

Monthly Decisions on Town Planning Application Appeals

- 1.1 Between the 7th February and the 11th of March 2011, 15 appeal decisions had been received from the Planning Inspectorate. One of those was invalid. The table below confirms how many appeals were upheld and how many were dismissed. Details of each appeal can be viewed on the departmental website.

OVERALL PERFORMANCE

APPEALS RECEIVED	DISMISSED	ALLOWED	WITHDRAWN /INVALID	PERCENTAGE DISMISSED
15	13	1	1	93% Not including invalid appeal

- 1.2 Of the overall number of appeals these have been divided between delegated decisions, i.e those made by officers under the scheme of delegation and committee decisions. It will be noted that no appeals of refusals at committee had been determined.

DELEGATED DECISIONS

No. of APPEALS	DISMISSED	ALLOWED	WITHDRAWN/ INVALID	PERCENTAGE DISMISSED
15	13	1	1	93%

COMMITTEE DECISIONS

	No. of APPEALS	DISMISSED	ALLOWED	WITHDRAWN	PERCENTAGE DISMISSED
Refusal as per officer recommendation	0	0	0	0	Not applicable as no appeals decided
Refusal against officer recommendation	0	0	0	0	Not applicable as no appeals decided

Key Issues raised with Planning Inspector

Members will be interested to note the outcome of two of the appeals.

LOSS OF INDUSTRIAL LAND

The appeal was made against the decision to refuse in April 2010 the change of use from industrial (Class B2) to non-residential institution (Class D1). The appeal premises are part of the first and second floors of a large building, let in separate units, on the 26 hectares Eley Industrial Estate and the proposal was to create a religious assembly hall. The Inspector when considering the appeal placed considerable weight on Policy 3B.4 of the London Plan provides for the identification of Strategic Industrial Locations, and the Eley Estate has been so identified in Policy 2A.10 and Annex 2 of the London Plan and in Core Strategy Policy 14. The Estate is also listed in Enfield's Employment Land Study of 2006 as an important industrial location, where any change of use away from industry would be strongly contested.

The Inspector concluded that the appeal application causes the loss of employment land in a location where there is a strong presumption against use for other than Class B1 or B2 purposes, and that no information has been produced to justify the setting aside of that presumption. The appeal was therefore dismissed.

The decision reinforces the strong presumption against non industrial developments within the Borough's Strategic Industrial Locations as identified within the Core Strategy unless robust justification is forwarded which outweighs the strong policy objection.

UPVC WINDOWS WITHIN CONSERVATION AREAS

The appeal was made against the refusal of planning permission at 80a Aldermans Hill (TP/10/1191) in August 2010 to replacement of the original timber sash windows with UPVC windows in the front elevation of the first and second floors. The main issue was the effect on the character and appearance of the Lakes Estate Conservation Area. The Inspector agreed with the Council and concluded that the replacement windows failed to preserve or enhance the character or appearance of The Lakes Conservation Area. And would be contrary to UDP and Core Strategy policies.

The Inspector agreed with officers of the importance of ensuring that development is of a high quality and that alterations to existing buildings within a conservation area reflect or complement its traditional characteristics.