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| MEETING: | PLANNING COMMITTEE |
| DATE: | 30 JUNE 2010 |
| TITLE OF REPORT: | APPEALS |

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMNW /092730/F

- The appeal was received on 3 June 2010
- 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 Bryan & Myra & Stephen Chilman
- The site is located at New House Farm, Kinsham, Presteigne, Herefordshire, LD8 2HN
- The development proposed is Siting of mobile home for use as a temporary agricultural dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr P Mullineux 01432 261808

Application No. DMSW /100190/F

- The appeal was received on 1 June 2010
- 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 Chandler
- The site is located at The Granary, Minster Farm, Much Birch, Herefordshire, HR2 8HS
- Revision of application no. DCSW2005/3085/F - to incorporate existing
- lean-to for additional living space.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMNC /092259/FH

- The appeal was received on 20 May 2010
- 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 Hinton
- The site is located at Orchard Cottage, Stoke Prior, Leominster, Herefordshire, HR6 0LH
- The development proposed is Proposed two storey extension and alterations to an existing dwelling.
- The appeal is to be heard by Householder

Case Officer: Mr A Banks 01432 26383085

Application No. DMNW /092821/F

- The appeal was received on 17 May 2010
- 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 Peter Evans
- The site is located at Kingsland Baptist Chapel, Shirleath, Kingsland, Herefordshire, HR6 9RJ
- The development proposed is Change of use of chapel to workshop with office/admin area above, installation of velux roof lights, raise entrance to drive level.
- The appeal is to be heard by Written Representations

Case Officer: Mr P Mullineux 01432 261808

Application No. EN2010/001118/ZZ

- The appeal was received on 6 May 2010
- 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 NJ & IE Cockburn
- The site is located at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX
- The breach of planning control alleged in this notice is Without planning permission, the erection of polytunnels and tunnel frames covered with bird netting.
- The requirements of the notice are
 - a) Demolish the three netted tunnels
 - b) Demolish the polytunnels
 - c) Demolish the 'French' polytunnel
 - d) Remove any materials that arise from the demolition of the tunnels and polytunnels from the land
- The appeal is to be heard by Hearing

Case Officer: Ed Thomas 01432 260479

Application No. DMNC/091915/F

- The appeal was received on 30 April 2010
- 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 Ian Croll
- The site is located at Hagley House, Upper Ivington, Leominster, Herefordshire, HR6 0JN
- The development proposed is Proposed 2 two storey extension to replace existing.

- The appeal is to be heard by Householder

Case Officer: Mr A Banks on 01432 383085

Application No. DMNC /100096/F

- The appeal was received on 29 March 2010
- 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 L.A.R.C.
- The site is located at Opposite Barclays Bank, Broad Street, Leominster, Herefordshire, HR6 8
- The development proposed is Freestanding bronze tactile model of Leominster's Market House.
- The appeal is to be heard by Written Representations

Case Officer: Mr N Banning 01432 383093

Application No. DMNE /091361/F DCNE0009/1639/F

- The appeal was received on 25 March 2010
- 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 Pedro
- The site is located at Tack Farm Equestrian Centre, Ullingswick, Hereford, Herefordshire, HR1
- The development proposed is Proposed warm up menage, extend existing menage and new site
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley 01432 261956

Application No. EN2009/000926/ZZ

- The appeal was received on 26 February 2010
- 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 B & M Retail Ltd
- The site is located at Unit 1 Salmon Retail Park, Holmer Park, Holmer Road, Hereford, HR4 9SA

The breach of planning control alleged in this notice is:

On the 1st day off December 1993 a planning permission (HC/930262/PF/E) in respect of the land was granted for the erection of 3 retail stores and associated parking. Condition 5 of said permission is being breached as the land and building thereon is being continuously used for the sale of the following categories of goods:

- a) Food and drink to be consumed off the premises*
- b) Clothing and footwear*
- c) Crockery and glassware*
- d) Watches*
- e) Toys*
- f) Medical goods, cosmetics and toiletries*

The requirements of the notice are:

Permanently remove from display and cease the sale and storage on the land of the following categories of goods:

- a) The sale of food and drink to be consumed off the premises*
- b) The Clothing and footwear*
- c) The sale of crockery and glassware*
- d) The sale of watches*
- e) The sale of toys*
- f) The sale of medical goods, cosmetics and toiletries*

The appeal is to be heard by Written Representations

Case Officer: Mr R Pryce on 01432 261957

Application No. EN2010/001074/ZZ

- The appeal was received on 4 March 2010
- 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 Kathryn Mackintosh
- The site is located at The Ancient Camp Inn, Eaton Bishop, Hereford, HR2 9QX
- **The breach of planning control alleged in this notice is:**
Without planning permission, the change of use of a C1 guest house (retaining public bar) to a dwelling house.
- **The requirements of the notice are:**
With the exception of use for access to the kitchen and store, permanently cease residential use of the bar and dining room.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMSE /093001/FH

- The appeal was received on 9 March 2010
- 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 Brandram-Jones
- The site is located at Poulstone Farm, Kings Caple, Herefordshire, HR1 4TZ
- The development proposed is Conversion of existing Victorian wash house to create additional self
- The appeal is to be dealt by Householder procedure

Case Officer: Mr D Thomas on 01432 261974

Application No. DMNE/092242/A

- The appeal was received on 12 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against refusal of Advertisement Consent
- The appeal is brought by Primesight Ltd
- The site is located at Newtown Cross Garage, Lower Eggleton, Ledbury, Herefordshire, HR8 2TZ
- The development proposed is Erection of one internally illuminated free standing double sided
- The appeal is to be heard by Written Representations

Case Officer: Mr R Close on 01432 261803

Application No. DMSE/093173/F

- The appeal was received on 15 March 2010
- 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 Tabernacle
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The development proposed is Erection of detached bungalow, alterations to vehicular access and associated works
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application No. DMCW/092179/F

- The appeal was received on 22 March 2010
- 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 S Smith
- The site is located at Levante, Belle Bank Avenue, Holmer, Herefordshire, HR4 9RL
- The development proposed is Construction of new detached two storey house with additional single
- The appeal is to be heard by Written Representations

Case Officer: Mr P Clasby on 01432 261947

Application No. DCSE0009/1687/F

- The appeal was received on 24 March 2010
- 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 G Williams and Family
- The site is located at Rock View, Goodrich, Ross-On-Wye, Herefordshire, HR9 6JG
- The development proposed is Proposed new access off B4229, private drive and parking/turning area.
- The appeal is to be heard by Written Representations

Case Officer: Mrs C Atkins on 01432 260536

Application No. DMCE /091219/F DCCE0009/1444/F

- The appeal was received on 25 March 2010
- 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 P E Oseman
- The site is located at Land Off Canal Road, Hereford, Herefordshire, HR1 2EA
- The development proposed is Erection of 17 flats with associated landscaping and parking.
- The appeal is to be heard by Written Representations

Case Officer: Mr R Pryce

APPEALS DETERMINED

Application No. DMNC/092239/F

- The appeal was received on 19 February 2010
- 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 Juro Antiques
- The site is located at Moor Court, Bromyard Road, Whitbourne, Worcestershire, WR6 5SF
- The application dated 17 September 2009 was refused on 26 January 2010
- The development proposed was Change of use from light industrial (B1) unit to live/work units
- The main issue is whether the appeal scheme for live/work units accords with the policies of the development plan and national planning policy and if not whether there are any exceptional circumstances which would outweigh those considerations

Decision: The planning application was refused under Delegated powers on 26 January 2010
The appeal was Dismissed on 28 May 2010

Case Officer: Mr N Banning 01432 383093

Application No. DCNE0009/1078/F Appeal A

- The appeal was received on 22 February 2010
- 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 David Gray
- The site is located at Coachmans Cottage, Jubilee Drive, Upper Colwall, Malvern, Herefo, WR13
- The application dated 20th April 2009, was refused on 12 August 2009
- The development proposed was Extension to provide kitchen on ground floor. Bedroom on first and removal of existing additions
- The main issues are the effects of the proposed development, i) in appeals A & B on the special character of the listed building and the loss of original fabric; and ii) in Appeal A on the character or appearance of the designated Area of Outstanding Natural Beauty

Decision: The application was Refused under Delegated Powers on 12 August 2009
The appeal was Dismissed on 9 June 2010

Case Officer: Mr R Close 01432 261803

Application No. DCNE0009/1079/L Appeal B

- The appeal was received on 22 February 2010
- 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 David Gray
- The site is located at Coachmans Cottage, Jubilee Drive, Upper Colwall, Malvern, Herefo, WR13
- The application dated 20 April 2009 was refused on 12 August 2009
- The development proposed was Extension to provide ground floor kitchen and first floor bedroom and removal of existing additions
- The main issues are the effects of the proposed development, i) in appeals A & B on the special character of the listed building and the loss of original fabric; and ii) in Appeal A on the character or appearance of the designated Area of Outstanding Natural Beauty

Decision: The application was Refused under Delegated Powers on 12 August 2009
The appeal was Dismissed on 9 June 2010

Case Officer: Mr R Close 01432 261803

Application No. DMNC/091915/F

- The appeal was received on 30 April 2010
- 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 Ian Croll
- The site is located at Hagley House, Upper Ivington, Leominster, Herefordshire, HR6 0JN
- The application dated 9 August 2009 was refused on 26 November 2009
- The development proposed was Proposed 2 two storey extension to replace existing.
- The main issue is the effect of the proposed development on the character of the existing dwelling in its surroundings

Decision: The application was Refused under Delegated Powers on 26 November 2009
The appeal was Dismissed on 11 June 2010.

Case Officer: Mr A Banks 01432 383085

Application No. DMNE /091996/FH

- The appeal was received on 7 April 2010
- 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 Paddy Downton
- The site is located at Studio House, The Purlieu, Malvern, Herefordshire, WR14 4DJ
- The application dated 18 August 2009 was refused on 2 March 2010
- The development proposed was Extension to dwelling, construction of swimming pool, carport, Replace existing conservatory with new timber and brick conservatory
- The main issue is the effect of the appeal scheme on the character and appearance of the host dwelling and the locality including the Malvern Hills Area of Outstanding Natural Beauty(AONB) within which the site is located

Decision: The application was Refused under Delegated Powers on 2 March 2010
The appeal was Allowed on 25 May 2010.

Case Officer: Mr R Close 01432 261803

Application No. EN2009/000926/ZZ

- The appeal was received on 26 February 2010
 - 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 B & M Retail Ltd
 - The site is located at Unit 1 Salmon Retail Park, Holmer Park, Holmer Road, Hereford, HR4 9SA
- The breach of planning control alleged in this notice:

On the 1st day of December 1993 a planning permission (HC/930262/PF/E) in respect of the land was granted for the erection of 3 retail stores and associated parking. Condition 5 of said permission is being breached as the land and building thereon is being continuously used for the sale of the following categories of goods:-

- f) Food and drink to be consumed off the premises
- g) Clothing and footwear
- h) Crockery and glassware
- i) Watches
- j) Toys
- f) Medical goods, cosmetics and toiletries

The requirements of the notice are: Permanently remove from display and cease the sale and storage on the land of the following categories of goods

- a) The sale of food and drink to be consumed off the premises
 - b) The Clothing and footwear
 - c) The sale of crockery and glassware
 - d) The sale of watches
 - e) The sale of toys
 - f) The sale of medical goods, cosmetics and toiletries
- The main issues are a) the effect of the proposals on the viability and vitality on Hereford's central shopping area and proposed expansion, and whether a sequentially more preferable site would be available within a reasonable period of time
 - The appeal is allowed and the Enforcement notice quashed on 21 May 2010

Case Officer: Russell Pryce 01432 261957

Application No DCSW2009/0715/F

- The appeal was received on 23 November 2009
- 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 John Kendrick Ltd
- The site is located at High House, St Owens Cross, Herefordshire, HR2 8LG
- The application dated 22 March 2009 was refused on 18 June 2009
- The development proposed was Removal of condition 4 of DCSW2007/0708/F - This permission shall ensure for the benefit of Mr J Kendrick only and not for the benefit of the land or any other persons interested in the land. This is also given the means of access
- The main issues are 1) whether the condition is necessary in the interests of preventing an unsustainable pattern of development; 2) whether the condition is necessary in the interests of the living conditions of neighbouring residents; 3) whether the condition is necessary in the interests of highway safety; and 4) whether the condition is reasonable or necessary taking into account the tests and advice within Circular 11/95 with particular reference to paragraphs 92-95

Decision: The Planning Application was refused under Delegated Powers on 18th June 2009
The appeal was allowed on 17 May 2010.
An application for the award of Costs made by the Appellant against the Council was allowed.

Case Officer: Mr A Prior 01432 261932

Application No. DMSW/092229/O

- The appeal was received on 21 January 2010
- 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 Davies
- The site is located at The Chalice, The Thorn, Kingsthorpe, Hereford, HR2 8AW
- The application dated 17 September 2009 was refused on 12 November 2009
- The development proposed was Site for the erection of a detached dwelling with ancillary works
- The main issues are a) the impact on the character and appearance of the site and the surrounding area; b) the implications for the living conditions of prospective residents at the site and neighbouring residents with particular regard to outlook, privacy, overlooking, overshadowing, noise and disturbance c) the effect on highway safety of the proposed vehicular access arrangements; and d) whether a contribution should be made to the provision of off-site infrastructure.

Decision: The application was refused under Delegated Powers on 12 November 2009
The appeal was Dismissed on 28 April 2010

Case Officer: Mrs A Tyler on 01432 260372

Application No. DMSW/092228/F

- The appeal was received on 15 January 2010
- 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 Greenway
- The site is located at Land at Wernagavenny, Michaelchurch Escley, Hereford, HR2 0PU
- The application dated 17th September 2009, was refused on 12 November 2009
- The development proposed was Erection of holiday chalet (removal of two static mobile homes) with ancillary works for use as rural tourism to support existing farm business

- The main issues are whether the proposal accords with national and local planning policies which govern new tourist development within the open countryside and the effect of the proposed chalet on the character and appearance of the local area.

Decision: The application was refused under Delegated Powers on 12 November 2009
The appeal was Dismissed on 29 April 2010

Case Officer: Mr A Prior on 01432 261932

Application No. DMNW/091071/F

- The appeal was received on 21 December 2009
- 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 Midwood
- The site is located at Brick Barn, Burrington, Ludlow
- The application dated 14 April 2009 was refused on 24 June 2009
- The development proposed was Conversion of redundant agricultural building to from one house.
- The main issue is the effect of the proposal on the character and appearance of the local area and whether it is acceptable in light of national and local planning policies relating to sustainable development.

Decision: The application was refused under Delegated Powers on 24 June 2009
The appeal was Allowed on 29 April 2010

Case Officer: Mr P Mullineux on 01432 261808

Application No. DCNC0009/1759/F

- The appeal was received on 12 January 2010
- 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 Lewis
- The site is located at Box Cottage, Little Cowarne, Bromyard, HR7 4RQ
- The application dated 6 August 2009 was refused on 15 October 2009
- The development proposed was Proposed house extension by replacement of existing hay barn.
- The main issues are:
 - Whether the proposed development would accord in principle with the development plan and national policy.*
 - Its effect on the character and appearance of its surroundings.*
 - Whether there are other material considerations that weigh in favour of the scheme.*

Decision: The application was Refused under Delegated Powers on 15 October 2009.
The appeal was Allowed on 3 March 2010.

Case Officer: Mr A Banks on 01432 383085

Application No. DCSE0009/1208/F

- The appeal was received on 2 December 2009
- 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 E R & R E P Vines
- The site is located at Upper Foxhall, Phocle Green, Ross-On-Wye, Herefordshire, HR9 7TN
- The application dated 28 May 2009 was refused on 15 July 2009
- The development proposed was Conversion of and alterations to redundant period barn to create one residential dwelling

- The main issues are:
 - Whether the proposed development complies with policies regarding the conversion of agricultural buildings to residential use in the open countryside*
 - The effect of the proposal on the character and appearance of the existing building*

Decision: The Planning Application was refused under Delegated Powers on 15 July 2009
The appeal was Dismissed on 10 March 2010

Case Officer: Mrs C Atkins on 01432 260536

Application No. DCNC0009/1058/F

- The appeal was received on 26 November 2009
- 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 Russell Stevens
- The site is located at Brockington Golf Club, Bodenham, Hereford, Herefordshire, HR1 3HX
- The application dated 9 March 2009 was refused on 7 July 2009
- The development proposed was Proposed groundsman's store and living accommodation.
- The main issues are:
 - The effect of the proposal on the character and appearance of the area having regard to local policies and national guidance*
 - Whether there is an over-riding need for the store with independent living accommodation above*

Decision: The planning application was refused under Delegated Powers on 7 July 2009
The appeal was Dismissed on 17 March 2010.

Case Officer: Mr N Banning on 01432 383093

Application No. DCCW0009/1790/F

- The appeal was received on 1 February 2010
- 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 Paul Mammatt
- The site is located at 129 Kings Court, Kings Acre Road, Hereford, Herefordshire, HR4 0SP
- The application dated 4 July 2009 was refused on 9 October 2009
- The development proposed was Construction of balcony with patio doors.
- The main issue is the effect of the proposal on the living conditions of the occupiers of a neighbouring property in terms of overlooking leading to possible loss of privacy, outlook and noise

Decision: The Planning Application was Refused under Delegated Powers on 4 July 2009.
The appeal was Dismissed on 18 March 2010.

Case Officer: Mr P Clasby on 01432 261947

Application No. DMNC/092074/FH

- The appeal was received on 5 February 2010
- 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 Huckerby
- The site is located at Churchlands, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 27 November 2009 was refused on 27 November 2009
- The development proposed was Demolition of pole barn and erection of garage and tractor store.

- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The Application was Refused under Delegated Powers on 27 November 2009
The appeal was Dismissed on 19 March 2010

Case Officer: Mr A Banks on 01432 383085

Application No. EN2009/0072/ZZ

- The appeal was received on 16 October 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 Mr & Mrs Grundy
- The site is located at Little Trewen Farm, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6ER

The breach of planning control alleged in this notice is:

Without planning permission the unauthorised change of use of building from agriculture to a mixed use of agriculture and B8 storage and distribution.

The requirements of the notice are:

- i) *Permanently cease use of the building for secure storage and remove all storage crates from the building*
 - ii) *Permanently cease use of the land around the building for parking of lorries associated with the removal/storage business and remove any containers or crates associated with the business from the land*
- The main issues are the effect of the proposal on the local road network; whether the site is in a sustainable location for the development given local policy and national guidance; and whether such factors are outweighed by the employment prospects associated with the development.

Decision: The appeal is Dismissed and the Enforcement Notice upheld (with a variation on the period for compliance, and refusal to grant planning permission on the deemed application) on 23 March 2010

Case Officer: Mrs Y Coleman on 01432 383083

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