

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. NE2003/0664/O**

- The appeal was received on 9th October 2003
- 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 D H Quick
- The site is located at Rosemore, Wellington Heath, Ledbury, Herefordshire, HR8 1NB
- The development proposed is Single dwelling with garage and new access from Ledbury Road
- The appeal is to be heard by Written Representations

**Case Officer: Russell Pryce on 01432-261795**

**Application No. NE2003/0233/F**

- The appeal was received on 9th October 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against planning conditions namely: No. 5 "The residential accommodation within the barn conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church House" and No. 7 "The granny annexe and business uses of the barn hereby permitted shall not be sold or let independently of Church House"
- The appeal is brought by Mr M Davies
- The site is located at Church House, Rectory Lane, Cradley, Malvern, Herefordshire, WR13 5LH
- The development proposed is 1. Change of use & alterations to Cider House to half office, half residential, 2. Retention of double garage, 3. Extension & new roof on pavilion and 4. Extension to house
- The appeal is to be heard by Written Representations

**Case Officer: Russell Pryce on 01432-261795**

**Application No. DCNC2003/2188/F**

- The appeal was received on 23rd October 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non-determination within 8 weeks
- The appeal is brought by Mr G Greene
- The site is located at Stone Barn, Camp Farm, Ivington, Leominster, Herefordshire, HR6 0JY
- The development proposed is Discharge of condition 4 of planning consent reference Number 96/0316/N
- The appeal is to be heard by Written Representations

**Case Officer: Philippa Lowe on 01432-383085**

**Application No. DCNE2003/1505/S**

- The appeal was received on 23rd October 2003
- 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 D T Philips
- The site is located at Baynhams Farm, Hereford Road, Ledbury, Herefordshire, HR8 2PX
- The development proposed is Proposed machine & fodder store
- The appeal is to be heard by Hearing

**Case Officer: Mark Tansley on 01432-261956**

**APPEALS DETERMINED**

**Application No. NE2002/3891/F**

- The appeal was received on 12th March 2003
- 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 Regal Executive Homes
- The site is located at Rose Cottage, -, Tarrington, Hereford, Herefordshire, HR1 4HZ
- The application, dated 23rd December 2002 was refused on 14th February 2003
- The development proposed was Proposed two storey dwelling
- The main issue is the effect of the new dwelling proposed on the setting of the nearby listed buildings.

**Decision:** The appeal was **ALLOWED** on 6<sup>th</sup> October 2003, subject to conditions.

- Time limit condition
- Materials
- Landscaping and Planting
- Windows
- Removal of Permitted Development Rights
- Access

**Case Officer: Russell Pryce on 01432-261795**

**Application No. NC2003/0308/F**

- The appeal was received on 19th May 2003
- 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 C Hopkinson
- The site is located at Rainbow Cottage, Newton, Leominster, Herefordshire, HR6 0PF
- The application, dated 4th February 2003, was refused on 18th March 2003
- The development proposed was Two storey extension to the rear of the property
- The main issue is the effect of the proposed extension on the character and appearance of the area.

**Decision:** The appeal was **DISMISSED** on 10<sup>th</sup> October 2003

**Case Officer: Philippa Lowe on 01432-383085**

**Application No. NC2002/3357/F**

- The appeal was received on 12th June 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
- The appeal was brought by Mr & Mrs G.W Tunna
- The site is located at River View, Bodenham, Hereford. HR1 3JY
- The application, dated 14th November 2002, was refused on 13th December 2002
- The application sought the variation of a condition attached to planning permission (ref NC2001/0366/F), dated 2 May 2001, for a two-storey extension.
- The condition in dispute is No3 which states that: Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.
- The reason given for the condition was: In order to protect the residential amenity of adjacent properties.
- The main issue is the effect of varying condition 3 on the privacy of neighbouring residents.

**Decision:** The appeal was **ALLOWED** on 10<sup>th</sup> October 2003 subject to a substitution of condition 3 :- The windows marked "X" on the approved plans shall at all times be glazed with obscure glass only and, with the exception of the top-opening fanlights, shall be non-opening.

**Case Officer: Duncan Thomas on 01432-261790**

**Enforcement Reference No. EN2003/0026/ZZ**

- The appeal was received on 21st August 2003
- 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 I.D. Johnson
- The site is located at Woodend Farm, Cradley, Malvern, WR13 5JW
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for agriculture to a mixed use for agriculture, a mountain boarding track and an off-road dirt buggy track together with the siting of a portacabin and toilet block"
- The requirements of the notice are: "Stop using the land or any part of it as a mountain boarding track and off-road dirt buggy track and also remove a portacabin currently used as a reception area and shop together with a toilet block"

**Decision:** The appeal was **WITHDRAWN** on 14th October 2003

**Case Officer: Kevin Bishop on 01432-261803**

**Application No. NE2002/3522/F**

- The appeal was received on 12th June 2003
- 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 K Barham
- The site is located at Builders yard adjacent to Rose Bank, West Malvern Road, Upper Colwall Malvern Herefordshire, WR14 4EW
- The application, dated 18th November 2002, was refused on 13th January 2003
- The development proposed was Redevelopment of builders yard - erection of dwelling
- The main issue is the effect of the development on the character and appearance of the locality

**Decision:** The appeal was **DISMISSED** on 20th October 2003

**Case Officer: Russell Pryce on 01432-261795**

**Application No. NE2002/2985/F**

- The appeal was received on 3rd April 2003
- 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 Llewellyn
- The site is located at Cosy Cottage, Baddymarsh Farm Lane, Lower Eggleton, Ledbury, Herefordshire, HR8 2UH
- The application, dated 11th October 2002, was refused on 26th November 2002
- The development proposed is Siting of residential mobile home for a period of 3 years in connection with the agricultural use of adjoining land, including ancillary development comprising laying of hardstanding to form parking and turning area, erection of shed, greenhouse, electricity housing and floodlight and installation of biodisc unit.
- The main issues are (1) whether the agricultural need justifies the erection of the proposed dwelling in the light of prevailing planning policies for the protection of the countryside; and (2) the effect of the proposed development upon the character and appearance of the landscape.

**Decision:** The appeal was **ALLOWED** on 21 October 2003 and planning permission granted subject to conditions relating to agricultural occupancy, 3 year temporary permission, landscaping, colour of mobile home and elevational details of buildings/other structures to be approved.

**Award of Cost:** Both the Council and the appellants submitted a claim for costs. The Inspector ruled that the appellants had acted unreasonably and awarded partial costs in favour of the Council.

**Case Officer: Russell Pryce on 01432-261795**

**Enforcement Notice Reference No. EN2002/049/ZZ**

- The appeal was received on 19th March 2003
- The appeal was made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice on 15th January 2003
- The appeal is brought by Ms. V. Henham-Gross
- The site is located at Cottage west of Hill Farm, Tarrington, Herefordshire
- The breach of planning control alleged in this notice is "without planning permission the partial construction of a roof upon a derelict cottage including the provision of roof timbers, roofing felt, batons and tiles".
- The requirements of the notice are to (1) remove the roof and roof trusses and (2) remove from the land all building materials and debris resulting in complying with (1) as above
- The period for compliance with the requirements is 90 days

**Decision:** The appeal was **DISMISSED and the Enforcement Notice Upheld** on 22nd October 2003 subject to the Notice being corrected which related to the colouring of the site plan attached to the Notice

**Case Officer: Russell Pryce on 01432-261795**

**Application No. NC2003/1089/F**

- The appeal was received on 23rd June 2003
- 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 Perfection Homes
- The site is located at Land between Beltaine & Avenue Villa, -, Bodenham, Hereford, Herefordshire, HR1 3HT
- The application, dated 8th April 2003, was refused on 2nd June 2003
- The development proposed was Construction of one dwelling plus garage and formation of layby access
- The main issue is the effect of the proposed development on highway safety and the free flow of traffic.

**Decision:** The appeal was **ALLOWED** and Planning Permission granted on 22nd October 2003 subject to conditions relating to standard time commencement, samples of external materials and access details.

**Case Officer: Duncan Thomas on 01432-261790**

**Enforcement Reference No. EN2003/0015/ZZ**

- The appeal was received on 6th August 2003
- 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 R.J. & R.J. Clay & Co.
- The site is located at OS 4494, Site of former Rose Cottage, Monkhide
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as agricultural land to that of siting a mobile home, lorry container and septic tank together with the creation of a hardstanding"
- The requirements of the notice are: Remove the mobile home, lorry container, septic tank and hardstanding from the land. Reinstate the land by regrading and sowing of grass seed to its condition before the unauthorised change of use took place.
- The period for compliance with the requirements is 18 weeks

**Decision:** The appeal was **DISMISSED** on 31st October 2003

**Case Officer: Russell Pryce on 01432-261795**

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