

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 APRIL 2015</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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**

### **Enforcement Notice 150746**

- The appeal was received on 5 March 2015
- 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 Kenneth Williams
- The site is located at Wyeside, Outfall Works Road, Hereford, Herefordshire, HR1 1XY
- The breach of planning control alleged in this notice is:
  - Without planning permission, the erection of a fence in excess of 1 metre in height (being a form of operational development) adjacent to a highway.
- The requirements of the notice are:
  - Permanently reduce the height of the boundary fence, between points X and Y adjacent to the highway as shown on the attached plan, to a height not to exceed one (1) metre along its whole length.
- The appeal is to be heard by Written Representations

**Case Officer: Mrs Charlotte Atkins on 01432 260536**

### **Application 140965 – Transfer from Householder Appeal to Written Representations Procedure**

- The amended appeal was received on 17 March 2015
- 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 A Burton

- The site is located at Land off Lower Cross Lane, off High Street, Kington, Hereford, HR5 3AX
- The development proposed is Proposed vehicular access and erection of a garage.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

**Enforcement Notice 150833**

- The appeal was received on 13 March 2015
- 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 L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:  
Without planning permission the construction of a pole barn (marked 'B'), the construction of a brick and block building (marked 'C'), the construction of a wooden garage/store (marked 'D') and a wooden garden shed (marked 'E') which is unauthorised operational development.
- The requirements of the notice are:
  - Demolish the Pole Barn, the brick and block building, the garage/store and wooden garden shed at the site and permanently remove all resulting material from the land.
- The appeal is to be heard by Inquiry

**Case Officer: Mrs Debbie Crowley on 01432 260485**

**Enforcement Notice 150844**

- The appeal was received on 13 March 2015
- 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 L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:  
Without planning permission the unauthorized creation of a single dwelling house on the land by substantial alteration of a former mobile home which created a building which is unauthorized operational development
- The requirements of the notice are:
  1. Disconnect and make safe all utilities and the septic tank from the dwelling house.
  2. Demolish the unauthorised dwelling house located at the site and permanently remove all resulting material from the land.
- The appeal is to be heard by Inquiry

**Case Officer: Mrs Debbie Crowley on 01432 260485**

**Application 142090**

- The appeal was received on 30 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Paul Colley-Davies
- The site is located at The Barn, Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed is Change of use from a barn to a permanent dwelling.
- The appeal is to be heard by Hearing
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**Case Officer: Mr M Tansley on 01432 261815**

### **Enforcement Notice 150671**

- The appeal was received on 20 March 2015
- 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 K Lewis
- The site is located at Land at Middle Common Piggeries, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:  
Without planning permission the unauthorised material change of use for agricultural purpose to land for a mixed use of land for agricultural use and to site a caravan for residential purposes.
- The requirements of the notice are:  
Permanently remove the mobile home from the land thereby causing the cessation of its residential use on the land.
- The appeal is to be heard by Hearing

**Case Officer: Mr Matt Tompkins on 01432 261795**

## ***APPEALS DETERMINED***

### **Application 140382**

- The appeal was received on 18 August 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Ms Fran Hedges
- The site is located at 5 Penbailey, Longtown, Hereford, Herefordshire, HR2 0LF
- The development proposed was Insertion of first floor window in flank wall of rear projection.
- The main issue was:
  - whether the disputed condition is necessary and reasonable, having regard to the living conditions of the occupants of no. 6 Penbailey in relation to the privacy of the garden.

#### **Decision:**

- The application was Approved under Delegated Powers on 26 March 2014
- The appeal was Dismissed on 16 March 2015

**Case Officer: Mr Matt Tompkins on 01432 261795**

### **Application 140547**

- The appeal was received on 29 May 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed was Installation of solar panels on garage roof.
- The main issue was:  
Barn House is a listed building and there are other listed buildings around it, notably the Homestead and its attached stable block. All sit within the Colwall Conservation Area. In that context, the main issue in this case is the effect of the solar panels proposed on the settings of the adjacent listed buildings and, linked to that, the character and appearance of the conservation area.

#### **Decision:**

- The application was Refused under Delegated Powers on 7 May 2014
- The appeal was Dismissed on 18 March 2015

**Case Officer: Mr Andrew Stock on 01432 383093**

**Application 140911**

- The appeal was received on 29 May 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed was Installation of solar panels on garage roof.
- The main issue was:  
Barn House is a listed building and there are other listed buildings around it, notably the Homestead and its attached stable block. All sit within the Colwall Conservation Area. In that context, the main issue in this case is the effect of the solar panels proposed on the settings of the adjacent listed buildings and, linked to that, the character and appearance of the conservation area.

**Decision:**

- The application was Refused under Delegated Powers on 7 May 2014
- The appeal decision dated 18 March 2015 stated '*On the basis of my conclusions above, no further action will be taken in connection with this appeal.*'

**Case Officer: Mr Andrew Stock on 01432 383093**

**Application 140750**

- The appeal was received on 10 November 2014
- 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 Melanie McGee
- The site is located at Land at Bank House, Kingsthorpe, Herefordshire, HR2 8AH
- The development proposed was Site for one new dwelling and replacement garage
- The main issues were:
  - Whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan; and the effect of the proposed development on the character and appearance of the wider area.

**Decision:**

- The application was Refused under Delegated Powers on 19 May 2014
- The appeal was Dismissed on 19 March 2015

**Case Officer: Mr Matt Tompkins on 01432 261795**

**Application 133174**

- The appeal was received on 18 June 2014
- 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 Donald McIntyre
- The site is located at Burnt Barn, Green Lane, Titley, Kington, Herefordshire, HR5 3RW
- The development proposed was Conversion of stone barn to form residential and home office accommodation
- The main issue was:
  - Whether the development is acceptable having regard to sustainability principles.

**Decision:**

- The application was Refused under Delegated Powers on 8 January 2014
- The appeal was Dismissed on 19 March 2015

**Case Officer: Mr Philip Mullineux on 01432 261808**

**Application 131369**

- The appeal was received on 26 March 2014
- 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 Peacock
- The site is located at The Stawne, Kington Road, Weobley, Hereford, Herefordshire, HR4 8SF
- The development proposed was the demolition of existing single storey porch and construction of a new porch extension.
- The main issues (were):
  - i) whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses and
  - ii) whether the proposal would preserve or enhance the character or appearance of the Weobley Conservation Area.

**Decision:**

- The application was Refused under Delegated Powers on 17 September 2013
- The appeal was Dismissed on 20 March 2015

**Case Officer: Mr A Banks on 01432 383085**

**Application 131370/L**

- The appeal was received on 26 March 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mr Peacock
- The site is located at The Stawne, Kington Road, Weobley, Hereford, Herefordshire, HR4 8SF
- The development proposed was demolition of existing single-storey porch and construction of new porch extension. Internal works to remove one section of frame and wall panel to provide access to proposed first floor bedroom; removal and replacement of existing modern staircase and balustrade and alteration to landing.
- The main issues (were):
  - i) whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses and
  - ii) whether the proposal would preserve or enhance the character or appearance of the Weobley Conservation Area.

**Decision:**

- The application was Refused under Delegated Powers on 17 September 2013
- The appeal was Dismissed on 20 March 2015

**Case Officer: Mr A Banks on 01432 383085**

**Application 141209**

- The appeal was received on 30 July 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr J Udall
- The site is located at Yewtree Cottage, Bringsty Common, Bringsty, Worcester, Herefordshire, WR6 5UJ
- The development proposed was Proposed two storey extension to front and pitched roof to existing rear elevation
- The main issue is the effect of the proposal on the character and appearance of the host property and area.

**Decision:**

- The application was Refused under Delegated Powers on 20 June 2014
- The appeal was Dismissed on 13 March 2015

**Case Officer: Mr C Brace on 01432 261947**

**Application 132536**

- The appeal was received on 17 September 2014
- 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 David Wilson Homes (Mercia) Ltd
- The site is located at Land on Ledbury Road West of Williams Mead, Bartestree, Herefordshire
- The development proposed was Development of 50 new dwellings of which 18 will be affordable.
- The main issues were:
- The issues in this appeal are the suitability of the site with reference to the separation of Bartestree and Lugwardine; the effect of the proposed development on the setting of a listed building; and, whether the proposal represents sustainable development to which the National Planning Policy Framework's (the Framework) presumption in favour should apply.

**Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 12 March 2014
- The appeal was Dismissed on 31 March 2015

**Case Officer: Mr Edward Thomas on 01432 260479**

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