

Application Number **15/01168/FUL**
Appeal Site **FORMER PLYMOUTH PREPARATORY SCHOOL, BEECHFIELD GROVE PLYMOUTH**
Appeal Proposal **Erection of two new dwellings with associated infrastructure and access**
Case Officer **Christopher King**

Appeal Category
Appeal Type **Written Representations**
Appeal Decision **Allowed**
Appeal Decision Date **18/05/2016**
Conditions
Award of Costs **Awarded To**

Appeal Synopsis

The Planning Inspector disagreed with the Council and found the effect of the proposed development would be acceptable in respect of living conditions of the occupants of No 21 Hartley Road and the future occupants of the proposed dwellings, giving significant weight to the fact that there is an extant permission for a 5 bedroom dwelling on the appeal site. The Inspector also found that the development would have an acceptable effect on the character and appearance of the area in accordance with the Core Strategy:-

- The Inspector agreed with the use of polices CS02, CS15 and CS34 of LDF Core Strategy; and although significant weight was given to them, the Inspector has concluded that the proposal accords with all three.
- The Inspector does not mention Polices 29 and 30 of the Plymouth Plan that were referenced in the reasons for refusal as was done with the LDF polices. The Inspector does however note that they were given limited weight in the consideration of the appeal as it is yet to be examined.
- The Inspector also notes that SPD's content is relevant to this case as non-statutory policy evidence; therefore it was given weight in that context.

The appeal decision letter states that the development constitutes sustainable development and benefits from the presumption in favour in the Framework, particularly in light of the Council's inability to identify a 5 year housing supply. Overall, the Inspector found that the development would be acceptable and would support local need for housing in a sustainable location.

Award of Full Costs:

In respect of the application for costs, the Inspector has found that the Council acted unreasonably in respect of the issues that resulted in refusal of planning permission, stating that in his opinion the Council's reasons for refusal and polices (CS02, CS15 and CS34) referred to were unjustified. As it was the Inspector found that the proposal accorded with them. Plymouth Plan Policy 29 and 30 were given limited weight, but the Inspector did not say if the proposal accorded with them.

The Inspector therefore determined that the award of full costs is justified as the applicant was in his view required to contest

Copies of the full decision letters are available at <http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>.