

COMMITTEE DECISIONS DURING 2014 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.

Portfolio Holder Cllr R J Chesterton
Responsible Officer Head of Planning and Regeneration

Reason for Report: To provide information where the Planning Committee has made decisions not in agreement with officer recommendation.

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: Planning decision making is relevant to achieving corporate priorities: thriving economy, better homes, empowering our communities and caring for our environment.

Financial Implications: Risk of award of costs against the Council at appeal. See below.

Legal Implications: Planning authorities are not bound to accept the recommendations of their officers. However if officer's professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority at appeal.

Risk Assessment: Risks associated with decisions proposed to be made contrary to officer recommendation are set out in an implications report that is brought before Planning Committee before the final decision is made. Local Planning Authority decision making must be robust, justified and capable of being defended at appeal.

1.0 Attached is a summary of applications where the Planning Committee have made decisions not in agreement with officer recommendations. The report covers the period from 1st January 2014 to 31st December 2014.

2.0 The number of cases is 3 during the whole of 2014 and is considered very low. 2 of the 3 were Ward Member call ins. It is of interest to note comparison with the figures for previous years:

2009	2010	2011	2012	2013	2014
8	10	6	11	12	3

3.0 The 3 cases in 2014 were as follows:

- 14/00009/FULL Reconstruction of barn to form dwelling (revised scheme) – Bolts Farm, Coleford.

- 14/00952/FULL Conversion of redundant workshop (B2) to a dwelling and work unit including art gallery with alterations to existing access (revised scheme) – Rixey Lane, Morchard Bishop.
- 14/01207/FULL Erection of a two storey dwelling and conversion of timber garage to ancillary accommodation –revised scheme – Rose Cottage, Uplowman

All 3 were granted planning permission with conditions contrary to officer recommendation of refusal.

4.0 In accordance with the protocol agreed at the meeting of Planning Committee on 17th July 2013, cases involving Members wishing to make a decision contrary to Officer recommendation requires a deferral of the item for the receipt of a report setting out the implications of the proposed decision and the reasons given with Members indicating the decision that they are minded to make.

5.0 The accompanying appeal performance report for 2014 also identifies a series of applications determined by Planning Committee contrary to officer recommendation where the appeal was either allowed or dismissed. Members should note that the decision on many of these cases was made in 2013, with time being needed for them to work their way through the appeal process. They therefore do not form part of this report which deals with decisions made by this authority in 2014.

Contact for Information: Jenny Clifford, Professional Services Manager
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Circulation of the Report: Cabinet Member, Members of Planning Committee

List of Background Papers: Planning Committee agendas and minutes 2014.
Planning Committee 17th July 2013 - Protocol for decision making and subsequent handling of any appeal when Planning Committee's decision is not in accordance with officer recommendation.
Planning Practice Guidance