

MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 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. DMS/102465/F

- The appeal was received on 26 July 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 Christopher Hales
- The site is located at Valley View, Ewyas Harold, Herefordshire, Herefordshire, HR2 0JD
- The development proposed is a change of use from log cabin to holiday home.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMN/110421/O

- The appeal was received on 27 July 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 And Mrs Thomas Davies
- The site is located at Forton Meadows, Winforton, Herefordshire, Herefordshire, HR3 6EJ
- The development proposed is the provision of an agricultural workers dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMS/110829/F

- The appeal was received on 1 August 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 Mark Rawlings
- The site is located at Unit 6 Mortimer Trading Centre, Mortimer Road, Hereford, Hereford, HR4 9SP
- The development proposed is the change of use of first floor former children's dance studio from D2 to D1(b) Day Nursery
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application No. EN2011/001347/ZZ

- The appeal was received on 2 August 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 Ms Deborah Gillingham & Mr Richard Greatrex
- The site is located at Mulberry Cottage, Woods Eaves, Eardisley, Herefordshire, Herefordshire, HR3 6LZ
- The breach of planning control alleged in this notice is the installation of two solar panels on the roof of a side lean-to which forms part of the building affecting its character of special architectural or historic interest.
- The requirements of the notice are the removal of the solar panels from the lean-to roof and the making good of any fixing or pipe-holes
- The appeal is to be heard by Written Representations

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMS/111199/FH

- The appeal was received on 8 August 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 David Wadge
- The site is located at The Oxlet, Bishopswood, Ross on Wye, Herefordshire, Ross on Wye, Herefordshire, HR9 5QX
- The development proposed is a 2 Storey extension to rear of property.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr D Thomas on 01432 261974

APPEALS DETERMINED

Application No. DMS/102274/F

- The appeal was received on 4 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 D Singh
- The site is located at 25 Springfield Road, Ross On Wye, Herefordshire, Herefordshire, HR9 7EX
- The application dated 2 September 2010 was refused on 22 November 2010
- The development proposed was the extension and alterations to existing shop and proposed first floor flat.
- The main issues are: the effect that the proposed development would have upon highway safety and living conditions at No.24 Springfield Road, with particular regard to any loss of light.

Decision: The application was refused under delegated powers on 22 November 2010.
The appeal was **allowed** on 1 August 2011.

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/102875/F

- The appeal was received on 17 May 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. Neil Bevan
- The site is located at Trothlands Farm, St Weonards, Herefordshire, HR2 8NZ
- The application dated 2 November 2010 was refused on 9 February 2011
- The development proposed was Installation of 11kw wind turbine on an 18m monopole tower.
- The main issue is the impact of the proposed turbine on the landscape, having regard to the benefits of renewable energy

Decision: The application was refused under delegated powers on 9 February 2011.
The appeal was **dismissed** on 5 August 2011.

Case Officer: Mr A Prior on 01432 261932

Application No. DMS/110193/F

- The appeal was received on 4 May 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 The Owner and/or Occupier
- The site is located at Canon House, Common Hill Lane, Fownhope, Herefordshire, HR1 4PH
- The application dated 25 January 2011 was refused on 12 April 2011
- The development proposed was Erection of one dwelling and two detached garages. Construction of new vehicular access and associated works
- The main issue is the effect of that the proposed development would have upon the character and appearance of the surrounding area.

Decision: The application was refused under delegated powers on 12 April 2011.
The appeal was **dismissed** on 5 August 2011.

Case Officer: Mr E Thomas on 01432 260479

Application No. DMNW/100435/F

- The appeal was received on 28 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 Alison Cleverly
- The site is located at Lower Field At Ash Farm, Barnet Lane, Wigmore, Herefordshire, Herefordshire, HR6 9UJ
- The application dated 27 February 2010 , was refused on 13 October 2010
- The development proposed was Retrospective re-application for change of use of land from agriculture to a one family traveller site, including the stationing of one caravan, a shed, and an ancillary structure.
- The main issues are (i) the effect of the proposal on the character and appearance of the area, (ii) whether any harm arising from the proposal would be out weighed by other considerations

Decision: The application was **refused** by Committee, contrary to Officer recommendation, on 13 October 2010.
The appeal was **allowed** on 10 August 2011.
An application for the award of costs was made by the Appellant against the Council and was **refused**

Case Officer: Mr C Brace on 01432 261795

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, Herefordshire, HR6 9UJ
- The breach of planning control alleged in this notice is 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 main issue is the effect of the development on the character and appearance of the area.

Decision: The appeal was **allowed** on 10 August 2011.
The enforcement notice is quashed and that planning permission is Granted subject to conditions

Case Officer: Mr C Brace on 01432 261795

Application No. DMNW/100558/F

- 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 Mr Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, Herefordshire, HR6 9UJ
- The application dated 4 March 2010 was refused on 13 October 2010
- The development proposed was Change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes and shed
- The main issue is the effect of the development on the character and appearance of the area.

Decision: The application was refused by Committee, contrary to Officer Recommendation, on 13 October 2010.
The appeal was **Allowed** on 10 August 2011.

Case Officer: Mr C Brace on 01432 261795

Application No. DMN/110876/FH

- The appeal was received on 12 July 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 J Kendrick
- The site is located at Trout Beck, Mill Lane, Leintwardine, Herefordshire, Herefordshire, SY7 0LA
- The application dated 4 April 2011 was refused on 31 May 2011
- The development proposed was Proposed demolition of existing single storey lean to and replace with erection of two storey extension over this area.
- The main issue is the proposed extension on the appearance of the appeal property

Decision: The application was refused under Delegated powers on 31 May 2011.
The appeal was **allowed** on 10 August 2011.

Case Officer: Mr A Banks on 01432 383085

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