

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 SEPTEMBER 2017</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 170292**

- The appeal was received on 10 July 2017
- 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 J Gillespie
- The site is located at Lower House Farm, Church Road, Little Birch, Herefordshire, HR2 8BB
- The development proposed is Log cabin to land at rear of Lower House Farm.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Simon Withers on 01432 260612**

### **Enforcement Notice 172688**

- The appeal was received on 10 July 2017
- 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 J Gillespie
- The site is located at Lower House Farm, Church Road, Little Birch, Herefordshire, HR2 8BB
- The breach of planning control alleged in this notice is:
  - Without planning permission unauthorised operational development by erection of a log cabin.
- The requirements of the notice are:
  - Permanently remove the unauthorised log cabin from the land.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Simon Withers on 01432 260612**

**Application 162891**

- The appeal was received on 10 July 2017
- 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 Tim Woodcock
- The site is located at 11 Hartland Close, Belmont, Hereford, Herefordshire, HR2 7SL
- The development proposed is (Retrospective) Change of use of land to residential curtilage. Retention of garden room, decking, timber stairs and steps.
- The appeal is to be heard by Written Representations.

**Case Officer: Mr Scott Low on 01432 261814**

**Enforcement Notice 172689**

- The appeal was received on 10 July 2017
- 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 Tim Woodcock
- The site is located at 11 Hartland Close, Belmont, Hereford, Herefordshire, HR2 7SL
- The breach of planning control alleged in this notice is:
  - Without planning permission unauthorised material change of use of land to residential curtilage and unauthorised operational development by erection of a garden room, decking, timber stairs and steps outside of the residential curtilage.
- The requirements of the notice are:
  - (1) Permanently cease the residential use of land outside of the residential curtilage and remove the garden room, decking, timber stairs and steps outside of the residential curtilage
  - (2) Reinstate the land outside of the residential to its former condition.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Scott Low on 01432 261814**

**Application 171351**

- The appeal was received on 21 July 2017
- 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 Richard Brandram-Jones
- The site is located at Land adjacent to Mill Ditch Cottage, Kings Caple, Herefordshire, HR1 4UB
- The development proposed is Outline application for the erection of a three bedroom cottage, access, turning manoeuvring, car parking and scale.
- The appeal is to be heard by Written Representations

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

**Application 162900**

- The appeal was received on 25 August 2017
- 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 P Murray
- The site is located at Togpen, Willey Lane, Lower Willey, Presteigne, Herefordshire, LD8 2LU

- The development proposed is A Retrospective Planning Application for Four Small Outhouses, changes to the Entrance on to the Public Road, the Inclusion of a Wood Burning Stove, the Erection of Fences outside the Development Area and the Resultant Increase in the Curtilage
- The appeal is to be heard by Written Representations

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

## ***APPEALS DETERMINED***

### **Application 162518**

- The appeal was received on 26 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Angela Vaughan
- The site is located at Balance Farm, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed was Application for removal of condition 2 following grant of planning permission. (95/0238/O) to remove the agricultural workers dwelling restriction
- The main issues was
- Whether the site is a suitable location for an open market house within the countryside having regard to its location with Eywood Park, a grade II registered park and garden and within the settings of nearby heritage assets.

#### **Decision:**

- The application was Refused under Delegated Powers on 16 January 2017
- The appeal was Dismissed on 26 July 2017

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

### **Application 162824**

- The appeal was received on 26 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mrs Angela Vaughan
- The site is located at Land at Balance Farm, Eywood Lane, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed was Site for the proposed erection of 5 dwellings.
- The main issue(s) were:
  - The effect of the development on highway safety.
  - The effect on the settings of nearby heritage assets.

#### **Decision:**

- The appeal was Dismissed on 26 July 2017

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

### **Application 163592**

- The appeal was received on 15 February 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal was brought by J & E Fury
- The site is located at Lea Villa Residential Park, Lea, Ross on Wye, HR9 7LQ
- The development proposed was Application for a Lawful Development Certificate for a proposed use or development - use of land for the stationing of 4 caravans.
- The main issue was whether the Council's decision to refuse to grant a certificate was well founded.

**Decision:**

- The application was Refused under Delegated Powers on 4 January 2017
- The appeal was Allowed on 28 July 2017

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

**Application 163096**

- The appeal was received on 22 May 2017
- 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 Stinton
- The site is located at The Beech, Haynall Lane, Little Hereford, Ludlow, Herefordshire, SY8 4BG
- The development proposed was Proposed change of use and alterations of a farm building to create an
- The main issues are the effect of the proposal on highway safety and whether the appeal site is in a suitable location for the development proposed.

**Decision:**

- The application was Refused under Delegated Powers on 16 December 2016
- The appeal was Dismissed on 1 August 2017

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

**Enforcement Notice 171448**

- The appeal was received on 20 April 2017
- 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 Mrs Mary Wood
- The site is located at Old Brooks Farm, Pontrilas, Hereford, Herefordshire, HR2 0BL
- The breach of planning control alleged in this notice was:
  - Without planning permission unauthorised operational development by erection of a veranda to the rear elevation.
- The requirements of the notice were:
  - Permanently remove the unauthorised veranda
- The main issue is the effect of the development on the character and appearance of the appeal property and the area.

**Decision:**

- The appeal was allowed on 2 August 2017, the enforcement notice is quashed.

**Case Officer: Mr Scott Low on 01432 261814**

**Enforcement Notice 171433**

- The appeal was received on 20 April 2017
- 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 Derek Wood
- The site is located at Old Brooks Farm, Pontrilas, Hereford, Herefordshire, HR2 0BL
- The breach of planning control alleged in this notice was:

- Without planning permission unauthorised operational development by erection of a veranda to the rear elevation.
- The requirements of the notice were:
  - Permanently remove the unauthorised veranda
- The main issue is the effect of the development on the character and appearance of the appeal property and the area.

**Decision:**

- The appeal was allowed on 2 August 2017, the enforcement notice is quashed.

**Case Officer: Mr Scott Low on 01432 261814**

**Enforcement Notice 171539**

- The appeal was received on 20 April 2017
- 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 Martin Soble
- The site is located at Whitethorn Farm, Witherstone Lane, Carey, Herefordshire
- The breach of planning control alleged in this notice is:  
Without planning permission the unauthorised material change of use of land from agricultural to a mixed use of agricultural and to site a mobile home for residential purpose.
- The requirements of the notice are:  
Permanently remove the unauthorised caravan from the land thereby causing the cessation of its residential use on the land

**Decision:**

- Subject to variation, the appeal is dismissed and the enforcement notice upheld on 3 August 2017

**Case Officer: Mr Scott Low on 01432 261814**

**Application 163840**

- The appeal was received on 23 May 2017
- 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 Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed was Proposed garden room extension.
- The main issue was:
  - Whether the works proposed and development would preserve the special architectural and historic interest of the Grade II listed building.

**Decision:**

- The application was Refused under Delegated Powers on 19 January 2017
- The appeal was Dismissed on 16 August 2017

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

**Application 163841**

- The appeal was received on 23 May 2017

- 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 Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed was proposed garden room extension.
  
- The main issue(s) was:
  - Whether the works proposed and development would preserve the special architectural and historic interest of the Grade II listed building.

**Decision:**

- The application was Refused under Delegated Powers on 19 January 2017
- The appeal was Dismissed on 16 August 2017

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

**Application 162474**

- The appeal was received on 12 June 2017
- 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 W J Powell & Sons
- The site is located at Land adjacent to The Claytons, Bridstow, Herefordshire
- The development proposed was Outline planning application for the erection of 4 x 2 bed 3 x 3 bed
- The main issues were:
  - i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area within the Wye Valley Area of Outstanding Natural Beauty; and
  - ii) the effect of the proposal on highway safety.

**Decision:**

- The application was Refused under Delegated Powers on 8 November 2016.
- The appeal was Dismissed on 23 August 2017.

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

**Enforcement Notice 172533**

- The appeal was received on 4 July 2017
- 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 Anthony Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is:  
Without planning permission unauthorized operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are:  
Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.

**Decision:**

- The appeal was Withdrawn on 22 August 2017

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

**Enforcement Notice 172534**

- The appeal was received on 4 July 2017

- 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 Mrs Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is:  
Without planning permission unauthorized operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are:  
Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.

**Decision:**

- The appeal was Withdrawn on 22 August 2017

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

## ***APPEAL COSTS***

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