

PLANNING COMMITTEE – 29 May 2012

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) RE: APPEALS LODGED AND DETERMINED

1. PURPOSE OF REPORT

To inform Members of appeals lodged and determined since the last report.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Appeals Lodged

Appeal by Taylor Wimpey against a refusal to grant full planning permission for the erection of 84 dwellings incorporating access, public open space, balancing pond, pumping station and associated earthworks, landscaping, car parking and other ancillary works (11/00368/FUL) on land adjacent to Greyhound Stadium, Nutts Lane, Hinckley (Public Inquiry)

Appeals Withdrawn

Appeal by David Wilson Home East Midlands against a refusal to grant full planning permission for the erection of 52 no. dwellings with garages and associated infrastructure (11/00823/FUL) on land south of 26-28 Britannia Road, Burbage (Public Inquiry)

Appeals Determined

Appeal by Mr Paul Chapman against a refusal to grant full planning permission for the erection of dwelling, sub-division of existing detached garage, creation of new access and re-alignment of existing access 11/00399/FUL at The Bungalow, Barton Road, Congerstone

The Planning Inspector considered there are two main issues: (i.) the justification for the proposed dwelling in the countryside; and (ii.) the effect of the proposed development on public open space facilities. Both of these two issues were considered in light of the recently published National Planning Policy Framework.

With regards to the first issue over a dwelling in the countryside, the Planning Inspector noted that the site would be set within a cluster of existing dwellings. He considered the group of houses as a continuation of the settlement notwithstanding its location outside the

settlement boundary. Local Plan Policies (RES5 and NE5) have been reviewed in light of the NPPF and such policies have limited consistency with the Framework given the specific location of the site. The Planning Inspector agreed with the Councils view that the site would be within a sustainable settlement, albeit outside the settlement boundary and the proposal would constitute sustainable development.

Furthermore the NPPF requires the Council to continue to identify a supply of specific deliverable sites sufficient to provide a five year housing supply plus an additional buffer of 5%. On the basis that the Council cannot demonstrate a 5 year housing supply and the proposal in the context of housing development in the countryside meets the presumption in favour of sustainable development as set out in the NPPF and this outweighs the requirement of Local Plan and Core Strategy policies. The Planning Inspector concluded that the proposed development in this location is therefore justified.

In relation to the second issue over public open space provision the Planning Inspector referred to the relevant local plan policies IMP1 and REC3 as well as the Council Supplementary Planning Document: Play and open space guide (2008) [SPD] which were considered by the Inspector to be consistent with the Framework and accorded them significant weight.

The signed and dated Unilateral Undertaking putting forward the contribution towards open space was found to accord with the requirements of the SPD. The Planning Inspector also found that the planning obligation also meets the tests reiterated in paragraph 24 of the NPPF regarding CIL regulations. Accordingly the proposed development was not considered by the Planning Inspector would not conflict with the Framework, Policies IMP1 and REC3, or the SPD. It is interesting to note that the support of the Inspector in respect of REC3 and the SPD which gives us some comfort going forward.

In light of the NPPF the Planning Inspector considered the proposal would be sustainable development in open countryside and without a 5 year housing supply the site is justifiable. The proposal also met the open space requirement in accordance with Local Plan Policy IMP1 and REC3, or the SPD consistent with the NPPF. Based on the above reasons the appeal succeeds.

Inspector's Decision

Appeal allowed (Committee decision)

4. FINANCIAL IMPLICATIONS [CB]

None arising directly from this report. However, should the appeal lodged by Taylor Wimpey be upheld then there could potentially be costs associated with this decision which as yet are unknown.

5. LEGAL IMPLICATIONS [EP]

There are no legal implications arising from this report as the report is for noting only.

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

7. CONSULTATION

None

8. RISK IMPLICATIONS

None

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

None

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

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| - Community Safety implications | None relating to this report |
| - Environmental implications | None relating to this report |
| - ICT implications | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications | None relating to this report |
| - Voluntary Sector | None relating to this report |

Background papers: Appeal Decisions

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