

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>5 AUGUST 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**

### **Application 150772**

- The appeal was received on 8 July 2015
- 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 Mrs Sharon Gray
- The site is located at The Cottage, Bosbury, Ledbury, Herefordshire, HR8 1QW
- The development proposed is Proposed upgrade and link extension to dwelling
- The appeal is to be heard by Householder Procedure

**Case Officer: Mr M Tansley on 01432 261815**

### **Application 140890**

- The appeal was received on 15 July 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 & Mrs Pugh
- The site is located at Land adj Ashgrove HR1 3EY, Eastfields Farm, Bodenham, Hereford, HR1 3HS
- The development proposed is Proposed construction of earth slurry lagoon
- The appeal is to be heard by Written Representations

**Case Officer: Ms R Jenman on 01432 261961**

**Application 142175**

- The appeal was received on 6 July 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 Gladman Developments Ltd
- The site is located at Land off Pencombe Lane, Bromyard, Herefordshire
- The development proposed is Site for up to 120 dwellings with associated open space and landscaping
- The appeal is to be heard by Hearing

**Case Officer: Mr K Bishop on 01432 260756**

**Application 150238**

- The appeal was received on 16 July 2015
- 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 Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed is Proposed single storey extension
- The appeal is to be heard by Written Representations

**Case Officer: Fernando Barber-Martinez on 01432 383674**

**Application 150239**

- The appeal was received on 16 July 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed is Proposed single storey extension
- The appeal is to be heard by Written Representations

**Case Officer: Fernando Barber-Martinez on 01432 383674**

**Application 143370**

- The appeal was received on 17 July 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 S Watkins & Mr P Bennett
- The site is located at Land to the East of Brook Lane, North of B4220, Bosbury, Hereford
- The development proposed is Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable
- The appeal is to be heard by Written Representations

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

## **APPEALS DETERMINED**

### **Application 142143**

- The appeal was received on 10 February 2015
- 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 J Glinos
- The site is located at 24 Hospital Houses, Burghill, Hereford, Herefordshire, HR4 7RE
- The development proposed was Site for a detached 3/4 bedroom house.

#### **The Main issue was:**

- Whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development.

#### **Decision:**

- The application was Refused under Delegated Powers on 10 September 2014
- The appeal was Allowed on 2 July 2015

**Case Officer: Ms K Gibbons on 01432 261781**

### **Application 140963**

- The appeal was received on 3 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 Bovis Homes Limited
- The site is located at Land at 144 Aylestone Hill, and land to the east of Aylestone Hill, Hereford, HR1 1JJ
- The development proposed was Site for the development of up to 135 homes (including 35% affordable homes), public open space, new access (including demolition of 144 Aylestone Hill). Structural landscaping, sustainable drainage including balancing ponds and infrastructure and associated works.

#### **The main issue(s) were:**

- (a) the effect of the proposal on the character and appearance of the landscape;
- (b) its relationship with the Lugg and Hampton Meadows Site of Scientific Interest and the River Lugg Site of Special Scientific Interest and Special Area of Conservation;
- (c) the effect on the character and appearance of the Aylestone Hill Conservation Area having particular regard to the stated purpose for its designation;
- (d) whether there would be any adverse ecological impacts; and
- (e) in the event that there is harm, whether any of the above, individually or in combination, or any other material consideration, including the overall accessibility of the site to local services and facilities, would significantly and demonstrably outweigh the benefits of the scheme with particular reference to the supply of housing land within the district

#### **Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 27 August 2014
- The appeal was Dismissed on 6 July 2015

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

### **Application 141514**

- The appeal was received on 16 February 2015
- 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 Tony Fenn
- The site is located at Land at Bye Cross Farm, Moccas, Hereford, Herefordshire
- The development proposed was Proposed detached dwelling

**The main issue was:**

- The effect that the proposal would have on the objectives of national and local planning policies relating to the location of new housing and the protection of the countryside

**Decision:**

- The application was Refused under Delegated Powers on 18 August 2014
- The appeal was Dismissed on 6 July 2015

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

**Application 142108**

- The appeal was received on 24 February 2015
- 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 J Hickton
- The site is located at Land adjacent to Lea Hall Cottage, Lea, Herefordshire, HR9 7LQ
- The development proposed was Site for up to 44 new dwellings of which 35% will be affordable (16 units)

**The main issues were:**

- The effect that the proposal would have on the character and appearance of the area, and whether safe and suitable access would be provided.

**Decision:**

- The application was Refused under Delegated Powers on 16 December 2014
- The appeal was Dismissed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

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

**Application 140757**

- The appeal was received on 13 February 2015
- 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 S Watkins and W Reynolds, Braemar Property Developments Ltd
- The site is located at Land East of Church House and West of A438, Bartestree, Herefordshire
- The development proposed was Residential development of up to 51 new dwellings of which up to 18 will be affordable

**The main issue was:**

- Whether, with due regard to the development plan and the National Planning Policy Framework (the Framework), the proposal would be a suitable sustainable form of development.

**Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 29 October 2014
- The appeal was Allowed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

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

**Application 141994**

- The appeal was received on 4 February 2015
- 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 J Greene

- The site is located at Land adjacent to Chapel Orchard, Hereford Road, Weobley, Hereford, HR4 8SW
- The development proposed was Proposed erection of 4 nos. dwellings with associated access and parking

**The main issues were**

- Whether the proposed development adequately contributes to the supply of housing; and whether the proposed development preserves or enhances the character or appearance of the Weobley Conservation Area and the setting of the Weobley Castle Scheduled Ancient Monument.

**Decision:**

- The application was Refused under Delegated Powers on 4 September 2014
- The appeal was Dismissed on 7 July 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

**Case Officer: Mr Mark Tansley 01432 261815**

**Application 142672**

- The appeal was received on 17 February 2015
- 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 Steve Birch
- The site is located at Field adjacent to the Barn, Lower Snodhill, Herefordshire, HR3 6BH
- The development proposed was Site for proposed dwelling.

**The main issue was:**

- Whether a new dwelling in this location would be acceptable having regard to the principles of sustainable development

**Decision:**

- The application was Refused under Delegated Powers on 31 October 2014
- The appeal was Dismissed on 8 July 2015

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

**Application 141889**

- The appeal was received on 2 March 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mr Kevin Rowsell
- The site is located at The Bache, Kimbolton, Leominster, Herefordshire, HR6 0ER
- The development proposed was Proposed variation of condition 2 of planning permission DCNC0009/1980/F (Conversion of redundant farm buildings into two dwellings and associated siteworks) Amendments to approved plan to include additional and relocation of roof lights, solar panels and new window.

- **The main issues were:**

The original planning permission<sup>1</sup> for the barn conversion granted in 2010 did not include a similar condition. The application subject to this appeal relates to a planning permission granted<sup>2</sup> for amendments to an approved plan to include additional and relocation of roof lights, solar panels and new window. Due to concerns raised by neighbouring occupiers a condition was attached to this permission which sought details for the boarding up of an external door, known as D7.

The appellant contends that the door never formed part of the 'amendments' application, as the details of the door were approved by the original permission. The appellant seeks to remove this condition so that access and egress can be gained from the rear of the property for reasons including maintenance and emergency purposes.

From the evidence before me, the extent of the land ownership and right of access is clearly a moot point which has been the subject of sustained investigation by various parties. However, a planning appeal is not the arena to re-run the ownership or access issue.

It is a key tenet of the planning system that planning permission is tied to the land, not the owner. As such the appellant was entitled to make a planning application on the appeal site. I note that the appellant undertook notice of the application and I am satisfied that the principal parties in the ownership dispute have participated in both the planning application and appeal processes. I am therefore satisfied that such parties would not be prejudiced by my consideration of the appeal proposal.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Matters of land dispute are non-material planning considerations.

Consequently, the main issue in this case is whether the disputed condition is necessary and reasonable to safeguard the living conditions of neighbouring occupiers at Lower Bache House.

<sup>1</sup> Planning Application ref: DCNC0009/1980/F (also referred to as revised ref number DMNC/092087/F)

<sup>2</sup> Planning Application ref: P141889/F

**Decision:**

- The application was Approved with Conditions under Delegated Powers on 16 October 2014
- The appeal was Allowed on 20 July 2015

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

**Application 142008**

- The appeal was received on 6 March 2015
- 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 Jaqueline Thomas
- The site is located at Land between, 39 and 41 Westfaling Street, Hereford, Herefordshire, HR4 0HB
- The development proposed was Proposed development to demolish garage and carport and construct a two storey, two bedroom house

**The main issue was:**

- The effect of the proposed development on the character and appearance of the area.

**Decision:**

- The application was Refused under Delegated Powers on 1 October 2014
- The appeal was Allowed on 22 July 2015

**Case Officer: Ms K Gibbons on 01432 261781**

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