

## REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

February 2024/ March 2024

| Address   | Proposal   | Delegated or Committee Decision | Appeal Type                          | Anticipated Appeal Determination Date | Reference    |
|---|--|---------------------------------|--------------------------------------|---------------------------------------|--------------|
| Hilltop Stores<br>Hilltop Road<br>Cheltenham                              | Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL) | Delegated Decision              | Written representations              | n/a                                   | 23/01137/FUL |
| Harwood House<br>87 The Park<br>Cheltenham<br>Gloucestershire<br>GL50 2RW | Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)                                    | Delegated Decision              | Written representation (Householder) | n/a                                   | 23/00929/FUL |

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| 44 Springfield Close<br>The Reddings<br>Cheltenham<br>Gloucestershire<br>GL51 6SF | A wooden 1 metre tall front fence with open slats around front garden with a post sheath on corner to prevent possible damage and reflectors put on posts to add awareness.<br>(Retrospective)<br>Resubmission of<br>23/01086/FUL | Delegated Decision | Written Representation<br>(Householder ?) | n/a | 23/01566/FUL |
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## Appeals being processed

| Address                       | Proposal  | Delegated/Committee Decision | Appeal Type                          | Outcome     | Reference  |
|-------------------------------|---|------------------------------|--------------------------------------|-------------|--|
| 12 Pilford Road<br>Cheltenham | Erection of a Garden Room   | n/a                          | Written representation (Enforcement) | Not decided | Planning ref:<br>23/00001/DCUA<br>Appeal ref:<br>23/00025/ENFAPP |
| 10 Selkirk Street             | Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street | Committee Decision           | Written Representation               | Not Decided | Planning Ref<br>22/01441/FUL<br>Appeal Ref:<br>23/00030/PP1      |

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| <p>Eagle Star Tower<br/>Montpellier Drive<br/>Cheltenham<br/>Gloucestershire</p> | <p>Application seeks confirmation that works undertaken in accordance with a previously approved change of use under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 ref: 15/01237/P3JPA enables the rest of the conversion to lawfully continue at any stage</p> | <p>Delegated Decision</p> | <p>Written Representation</p> | <p>Not Decided</p> | <p>Planning ref:<br/>23/01347CLPUD<br/>appeal ref:<br/>23/00031/PP1</p> |
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| The Forge, Branch Road, The Reddings                          | Use of land as a caravan site without restriction as to layout or numbers of caravans. (Revised application to 23/00936/CLEUD) | Delegated Decision | Written Representation | Not Decided | Planning ref:<br>23/01678/CLEUD<br>Appeal ref:<br>24/00001/PP1      |
| 3 Rotunda Tavern<br>Montpellier Street                        | Retention of temporary canopy structure for two years  | Delegated Decision | Written Representation | Not Decided | Planning Ref:<br>22/01681/FUL<br>Appeal Ref:<br>24/00002/PP1        |
| 129 - 133 Promenade<br>Cheltenham<br>Gloucestershire          | Marquees at 129 - 131 Promenade.   | N/A                | Written representation | Not Decided | Enforcement ref:<br>23/00230/DCUA<br>Appeal Ref:<br>24/00005/ENFAPP |
| 1 Coltham Fields<br>Cheltenham<br>Gloucestershire<br>GL52 6SP | Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields   | Delegated Decision | Written representation | Not Decided | Planning ref:<br>23/00596/FUL<br>Appeal ref:<br>24/00006/PP1        |
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## Appeals Decided

| Address                                | Proposal  | Delegated/Committee Decision | Appeal Type                  | Outcome        | Reference  |
|--|---|------------------------------|------------------------------|----------------|--|
| Adey Innovation Ltd<br>Gloucester Road | Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping. | Delegated Decision           | Appeal Hearing<br>(25.01.23) | Appeal Allowed | Planning ref:<br>21/02700/FUL<br>Appeal Ref:<br>22/00027/PP1 |
| The Hayloft The<br>Reddings            | Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works   | Committee Decision           | Written<br>Representation    | Appeal Allowed | Planning ref:<br>22/00749/FUL<br>Appeal Ref:<br>22/00028/PP1 |

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| 159 High Street          | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street | Delegated Decision | Written Representation | Appeal A and Appeal B Dismissed | Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1 |
| 3 Apple Close, Prestbury | Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.  | Delegated Decision | Written Representation | Appeal Allowed                  | Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1                          |

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| 37 Market Street   | Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL                   | Committee Decision | Written representations        | Appeal Allowed<br>Appeal Costs (Allowed) | Planning Ref: 22/00708/FUL<br>Appeal Ref: 23/00004/PP1 |
| Brecon House<br>Charlton Hill<br>Cheltenham<br>Gloucestershire<br>GL53 9NE | Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, | Committee Decision | Appeal Hearing (date 22/03/23) | Appeal Hearing Dismissed                 | Planning ref: 21/02755/FUL<br>Appeal ref: 23/00001/PP1 |
| 30 St Georges Place  | Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof                       | Delegated Decision | Written representations        | Appeal Allowed                           | Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1    |



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| 10 Suffolk Road   | First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL) | Delegated Decision | Written Representations<br>Householder Appeal | Appeal Dismissed | Planning ref:<br>22/01340/FUL<br>Appeal ref:<br>23/00011/PP1 |
| 101 Ryeworth Road | Erection of two storey and single storey rear extensions and single storey front extension.  | Non-Determination  | Written Representation                        | Appeal Dismissed | Planning ref:<br>22/01162/FUL<br>Appeal Ref:<br>23/00006/PP2 |

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| o/s 195 High Street<br>Cheltenham                                  | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) | Delegated Decision | Written Representation | Appeal A Dismissed<br>Appeal B Dismissed                   | Planning Ref:<br>22/00328/ADV and<br>FUL Appeal Ref:<br>23/00013/PP1<br>23/00014/ADV1 |
| o/s 23 and 23 A<br>Pittville Street                                | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,  | Delegated Decision | Written representation | Appeal A Dismissed<br>Appeal B Dismissed                   | Planning ref:<br>22/00326/ADV and<br>FUL Appeal Ref:<br>23/00015/PP1<br>23/00016/ADV1 |
| St Edmunds, Sandy<br>Lane Road                                     | Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy                                      | Delegated Decision | Written Representation | Appeal Decision<br>Dismissed<br>Cost Decision<br>Dismissed | Planning ref:<br>22/02064/FUL<br>Appeal Ref:<br>23/00008/PP1                          |
| Telecommunications<br>Mast And Cabinet<br>CLM26321 Glenfall<br>Way | Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets   | Delegated Decision | Written Representation | Appeal Dismissed   | Planning ref:<br>22/02190/PRIOR<br>Appeal Ref:<br>23/00018/PP1                        |

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| 4 Dymock Walk       | Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres) | Delegated Decision | Written representation (Householder)       | Appeal Dismissed | Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1 |
| 28 Westdown Gardens | Erection of detached garage (revised scheme to ref: 21/01789/FUL)   | Delegated Decision | Written Representations Householder Appeal | Appeal Dismissed | Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1 |
| 129 – 133 Promenade | Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,                                   | Committee Decision | Written representation                     | Appeal Dismissed | Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1 |
| 4 Red Rower Close   | Two storey and single storey extension to the front and loft extension and dormer   | Delegated Decision | Written representation                     | Appeal Dismissed | Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1 |

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|--|---|--------------------|---|------------------|--|
| Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire | Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, | Delegated Decision | Appeal Hearing (Date of hearing 18 <sup>th</sup> July 2023 <b>(rescheduled for 12<sup>th</sup> July 2023)</b> ) | Appeal Allowed   | Planning Ref: 21/02750/FUL<br>Appeal Ref: 23/00010/PP1 |
| 53 Alstone Lane  | Erection of a single storey dwelling on land to rear of the existing property   | Delegated Decision | Written representation  | Appeal Dismissed | Planning ref: 22/02201/FUL<br>Appeal ref: 23/00017/PP1 |
| 201 Gloucester Road  | Installation of raised, split level patio area with boundary treatments (Retrospective).  | Delegated Decision | Written representation  | Appeal allowed   | Planning Ref: 22/00022/PP1<br>Appeal ref: 23/00022/PP1 |
| 8 Imperial Square  | Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).  | Delegated Decision | Written representation  | Appeal allowed   | Planning ref: 22/00334/COU<br>Appeal ref: 23/00009/PP3 |

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| Land Adj Oakhurst Rise  | Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval | Committee Decision | Written representation | Appeal Dismissed                         | Planning ref: 22/00112/OUT<br>Appeal Ref 23/00020/PP1    |
| Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way           | Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets  | Delegated Decision | Written representation | Appeal Dismissed                         | Planning ref: 22/01937/PRIOR<br>Appeal ref: 23/00026/PP1 |
| 6 Marsh Lane  | Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)                     | Delegated Decision | Written Representation | Appeal Allowed<br>Costs Decision Allowed | Planning Ref: 22/01864/COU<br>Appeal Ref: 23/00027/PP1   |
| Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire | Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets  | Delegated Decision | Written representation | Appeal Dismissed                         | Planning Ref: 23/00431/PRIOR<br>Appeal Ref: 23/00029/PP1 |

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| 218 High Street                                     | Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works | Delegated Decision | Written representation  | Appeal Allowed | 23/00452/COU<br>Appeal Ref:<br>23/00028/PP1                    |
| 1 Michaelmas Lodge<br>Lypiatt Terrace<br>Cheltenham | Use of area of land for vehicle parking  | Delegated Decision | Written Representation  | Appeal Allowed | Planning ref:<br>23/00262/Cleud<br>Appeal Ref:<br>23/00023/PP1 |
| Land at Shurdington Rd                              | Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other  | Committee Decision | Written Representation ( <b>New procedure Change now a hearing date is 4<sup>th</sup> July 2023</b> ) | Appeal Allowed | Planning ref:<br>20/01788/FUL<br>Appeal ref:<br>23/00005/PP1   |
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**REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT, ENFORCEMENT AND COMPLIANCE ON PLANNING APPEALS AND LEGAL CHALLENGES**

LEGAL CHALLENGES

| Address  | Description   | Reference      | Reason   |
|--|---|----------------|--|
| Telecommunications Mast Site<br>CLM26627<br>Lansdown Road<br>Cheltenham<br>Gloucestershire | Installation of 15m pole inc.<br>antennas, ground based<br>apparatus and ancillary<br>development | 23/00551/PRIOR | Alleged lack of consideration of<br>health grounds in granting Prior<br>Approval |
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Authorised By: Chris Gomm 12<sup>th</sup> March 2024