

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. EN2008/0100/ZZ**

- The appeal was received on 19th February 2009
- 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 Ms Hansen
- The site is located at 5 Church Street, Ledbury, HR8 1DH

The breach of planning control alleged in this notice is " The alteration of the building without listed building consent by the removal of second floor left and right windows, second floor landing rear, first floor landing rear, ground floor rear utility room and ground floor door and surround and their replacement with the installation of UPVC (unplasticised poly vinyl chloride) double glazed windows to the front and rear elevation of the building and door to the rear of the building".

The requirements of the notice are: The existing UPVC windows and surround should be removed. The rear door should be replaced in timber casement window

- The appeal is to be heard by Written Representations

**Case Officer: Carl Brace on 01432 261795**

**Application No. DCNW2008/2597/F**

- The appeal was received on 4th February 2009
- 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 S. Flook
- The site is located at Granary Stables, DOWNWOOD FARM, -, Shobdon, Leominster, Herefordshire, HR6 9NH
- The development proposed is Proposed owners/managers dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux 01432 261808**

**Application No. DCNE2008/1465/F**

- The appeal was received on 20th January 2009
- 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 R. Jones
- The site is located at Fox Lane, Ledbury, Herefordshire.
- The development proposed is Proposed removal of garages and replace with five town houses.
- The appeal is to be heard by Hearing

**Case Officer: Roland Close on 01432 261803**

**Application No. EN2008/0105/ZZ**

- The appeal was received on 16th January 2009
- 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 C J Chadney
- The site is located at land R/o 4 Rundlemead, The Stables, Mathon, Malvern, WR13 5PW  
The breach of planning control alleged in this notice is ""Without planning permission, the material change of use of land for the keeping and exercising of horses to a mixed use for the keeping and exercising of horses and the storage of a mobile home."
- The requirements of the notice are: Permanently remove the mobile home
- Permanently remove any materials/service connections resulting from the removal of the mobile home from the land
- Following the removal of the mobile home restore the land to its former condition by re-seeding it with grass
- The appeal is to be heard by Hearing

**Case Officer: Roland Close on 01432 261803**

**APPEALS DETERMINED****Application No. DCNW2008/1868/A**

- The appeal was received on 5 November 2008
- 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 D. Wright
- The site is located at Verge on A4113 Knighton to Ludlow Road, OS Grid Ref: 3358/2728, Bucknell, Herefordshire
- The application, dated 29 June 2008 , was refused on 9 September 2008
- The development proposed was 2 directional signs (1.2m x 0.6m).
- The main issue is the effect of the signs on public safety and visual amenity

**Decision:** This application was refused under Delegated Powers on 9 September 2008.  
The appeal was **DISMISSED** on 20 February 2009

**Case Officer: Jeanette Wood on 01432 383090**

**Application No. DCNC2007/2682/O**

- The appeal was received on 5 June 2008
- 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 V Pawsey
- The site is located at Archer House, Ryelands Road, Leominster, Herefordshire, HR6 8PN
- The application, dated 8 August 2007, was refused on 11 October 2007
- The development proposed was Site for one dwelling with garage
- The main issue is the value to be placed on individual trees on and adjacent to the application site, and the relationship of these to proposed buildings.

**Decision:** The application was refused under Delegated Powers on 11 October 2007.  
The appeal was **ALLOWED** on 20 January 2009

**Case Officer: Julia Shields on 01432 383088**

**Application No. DCNW2007/3059/U**

- The appeal was received on 29 February 2008
- 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 P Williams
- The site is located at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Nr. Leominster, Herefordshire, HR6 9PD
- The application, dated 19 September 2007 was refused on 8 November 2007
- The development proposed was Certificate of lawfulness for existing use of mobile home as residential dwelling
- The main issue is whether the land has been used continuously for a period in excess of 10 years for the siting and residential occupation of a mobile home

**Decision:** This application was refused under Delegated Powers of 8 November 2007.  
The appeal was **DISMISSED** on 7 January 2009.  
Costs have been awarded to the Council.

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. EN2008/0043/ZZ**

- The appeal was received on 20th August 2008
- 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 at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Nr. Leominster, Herefordshire, HR6 9PD
- The breach of planning control alleged in this notice is " Without planning permission material change of use of land (formerly used as a touring caravan site for a maximum of three caravans at any one time) to a use of the land for the permanent siting of a static caravan together with associated operational development in the form of the construction of a concrete hardstanding and the laying of gravel"
- The requirements of the notice are: (1) making a material change of use of the land to use for stationing a caravan for use for residential purposes; (2) operational development consisting of the construction of a concrete hardstanding and laying gravel.

**Decision:** The Enforcement notice is corrected.  
The appeal is dismissed and the notice as corrected is upheld. 7 January 2009

**Case Officer: Jeanette Wood on 01432 383090**

**Application No. DCNW2007/2803/F**

- The appeal was received on 29 April 2008
- 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 M Mansfield
- The site is located at Wardens Cottage, The Wharf Industrial Estate, Eardisley, Hereford. HR3 6NS
- The application, dated 22 August 2007 was refused on 16 October 2007
- The development proposed was Single storey extension and removal of personal occupancy condition pp 86/509
- The main issues are:- (a) whether the business arguments in this case are sufficient to justify the removal of the personal occupancy condition having regard to policies aimed at restricting residential development in the countryside; (b) the effect of removing the occupancy condition on the living conditions of occupiers of the appeal building.

**Decision:** The application was refused under Delegated Powers on 16 October 2007.  
The appeal was **DISMISSED** on 9 January 2009

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

**Application No. DCNE2008/0644/F**

- The appeal was received on 13 June 2008
- 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. Anderson
- The site is located at The Bee House and The Hive, Nashend House, Bosbury, Ledbury, Herefordshire, HR8 1JU
- The application, dated 3 March 2008, was refused on 28 April 2008.
- The development proposed was Application under S.73 to rescind holiday occupation conditions (4 & 5) and restrictive conditions (3 & 6) from Planning Permission DCNE2003/2257/F.
- The main issues are:
  1. Whether the removal of the holiday occupation restrictions would conflict with national and local planning policies that seek to protect the countryside and to promote sustainable forms of development.
  2. The impact of the appeal site being in separate ownership to Nashend House upon the occupiers of the house.

**Decision:** This application was refused under Delegated Powers on 28 April 2008  
The appeal was **ALLOWED** subject to conditions on 6 January 2009.

**Case Officer: Roland Close on 01432 261803**

**Application No. DCNW2007/3715/G**

- The appeal was received on 26 March 2008
- 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 N. McNair & Mr J.P. Newby-Vincent

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Further information on the subject of this report is available from the relevant Case Officer

- The site is located at CALVER HILL FARM, -, Norton Canon, Hereford, Herefordshire, HR4 7BW
- The application, dated 7 November 2007, was refused on 15 January 2008.
- The development proposed was Removal of section 106 agreement, preventing the separate sale of Havercroft & Calver Hill Farmhouse.
- The main issue is whether the planning obligation serves a useful purpose in land-use planning terms.

**Decision:** This application was refused under Delegated Powers on 15 January 2008.  
The appeal was **DISMISSED** on 6 January 2009.

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

**Application No. DCNW2008/0105/F APPEAL C**

- The appeal was received on 1 May 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 21 December 2007
- The development proposed was proposed garages, estate offices, stores and visitor lodge. Greenhouse and spa building.
- The main issues are the effects of the proposals on
- The character and appearance of the Orleton Conservation Area, including any effect on the setting of the listed building; protected species; highway safety and trees

**Decision:** The appeal was **DISMISSED** on 10 December 2008

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNW2007/3948/F APPEAL B**

- The appeal was received on 1 May 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 21 December 2007
- The development proposed was Proposed alterations, repairs and extension to existing Manor House.
- The main issues are the special historic and architectural interest of the building and its setting within the Orleton Conservation Area, and protected species

**Decision:** The appeal was **PART DISMISSED AND PART ALLOWED** on 10 December 2008

**Decision – Appeal B**

4. I dismiss the appeal insofar as it relates to alterations to the ground floor rooms shown on drawing 840/01/100 as living room, hall and stairway to first floor (adjacent to living room), boiler room, stairway to cellar and study, to the oak settle alcove in front room 1 and also to first floor rooms shown on drawing 840/01/101 as bedroom 1 and the stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and any alterations to external paving.
5. I allow the appeal insofar as it relates to demolition of lean-to extensions and construction of new extension and alterations to ground floor rooms shown on drawing 840/01/100 as kitchen, utility room, stairway to first floor (adjacent to front room 2), front room 2, hall leading from front porch and front room 1 (other than the oak settle alcove) and to all first floor rooms shown on drawing 840/01/101 other than bedroom 1 and stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and I grant planning permission for alteration, repairs and extension to existing manor house at Orleton Manor, Orleton, Ludlow SY8 4HR in accordance with the terms of the application Ref DCNW2007/3948/F, dated 21 December 2007, and the plans submitted with it insofar as relevant to that part of the development hereby permitted and subject to the conditions attached at Schedule 2.

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNW2007/3949/L APPEAL A**

- The appeal was received on 1 May 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Euston Park Developments Limited
- The site is located at Orleton Manor, -, Orleton, Ludlow, Herefordshire, SY8 4HR
- The application, dated 27 December 2007
- The development proposed was proposed alterations, repairs and extension to existing Manor House.
- The main issue is the effect of the proposed works on the special historic and architectural interest of the building and its setting

**Decision:** The appeal was **PART DISMISSED AND PART ALLOWED** on 10 December 2008

**Decision – Appeal A**

2. I dismiss the appeal insofar as it relates to works to the ground floor rooms shown on drawing 840/01/100 as living room, hall and stairway to first floor

(adjacent to living room), boiler room, stairway to cellar and study, to the oak settle alcove in front room 1 and also to first floor rooms shown on drawing 840/01/101 as bedroom 1 and the stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and any alterations to external paving.

3. I allow the appeal insofar as it relates to demolition of lean-to extensions and construction of new extension and works to ground floor rooms shown on drawing 840/01/100 as kitchen, utility room, stairway to first floor (adjacent to front room 2), front room 2, hall leading from front porch and front room 1 (other than the oak settle alcove) and to all first floor rooms shown on drawing 840/01/101 other than bedroom 1 and stairway to ground floor (adjacent to bedroom 1), together with any external alterations associated with the said rooms and I grant listed building consent for alteration, repairs and extension to existing manor house at Orleton Manor, Orleton, Ludlow SY8 4HR in accordance with the terms of the application Ref DCNW2007/3949/L, dated 21 December 2007, and the plans submitted with it insofar as relevant to those elements of the works hereby permitted and subject to the conditions attached at Schedule 1.

**Case Officer: Kelly Gibbons on 01432 261781**

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