

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 FEBRUARY 2016</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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 152572**

- The appeal was received on 29 January 2016
- 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 Mr Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The development proposed is Proposed single storey rear extension (Retrospective).
- The appeal is to be heard by Householder Procedure

**Case Officer: Miss Emily Reed on 01432 383894**

### **Application 150994**

- The appeal was received on 4 February 2016
- 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 Hanson
- The site is located at Home Farm, Eardisland, Leominster, Herefordshire, HR6 9DN
- The development proposed is Proposed raising roof of existing portal framed agricultural building, including 2 no. additional bays.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 143769**

- The appeal was received on 5 February 2016
- 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 Upper House Farm Ltd
- The site is located at Upper House Farm, Moreton-On-Lugg, Hereford, HR4 8AH
- The development proposed is Proposed construction of six poultry houses and feed bins, ancillary works, erection of biomass boiler building and single storey ancillary building, amendments to existing vehicular access and associated landscaping. The appeal is to be heard by Written Representations

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

**Application 151160**

- The appeal was received on 11 February 2016
- 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 N W & I Roper
- The site is located at Land adj. Home Farm, Pencraig, Ross-on-Wye, Herefordshire, HR9 6HR
- The development proposed is Proposed retention of existing hard surface and driveway for storage of sugar beet and straw
- The appeal is to be heard by Written Representations

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

***APPEALS DETERMINED***

**Application 143488**

- The appeal was received on 14 August 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 New Shelf Ltd
- The site is located at Land adjacent Hartleton Farm, Bromash, Ross-on-Wye, Herefordshire, HR9 7SB
- The development proposed was Proposed erection of four dwellings
- The main issues were:
  - whether the site represents a sustainable location for housing development, having regard to relevant national and local policies for development in the countryside;
  - the effect of the proposed development on the landscape character and appearance of the area;
  - whether the proposed dwellings would provide future occupiers with acceptable living conditions, having regard to motorway traffic noise; and
  - whether any material considerations, including particularly a fallback position, indicate that the proposed development should be permitted.

**Decision:**

- The application was Refused under Delegated Powers on 11 May 2015
- The appeal was Dismissed on 26 January 2016

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

**Application 133173**

- The appeal was received on 2 July 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 TJ Parry
- The site is located at Burnt Mill, Hampton Wafre, Docklow, Leominster, Herefordshire, HR6 0SN
- The development proposed was Erection of two Gaia 133 11kW turbines on 27m tubular towers - 33.5m height to blade tip.
- The main issue in this appeal is whether the two proposed turbines, when considered cumulatively with the turbines that have been permitted or proposed in the vicinity, would have a significantly adverse effect on the character of the landscape and, if they would, whether this is outweighed by any wider environmental, social and economic benefits of the scheme.

**Decision:**

- The application was Refused under Delegated Powers on 10 April 2014
- The appeal was Dismissed on 28 January 2016
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

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

**Application 150008**

- The appeal was received on 10 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr And Mrs A Lively
- The site is located at Metal Barns at Lane Head Farm, Eaton Bishop, Herefordshire
- The development proposed was Proposed Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development - change of use of an agricultural building to two dwellinghouses.
- The main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under Class Q.1(i) of the GPDO in terms of the building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouse).

**Decision:**

- The application was Refused under Delegated Powers on 27 February 2015
- The appeal was Dismissed on 3 February 2016

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

**Application 150594**

- The appeal was received on 23 September 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr Henry May
- The site is located at Stable Block, Tidnor Wood Orchards, Tidnor Lane, Lugwardine, Herefordshire, HR1 4DF
- The development proposed was Proposed change of use farm building to dwelling house for agricultural worker.
- The main issue was whether or not the proposal would comply with the permitted development criteria set out in Class Q.1(a) of the GPDO 2015 and, if so, then whether or not it would require prior approval in respect of Class Q.2.

**Decision:**

- The application was Refused under Delegated Powers on 22 April 2015
- The appeal was Allowed on 3 February 2016

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

**Application 151797**

- The appeal was received on 2 October 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed was Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The main issue was whether the proposed works and development would preserve the listed building, or any features of special architectural or historic interest which it possesses.

**Decision:**

- The application was Refused under Delegated Powers on 6 August 2015
- The appeal was Dismissed on 3 February 2016

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 151798**

- The appeal was received on 2 October 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 Mr Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed was Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The main issue was whether the proposed works and development would preserve the listed building, or any features of special architectural or historic interest which it possesses.

**Decision:**

- The application was Refused under Delegated Powers on 6 August 2015
- The appeal was Dismissed on 3 February 2016

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 151287**

- The appeal was received on 5 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Deborah Mitchell
- The site is located at The Stables, Kinnersley, Hereford, Herefordshire, HR3 6NY
- The development proposed was Proposed removal of condition 1 of planning permission reference P/143727/F (Mobile home in association with an equine business (retrospective)) - to retain the existing structure as a dwelling with no EOC.
- The main issue was whether a permanent dwelling is acceptable in this location having regard to the aims of sustainability.

**Decision**

- The application was Refused under Delegated Powers on 1 July 2015
- The appeal was Dismissed on 4 February 2016

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

**Application 143384**

- The appeal was received on 5 August 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 Ms C Kent
- The site is located at Cheshire Bungalow, B4348, Peterchurch, Herefordshire
- The development proposed was Site for proposed erection of bungalow in place of 'Cheshire Bungalow'.
- The main issue is the effect of the proposal on highway safety.

**Decision:**

- The application was Refused under Delegated Powers on 9 March 2015
- The appeal was Dismissed on 4 February 2016

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

**Application 151249**

- The appeal was received on 21 August 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 Mrs Carolyn Bradley
- The site is located at Land adjacent to Putley Court, Putley
- The development proposed was Proposed construction of a single dwelling.
- The main issues were
  - i) the sustainability of the location and the effect of the dwelling on the countryside;
  - ii) the effect on the setting and significance of adjacent heritage assets;
  - iii) the impact on wildlife;
  - iv) the impact on the cedar tree
  - v) and if any harm is caused whether that is outweighed by other material considerations or public benefits.

**Decision:**

- The application was Refused under Delegated on 6 July 2015
- The appeal was Dismissed on 4 February 2016

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

**Application 150013**

- The appeal was received on 22 October 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 Mrs M Cleves
- The site is located at Towns End Cottage, 10 Hereford Road, Leominster, Herefordshire, HR6 8JU
- The development proposed was Site for proposed residential development.

- The main issue was the effect of the proposed dwellings upon highway safety.

**Decision:**

- The application was Refused under Delegated Powers on 27 February 2015
- The appeal was Dismissed on 5 February 2016

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

**Application 151548**

- The appeal was received on 3 September 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Kimberley Manning
- The site is located at Land at Y Tylluan, Kinnersley, Hereford, HR3 6QA
- The development proposed was Proposed erection of a 14 unit cattery, 1 no. isolation unit and a reception/kitchen in the rear of the garden
- The background and main issues were:  
Planning permission has been granted for a cattery within the rear garden of the existing dwelling. The appellant wishes to extend the opening hours from those originally imposed to include the period between 1600 and 1800 hours on Saturdays. The main issue is the effect that these additional opening hours would have on the living conditions of local residents.

**Decision:**

- The application was Allowed under Delegated on 29 July 2015
- The appeal was Allowed on 5 February 2016

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

**Application 151122**

- The appeal was received on 30 September 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 Michael Williams
- The site is located at Land at Lower Meadow Farm, Snodhill, Peterchurch, Dorstone, Herefordshire
- The development proposed was proposed change of use of agricultural land for the siting of a mobile home for residential use for a period of up to three years.
- The main issues were):a) whether there is an essential functional need for an agricultural worker to be resident on the site and, if so, whether this need is likely to endure as part of a financially sustainable business; and b) the effect of the proposal on the character and appearance of the area.

**Decision:**

- The application was Refused under Delegated Powers on 29 July 2015
- The appeal was Dismissed on 11 February 2016

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

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