

MEETING:	PLANNING COMMITTEE
DATE:	7 APRIL 2017
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 DETERMINED

Application 151325

- The appeal was received on 4 October 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 Malcolm Morgan
- The site is located at Land adjacent to Lustonbury, Luston, Leominster, Herefordshire, HR6 0AP
- The development proposed was Proposed erection of three dwellings with associated landscaping and infrastructure.

- The main issues were:
 - The effect of the proposals on the special interest, significance and settings of the listed buildings and on the character, appearance and significance of Luston Conservation Area.
 - The effect on neighbouring occupiers' living conditions, mainly in terms of privacy.
 - Whether or not the appeal site is an appropriate location for the new dwellings in terms of access to the village, facilities and services.

Decision:

- The application was Refused at Planning Committee on 16 March 2016.
- The appeal was Allowed on 6 March 2017

Case Officer: Mr Andrew Prior on 01432 261932

Application 160577

- The appeal was received on 29 November 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 Peter Smith
- The site is located at Land at Dorefield House, Crossways, Peterchurch, Herefordshire
- The development proposed was Erection of one dwelling and garage.
- The main issues were:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site is an appropriate location for housing with regard to the access to facilities and services with particular regard to pedestrian safety; and
 - Whether the development of the appeal site would result in greater flood risk for occupiers of Dorefield House.

Decision:

- The application was Refused under Delegated Powers on 9 May 2016
- The appeal was Allowed on 6 March 2017
- An Application for the award of Costs, made by the Appellant against the Council, was Allowed.

Case Officer: Mr Matt Tompkins on 01432 261795

Application 152779

- The appeal was received on 31 October 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 Pallas Ventures Ltd
- The site is located at Land adjoining Orchard Farm, Eardisland, Herefordshire
- The development proposed was 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 main issues were:
- From my inspection of the site and surroundings and the representations made I find there are three main issues in the determination of this appeal. These are
 - (i) whether the location of the scheme would give rise to concerns in an emergency flooding incident, particularly concerning safe entrance/exit;
 - (ii) whether surface and foul water drainage and management has been adequately considered in the circumstances within this settlement and
 - (iii) whether the scheme would provide an appropriate range and mix of housing to contribute to the creation of balanced and inclusive communities.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 3 August 2016
- The appeal was Dismissed on 21 March 2017
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr M Tansley on 01432 261815

Application 153077

- The appeal was received on 15 September 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 Player
- The site is located at Land at Lowlands, Castle Hill, Kington, Herefordshire, HR5 3AH
- The development proposed was Proposed detached dwelling
- The main issue(s) was(were):
 - (i) whether the proposals would preserve or enhance the character or appearance of the Kington Conservation Area;
 - (ii) the effect of the proposals on the setting of the Scheduled Monument; and
 - (iii) whether the proposals provide sufficient information to address the effects of the proposal on non-designated heritage assets.

Decision:

- The application was Refused under Delegated Powers on 8 December 2015
- The appeal was Dismissed on 16 March 2017

Case Officer: Mr Mark Tansley on 01432 383789

Application 160450

- The appeal was received on 14 December 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 S Watkins & Mr P Bennett
- The site is located at Land to the East of Brook Lane, North of B4220, Bosbury, Hereford
- The development proposed was Proposed residential development for up to 21 dwellings (of which 8 will be affordable)
- The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 3 May 2016
- The appeal was Allowed on 23 March 2017
- 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 152122

- The appeal was received on 30 November 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Johnson Brothers & Co Ltd
- The site is located at Land adjacent to Wood House Farm, Edwyn Ralph, Hereford, Herefordshire
- The development proposed was Five dwellings and garages
- The main issues in this case are:
 - Whether or not new housing in this location is acceptable having particular regard to the settlement strategy for the area;
 - The effect upon nearby heritage assets;
 - The effect upon highway safety;
 - The effect upon biodiversity;
 - Whether or not acceptable living conditions would be provided to the occupiers of nearby properties, and

- Whether or not the site can be suitably drained.

Decision:

- The appeal was Dismissed on 24 March 2017

Case Officer: Mr Andrew Prior on 01432 261932

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