

MEETING:	PLANNING COMMITTEE
DATE:	15 JUNE 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

Enforcement Notice EN/2010/001238/ZZ

- The appeal was received on 20 April 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 Angus Davison
- The site is located at Hedgehog Cottage, Pixley, Ledbury, Herefordshire, HR8 2QB
- The breach of planning control alleged in this notice is, without planning permission, the material change of use of the land from agriculture to a mixed use of agriculture and siting of two mobile homes for residential purposes, and the associated operational development of a hardstanding and drainage facility.
- The requirements of the notice are:
 - i) *Cease occupation of the mobile home sited at the location A and remove the said mobile home from land.*
 - ii) *Remove the mobile home site at the location B from the land.*
 - iii) *Remove the hardstanding materials associated with the said mobile homes from the land.*
 - iv) *Remove the drainage facilities associated with the said mobile homes from the land and re-seed the land with grass seed thereafter.*
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application No. DMS/103054/FH

- The appeal was received on 21 April 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 Marriage
- The site is located at Church House, Bartestree, Herefordshire, HR1 4DT
- The development proposed is A two storey extension
- The appeal is to be heard by Householder

Case Officer: Mr E Thomas on 01432 260479

Application No. DMS/110193/F

- The appeal was received on 4 May 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 Executors of Mrs V Biggs
- The site is located at Canon House, Common Hill Lane, Fownhope, Herefordshire, HR1 4PH
- The development proposed is the erection of one dwelling and two detached garages
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application No. DMS/110105/F

- The appeal was received on 5 May 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 C Stanford
- The site is located at Graftonbury Garden Hotel, Grafton Lane, Herefordshire, HR2 8BL
- The development proposed is a change of use from Hotel (C1) into HMO for upto a maximum of 52
- The appeal is to be heard by Hearing

Case Officer: Mr E Thomas on 01432 260479

Application No. DMN/102975/O

- The appeal was received on 9 May 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 Roy Jenkins
- The site is located at Land adj to Bliss House, Staunton on Wye, Herefordshire, HR4 7NA
- The development proposed is a site for eleven houses (7 market houses and 4 affordable houses), with associated landscaping and infrastructure.
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. DMS/103308/FH

- The appeal was received on 16 May 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 Pugh
- The site is located at Park View House, 10 Oak Lane, Burghill, Herefordshire, HR4 7QP

- The development proposed is a conservatory to rear elevation
- The appeal is to be heard by Householder

Case Officer: Ms K Gibbons on 01432 261781

Application No. DMS/102875/F

- The appeal was received on 17 May 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 Neil Bevan
- The site is located at Trothlands Farm, St Weonards, Herefordshire, HR2 8NZ
- The development proposed is the installation of 11kw wind turbine on an 18m monopole tower.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMN/110048/F

- The appeal was received on 25 May 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 D Hugman
- The site is located at 347 Winslow Road, Bromyard, Herefordshire, HR7 4TX
- The development proposed is a new house adjacent to 347 Winslow Road
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED

Application No. DMS/102163/F

- The appeal was received on 10 December 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 R Bellamy
- The site is located at Hartleton Farm, Bromsash, Ross On Wye, Herefordshire, HR9 7SB
- The application dated 20 August 2010 was refused on 24 November 2010
- The development proposed was the removal of condition 2 of PP DMSE/092839/F
- The main issue is whether the condition in question is necessary and reasonable with regard to local and national policies restricting development in the countryside and in the interest of protecting the character and appearance of the countryside.

Decision: The application was refused, under delegated powers, on 24 November 2010
The appeal was Allowed on 20 April 2011

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/102426/A

- The appeal was received on 11 February 2011
- 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 Sports Direct International PLC

- The site is located at 6 Trinity Square, Hereford, Herefordshire, HR1 2DR
- The application was refused on 7 December 2010
- The development proposed was the installation of new aluminium shop front and window to existing shop
- The main issue is the effect of the two proposed signs on the amenity of the area.

Decision: The application was refused, under delegated powers, on 7 December 2010
The appeal was Dismissed on 28 April 2011

Case Officer: Mr E Thomas on 01432 260479

Application No. DMS/101378/F

- The appeal was received on 7 February 2011
- 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 Ms Josephine Affleck
- The site is located at Chase View House, Merrivale Road, Ross On Wye, Herefordshire, HR9 5JX
- The application dated, was refused on 30 July 2010
- The development proposed was the demolition of garage, erection of two storey side and single
- The main issues are:
 - (i) Whether the proposal would have a harmful effect on the character and appearance of the surrounding area; and
 - (ii) The effect of the proposal on the living conditions of the adjoining occupiers in Magdon House in relation to privacy and whether there would be any visual intrusion.

Decision: The application was refused, under delegated powers, on 30 July 2010
The appeal was Dismissed on 4 May 2011

Case Officer: Mr S Withers on 01432 260612

Application No. DMN/102310/F

- The appeal was received on 26 January 2011
- 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 Fikret Temel
- The site is located at 36 Church Street, Kington, Herefordshire, HR5 3BE
- The application dated 6 September 2010 was refused on 15 December 2010
- The development proposed was Change of use from vacant barbers to A1 hot food takeaway A5.
- The main issues are:
 - (i) The effect of the proposal on the living conditions of nearby residential occupiers in relation to noise and odour; and
 - (ii) Whether the proposal would have a harmful effect on highway safety in Church Street

Decision: The application was refused by Committee, contrary to Officer Recommendation on 15 December 2010
The appeal was Dismissed on 4 May 2011

Case Officer: Mr P Mullineux on 01432 261808

Application Nos. DMS/102061/F & DMS/102062/C

- The appeals were 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 M F Freeman
- The site is located at Penrice, Walford Road, Ross On Wye, Herefordshire, HR9 5PQ
- The application was refused on 3 November 2010
- The development proposed was the demolition of existing residential property, construction of 8 no. apartments, 3 no. townhouses together with associated car parking, landscaping and access
- The main issues are:
 - i) Whether the proposal would preserve or enhance the character or appearance of the Ross Conservation Area; and
 - ii) Whether the proposal makes satisfactory provision for facilities and infrastructure necessary to mitigate the effect of the proposal

Decision: The application was refused at Committee, contrary to officer recommendation, on 3 November 2010
The appeal was Dismissed on 5 May 2011

Case Officer: Mr A Prior on 01432 261932

Application No. DMNE/100959/L

- The appeal was received on 23 December 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 & Mrs Paul & Mary Clayburn
- The site is located at Perrycroft Lodge, Jubilee Drive, Upper Colwall, Herefordshire, WR13 6D
- The application dated 21 April 2010 was refused on 5 July 2010
- The development proposed was Internal alterations to create utility room & wet room, fitting new
- The main issue is the effect of the proposal on the special architectural and historic interest of the listed building.

Decision: The application was refused under Delegated Powers on 5 July 2010
The appeal was Dismissed on 6 May 2011

Case Officer: Mr R Close on 01432 261803

Application No. DMNC/100521/F

- The appeal was received on 24 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 & Mrs Keith Thomas
- The site is located at Cross Cottage, Upper Hill, Leominster, Herefordshire, HR6 0JZ
- The application dated 10 March 2010 was refused on 17 May 2010
- The development proposed was the additional use of existing building & associated site to include use of existing building and associated site to include use for sandblasting services – retrospective.
- The main issue is whether or not the proposal accords with national and local policy relating to economic development in the countryside and, if it does not, whether there are other considerations sufficient to outweigh any policy conflicts.

Decision: The application was refused, under delegated powers, on 17 May 2010
The appeal was Dismissed on 10 May 2011.

Case Officer: Mr A Banks on 01432 383085

Enforcement Notice 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
- The breach of planning control alleged in this notice is:
The breach of planning control alleged in this notice is 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.

Decision: The appeal was Withdrawn on 13 May 2011

Case Officer: Mr M Tansley 01432 261815

Application No. DMS/101741/O

- The appeal was received on 9 February 2011
- 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 And Mrs A Davis
- The site is located at Moreborough, Ledbury Road, Ross On Wye, Herefordshire, HR9 7BE
- The application dated 9 July 2010 was refused on 24 November 2010
- The development proposed was the erection of 2 dwellings, construction of new vehicular access and associated work.
- The main issues are the effect of the development proposed on the character and appearance of the area and on highway safety.

Decision: The application was refused by Committee, contrary to Officer Recommendation on 24 November 2010
The appeal was Allowed on 16 May 2011
An application for the award of costs made by the Appellant was allowed on a partial basis

Case Officer: Mr S Withers on 01432 260612

Application No. DMS/103054/FH

- The appeal was received on 21 April 2011
- 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 And Mrs R Marriage
- The site is located at Church House, Bartestree, Herefordshire, HR1 4DT
- The application dated 22 November 2010 was refused on 13 January 2011
- The development proposed was a two storey extension
- The main issue is the effect of the proposed development on the building and, hence, on the character and appearance of the surrounding area



Decision: The application was Refused, under Delegated Powers, on 13 January 2011
The appeal was Allowed on 26 May 2011

Case Officer: Mr E Thomas on 01432 260479

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