

MEETING:	PLANNING COMMITTEE
DATE:	18 SEPTEMBER 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 an executive decision.

Recommendation

That the report be noted

APPEALS RECEIVED

Application 130292/F

- The appeal was received on 29 July 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr M Rohde
- The site is located at Land adjacent to Village Hall, Clehonger, Herefordshire
- The development proposed is three bedroom property
- The appeal is to be heard by Written Representations

Case Officer: Ms K Gibbons on 01432 261781

Application 130166/F

- The appeal was received on 31 July 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against
- The appeal is brought by The Owner and/or Occupier
- The site is located at Site adj to 4 Valentine Court, Canon Pyon, Hereford, HR4 8NZ
- The development proposed is Proposed erection of 30 no dwellings including 10 affordable units and associated works to provide new access and road
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application 131433/V

- The appeal was received on 8 August 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal is brought by Mr Lapsley
- The site is located at Castaways, Acton Green, Acton Beauchamp, Worcester, WR6 5AA
- The development proposed is Application for a Lawful Development Certificate for a proposed second storey loft conversion
- The appeal is to be heard by Written Representations

Case Officer: Mr N Banning on 01432 383093

Application 130996/FH

- The appeal was received on 22 August 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr A Cledwyn-Davies
- The site is located at The Granary, Middleton On The Hill, Little Hereford, Herefordshire, SY8 4BE
- The development proposed is Single storey side extension
- The appeal is to be heard by Householder Procedure

Case Officer: Mr A Banks on 01432 383085

Enforcement Notice 132396/ENF

- The appeal was received on 29 August 2013
- 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 Yellow Wood Forestry Ltd
- The site is located at Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The breach of planning control alleged in this notice is:
 - Without Planning Permission, occupation of a building for residential purposes. Specifically, unauthorised use of a building known as "The Cabin" that is situated on the land.
- The requirements of the notice are:
 - Cease occupation of the building for residential purposes
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 131104/O

- The appeal was received on 4 September 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr G Adams
- The site is located at Land adjoining Millbrook Gardens, Lea, Ross-on-Wye, Herefordshire
- The development proposed is Erection of four dwellings and associated garages. Construction of new vehicular access road and associated works.
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED

Application 122500/F

- The appeal was received on 22 February 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs S Parkinson
- The site is located at Land adjacent to, 8 Llanwye Close, Old Eign Hill, Hereford
- The development proposed was new dwelling and gardens with new access onto highway.
- The main issues were the effect of the proposed development on:
 - The character and appearance of the locality, including the Hampton Park Conservation Area within which the site is located; and
 - Nature conservation interests

Decision:

- The application was Refused under Delegated Powers on 7 November 2012
- The appeal was Dismissed on 1 August 2013

Case Officer: Mr E Thomas on 01432 260479

Application 121045/F

- The appeal was received on 8 May 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr M Jelf
- The site is located at Land south of Greytree Road, Greytree, Ross on Wye, Herefordshire
- The development proposed was Erection of fourteen semi-detached and detached dwellings
- The main issue was:
 - The effect of the proposal on the character and appearance of the area

Decision:

- The application was Refused under Delegated Powers on 19 November 2012
- The appeal was Withdrawn on 8 August 2013

Case Officer: Mr A Prior on 01432 261932

Application 121573/F

- The appeal was received on 11 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr N Rolinson
- The site is located at Land adj to and South of Fairview, Putley, Herefordshire, HR8 2RE
- The development proposed was erection of two holiday let units
- The main issue(s) were: whether the development is sustainable; the effect of the proposal on the character and appearance of the area; and the impact of the development on nature conservation interests, with particular regard to protected species.

Decision:

- The application was Refused under Delegated Powers on 26 September 2012
- The appeal was Dismissed on 21 August 2013

Case Officer: Mr N Banning on 01432 383093

Application 121503/F

- The appeal was received on 18 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Frans Robey

- The site is located at Upper House Farm, Bacton, Hereford, Herefordshire, HR2 0AU
- The development proposed was Proposed campsite for 5 demountable tents (6 months holiday season)
- The main issue(s) were: whether the proposed development can be accessed safely and conveniently by visitors and emergency vehicles; and the effect of the proposal on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 7 November 2012
- The appeal was Dismissed on 21 August 2013

Case Officer: Mr A Prior on 01432 261932

Application 130070/FH

- The appeal was received on 6 June 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr N Tilby
- The site is located at The Barn, Orchard Field, Tenbury Road, Brimfield, Ludlow, Herefordshire, SY8 4NE
- The development proposed was Proposed two storey extension.
- The main issue was: the effect of the proposed extension on the character and appearance of 'The Barn' and the house, as extended, on its surroundings.

Decision:

- The application was Refused under Delegated Powers on 11 March 2013
- The appeal was Allowed on 22 August 2013

Case Officer: Mr A Banks on 01432 383085

Enforcement Notice 130399/ENF

- The appeal was received on 6 February 2013
- 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 And Mrs C & G Poultney
- The site is located at The Old Rectory, Boat Lane, Whitbourne, Worcester, Herefordshire, WR6 5RS
- The breach of planning control alleged in this notice is:
 - Without planning permission change of use of land from a single dwelling house to a mixed use for holiday accommodation and function venue.
- The requirements of the notice are:
 - To cease the use of the premises as a function venue.
- The main issues were:
 - The effect on the living conditions of adjacent residents;
 - The effect on highway safety and sustainability;
 - Whether it preserves the setting of the listed building or the character or appearance of the Whitbourne Conservation Area in which the site is located, and its effect on the adjacent countryside;
 - Whether it causes other harm; and
 If harm results from any of the above;
 - Whether material considerations or public benefits outweigh that harm.

Decision:

- The appeals succeed in part in relation to ground (g) but the appeal in relation to ground (a) is dismissed and the enforcement notice is upheld as of on 22 August 2013

Case Officer: Mrs S Kinnersley on 01432 261933

Application 122497/F

- The appeal was received on 26 February 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mr David Thomas

- The site is located at Land at Green Lane Cottage, Green Lane, Yarpole, Leominster
- The development proposed was Demolition of existing detached house and erection of five, two storey detached dwellings, together with new vehicular access, private drive, parking areas and garages.
- The main issues were:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development adequately addresses the sustainability requirements of the development plan; and
 - Whether adequate arrangements are made for the disposal of foul and surface water from the site.

Decision:

- The appeal was Dismissed on 27 August 2013

Case Officer: Mr A Banks on 01432 383085

Application 120882/F

- The appeal was received on 20 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr A Thomas
- The site is located at Land adjacent to, 1 Hunderton Avenue, Hereford
- The development proposed was Erection of 1 pair semi detached houses.
- The main issues were:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on highway safety

Decision:

- The application was Refused under Delegated Powers on 20 September 2012
- The appeal was Dismissed on 30 August 2013

Case Officer: Ms K Gibbons on 01432 261781

Application 122604/O

- The appeal was received on 9 April 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Guy Wooddisse
- The site is located at Land rear of White House Drive, Kingstone, Hereford
- The development proposed was Outline application for 35 unit housing scheme with associated access.
- The main issue was:
 - whether the proposed development represents sustainable development, with particular regard to:
 - Scale and form of the scheme;
 - Access to facilities, employment and public transport; and
 - Availability of waste water treatment capacity.

Decision:

- The application was Refused at Planning Committee, against Officer Recommendation, on 13 March 2013
- The appeal was Allowed on 3 September 2013
- An Application for the award of Costs, made by the Appellant against the Council, was Partially Allowed – Limited to those costs incurred in rebutting Reason for Refusal No.1 as set out in the Decision Notice dated 13 March 2013

Case Officer: Mr A Prior on 01432 261932

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