

MEETING:	PLANNING COMMITTEE
DATE:	30 JANUARY 2013
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 DETERMINED

Application No. N113184/F

- The appeal was received on 5 July 2012
- 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 Chapel Cottage, Main Street, Wellington, Herefordshire, HR4 8AX
- The application dated 2 November 2011 was refused on 3 January 2012
- The development proposed was a replacement dwelling.
- The main issues were:
 - Whether the proposal would preserve or enhance the character or appearance of the Wellington Conservation Area;
 - The effect of the proposal on the living conditions of the occupiers of the proposed dwelling, with particular regard to privacy;
 - The implications of the proposal on bats, a protected species, and;
 - The effect of the proposed parking arrangements on Highway Safety.

Decision:

The application was refused, under delegated powers, on 3 January 2012.

The appeal was dismissed on 10 December 2012.

An application for the award of costs, made by the Council against the appellant, was granted.

Case Officer: Mr C Brace on 01432 261947

Application No. S120740/F

- The appeal was received on 18 October 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions
- The appeal was brought by Mr F Airey
- The site is located at Walwyn Court, Much Marcle, Herefordshire, HR8 2LY
- The application dated 13 March 2012 was approved on 9 May 2012 and planning permission was granted subject to conditions.
- The development proposed was a revised proposal to demolish an existing outbuilding and replace with annex accommodation, garage and boiler room
- The main issues were:
 - Whether the occupation of the annex as a separate dwelling would be contrary to the policies for control of development in Much Marcle;
 - Whether occupation of the annex and Walwyn Court as separate dwellings would result in an unacceptable loss in amenity for their occupiers; and
 - Whether the use of the access by traffic generated by the occupation of the annex and Walwyn Court would result in an unacceptable reduction in Highway Safety.

Decision:

The application was approved with conditions, under delegated powers, on 9 May 2012.
The appeal was dismissed on 3 January 2013.

Case Officer: Mr D Thomas on 01432 261974

Application No. S121246/F

- The appeal was received on 30 August 2012
- 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 F Airey
- The site is located at Wallwyn Court, Much Marcle, Ledbury, Herefordshire, HR8 2LY
- The application was refused on 20 June 2012
- Removal of Condition 4 of Planning Permission DMS112013/F to allow house and barn to be treated as separately owned units.
- The main issues were:
 - Whether the occupation of the annex as a separate dwelling would be contrary to the policies for control of development in Much Marcle;
 - Whether occupation of the annex and Walwyn Court as separate dwellings would result in an unacceptable loss in amenity for their occupiers; and
 - Whether the use of the access by traffic generated by the occupation of the annex and Walwyn Court would result in an unacceptable reduction in Highway Safety.

Decision:

The application was refused, under delegated powers, on 20 June 2012.
The appeal was dismissed on 3 January 2013.

Case Officer: Mr D Thomas on 01432 261974

Application No. N11899/O

- The appeal was received on 2 July 2012
- 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 Nikki Harrison
- The site is located at Porthouse Farm, Tenbury Road, Bromyard, Herefordshire
- The application dated, was refused on 4 April 2012
- The development proposed was An outline application for the erection of up to 127 dwellings, comprising 83 open market and 44 affordable units, wither all matters except access reserved for future determination
- The main issue is whether the implementation and maintenance of noise attenuation measures can be secured; and in the event that they could be secured whether future residents of the proposed development would be affected by an unacceptable level of night time noise nuisance arising from the movement of stillages in the open yard of the adjoining Polytec site.

NB: Although the appeal was originally to take place under the Written Representations procedure, the Inspector, on an accompanied site visit which took place on 17 October 2012, decided that the issue of Noise would best be dealt with by way of a separate Hearing. The Hearing took place on 4 December 2012.

Decision:

The application was refused, contrary to Officer recommendation, on 4 April 2012.

The appeal was dismissed on 3 January 2013.

An application for the award of costs (Partial), made by the appellant against the Council, was allowed.

Case Officer: Mr R Close on 01432 261803

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