

<b>Subject:</b>	Planning Appeals Update		<b>Status:</b>	For Publication	
<b>Report to:</b>	Development Control		<b>Date:</b>	8 <sup>th</sup> December 2015	
<b>Report of:</b>	Planning Manager		<b>Portfolio Holder:</b>	Operational Services and Development Control	
<b>Key Decision:</b>	NA	Forward Plan	NA	General Exception	Special Urgency NA
<b>Equality Impact Assessment:</b>		Required:	No	Attached:	No
<b>Biodiversity Impact Assessment</b>		Required:	No	Attached:	No
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1.	<b>RECOMMENDATION(S)</b>
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 January 2015.

## 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 application appeals are lodged and awaiting decisions from the Planning Inspectorate: These are:

- 2015/0208 – Conversion of single storey outbuilding to dwelling including a single storey extension at Greenfield cottages, Goodshaw Lane, Crawshawbooth
- 2015/0200 – Erection of garage plus additional structural support, hardstanding, and entrance gate on land to the west side of 551 Newchurch Road. NB, this appeal is running in parallel with a separate appeal lodged against an enforcement notice, PINS proposed a combined appeal.
- 2015/0020 – Change of use of public house to 5 apartments including construction of 3 storey rear extension with balconies and alterations to rear of pitch roof at The Glory, 1222 Burnley Road, Rossendale
- 2014/0427 – Erection of 15 detached dwellings including formation of an access on land opposite 1019, Burnley Road, Loveclough, Rossendale.

In respect of the above, the first appeal has only recently been lodged, the second and third appeals are via written representations and the decisions are awaited. In respect of the fourth appeal for the site in Loveclough, this appeal is being dealt with via an informal hearing and this will be held on the 15<sup>th</sup> December 2015. A decision on this appeal will then be received from PINS some weeks thereafter.

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 29<sup>th</sup> January 2015 Committee

Since the time of last writing, 14 planning application appeals have been determined by the Planning Inspectorate. Unfortunately, due to the coincidence of heavy committee agendas, it has not been possible to provide quarterly updates in April, July and October 2015. Accordingly, the full commentary on the appeals update for this committee is more extensive than normal and is contained in appendix 1 to this report.

Having regard to appendix 1, members may be particularly interested to note that of the 14 appeals determined, 12 were dismissed, one was allowed and one was a split decision

The appeal allowed was for the erection of four houses on land adjacent 112 Booth Road, Stacksteads, Bacup which was refused by committee contrary to the officer's recommendation. Costs were also given against the Council for failing to properly substantiate its reasons for refusal in respect of concerns regarding highway safety contrary to the view of LCC Highways and detrimental impact on local character.

Also, of note is 2014/0508 for the erection of one pole barn to contain an aquaponics business on the site of former Alden Cotton Mill, Alden Road, Helmshore. Whilst the officer's recommendation to committee was on balance for approval, committee overturned this view and refused the application. The Inspectorate in deciding to dismiss the appeal concluded that on balance there is a reasonable case for locating the proposed building outside the urban area and therefore it was not in conflict in principle with Core Strategy policy 1 or with the guidance in the NPPF. However, the proposal as framed did not satisfactorily address the potential harm to the shared use of Alden Road and the potential adverse impacts on the natural environment, most particularly due to potential loss of tree cover.

The split decision related to the diversion of a footpath and the erection of a Park Home at Swinell Brook Park which were considered functionally and physically separate by the Inspector. The appeal for division of the footpath was dismissed, but the appeal for the park home was upheld.

Of particular note in respect of the remaining appeals, committee may wish to note that the high profile appeal at the Fisherman's Retreat was dismissed. The claim for costs was also dismissed.

## 5.3 Keeping members informed

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

The relevant application numbers and locations are as outlined in the report and further details can be found on the Council's website or by contacting the planning service on 01706252580.