

MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMS/102895/F

- The appeal was received on 26 August 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Miss Karen Harris
- The site is located at Losito Stud, Harris Lodge, Ross on Wye, Herefordshire, HR9 6EG
- The development proposed is Retrospective application for siting of mobile home for residential occupation associated with equine business on part industrial part agricultural land.
- The appeal is to be heard by Hearing

Case Officer: Mr M Tansley on 01432 261815

Application No. DMN/111007/F

- The appeal was received on 1 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tick Bridge Farm, Tick Bridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The development proposed is Proposed retention of two mobile homes for one year for temporary agricultural dwelling and storage as originally granted for applications DCN2007/2648/F & DCN/2008/2739/F

- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. DMN/103149/O

- The appeal was received on 1 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tickbridge Farm, Tickbridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The development proposed is Outline planning application for agricultural dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. EN11/001404/ZZ

- The appeal was received on 9 September 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tick Bridge Farm, Tick Bridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The breach of planning control alleged in this notice is Without planning permission the use of the land as a site for the positioning of 2 mobile homes both used for mixed residential and storage use.
- The requirements of the notice are: Remove the 2 mobile homes, hard standing and associated buildings from the land and reinstate the land to grass
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. DMS /111132/F

- The appeal was received on 16 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr John Lee
- The site is located at Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS
- The development proposed is Change of use of land from agricultural to a one family traveller site including siting of one mobile home, touring caravan, shed and new access.
- The appeal is to be heard by Hearing

Case Officer: Mr A Prior on 01432 261932

Application No. DMN/111718/F

- The appeal was received on 16 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs Milbro Phillips
- The site is located at 28 Uplands, Fromes Hill, Ledbury, HR8 1HR
- The development proposed is Proposed detached two bed bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED

Application No. DMN/102792/F

- The appeal was received on 7 June 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Andrew Fielder
- The site is located at Floodgates, Winslow, Bromyard, Herefordshire, HR7 4SE
- The application dated 27 October 2010 was refused on 28 February 2011
- The development proposed was Installation of single mast wind turbine (maximum height of 17.25m).
- The main issue is the effect of the proposed wind turbine on the character and appearance of the surrounding landscape

Decision: The application was refused under delegated powers on 28 February 2011.
The appeal was **allowed** on 5 September 2011.

Case Officer: Mr A Banks on 01432 383085

Application No. DCSE2009/1568/F

- The appeal was received on 6 November 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Tom Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The application dated 20 July 2009 was refused on 15 September 2009
- The development proposed was Change of use of land and full planning, to retain existing 1 mobile home, retain existing log cabin mobile home, four additional log cabin mobile homes, 6 touring caravans for nomadic use only, 6 utility day rooms.
- The main issues are:
 - i) Do the proposals comply with the criteria of policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
 - ii) In relation to the appeals for Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land it's surrounding, the setting of heritage assets, and the living conditions of nearby occupiers.
 - iii) The effect of the proposals on highway safety.
 - iv) What is the level of need for gypsy and travellers' sites in Herefordshire and how is the council seeking to address the identified need?
 - v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The application was refused under delegated powers on 15 September 2009.
The appeal was **dismissed** on 16 September 2011.
An application for the award of costs, made by the Council against the appellant, was **allowed**

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/100514/F

- The appeal was received on 10 September 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr B Tapsell
- The site is located at Holmes Grove, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UQ

- The application dated 4 March 2010 was refused on 11 August 2010
- The development proposed as amended - was Change of use of land - three log cabins for gypsies and travellers
- The main issues are:
 - i) Do the proposals comply with the criteria of policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
 - ii) In relation to the appeals for Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land it's surrounding, the setting of heritage assets, and the living conditions of nearby occupiers.
 - iii) The effect of the proposals on highway safety.
 - iv) What is the level of need for gypsy and travellers' sites in Herefordshire and how is the council seeking to address the identified need?
 - v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The application was refused by committee, contrary to Officer recommendation, on 11 August 2010.

The appeal was **dismissed** on 16 September 2011.

An application for the award of costs, made by the Council against the appellant, was **allowed**

Case Officer: Mr D Thomas on 01432 261974

Application No. EN2009/0023/ZZ

- The appeal was received on 6 November 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The breach of planning control alleged in this notice is the unauthorised material change of use of land from agricultural to a mixed use of agriculture for the stationing of caravans, (some, maybe all of which are occupied in residential use) and associated hardstanding, and the unauthorised material change of use of an agricultural building to a mixed use of agricultural and residential use.
- The requirements of the notice are:
 - i) Permanently cease the use of the land for the stationing of caravans for residential use and remove all caravans and any domestic paraphernalia from the land which is coloured green on Plan B accompanying this notice.
 - ii) Remove from the land any hardstandings that have been created within the areas on Plan B. Restore the land to the condition it was in prior to the breach of planning control, including re-seeding with grass seed where necessary.
 - iii) Permanently cease the use of the building at the approximate location marked X on Plan B for residential purposes, remove from the building any domestic items and restore to a solely agricultural use.
 - iv) Remove from the land any materials that arise from the removal of the caravans and from the cessation of the use of the building for residential purposes.

The main issues are:

- i) Do the proposals comply with the criteria policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
- ii) In relation to the appeals form Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land and its surroundings, the setting of heritage assets, and the living conditions of nearby occupiers.
- iii) The effect of the proposals on highway safety.

- iv) What is the level of need for gypsy and traveller sites in Herefordshire and how is the Council seeking to address the identified need?
- v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The appeal is **dismissed** and the enforcement notice, as varied by the substitution of nine months as the time for compliance, was upheld on 16 September 2011.

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/110419/F

- The appeal was received on 13 June 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr S Pearse
- The site is located at Plot At Somerville, Burghill, Hereford, HR4 7RN
- The application was refused on 14 April 2011
- The development proposed was Proposed new 3 bed dwelling
- The main issues are:
 - i) The effect on the character and appearance of the area; and,
 - ii) Whether the proposal would result in suitable living environments for the residents of the existing and proposed dwellings.

Decision: The application was refused under delegated powers on 14 April 2011
The appeal was **dismissed** on 22 September 2011.

Case Officer: Ms K Gibbons on 01432 261781

Application No. DMS/111199/FH

- The appeal was received on 8 August 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr David Wadge
- The site is located at The Oxlet, Bishopswood, Ross on Wye, Herefordshire, HR9 5QX
- The application was refused on 15 July 2011
- The development proposed was 2 Storey extension to rear of property.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The application was refused under delegated powers on 15 July 2011
The appeal was **allowed** on 27 September 2011

Case Officer: Mr D Thomas on 01432 261974

If members wish to see the full text of decision letters copies can be provided.