

MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
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 an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 151249

- The appeal was received on 21 August 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 Mrs Carolyn Bradley
- The site is located at Land adjacent to Putley Court, Putley
- The development proposed is Proposed construction of a single dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Enforcement Notice 152499

- The appeal was received on 19 August 2015
- 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 Hanson
- The site is located at Park Gate Cottage, Ivington, Leominster, Herefordshire, HR6 0JX
- The breach of planning control alleged in this notice is:
 - It appears to the Council that the above breach of planning control has occurred within the last four years.
 - The works undertaken to rebuild a redundant building constitutes operational development for which planning permission has not been granted.

- An application for the unauthorised development would not receive officer support as having regards to Policy H7 of the Herefordshire Unitary Development Plan it is not a location where planning permission would be granted for what is effectively a new dwelling. The site lies in an unsustainable location and is contrary to the guiding principles of the National Planning Policy Framework.
- The requirements of the notice are:
 1. Permanently cease rebuilding of the unauthorised building
 2. Permanently demolish the unauthorised building and remove all resulting brickwork and waste materials from the site to a registered waste disposal site.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 143833

- The appeal was received on 25 August 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mrs Alice Hayter
- The site is located at Lavender Cottage, Common Hill, Fownhope, Hereford, Herefordshire, HR1 4QA
- Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from Orchard to residential.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 150269

- The appeal was received on 25 August 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 Pugh
- The site is located at Ford Dene, Ford, Leominster, Herefordshire, HR6 0PB
- The development proposed is Proposed erection of 2 no. detached bungalows
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 143290

- The appeal was received on 26 August 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 Peter Clay
- The site is located at Parlours Barn, Brockhampton, Herefordshire, HR1 4SE
- The development proposed is Proposed alternative arrangement of parking area.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 151548

- The appeal was received on 3 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions

- The appeal is brought by Mrs Kimberley Manning
- The site is located at Land at Y Tylluan, Kinnersley, Hereford, HR3 6QA
- Proposed erection of a 14 unit cattery, 1 no. isolation unit and a reception/kitchen in the rear of the garden
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

APPEALS DETERMINED

Application 142930

- The appeal was received on 13 May 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 Mike Baggett
- The site is located at Land adjacent to Burnt House, Bridstow, Ross-on-Wye, Herefordshire
- The development proposed was Site for proposed residential development for 35 dwellings of which 13 will be affordable (37%)
- The main issues were:
 - (a) the effect of the proposed development upon the character and appearance of the appeal site and surrounding area which form part of the Wye Valley Area of Outstanding Natural Beauty (AONB), and with particular regard to the proposal's location and scale;
 - (b) the effect of the proposed development upon the free and safe movement of vehicles, pedestrians and cyclists in the vicinity of the site;
 - (c) whether the proposed scheme would constitute sustainable development;
 - (d) the possible need or otherwise for a section 106 agreement.

Decision:

- The application was Refused under Delegated Powers on 17 December 2014
- The appeal was Dismissed on 19 August 2015
- An Application for a partial award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr A Banks on 01432 383085

Application 141413

- The appeal was received on 11 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mrs Susan Evans
- The site is located at The Nest, Moreton Eye, Leominster, Herefordshire, HR6 0DP
- The development proposed was Proposed provision of two external porches to south elevation
- The main issue was whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Decision:

- The application was Refused under Delegated on 9 December 2014
- The appeal was Allowed on 27 August 2015

Case Officer: Mr A Prior on 01432 261932

Enforcement Notice 150746

- The appeal was received on 5 March 2015
- 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 Kenneth Williams
- The site is located at Wyeseide, Outfall Works Road, Hereford, Herefordshire, HR1 1XY
- The breach of planning control alleged in this notice is:
 - Without planning permission, the erection of a fence in excess of 1 metre in height (being a form of operational development) adjacent to a highway.
- The requirements of the notice are:
 - Permanently reduce the height of the boundary fence, between points X and Y adjacent to the highway as shown on the attached plan, to a height not to exceed one (1) metre along its whole length.
 - Remove all material resulting from reduction of the fence from the land.
- The main issue was whether the fence constituted operational development and whether this benefited from Permitted Development Rights

Decision:

- The appeal was Dismissed on 27 August 2015

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 141550

- The appeal was received on 30 March 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 The Church Commissioners for England
- The site is located at Land West of Upper Court Road, Bosbury, Ledbury, Herefordshire
- The development proposed was Proposed site for up to 46 dwellings, new access from Upper Court, together with open space, parking and associated infrastructure.
- The main issues were:

In the light of the above and the written and oral evidence, I consider the main issues in this case to be whether the benefits of the proposed development would be significantly and demonstrably outweighed by any harm arising from its effect on the character, appearance and setting of the village and, in particular, whether the character and appearance of the Bosbury Conservation Area would be preserved or enhanced and whether the settings of listed buildings and ancient monuments would be preserved.

Decision:

- The application was Refused at Planning Committee on 19 November 2014.
- The appeal was Dismissed on 26 August 2015

Case Officer: Mr C Brace on 01432 261947

Application 142612

- The appeal was received on 28 May 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 Brilley Court Farms Ltd
- The site is located at Cefn Farm, Brilley, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JN
- The development proposed was Proposed erection of an agricultural workers dwelling
- The main issue in this case is whether there is an essential agricultural need for the proposed dwelling, which is likely to be sustained in the long term, so as to justify making an exception to the strict local and national policies of restraint on new residential development in the countryside.

Decision:

- The application was Refused under Delegated Powers on 28 October 2014
- The appeal was Allowed on 3 September 2015

Case Officer: Mr Andrew Stock on 01432 383093

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