

Appeal Decisions between 05/07/2019 and 05/08/2019

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01292/16	2019/0007	Appeal Dismissed	APP/N1160/W/19/3224097
Ward				
St Peters & the Waterfront				
Address				
Land Adj. 6 Derrys Cross Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01293/16	2019/0008	Appeal Dismissed	APP/N1160/W/19/3224098
Ward				
St Peters & the Waterfront				
Address				
11-13 Cornwall Street City Centre Plymouth PL1 1NL				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement <i>Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd</i> 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01294/16	2019/0009	Appeal Dismissed	APP/N1160/W/19/3224101
Ward				
St Peters & the Waterfront				
Address				
30-32 Cornwall Street City Centre Plymouth PL1 1LP				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01295/16	2019/0010	Appeal Dismissed	APP/N1160/W/19/3224102
Ward				
St Peters & the Waterfront				
Address				
Mayflower Street Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02, SO03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01296/16	2019/0011	Appeal Dismissed	APP/N1160/W/19/3224105
Ward				
St Peters & the Waterfront				
Address				
Armada Way Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS06, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02, SO03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01297/16	2019/0012	Appeal Dismissed	APP/N1160/W/19/3224109
Ward				
St Peters & the Waterfront				
Address				
19 New George Street Plymouth PL1 1QZ				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Strategic Objective SO02 and Policies CC03, CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY8, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01298/16	2019/0013	Appeal Dismissed	APP/N1160/W/19/3224111
Ward				
St Peters & the Waterfront				
Address				
10 New George Street Plymouth PL1 1RL				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01299/16	2019/0014	Appeal Dismissed	APP/N1160/W/19/3224116
Ward				
St Peters & the Waterfront				
Address				
St Andrews Cross Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01300/16	2019/0015	Appeal Dismissed	APP/N1160/W/19/3224118
Ward				
St Peters & the Waterfront				
Address				
5 St Andrews Cross Plymouth PL1 1DN				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01301/16	2019/0016	Appeal Dismissed	APP/N1160/W/19/3224119
Ward				
St Peters & the Waterfront				
Address				
Old Town Street Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				