

MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2011
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. EN2010/001263/ZZ

- The appeal was received on 22 February 2011
- 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 Andrew Thomas
- The site is located at Camp Farm, Dinedor, Hereford, Herefordshire, HR2 6PD

- It appears to the Council that the above breach of planning control has occurred within four years. The Local Planning Authority considers that the building, the subject of this notice, has been built as a dwelling house and is being used residentially.
- The development constitutes an unauthorised dwelling house in open countryside and as such the building must be considered as a new dwelling house under policy H7 of the Herefordshire Unitary Development Plan. With regard to H7, which sets the provision for housing in the countryside outside settlement, the development is not considered to be necessary in connection with an agricultural or forestry business. It is also not considered to result from the re-use of a rural building or an extension to an existing dwelling. As such the building is contrary to the criteria set out in policy H7. The building is also contrary to policy S1 of the UDP, with the Council's highway engineer noting that the sustainability of this location would not be acceptable for a new dwelling.
- Therefore enforcement action should be taken to require the cessation of the residential use of the unauthorised building and its demolition. Having consideration for the above reasons and the

guidance set out in Circular 10/97 and Planning Policy Guidance 18: Enforcing Planning Control, the Local Planning Authority considers the taking of enforcement to be expedient in this instance.

- The requirements of the notice are 1) Permanently cease the residential use of the building 2) Demolish the building 3) Remove all resultant materials from the land 4) Restore the land to its former condition
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley 01432 261815

Application No. DMNW /100558/F

- The appeal was received on 11 February 2011
- 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 Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The development proposed is the change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed
- The appeal is to be heard by Hearing

Case officer Mr C Brace 01432 261975

Application No. DMS /102426/A

- The appeal was received on 11 February 2011
- 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 Sports Direct International
- The site is located at 6 Trinity Square, Hereford, Herefordshire, HR1 2DR
- The development proposed is the installation of new aluminium shop front and window to existing shop
- The appeal is to be heard by Written Representations

Case officer Mr E Thomas 01432 260479

Application No. EN/2010/01261/ZZ

- The appeal was received on 9 February 2011
- 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 Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ
- The breach of planning control alleged in this notice is that without planning permission the material change of use of agricultural land to a mixed used for agriculture, the storage of vehicles, the stationing of a vehicle adapted for residential habitation and storage containers, together with associated operational development including the formation of an access, driveway, erection of outbuildings and a wind turbine
- The requirements of the notice are: 1) Permanently cease the residential use of the land 2) Permanently cease using the land for storing vehicles 3) Permanently remove from the land the vehicle adapted for residential habitation, together with all storage containers/units and caravans 4) Permanently remove all vehicles/tractors from land 5) Take down all outbuildings and remove all resultant materials from the land 6) Take up the driveway and pathways and remove all resultant materials from the land 7) Remove the wind turbine from the land 8) Remove all

domestic items from the land 9) Erect a post and wire fence to height no greater than one metre between the existing hedges to seal the access. The fence should be erected along the outside line of the original hedgerow 10) Re-instate the hedge where the site entrance is situated by planting a hedgerow of hawthorn and other native species along the line of the original hedgerow behind the post and wire fence. The hedging plants are required to be 60-80cm high, healthy and vigorous transplants. The plants are required to be in a double staggered row, 45cm apart (7 plants per linear metre). All transplants are required to be protected with a 40cm high plastic spiral rabbit guard supported by a 75cm stake or cane 11) If the land is to be grazed erect stock proof fencing no higher than one metre in height inside the field to protect the newly planted hedgerow plants. Stock proof fencing should be erected to protect hedging from grazing as required.

- The appeal is to be heard by Hearing

Case Officer: Carl Brace 01432 261795

Application No. DMS /101741/O

- The appeal was received on 9 February 2011
- 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 Davis
- The site is located at Moreborough, Ledbury Road, Ross On Wye, Herefordshire, HR9 7BE
- The development proposed is Erection of 2 dwellings, construction of new vehicular access and
- The appeal is to be heard by Written Representations

Case Officer Mr S Withers 01432 260612

Application No. DMS /101378/F

- The appeal was received on 7 February 2011
- 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 Ms Affleck
- The site is located at Chase View House, Merrivale Road, Ross On Wye, Herefordshire, HR9 5JX
- The development proposed is Demolition of garage, erection of two storey side and single
- The appeal is to be heard by Written Representations

Case officer Mr S Withers 01432 260612

Application No. DMS /090246/O

- The appeal was received on 4 February 2011
- 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 Griffiths
- The site is located at Green Orchard, Sutton Road, Cross Keys, Hereford, Hereford, HR1 3NL
- The development proposed is Proposed demolition of existing redundant industrial building and replacement thereof with a dwelling to sustain an existing rural enterprise (single storey) and associated and ancillary car parking (outline only)
- The appeal is to be heard by Hearing

Case officer K Gibbons 01432 261781

APPEALS DETERMINED

Application No. DMN/101375/L

- The appeal was received on 16 November 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 Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under Delegated Powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/101374/FH

- The appeal was received on 16 November 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 Mrs Leslie Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 1 June 2010 was refused on 19 August 2010
- The development proposed was a single storey rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building

Decision: The application was refused under delegated powers on 19 August 2010.
The appeal was **Dismissed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102571/L

- The appeal was received on 30 November 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 Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Delamere Road, Tedstone Delamere, Herefordshire, HR7
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under delegated powers on 12 November 2010.
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMN/102570/FH

- The appeal was received on 30 November 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 Mrs Lindsey Wake
- The site is located at Hill Cross Barn, Tedstone Delamere, Bromyard, Herefordshire, HR7 4PR
- The application dated 14 September 2010 was refused on 12 November 2010
- The development proposed was a proposed rear extension to existing house.
- The main issue is whether the proposed works would preserve the special architectural and historic interest and the setting of the Grade II listed building

Decision: The application was refused under Delegated powers on the 14 September 2010
The appeal was **Allowed** on 11 February 2011.

Case Officer: Mr C Brace 01432 261795

Application No. DMS/101756/F 00592

- The appeal was received on 26 November 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 Jack Denny
- The site is located at Denibois, 86 Eign Road, Hereford, Herefordshire, HR1 2RX
- The application dated 13 July 2010 was refused on 22 September 2010
- The development proposed was the demolition of existing rear garage and building of one bed bungalow
- The main issue is the effect of the proposal on the character and appearance of the area, and the effect of the proposal on highway safety.

Decision: The planning application was refused under delegated powers on 22 September 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: CL Atkins (Mrs) 01432 260536

Application No. DMCE/093310/F

- The appeal was received on 13 September 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 Roger Loyd
- The site is located at Priors Court Barns, Upper Dormington, Herefordshire, HR1 4EG
- The application dated 30 December 2009 was refused on 9 March 2010
- The development proposed was a rural workshop
- The main issues are whether the proposed development would (a) conform to national planning guidance and adopted policies that seek to protect the countryside and, (b) preserve the setting of the adjacent Grade II listed Priors Court Barn.

Decision: The planning application was refused under delegated powers on 9 March 2010.
The appeal was **Dismissed** on 14 February 2011.

Case Officer: Mr A Donaghey 01432 1947

Application No. EN/001208/ZZ

- The appeal was received on 11 October 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 Alison Pontifex-Price
- The site is located at Fir Tree Inn, Much Cowarne, Herefordshire, HR7 4JN
- The breach of planning control alleged in this notice is Without planning permission, the laying of a hardstanding and erection of a building used as a function hall facility within the last four years
- The requirements of the notice are: 1) cease the use of the building as a function hall facility, 2) demolish the building and remove the hardstanding together with associated services 3) remove all resultant materials from the land
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: Subject to corrections of the Enforcement Notice the appeal was **dismissed** on 16 February 2011

Case Officer: R Close 01432 261803

Application No. DMNE/101340/F

- The appeal was received on 20 October 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 Mrs A Price
- The site is located at Fir Tree Inn, Much Cowarne, Bromyard, Herefordshire, HR7 4JN
- The application dated 31 May 2010 was refused on 2 August 2010
- The development proposed was Erection of marquee for receptions, dinner dances and entertainments events
- The main issues are whether or not the appeal site would provide a suitable site for a function hall facility having regard to the principles of sustainable development; the effect of the schemes on highway safety; whether adequate parking provision for the schemes would be provided; the effect of the schemes on the character and appearance of the area; and the effect of the marquee on use of a public footpath

Decision: The planning application was refused under delegated powers on 2 August 2010
The appeal was **dismissed** on 16 February 2011.

Case Officer: Mr R Close 01432 261803

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