1. PURPOSE OF THE REPORT
To inform Committee members of the result of the appeals.
2. RECOMMENDATIONS
That the report be noted.
3. CORPORATE AIMS
Quality service, better housing , the environment, regeneration and economic development, confident communities.
4. RISK
n/a
5. SERVICE DELIVERY/PERFORMANCE MANAGEMENT ISSUES
The councils decision has been overruled.
6. IMPLICATIONS ARISING FROM THE REPORT

LA21/Environment	*	IT	
Human Rights Act 1998	*	Land and Property	*
Equalities Issues		Personnel	
Community Safety		Legal	
Financial		Partnership Working	

LA21/Environment implications are considered to be the effect of the proposals on the local environment. Representations received were under consideration whilst the application was being assessed.

Human Rights Act 1998 implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

The relevant **Land and Property** implications were considered in the Officer's Report.

7. WARDS AFFECTED
Facit/Whitworth

8. CONSULTATIONS
Whitworth Town Council and Environment Agency

9. REPORT

2004/018 – Retention of change of use of land and erection of Aviary; extension to aviary and retention of change of use to extended garden The application was refused on 21 June 2004 for the following reasons:-

1. Having regard to the proximity of dwelling houses to the existing aviary (for which permission is sought retrospectively) and its proposed extension it is considered that this development would have a detrimental impact upon residential amenity in terms of disturbance and noise from birds. For these reasons the development does not accord with Policy DC.1 of the Rossendale District Local Plan which states that development proposals should not be "detrimental to existing conditions in the surrounding area". in an appeal being lodged and dealt with under the written representations method.

The Inspectorate wrote informing the Council of its decision on the 14 July 2005. The appeal was dismissed. There are no cost implications in this particular case.

Background documents:

Application and appeal documents.

For further information on the details of this report, please contact: Mrs Diane Dungworth extension 134.