

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNC2007/0368/F**

- The appeal was received on 18th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr & Mrs J Hazel.
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire.
- The development proposed is proposed new garden room.
- The appeal is to be heard by Written Representations.

**Case Officer: Julia Shields on 01432 261560**

**Application No. DCNC2007/2422/F**

- The appeal was received on 18th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr & Mrs J Hazel.
- The site is located at Yew Tree Cottage, Brierley, Leominster, Herefordshire.
- The development proposed is proposed garden room to rear of garage.
- The appeal is to be heard by Written Representations.

**Case Officer: Julia Shields on 01432 261560**

**Application No. DCNC2007/2442/A**

- The appeal was received on 31st October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mrs Patel.
- The site is located at 12 - 24 Bengry Motors Ltd, The Bargates, Leominster, Herefordshire.
- The development proposed is 1 x Single sided free standing display units.
- The appeal is to be heard by Written Representations.

**Case Officer: Julia Shields on 01432 261560**

**APPEALS DETERMINED****Application No. DCNC2006/3983/F**

- The appeal was received on 28th March, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Preservation.
- The site is located at Forbury Chase, Sherford Street, Bromyard, Herefordshire.
- The application, dated 15th December, 2006, was refused on 30th January, 2007.
- The development proposed was Proposed retention and conversion of existing school house to residential.

- The main issues are:
  - (i) *The effect of the appeal scheme on the former Congressional Church, a listed building, the setting of the adjacent Old Police Station and manse and on the character and appearance of the locality and Bromyard Conservation Area within which the site is located.*
  - (ii) *The effect of on the living conditions of future occupants of the manse and proposed dwellings adjacent to the manse through potential overlooking.*

**Decision:** The appeal was UPHeld on 9th October, 2007.

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2007/0737/L**

- The appeal was received on 30th April, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Preservation.
- The site is located at Forbury Chase, Sherford Street, Bromyard, Herefordshire.
- The application, dated 15th December, 2006, was refused on 17th April, 2007.
- The development proposed was proposed retention and conversion of the existing schoolhouse.
- The main issues are:
  - (iii) *The effect of the appeal scheme on the former Congressional Church, a listed building, the setting of the adjacent Old Police Station and manse and on the character and appearance of the locality and Bromyard Conservation Area within which the site is located.*
  - (iv) *The effect of on the living conditions of future occupants of the manse and proposed dwellings adjacent to the manse through potential overlooking.*

**Decision:** The appeal was UPHeld on 9th October, 2007.

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2006/1215/F**

- The appeal was received on 20th June, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Miss K Rogers.
- The site is located at Highwell House, Highwell Lane, Bromyard, Herefordshire.
- The application, dated 5th April, 2006, was refused on 3rd January, 2007.
- The development proposed was Replacement of south wing and dayroom link.
- The main issue is the effect of the scheme on highway safety and the free flow of traffic on Highwell Lane.

**Decision:** The appeal was UPHeld on 29th October, 2007.

**Case Officer: Julia Shields on 01432 261560**

**Enforcement Notice: EN2006/0161/ZZ**

- The appeal was received on 16th February, 2007.
- 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 S Willmetts.
- The site is located at Land at Bacon Lane, Aymestry.
- The breach of planning control alleged in this notice is:

*Without planning permission, the material change of use of an agricultural building to a mixed use for agricultural storage and residential purposes and the material change of use of agricultural land to garden land.*

- The requirements of the notice are:
  - i) Permanently cease the residential use of the agricultural building;*
  - ii) Remove all domestic fixtures and fittings from the said building;*
  - iii) Remove the central heating system and all associated fixtures and fittings from the said building;*
  - iv) Remove all materials resulting from the cessation of the residential use of the agricultural building from the land subject of this Notice;*
  - v) Permanently cease use of the agricultural land as garden land;*
  - vi) Remove all garden furniture and play equipment from the said land;*
  - vii) Infill the pond with inert uncontaminated material from a licensed reputable source;*
  - viii) Remove all items resulting from the cessation of the unauthorized use of the agricultural land from the land subject of this Notice.*
- The main issue is whether the development is essential to the agricultural activities on the holding, bearing in mind the development plan and national planning policies concerning the provision of dwellings in the countryside. There is also a further main issue, which is the effect of the development on the character and appearance of the rural landscape.

**Decision:** The appeal was DISMISSED on 30th October, 2007.  
Enforcement notice was UPHELD with a variation.

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNW2006/2915/F**

- The appeal was received on 9th January, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by W & E Willmetts.
- The site is located at P.P. 890 Bacon Lane, Aymestry, Leominster, Herefordshire, HR6 9ST.
- The application, dated 5th September, 2006, was refused on 19th October, 2006.
- The development proposed was Agricultural workers dwelling.
- The main issue is whether the development is essential to the agricultural activities on the holding, bearing in mind the development plan and national planning policies concerning the provision of dwellings in the countryside.

**Decision:** The appeal was DISMISSED on 30th October, 2007  
*An application for the award of costs by the appellant against the Council was DISMISSED*

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNW2006/3143/F**

- The appeal was received on 28th November, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Downton Estate Ltd.
- The site is located at Old Downton Buildings, Downton-on-the-Rock, Nr Ludlow, Herefordshire, SY8 2HU.
- The application, dated 28th September, 2006, was refused on 7th November, 2006.
- The development proposed was Change of Use to restaurant.
- The main issues are whether the site is a sustainable location for the development proposed, having regard to relevant planning policies and the effect of the proposal on the local highway network.

**Decision:** The appeal was DISMISSED on 1st November, 2007.

**Case Officer: Philip Mullineux on 01432 261808**

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