

APPEAL BY THE SCHOOL GOVERNORS OF NEWCASTLE-UNDER-LYME SCHOOL AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR AN EXTENSION TO THE EXISTING SCHOOL SPORTS CENTRE TO FORM A NEW SPORTS HALL INCLUDING THE DEMOLITION OF EXISTING OUTBUILDINGS AND THE FORMATION OF A NEW CAR PARK WITH A NEW VEHICULAR ACCESS POINT OFF THE HIGHWAY AT NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	19/00042/FUL
<u>LPA's Decision</u>	Refused by Planning Committee contrary to Officer's recommendation on the 29th May 2019
<u>Appeal Decision</u>	Allowed
<u>Costs Decision</u>	Granted
<u>Date of Decisions</u>	18th May 2020

Appeal Decision

The Inspector identified the main issue to be whether the proposal would preserve or enhance the character or appearance of the Stubbs Walk Conservation Area (CA).

The Inspector concluded that the proposed building would be a high quality and contemporary addition to the CA. Along with the recladding of the existing sports hall, the development would materially improve the visual quality of the southern part of the school site. The simple frontage to the Park using facing brick and timber boarding would not harm the spaciousness or ambience of the Park. In this context, it was concluded that the proposed sports hall would not affect the historic or architectural significance of the CA as a whole and would preserve its character and appearance. Accordingly, no conflict was found with Policies CSP1 and 2 of the Core Spatial Strategy and Local Plan Policies B9, 10 and 14.

Costs Decision

The Inspector acknowledged that the Members of the Planning Committee do not have to accept the professional advice and recommendation of their officers and that the effect of a proposal on the character or appearance of a Conservation Area is a material consideration. Therefore, concluding that the proposal would have an unacceptable effect is not, on its own, unreasonable behaviour.

A local planning authority (LPA) is at risk of an award of costs by refusing planning permission when it clearly fails to have regard to Government policy. In this case, the approach and policy to a decision of this nature is contained in PPG and the National Planning Policy Framework (Framework). PPG indicates that what matters in assessing whether a proposal might cause harm, is the impact on the significance of a designated heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either "less than substantial harm" or "substantial harm", in order to identify which policies in the Framework apply. Which category applies should be explicitly identified and the extent of the harm should be clearly articulated. Thereafter, depending on the category of harm, paragraphs 195 or 196 of Framework require any harm to a designated heritage asset to be weighed against the public benefits of the proposal.

Here, the only record of the Members' approach to the appellants' application and the professional assessment and recommendation of planning officer are contained in the published minutes of the meeting. The formal record is sparse and records that a Councillor "...spoke on this application" and 2 Councillors proposed and seconded the reason for refusal. There is no record of the nature or extent of the discussion to show that Members were either advised of or considered the relevant PPG and applied Framework paragraph 196. This latter requirement is of importance given the Design, Access and Heritage

Statement contained substantial evidence on the potential public benefits of the scheme. Moreover, there is nothing in the LPA's response to the appellants' application for costs other than reporting that the Members had all the information necessary to assess the impact of the proposal and undertake a proper planning balance to indicate that the Members undertook the balance required by Framework paragraph 196.

Accordingly, the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

The planning decision setting out the reasons for refusal and the Appeal Decision and Costs Decision in full can be viewed via the following link

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00042/FUL>

Your Officer's comments

Both Officers and Members need to learn from this decision. In circumstances where the decision is contrary to recommendation, and therefore the report cannot be relied upon to expand upon that decision, the potential harm to a designated asset, where found, must be explicitly identified as either "less than substantial harm" or "substantial harm" and the extent of the harm should be clearly articulated in any reason for refusal. Depending on the category of harm, any harm must be weighed against the public benefits of the proposal and this balancing exercise also referred to in the reason for refusal.