

Subject:	Planning Appeals update		Status:	For Publication	
Report to:	Development Control		Date:	7 th October 2014	
Report of:	Planning Manager		Portfolio Holder:	Development Control and Operations	
Key Decision:	NA	Forward Plan	NA	General Exception	Special Urgency NA
Equality Impact Assessment:	Required:		No	Attached:	No
Biodiversity Impact Assessment	Required:		No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	That members of the committee note the report

2. PURPOSE OF REPORT

2.1 To inform Committee Members about the scale of Appeal activity, and the Appeal decisions received from the Planning Inspectorate, since the beginning of June 2014.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND

5.1 Appeals received but currently undetermined

At the time of writing, 4 planning appeals are lodged and awaiting decisions from the Planning Inspectorate, 2 of which are carried forward from the previous report. The 2 carried forward are:

- 2013/0490 – Site at Swinnel Brook, Grane Road, Haslingden: Erection of site curtilage to Park Home
- 2013/099 – Land off Wallsclough, Whitewell Bottom: Erection of 35m windturbine

The 2 recently received appeals are:

- 2014/0261 – Carter Place Stables, Hall Park, Haslingden : Conversion of part of stables to form 1 dwelling
- 2014/0155 – Chapel Hill Farm, Hurst Lane, Rawtenstall: Conversion of equestrian building to form dwelling including stone cladding, raising of eaves height, creation of new windows and demolition of existing extensions

An update on undecided Enforcement appeals along with the Enforcement Notice appeal decisions determined by PINS appears elsewhere on the agenda of this committee.

5.2 Appeals decided since the report taken to 17th June 2014

8 Appeals were determined by the Planning Inspectorate between the writing of the last update report and the 30th September 2014. Of those determined, 7 were dismissed on appeal and 1 was allowed.

- The 1 allowed - 2013/0500 – Land South of Pewitt Hall Farm, (aka land off Back Lane / Belgrave Street) Back Lane Rising Bridge: Erection of Agricultural Building.

In relation to the appeal allowed, the site lies within the Green Belt, but as the proposal was for agricultural use, the principle of use was not an area of dispute. Where the council disagreed with the appellant was in relation to the justification for an increase in the scale of a previously approved building for the same use and the impact it would have on the openness of the Green Belt.

On this occasion the Inspector concluded that having regard to the fall back position of the approved consent and the siting of the proposal in relation to other nearby buildings that its impact would be marginal. He also concluded it would not set a precedent as each other case would be determined on its own merits. Finally, he concluded that the Council's contention that the increase in height should be justified by agricultural need could not be supported as it did not appear in the core strategy DPD policies.

The 7 appeals dismissed, were:

- 2014/0033 – 8 to 10 Blackburn Road: Conversion of shop and living space to additional living space
- 2014/0124 – Land adj 20 Sidmouth Avenue, Haslingden: Erection of dwelling
- 2011/0307- 71 Deardengate, Haslingden: Erection of shutters
- 2014/0108 – 390 Bury road, Rawtenstall: Erection of dwelling
- 2013/0581 – Rear Garden of 1 Broadway, Haslingden: Erection of Dwelling
- 2013/0587 – Lomas Lane, Balladen: Erection of Dwelling
- 2013/0075 – Broadclough Farm, Burnley Road, Wier, Bacup: Erection of 42 bed specialist care home and 40 bed extra care apartments

Of the 7 appeals above all were delegated items except for 2013/0075 as it was a major. Committee refused this application in line with the recommendation set out in the Officers report.

In relation to the above appeals, they have mostly related to consideration of the impact on the visual or neighbour amenity which by its nature can be considered subjective. Accordingly the decisions indicate officers' assessments and interpretation of the design criteria of relevant policies in the Core Strategy have been considered sound. 2013/0075 is a detailed and lengthy decision and was helpful in reaffirming the importance of inappropriate development not being acceptable in unsustainable countryside locations. 2013/0587 was an important decision in that it was the first application to make a strong case that its' design and innovation was so truly outstanding that it should be allowed in the countryside as an exception having regard to the criteria of paragraph 55 of the National Planning Policy Framework. The decision notice will be helpful in informing consideration of other proposals which seek to make similar cases in the future.

No cost claims were submitted over the update period in respect of the 8 applications determined.

5.3 Keeping members informed

Difficulties have remained in appeals received being pulled through into the IT system so they can be put on the weekly list for members' information. Accordingly, the Planning Administration Manager has put measures in to ensure relevant local ward members are informed when appeals are received in their respective areas along with the relevant portfolio holder and chair of planning committee. The relevant members will accordingly be informed of the details of the 2 recent appeals received.

Most appeals as members may be aware are dealt with by the Written Representations format. However, “Informal Hearings” and “formal Inquiries” are heard in public and so councillors can attend should they wish to do so. Members interested in attending informal hearings will need to advise the relevant case officer accordingly when they are informed. The case officer can then update the Councillor on the date of the hearing when it has been fixed by the Planning Inspectorate.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 None contained within this report.

7. MONITORING OFFICER

7.1 Report is for information purposes only

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 None contained within this report, however, appeal decisions can inform interpretation / implementation of Planning Policies.

9. CONCLUSION

9.1 For members to note the update provided in the report

Background Papers

Copies of the full appeal decisions can be viewed on the Council's website by entering the application number on the search box of the homepage. The relevant application numbers are as outlined in the report.