

Subject:	Planning Appeals update		Status:	For Publication	
Report to:	Development Control		Date:	29 th January 2015	
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 5 planning application appeals are lodged and awaiting decisions from the Planning Inspectorate, 2 of which are carried forward from previous update reports. 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

Additionally, planning appeals currently lodged are for:

- 2014/0149 & 2014/0150 – 2 separate planning applications for single wind turbines of 47.5m dealt with via one report and to now be dealt with as one appeal.
- 2014/0401 – Erection of 4 dwellings at 112 Booth Rd, Stacksteads, Bacup

An appeal is also lodged in respect of

- APP/TPO/B2355/4013 relating to an appeal against the Council decision to refuse to allow works related to protected tree (s) at Scaffold Meadow Cottage, Rawtenstall

An update on 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 7th October 2014 Committee

2 Appeals were determined by the Planning Inspectorate between the writing of the last update report and the 31st December 2014.

- 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

In respect of 2014/0261 the appeal was dismissed. Proposals for a residential home different in nature to the latest proposals have been considered in a number of previous appeals and dismissed. This appeal due to its nature focused on the effect on the rural economy and on the character and appearance of the countryside around Acre rather than harm to the Green Belt as with the other appeals.

The Inspector concluded the proposal would be harmful to the rural economy as it would lead to a reduction in employment, does not demonstrate that it met a proven need for such a dwelling for a full time worker and would be harmful to the countryside by virtue of introducing an isolated dwelling in the countryside around Acre contrary to the NPPF and Conversion of Buildings in the Countryside SPD.

In respect of appeal 2014/0155 – the appeal was also dismissed. The issues were whether or not the loss of the employment site is justified and the appropriateness of the conversion of the stable building to a residential use.

The Inspector concluded that the proposal would result in the loss of an employment site in the rural area without adequate justification and that in terms of creation of a new dwelling in the countryside, the proposal is not in conformity with paragraph 55 of the NPPF because it has not been demonstrated that the building is redundant or disused.

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 most 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.