

MEETING:	PLANNING COMMITTEE
DATE:	7 DECEMBER 2016
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 153778

- The appeal was received on 31 October 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 Mrs Collett
- The site is located at Land adjacent to Tudor House, Moors Lane, Brimfield, Herefordshire
- The development proposed is Proposed erection of one house with garage
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 152779

- The appeal was received on 31 October 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 Pallas Ventures Ltd
- The site is located at Land adjoining Orchard Farm, Eardisland, Herefordshire
- The development proposed is Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.
- The appeal is to be heard by Written Representations

Case Officer: Mr Nick Hall on 01432 261808

Application 160624

- The appeal was received on 10 November 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal is brought by Mr S Williams
- The site is located at Wyeside Eign, Outfall Works Road, Hereford, HR1 1XY
- The development proposed is Certificate of lawful development for the existing use of the land as B2 and B8 use.
- The appeal is to be heard by Hearing

Case Officer: Mr M Tansley on 01432 261815

Application 161127

- The appeal was received on 22 November 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 David Davies
- The site is located at Land to the west of Up The Road, Preston Wynne, Herefordshire, HR1 3PE
- The development proposed is Site for proposed single dwelling and detached garage.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

APPEALS DETERMINED

Application 143771

- The appeal was received on 20 July 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 Gladman Developments Ltd
- The site is located at Land at Longworth Lane, Bartestree, Hereford, Herefordshire, HR1 4BA
- The development proposed was Site for development of up to 100 dwellings with associated open space and community orchard with all matters reserved, except for access.
- At the inquiry the Council only maintained its first, second and fourth reasons for refusal. As a result, I have concluded that the main considerations in this appeal are:
 - a) The effect of the proposed development on the settings of designated heritage assets and on any non-designated heritage assets;
 - b) Its effect on the character and appearance of the surrounding area;
 - c) Its effect on areas of ecological or nature conservation interest;
 - d) The weight which should be given to policies for the supply of housing, in light of the Council's position regarding its 5 year supply of housing land;
 - e) The weight which should be given to policies in the emerging BLNDP;
 - f) Other matters raised by interested persons, including the effect of the proposed development on the safety and convenience of users of the nearby highways, and its effect on the living conditions of nearby residents;
 - g) Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework; and
 - h) How the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed.

Decision:

- The application was Refused under delegated powers on 31 March 2015
- The appeal was Dismissed on 26 October 2016

Case Officer: Mr Edward Thomas on 01432 260479

Application 152240

- The appeal was received on 21 June 2016
- 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 Stokes
- The site is located at Land at Fernleigh, Eau Withington, Hereford, Herefordshire
- The development proposed was Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage
- Main issues: since the refusal of the application, the Council has approved a replacement dwelling on the site identical to the one shown in this proposal. Thus the reason for refusal in relation to the proposed replacement dwelling has been overcome, and I shall confine my consideration only to the proposed new dwelling. In its appeal statement the Council raised landscape concerns about the proposal, which were not referred to in the decision notice, but subsequently withdrew them.

Thus, the main issues are:

- i) whether the proposal would accord with the Council's housing strategy;
- ii) whether occupiers of the proposed dwelling would have satisfactory access to services and facilities, and
- iii) the effect of the proposal on highway safety.

Decision:

- The application was Refused at Planning Committee on 18 November 2015
- The appeal was Allowed on 3 November 2016

Case Officer: Mr Simon Withers on 01432 260612

Application 153349

- The appeal was received on 1 July 2016
- 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 C Poultney
- The site is located at The Fodder Store, Church Road, Whitbourne, Worcester, Herefordshire, WR6 5RS
- The development proposed was Removal of Condition 4 of Planning Permission DCNC2004/2013/F.
- The main issue is whether the disputed condition is reasonable or necessary having regard to the living conditions of a) neighbouring occupiers in terms of privacy and overlooking and b) future occupiers of the Fodder Store in respect of an adequate outlook.

Decision:

- The application was refused under delegated powers on 28 January 2016.
- The appeal was allowed on 3 November 2016
- An Application for the award of Costs, made by the Appellant against the Council, was dismissed

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 160795

- The appeal was received on 12 October 2016
- 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 & Mrs G Lee
- The site is located at Yew Tree House, Stretton Grandison, Ledbury, Herefordshire, HR8 2TS
- The development proposed was Proposed garden room to rear.
- The main issue in this appeal is the effect of the proposed extension on the character and appearance of the area.

Decision:

- The application was Refused under delegated powers on 29 April 2016.
- The appeal was Allowed on 7 November 2016.

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 142410

- 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 Planning Permission
- The appeal was brought by MLN (Land and Properties) Ltd
- The site is located at Land adjacent to B4222, Lea, Ross on Wye, Herefordshire
- The development proposed was Proposed outline consent for the erection of up to 38 dwellings

Decision:

- The application was refused at Planning Committee on 11 February 2015
- The appeal was withdrawn on 9 November 2016
- An Application for the award of Costs, made by the Appellant against the Council, has been forwarded to the Inspectorate's Cost Team

Case Officer: Mr A Banks on 01432 383085

Application 153661

- The appeal was received on 14 July 2016
- 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 J Hickton
- The site is located at Land south of B4221 and north of Lovers Walk, Gorsley, Herefordshire
- The development proposed was Proposed residential development of 26 homes (10 affordable)
- The main issues were:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) the effect of the proposal on highway safety;
 - iii) the effect of the proposal on flood risk and the health of nearby residents, and whether the proposal would be a sustainable form of development having regard to national and development plan policies in respect of the delivery of new housing in the light of the Council's inability to demonstrate a 5 year supply of deliverable housing land.

Decision:

- The application was Refused under Delegated Powers on 4 February 2016
- The appeal was Dismissed on 17 November 2016

Case Officer: Mr Roland Close on 01432 261803

Application 141964

- The appeal was received on 22 December 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Gladman Developments Ltd
- The site is located at Land off, Madley Road, Clehonger, Herefordshire, HR2 9TE
- The development proposed was Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping.
- The main issues were:
 - i) the impact of the development on Clehonger Waste Water Treatment Works and consequent impact on the Cage Brook Valley SSSI and River Wye SAC/SSSI;
 - ii) the impact of the development on the character and appearance of the surrounding area;
 - iii) the benefits of the development in terms of the provision of housing including affordable housing, in light of an agreed shortage of available housing land in accordance with the National Planning Policy Framework (the Framework)

Decision:

- The appeal was Allowed on 17 November 2016

Case Officer: Mr Edward Thomas on 01432 260479

Application 160671

- The appeal was received on 31 August 2016
- 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 James Hufton
- The site is located at The Barn, Hampton Charles, Tenbury Wells, Worcestershire, WR15 8PZ
- The development proposed was proposed live/work dwelling with extension to garage.
- The main issue(s) were:
 - i) whether or not the proposal would be in a suitable location for a dwelling, having regard to the principles of sustainable development;
 - ii) the planning balance having regard to housing provision

Decision:

- The application was Refused under Delegated Powers on 24 May 2016
- The appeal was Dismissed on 18 November 2016

Case Officer: Mr Andrew Prior on 01432 261932

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