

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNC2007/1572/F**

- The appeal was received on 8th November 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 Noah's Ark Day Nursery Ltd
- The site is located at 22 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The development proposed is Demolition of existing industrial building and redevelopment of site with 2 semi-detached houses, 10no. flats, car garages and parking area.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2007/1188/O

- The appeal was received on 22nd November 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 M.K. Jackson
- The site is located at Site adjacent Appledore Wood Lane Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The development proposed is Site for the erection of 2 No. affordable houses.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2007/0966/F

- The appeal was received on 28th November 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 Refined Petroleum Ltd
- The site is located at Land rear of Homend Service Station, The Homend, Ledbury, Herefordshire HR8 1DS
- The development proposed is Proposed three storey building to provide 13 apartments, with 18 parking spaces and associated cycle parking
- The appeal is to be heard by Hearing

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED**Application No. DCNE2006/3761/F**

- The appeal was received on 29th 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 Mrs Fitzgerald
- The site is located at Land adjoining 24 Homend Crescent, Ledbury, Herefordshire, HR8 1AL
- The application, dated 9th November 2006, was refused on 3rd January 2007
- The development proposed was Removal of Condition 10, on approval DCNE2005/1431/O, regarding the car parking area.
- The main issue is whether the condition in dispute is reasonable and necessary in the interests of highway safety and the free flow of traffic on Homend Crescent.

Decision: The appeal was UPHELD on 19th October 2007

Appeal is upheld and planning permission granted for the erection of a detached dwelling on land adjoining 24 Homend Crescent, Ledbury, in accordance with application DCNE2006/3761/F, made on 9th November 2006 without compliance with condition number 10 previously imposed on planning permission Ref DCNE2005/1431/O, dated 8th June 2005 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Case Officer: Ed Thomas on 01432 261961

Enforcement Notice EN2006/00164/ZZ

- The appeal was received on 18th April 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 D Welson
- The site is located at Newhouse Farm, Hergest, Kington, Herefordshire, HR5 3EW
- The breach of planning control alleged in this notice is
Without planning permission, the material change of use of the land from that of agriculture to the siting of three caravans (one of which is being used for residential purposes) and one portacabin.
- The requirements of the notice are
 - Cease the residential use of the land.*
 - Permanently remove the caravans from the land.*
 - Permanently remove the portacabin from the land.*
 - Remove all materials resulting in the removal of the three caravans and portacabin from the land.*
- The main issues are whether the retention of the unauthorized caravans and portacabin would materially harm the character and appearance of the area and, if so, whether the personal circumstances of the appellant in respect of his need for a residential caravan outweigh any such harm.

Decision: The appeal was DISMISSED on 7th November 2007

Case Officer: Kelly Gibbons on 01432 261781

Enforcement Notice EN2006/0111/ZZ.

- The appeal was received on 8th February 2006
- 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 P Williams
- The site is located on land at Ledwyche Springs, Little Hereford, Bleathwood, Herefordshire
- The breach of planning control alleged in this notice is: Without planning permission, the extension of a building on agricultural land, associated engineering works, creation of an access track and works to alter an existing agricultural access.
- The requirements of the notice are:
 - i) *Remove the lean-to structure and associated building and engineering works and carry out such further works as are necessary to ensure compliance with the plans submitted for the purposes of Prior Approval reference DCNC2005/1683/S decision date 8th June 2005.*
 - ii) *Remove the access track and restore the land to its former agricultural condition and quality, or at least that which it formally had prior to the development taking place.*
 - iii) *Restore the access back to its former condition and dimensions as an agricultural access with a 5 bar gate and permanently remove the area of hardstanding and the fencing that surrounding it.*
- The main issue is the need for the development and its impact on the landscape. This is in two parts, that is the lean to and the access/track

Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is UPHELD on 9th November 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/1623/F

- The appeal was received on 30th July 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 Mr & Mrs R Woods
- The site is located at Land at The Steppes, Luston, Leominster, Herefordshire, HR6 0EA
- The application, dated 2nd May 2007, was refused on 16th July 2007
- The development proposed was Proposed two storey oak framed dwelling and alterations to existing access drive.
- The main issues are whether the proposed development would preserve or enhance the character or appearance of the Luston Conservation Area and the effect it would have on the settings of neighbouring listed buildings and the effect of the scheme on the living conditions of neighbouring occupiers in terms of privacy and noise and disturbance.

Decision: The appeal was DISMISSED on 19th November 2007

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2006/3802/F

- The appeal was received on 31st July 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 Mr J Evans
- The site is located at Site adj. Reafields, Bearswood Common, Cradley, Herefordshire, WR13 5EP
- The application, dated 7th November 2006, was refused on 18th January 2007
- The development proposed was Erection of 2 transportable log lodges for holiday use.
- The main issue is whether the proposed development would conflict with the policies that relate to the control of holiday accommodation development in the countryside taking into account, in particular, its effect on the character and appearance of the countryside and on the Malvern Hills Area of Outstanding Beauty.

Decision: The appeal was DISMISSED on 20th November 2007

Case Officer: Julie Preston on 01432 260536

Application No. DCNW2007/0818/F

- The appeal was received on 1st August 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 Mr T E Hughes
- The site is located at Land adjacent Church Croft, Orleton, Ludlow, Herefordshire, SY8 4HN
- The application, dated 12th March 2007, was refused on 4th May 2007.
- The development proposed was Erection of three houses and garages.
- The main issues are first whether the proposed development would preserve or enhance the character or appearance of the Orleton Conservation Area and its effect on the setting of Church Croft which is a grade II listed building. The second is whether the scheme conflicts with development plan policy relating to the provision of affordable housing. The third is the effect of the scheme on highway safety in the area.

Decision: The appeal was DISMISSED on 20th November 2007

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNE2007/0729/F

- The appeal was received on 14th August 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 Sharba Homes (BF) Limited
- The site is located at Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ
- The application, dated 13th March 2007, was refused on 25th July 2007

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- The development proposed was Erection of 17 residential units with ancillary car parking.
- The main issue is the effect that the level of density of the proposal would have on parking.

Decision: The appeal was WITHDRAWN on 20th November 2007

Planning Permission was granted for an alternative scheme on the same site, Application Number DCNE2007/2910/F, at the Northern Area Planning Sub-Committee on 14th November 2007.

Case Officer: Roland Close on 01432 261803

Application No. DCNC2007/0440/F

- The appeal was received on 11th 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 Mr B P Legge
- The site is located at Ideal Bungalow, Thornbury, Bromyard, Herefordshire, HR7 4NJ
- The application, dated 5th January 2007, was refused on 2nd April 2007
- The development proposed was Conversion of rural building to form holiday bungalow with associated external alterations.
- The main issue is the suitability of the site of the building for the development proposal, having regard to the relevant policies of the Herefordshire Unitary Development Plan (UDP).

Decision: The appeal was DISMISSED on 22nd November 2007

Case Officer: Nigel Banning on 01432 383093

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