

PLANNING CONTROL COMMITTEE

DATE: 13 October 2016

PLANNING APPEALS DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr & Mrs Tait	Outline application: Erection of 12 dwellings (all matters except access reserved)	Reed House, Jacksons Lane, Reed, Royston, SG8 8AB	15/02724/1	Appeal Dismissed on 3 August 2016	Committee	The Inspector concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework ('Framework') taken as a whole. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour and therefore there are no material considerations that outweigh the conflict with the development plan.
JWIBC	Prior Approval Notification - Class MB: Change of use of agricultural barn to one 2 bedroom dwelling and external alterations involving the insertion of windows and doors.	Sootfield Green, Charlton Road, Preston, Hitchin, SG4 7TB	15/00005/1PN	Appeal Dismissed on 8 August 2016 High Court Re- determined Appeal Decision	Delegated	The Inspector concluded that the proposal is not permitted development under the GPDO. On that basis the Inspector stated he did not need to consider further whether prior approval is required, or should be granted, under the provisions of the GPDO. Note: (1) This decision supersedes that issued on 21 December 2015. That decision on the appeal was quashed by order of the High Court. (2) The application for a partial award of costs is allowed.

Mr & Mrs Deshmukh	First floor side extension	62 Mercia Road, Baldock, SG7 6RZ	15/03218/1HH	Appeal Allowed on 10 August 2016	Delegated	The Inspector concluded that the proposal would not harm the character and appearance of the existing house itself nor the wider area. It would not be contrary to Policy 28 (House Extensions) of the North Hertfordshire District Local Plan 1996 with Alterations and would be consistent with the advice in the Framework.
Mr & Mrs Jury	Erection of 1 x 3 bed detached dwelling and creation of new vehicular access. (As amended by plans and documents received 14 September 2015 (Amended location Plan, DAS and Arboricultural Assessment))	39 Broadwater Avenue, Letchworth Garden City, SG6 3HG	15/01457/1	Appeal Allowed on 16 August 2016	Delegated	The Inspector concluded that the proposed development would not have a harmful effect on the character and appearance of the area. The Inspector found no conflict with section 12 of the Framework which seeks to conserve and enhance the historic environment.
Mr & Mrs Felgate	Rear extension to existing garage and new pitched roof including two front dormer windows to facilitate the use of the roof space as a study/office. Note: Split decision issued by the Council on 4 May 2016 (Ref 15/01599/1HH) Part A, for a rear extension to existing garage and	53 Melbourn Road, Royston, SG8 7DF	16/00520/1	Appeal Allowed on 22 August 2016	Delegated	The Inspector concluded that the proposal would be in accordance with Policy 57 (Residential Guidelines and Standards) of the North Hertfordshire District Local Plan 1996 with Alterations, which is consistent with advice in The Framework, to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

	pitched roof was granted planning permission, Part B for two dormer windows to facilitate the use of the roof space as a study/office was refused.					
Kevin and Linda Smith	Removal of Condition 3 of Appeal Decision APP/X1925/C/03/112107 9 - The development hereby permitted shall not be used for any purposes other than agricultural purposes in connection with the agricultural activities carried out on the land edged red on Drawing No.KS1 (including any agricultural land that includes the said land edged red), or for forestry, and, without prejudice to the generality of the foregoing, shall not be used at any time for permanent or temporary sleeping accommodation, nor for the accommodation of livestock other than in the circumstances set	Barn B, Fairhaven Farm, Slip Lane, Old Knebworth, Knebworth	15/01449/1	Appeal Allowed on 27 September 2016	Delegated	<p>Appeal against conditions 1 and 2 of planning permission 15/01449/1.</p> <p>With respect to condition 1, the Inspector concluded that the effect of activities associated with a dwelling house on the amenity of the area would be acceptable given the fallback position and that the effect of external paraphernalia at the site on the Green Belt could be retained within the control of the Council through the use of conditions should an application for prior approval be submitted. As a result the exceptional circumstances needed by the Planning Policy Guidance (PPG) for the imposition of a condition removing permitted development rights do not exist and the imposition of such a condition would not meet the test for conditions set out in paragraph 206 of the Framework.</p> <p>With respect to condition 2 the Inspector stated the removal of permitted development rights does not prevent the appellant from applying for</p>

	<p>out in paragraph D3 of part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification).</p>					<p>planning permission for the use of the barn as a hotel. Given the range of impacts that could arise from a hotel use and the effect that these could have on the character and amenity of the area the Inspector considered that the exceptional circumstances needed by the PPG for the imposition of a condition removing permitted development rights exist and that it was therefore reasonable for the Council to impose such a condition. As a result the Inspector considered that the condition meets the test for conditions set out in paragraph 206 of the Framework.</p> <p>Note: the associated Costs applications A & B made by the appellant were refused and the Cost application C made by NHDC (r.e. 15/02186/1) was allowed.</p>
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Note:

- 1) No planning appeals lodged this month.