

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### PLANNING COMMITTEE – 4 JULY 2017

Title of report	<b>RECENT PLANNING APPEALS AND DECISIONS</b>
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Purpose of report	To report recent planning appeal decisions
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	As set out in the report below
Link to relevant CAT	Not applicable
Risk Management	Not applicable
Equalities Impact Assessment	Not applicable
Human Rights	Not applicable
Transformational Government	Not applicable
Comments of Acting Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	None

Recommendations	<b>THAT MEMBERS NOTE THE CONCLUSIONS IN THE REPORT</b>
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## **1.0 INTRODUCTION AND BACKGROUND**

- 1.1 The table in Appendix 1 to this report provides a summary of appeals submitted to the Planning Inspectorate since March 2016, including details of appeals determined and those where a decision is still awaited.
- 1.2 The table provides information on appeal decisions made in relation to applications determined by officers under delegated authority and those made by the Planning Committee.

## **2.0 ANALYSIS OF APPEAL DECISIONS**

- 2.1 Of the 25 appeals, 9 remain to be determined, 3 were withdrawn and 1 related to an enforcement appeal.
- 2.2 Of the 12 appeals determined, 7 of the applications were decided by Planning Committee and 5 were decided under delegated authority. 6 appeals were allowed, 5 were dismissed and 1 had a split decision. The split decision dismissed alterations to a roof but allowed a replacement garage at 18 Manor Road, Heather.
- 2.3 Of the applications decided by Planning Committee, 5 of the 7 had been recommended for approval and 2 for refusal. All of the applications recommended for approval were subsequently allowed at appeal. Therefore, in appeals submitted since March 2016, **100%** of appeals that were a result of Planning Committee overturns were allowed. One appeal was dismissed following a decision by Planning Committee to refuse a large residential development on the Green Wedge at Hall Lane, Whitwick, in accordance with the officer recommendation, and one appeal was allowed following a decision by Planning Committee to refuse an application for the retention of a shop front at the Rose of Bengal, Castle Donington, which was also in accordance with the officer recommendation.
- 2.4 The appeals allowed which had been recommended for approval by officers but refused by Planning Committee included applications for the retention of a boundary fence at a Bellway Homes site in Ibstock, a scheme for residential development at The Spittal, Castle Donington, a scheme for residential development at The Green, Donington le Heath and a proposal for a single dwelling at Coleorton. With regards to the appeal at Donington le Heath, an award of costs was made against the Council on the basis that the alleged harm to highway safety had not been demonstrated and therefore the reason for refusal could not be substantiated. The final amount of costs for the Council totals £7,786.00.
- 2.5 Of the applications decided by officers, 4 out of the 5 appeals were dismissed and 1 had a split decision. Therefore, aside from the split decision, **100%** of the appeal decisions on applications decided by officers were dismissed.

### **3.0 CONCLUSIONS**

- 3.1 There is a significant difference in the Council's performance at appeal between decisions made in accordance with officer recommendation and those that have been made contrary to it. A number of appeals were withdrawn, including the Peveril scheme at Moira, which was withdrawn because permission was granted, and the larger Rosconn scheme at Heather.

