

Planning Committee

Appeal Decisions

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-

Application Number	09/00562/FUL
Appeal Site	TWIN OAKS RIDGE ROAD PLYMPTON PLYMOUTH
Appeal Proposal	Use of land for siting of mobile home and touring caravan
Case Officer	Jon Fox

Appeal Category

Appeal Type Informal Hearing

Appeal Decision Allowed

Appeal Decision Date 18/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Greenscape/countryside park:- The Inspector stated that the appeals are subject to policies CS17 and CS18 (greenscape) and NP11 (countryside park) of the North Plymstock Area Action Plan (AAP). He had regard also to Circular 01/2006. The Inspector regards CS18 as a 'local landscape designation', which does not have the same weight as nationally recognised designations mentioned in para 52 of the circular. He recognises the importance of the countryside park in the context of the large development planned around it, but judged that high protection over such a large area would make it virtually impossible to identify sites for gypsies and travellers. This potential effect underlies the importance of para 53 of the circular.

The Inspector decided that the cycleway/footpath planned in NP11 would not be incompatible with the development sites. The Inspector noted that the gypsy site at the Ride is within the countryside park, and is not incompatible with the strategic cycle route nearby. He concluded there was only moderate harm to the countryside park and the greenscape.

Sustainability:- The Inspector noted that accessibility for pedestrians, and the opportunity to use public transport, is poor. However, he found that other residents nearby had similar accessibility and that the gypsy site at the Ride is not a benchmark that would make the appeal sites significantly unsatisfactory in this respect. The deficiencies of the site in respect of criteria 1 and 4 of CS17 were outweighed by the para 54 of the circular, which states that decision makers 'should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. The Inspector also put much weight on para 64, which promotes peaceful and integrated co-existence and the underlying benefits of securing lawful sites compared with the detrimental consequences of the absence of lawful pitches. Peaceful and integrated co-existence is unlikely to be furthered while there is a high level of unmet need for sites, he judged.

Residential amenity:- (CS17 - criteria 5) The Inspector found that subject to conditions any adverse impact on the amenity of adjoining occupiers would not be significant.

Need and alternative sites:- The need (50 pitches) is identified in CS17. None have been provided. The Inspector gave little or no weight to the planning permission for 10 sites at Efford, for which there is no funding, and the consultation exercise that has been carried out. Despite the Council's sincere commitment to provide sites, he could see no grounds for confidence that this commitment is likely to bear fruit in the reasonably near future. The unmet need is significant and the Inspector confirmed that sites are unlikely to be acceptable on all counts.

The Inspector gave no weight to the fact that the appellants had left pitches at the Ride in order to occupy the land in question. He said that the need was for more sites for gypsies and travellers, not for sites for particular families.

The Inspector concluded that the deficiencies of the sites and the resulting conflict with the development plan are substantially outweighed by the significant need for pitches and the absence of alternatives.

Application Number **09/00983/FUL**
Appeal Site **LAND AT RIDGE ROAD HARDWICK PLYMOUTH**
Appeal Proposal Use of land for a two-pitch Gypsy site, consisting of two mobile homes and two touring caravans and parking
Case Officer Jon Fox

Appeal Category

Appeal Type Informal Hearing

Appeal Decision Allowed

Appeal Decision Date 18/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Greenscape/countryside park:- The Inspector stated that the appeals are subject to policies CS17 and CS18 (greenscape) and NP11 (countryside park) of the North Plymstock Area Action Plan (AAP). He had regard also to Circular 01/2006. The Inspector regards CS18 as a 'local landscape designation', which does not have the same weight as nationally recognised designations mentioned in para 52 of the circular. He recognises the importance of the countryside park in the context of the large developments planned around it, but judged that high protection over such a large area would make it virtually impossible to identify sites for gypsies and travellers. This potential effect underlies the importance of para 53 of the circular.

The Inspector decided that the cycleway/footpath planned in NP11 would not be incompatible with the development sites. The Inspector noted that the gypsy site at the Ride is within the countryside park, and is not incompatible with the strategic cycle route nearby. He concluded there was only moderate harm to the countryside park and the greenscape.

Sustainability:- The Inspector noted that accessibility for pedestrians, and the opportunity to use public transport, is poor. However, he found that other residents nearby had similar accessibility and that the gypsy site at the Ride is not a benchmark that would make the appeal sites significantly unsatisfactory in this respect. The deficiencies of the site in respect of criteria 1 and 4 of CS17 were outweighed by the para 54 of the circular, which states that decision makers 'should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. The Inspector also put much weight on para 64, which promotes peaceful and integrated co-existence and the underlying benefits of securing lawful sites compared with the detrimental consequences of the absence of lawful pitches. Peaceful and integrated co-existence is unlikely to be furthered while there is a high level of unmet need for sites, he judged.

Residential amenity:- (CS17 - criteria 5) The Inspector found that subject to conditions any adverse impact on the amenity of adjoining occupiers would not be significant.

Need and alternative sites:- The need (50 pitches) is identified in CS17. None have been provided. The Inspector gave little or no weight to the planning permission for 10 sites at Efford, for which there is no funding, and the consultation exercise that has been carried out. Despite the Council's sincere commitment to provide sites, he could see no grounds for confidence that this commitment is likely to bear fruit in the reasonably near future. The unmet need is significant and the Inspector confirmed that sites are unlikely to be acceptable on all counts.

The Inspector gave no weight to the fact that the appellants had left pitches at the Ride in order to occupy the land in question. He said that the need was for more sites for gypsies and travellers, not for sites for particular families.

The Inspector concluded that the deficiencies of the sites and the resulting conflict with the development plan are substantially outweighed by the significant need for pitches and the absence of alternatives.

Application Number **09/01336/OUT**
Appeal Site **WE DONEIT, FORESTERS ROAD PLYMOUTH**
Appeal Proposal Outline application to develop site by erection of six bungalows (existing dwelling to be removed)
Case Officer Stuart Anderson

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 11/06/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Inspector agreed that the development would appear cramped and out of character, and that such a tight arrangement would mean that the development would appear squeezed into the site, contrary to the more relaxed and spacious development around, and for this reason the appeal should not succeed. However, inspector did not agree with the highways reasons for refusal. Partial costs awarded to appellants.

Application Number **10/00038/FUL**
Appeal Site **56 SHIRBURN ROAD PLYMOUTH**
Appeal Proposal Two storey rear extension
Case Officer Kate Saunders

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 13/07/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the development would be a prominent addition which would appear out of character with the area. The design was also considered poor and contrary to established design principles reflected in the SPD. In conclusion the inspector stated that the proposal would be unduly harmful to the character and appearance of the area.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.