

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 JUNE 2015</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

---

**CLASSIFICATION:** Open

## **Wards Affected**

Countywide

## **Purpose**

To note the progress in respect of the following appeals.

## **Key Decision**

This is not an executive decision

## **Recommendation**

**That the report be noted.**

## **APPEALS RECEIVED**

### **Application 142743**

- The appeal was received on 27 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Colin Russell
- The site is located at 1 The Byre, Bridge End Farm, Much Cowarne, Herefordshire, HR7 4JL
- The development proposed is Proposed porch to north elevation; two additional windows to north and west elevations and two Velux rooflights to east elevation
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

### **Application 142744**

- The appeal was received on 27 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mr Colin Russell
- The site is located at 1 The Byre, Bridge End Farm, Much Cowarne, Herefordshire, HR7 4JL
- The development proposed is Proposed porch to north elevation; two additional windows to north and west elevations and two Velux rooflights to east elevation
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

**Application 142461**

- The appeal was received on 2 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr John Hopcutt
- The site is located at Land at Holly Barn, Risbury, Leominster, Herefordshire, HR6 0NQ
- The development proposed is Proposed erection of a dwelling and garage/workshop.
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 143568**

- The appeal was received on 7 April 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Robin Cheeseman
- The site is located at Ganarew Care Home, Ganarew, Nr Monmouth, Herefordshire, NP25 3SS
- The development proposed is Proposed construction of unit to form assisted living accommodation.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Roland Close on 01432 261803**

**Application 141550**

- The appeal was received on 30 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by The Church Commissioners for England
- The site is located at Land West of Upper Court Road, Bosbury, Ledbury, Herefordshire
- The development proposed is Proposed site for up to 46 dwellings, new access from Upper Court Road, with open space, parking and associated infrastructure
- The appeal is to be heard by Hearing

**Case Officer: Mr C Brace on 01432 261947**

**Application 143022**

- The appeal was received on 1 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs B & A Harris
- The site is located at Site adjacent to Parrowfield Cottages, Brimfield, Herefordshire
- The development proposed is Proposed erection of one house and garage
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 143452**

- The appeal was received on 7 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by C/O Sally Topham
- The site is located at The Knoll, Orleton, Ludlow, Herefordshire, SY8 4JA
- The development proposed is Proposed conversion of existing timber frame agricultural building into a single dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Mr M Tansley on 01432 261815**

**Application 142215**

- The appeal was received on 29 April 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by L W D Developments LLP
- The site is located at Land off Rosemary Lane, Leintwardine, Herefordshire
- Residential development of up to 45 dwellings (Use Class C3) means of access and associated works (with all other matters relating to appearance, landscaping, layout and scale reserved.
- The appeal is to be heard by Inquiry

**Case Officer: Mr A Banks on 01432 383085**

**Application 142710**

- The appeal was received on 11 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Emmett
- The site is located at Land adjacent to Nellies Oak, Dinedor, Hereford, HR2 6LG
- The development proposed is Proposed four bedroom detached house and three bedroom detached bungalow
- The appeal is to be heard by Written Representations

**Case Officer: Mrs Charlotte Atkins on 01432 260536**

**Application 141413**

- The appeal was received on 11 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mrs Susan Evans
- The site is located at The Nest, Moreton Eye, Leominster, Herefordshire, HR6 0DP
- The development proposed is Proposed provision of two external porches to south elevation
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 142629**

- The appeal was received on 12 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Gibbs
- The site is located at Land adjacent to Underhill, Hoarwithy, Hereford, HR2 6QG
- The development proposed is Proposed outline application for new single storey residential dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Mr Matt Tompkins on 01432 261795**

**Application 141687**

- The appeal was received on 10 April 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Miss Lizzie Janes
- The site is located at Mid Summer Orchard, (Land at Oakley Cottage), Ridge Hill, Herefordshire, HR2 8AG
- The development proposed is Change of use of land from agriculture to a one family traveller site, with stationing of one mobile home, one touring caravan, parking and turning area, re-designed access and septic tank.
  
- The appeal is to be heard by Hearing

**Case Officer: Mr C Brace on 01432 261947**

**Application 141859**

- The appeal was received on 7 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Hereford Islamic Society
- The site is located at 36 Holme Lacy Road, Hereford, Herefordshire, HR2 6BY
- The development proposed is Proposed change of use of ground floor retail unit to day centre (D1)
- The appeal is to be heard by Written Representations

**Case Officer: Ms K Gibbons on 01432 261781**

**Application 142356**

- The appeal was received on 19 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs C & G Poultney
- The site is located at Fodder store adj The Old Rectory, Boat Lane, Whitbourne, Worcester, Herefordshire, WR6 5RS
- Proposed removal of condition 4 of planning permission DCNC2004/2013/F (Conversion of cottage annexe to provide one bedroom holiday cottage) to allow 'Fodder Store' to be used as a dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Mr M Tansley on 01432 261815**

**Application 150067**

- The appeal was received on 15 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Paul Smith
- The site is located at Land adjacent Vine Tree Close, Withington, Herefordshire
- The development proposed is Proposed erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of no 5 Vine Tree Close.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Edward Thomas on 01432 260479**

**Application 142612**

- The appeal was received on 28 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Brilley Court Farms Ltd
- The site is located at Cefn Farm, Brilley, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JN
- The development proposed is Proposed erection of an agricultural workers dwelling
- The appeal is to be heard by Hearing

**Case Officer: Mr Andrew Stock on 01432 383093**

## ***APPEALS DETERMINED***

**Application 142712**

- The appeal was received on 30 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by J M & M E Harrington & Son
- The site is located at Land at Blackway Farm, Lower Eggleton, Ledbury, Herefordshire, HR8 2UN
- The development proposed was Proposed erection of an agricultural workers dwelling
- The main issue was: It was agreed at the Hearing that the appeal site is located within the open countryside and thus is subject to policies restricting residential development. The main issue is therefore whether there is an essential need for a rural worker's dwelling at the appeal site in the countryside.

**Decision:**

- No decision on the application was made by Herefordshire Council.
- The appeal was Dismissed on 7 April 2015

**Case Officer: Mr Andrew Stock on 01432 383093**

**Application 141234**

- The appeal was received on 31 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Matthew Ord
- The site is located at Land at, Bleathwood, Middleton, Little Hereford, Herefordshire, SY8 4LQ
- Proposed erection of one detached dwelling with detached double garage.

- The main issue was whether the proposed development accords with national and local policy concerning new housing in the open countryside.

**Decision:**

- The application was Refused under Delegated Powers on 5 November 2014
- The appeal was Dismissed on 7 April 2015

**Case Officer: Mr A Prior on 01432 261932**

**Application 141233**

- The appeal was received on 8 January 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr David Richard Mark Mutlow
- The site is located at Steppe House Farm, Pencraig, Ross-On-Wye, Herefordshire, HR9 6HR
- Proposed variation of conditions 12 & 13 of planning permission DCSE2004/2744/F (Conversion of existing farms barns and outbuildings to form 4 no dwellings) - to allow the retention of the existing access.
- The main issue was whether the conditions are necessary for the safety and convenience of users of the highway and of the access which serves Steppe House Farm and dwellings.

**Decision:**

- The application was Refused under Delegated Powers on 20 June 2014
- The appeal was Dismissed on 16 April 2015

**Case Officer: Mr M Tansley on 01432 261815**

**Application 140855**

- The appeal was received on 6 October 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr John Bothamley
- The site is located at Yew Tree House, Llangrove, Ross on Wye, Herefordshire, HR9 6HA
- The development proposed was Demolition of existing building and construction of two semi-detached houses
- The main issues were:
  - a) The effect of the proposal on the character and appearance of the area,
  - b) Whether the proposal provides satisfactory parking arrangements,
  - c) Whether the proposal would comprise sustainable development

**Decision:**

- The application was Refused under Delegated Powers on 27 June 2014
- The appeal was Dismissed on 20 April 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

**Case Officer: Mr Roland Close on 01432 261803**

**Application 141134**

- The appeal was received on 20 November 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Paul Smith

- The site is located at Land adjacent to Vine Tree Close, Withington, Herefordshire
- The development proposed was Proposed erection of up to 45 dwellings, construction of a new vehicular access and associated works
- The main issues were:
  - The Council cited four reasons for refusal. The fourth of those referred to the lack of an Obligation to secure affordable housing and various contributions. This has been addressed through an Agreement under Section 106 dated 13 March 2015.
  - In their statement of case, the Council acknowledges that their third reason for refusal, relating to flood risk, could be addressed by a suitably worded condition requiring the submission of a surface water drainage scheme for approval. On my analysis, that is correct.
  - On that basis, the main issues to be considered are the effect of the proposal on (1) the living conditions of the occupiers of Nos.4 and 6 Vine Tree Close through noise and disturbance; and (2) the landscape setting of the village, its conservation area and listed buildings within it. That analysis needs to take place in the light of the Council's acknowledged inability to demonstrate a five year supply of deliverable housing sites.

**Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 29 October 2014
- The appeal was Dismissed on 23 April 2015

**Case Officer: Mr Edward Thomas on 01432 260479**

**Application 132643**

- The appeal was received on 5 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Draycott Developments
- The site is located at Land adjacent to Linton Court, Bromyard, Herefordshire
- The development proposed was Development for five dwellings.
- The main issue is whether the proximity of the development to existing sources of noise is such that satisfactory living conditions for occupiers of the proposed dwellings would be provided and whether future activity at the nearby Linton Trading Estate would be unacceptably compromised.

**Decision:**

- The application was Refused under Delegated Powers on 3 June 2014
- The appeal was Dismissed on 29 May 2015

**Case Officer: Mr Matt Tompkins on 01432 261795**

**Enforcement Notice 142928**

- The appeal was received on 18 September 2014
- 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 John Charlton Gaunt
- The site is located at Land to the North of Wigmore Castle, Wigmore, Herefordshire
- The breach of planning control alleged in this notice is:  
Without planning permission, the removal of soil to re-profile the sloping land thus creating a flat terrace being an engineering operation. The works also include the importation of stone in preparation for the creation of a hard standing area being operational development.

- The requirements of the notice are:
  - i) Remove all imported stone from the land;
  - ii) Replace all of the soil that has been disturbed or removed from the land and return the land to its former profile prior to these works taking place. The former profile can be seen by observing the adjacent land;
  - iii) During the next planting season following the date on which this notice takes effect, re-seed the land with a mixture of meadow grasses and flowers.
- The main issue in this appeal is the effect of the unauthorised works on the setting of Wigmore Castle as a SAM and listed building. The castle dates from the mid C11th and was one of the largest castles built along the Welsh border. The castle is wild in character as a result of it being presented as a 'romantic ruin'. The ruins and earthworks are extensive and the keep occupies a prominent position on the hill which rises to the south of the appeal site.

**Decision:**

The Appeal dismissed, planning permission refused and notice upheld after correction and variation on 22 April 2015.

**Case Officer: Mr M Tansley on 01432 261815**

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