

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNC2008/2085/F**

- The appeal was received on 26th March 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 Abbey Funeral Services
- The site is located at 2-4 New Street, Leominster, Herefordshire, HR6 8DP
- The development proposed is residential development of 8 dwellings.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks 01432 383085**

**Application No. DCNW2008/1939/F**

- The appeal was received on 25th 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 M Davis
- The site is located at Yatton Hill Cottage, Aymestrey, Leominster, Herefordshire, HR6 9TP
- The development proposed is Extension to existing dwelling.
- The appeal is to be heard by Written Representations

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

**APPEALS DETERMINED****Enforcement Notice EN2008/0019/ZZ**

- The appeal was received on 18 June 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 SJ Layton
- The site is located at Yew Tree Cottage, Monnington-on-Wye, Herefordshire, HR4 7NL
- The breach of planning control alleged in this notice is:  
*Without planning permission the material change of use of agricultural land to a mixed storage use, including the siting of two caravans for storage purposes together with associated operation development in the form of two storage buildings*
- The requirements of the notice are:
  - Permanently cease using the land for mixed storage*
  - Permanently cease using the brick building for the storage of building equipment, building materials, domestic items and non-agricultural items*
  - Permanently remove the two caravans from the land*
  - Remove all building materials and equipment, including bricks, roofing sheets, roofing tiles, concrete slabs, steels, corrugated metal sheets, concrete pipes, guttering and ladders*

- v) *Remove all wooden items, including all pallets, timbers, sectional building panels, fencing posts, fencing panels, doors, as well as all logs and branches*
  - vi) *Remove all wire netting, wire, metal and plastic barrels, tanks and cylinders*
  - vii) *Remove all motor vehicles, including the JCB*
  - viii) *Demolish the associated operation development*
  - ix) *Remove all materials resulting from the demolition of buildings from the land*
- The main issues are: in an appeal on ground (d) is whether, at the time that the notice was issued, it was too late to take enforcement action;
  - **The Inspectors conclusion on the deemed application:** The appeal development is unacceptable and that the strong planning objections to it would not be overcome by any of the conditions suggested by the parties. Accordingly permission is refused.
  - **The Inspectors overall conclusions:** I have taken account of all the matters raised at the Inquiry and in the written representations but for reasons given, I have decided that the appeal should not succeed. I shall **UPHOLD** the enforcement notice, as corrected and varied, and **Refuse** to grant planning permission on the deemed application.

**Decision:** The appeal was **DISMISSED** on 4 March 2009 with correction made to the Enforcement Notice. Please refer to the decision notice for full corrections.

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

**Application No. DCNW2008/0515/F**

- The appeal was received on 25 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 Mr PS Williams
- The site is located at Land to the rear of Mortimers Cross Inn, -, Mortimers Cross, Leominster, Herefordshire, HR6 9PD
- The application, dated 19 September 2007, was refused on 7 May 2008
- The development proposed was Change of use of land for erection of five holiday chalets in landscaped gardens.
- The main issues are the effect of the proposed development on the character and appearance of the locality and its effect on highway safety

**Decision:** The application was refused by Committee on the 7 May 2008.  
The appeal was **DISMISSED** on 5 March 2009

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

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