

MEETING:	PLANNING COMMITTEE
DATE:	13 JULY 2016
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

Enforcement Notice 161901

- The appeal was received on 8 June 2016
- 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 Paul Murray, Mrs Julia Murray, More 2 Life Ltd
- The site is located at Togpen, Willey Lane, Lower Willey, Presteigne, Herefordshire, LD8 2LU

- The breach of planning control alleged in this notice is:
 - (i) Timber-boarded passageway between a barn and a garage.
 - (ii) Timber-boarded woodshed to the north of the said garage.
 - (iii) Timber-clad summerhouse to the east of the said garage.
 - (iv) Greenhouse to the south of the barn.
 - (v) Boundary fencing/screening.

- The requirements of the notice are:
 - i. Permanently secure the removal of the structures described in paragraph 3 above.
 - ii. Remove all resulting waste materials to a registered disposal site.

- The appeal is to be heard by Written Representations

Case Officer: Mr Nicholas Hall on 01432 261808

Application 152240

- The appeal was received on 21 June 2016
- 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 David Stokes
- The site is located at Land at Fernleigh, Eau Withington, Hereford, Herefordshire
- The development proposed is Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Withers on 01432 260612

Application 143836

- The appeal was received on 24 June 2016
- 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 Drzymalski
- The site is located at Thatch Close, Llangrove, Ross-On-Wye, Herefordshire, HR9 6EL
- The development proposed is Proposed reinstatement of drive
- The appeal is to be heard by Written Representations

Case Officer: Mr Nicholas Hall on 01432 261808

APPEALS DETERMINED

Application 153239

- The appeal was received on 8 April 2016
- 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 Ms Mary George
- The site is located at The Old Coach House, Goodrich Manor, Goodrich, Ross-On-Wye, Herefordshire, HR9 6JB
- The development proposed was Proposed change of use of redundant agricultural land to amenity space and garden.

Decision:

- The application was Refused under Delegated Powers on 18 December 2015
- The appeal was Withdrawn on 7 June 2016

Case Officer: Mr C Brace on 01432 261947

Application 150994

- The appeal was received on 4 February 2016
- 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 Hanson
- The site is located at Home Farm, Eardisland, Leominster, Herefordshire, HR6 9DN

- The development proposed was Propose raising roof of existing portal framed agricultural building, including 2 no. additional bays.
- The main issues were the accuracy of the submitted drawings and the potential impacts on the neighbouring grade II* listed building. As a consequence neither the Inspector or others, can properly assess the likely impact of the development. That is of particular importance in this case, given the proximity of the appeal site to the listed building. On that basis, I consider that the appeal should not succeed.

Decision:

- The application was Refused under Delegated Powers on 12 June 2015
- The appeal was Dismissed on 9 June 2016

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 142632

- The appeal was received on 6 February 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal was brought by Ms B Eakins
- The site is located at Redwood Orchard, St Michaels, Tenbury Wells, Worcestershire, WR15 8TL
- The development proposed was Application for a Lawful Development Certificate for full residential use. (with statutory declaration witness evidence as requested)

- The main issues were: In terms of the structure on site the issues were (a) was it a caravan within the definition in the Act or was it an operational development and (b) if it was a caravan had it been occupied for residential purposes for a continuous period of ten years either (i) immediately before the date of the application (25 August 2014) or (ii) some earlier 10 year period that was completed before that date and since when there has been no material change in the use of the land or the use has not been abandoned.

Decision:

- The application was Refused under Delegated Powers on 15 December 2014.
- The appeal was Dismissed on 14 June 2016

Case Officer: Mr A Prior on 01432 261932

Application 142985

- The appeal was received on 17 December 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 Wyevale Holdings Ltd
- The site is located at Land adjacent Kings Acre Halt, Kings Acre Road, Hereford, Herefordshire, HR4 7AY
- The development proposed was Site for proposed erection of up to 73 dwellings (including up to 26 affordable dwellings). Construction of associated works.
- The main issues were:
 - The effect of the proposal on the proposed Hereford Relief Road.
 - The effect of the proposal on highway safety, with particular reference to the junction between the site, the public highway, and Wyevale Business Park.

Decision:

- The application was Refused under Delegated on 6 May 2015
- The appeal was Dismissed on 16 June 2016
- Applications for the award of Costs, made by the Council and the Appellant were both dismissed

Case Officer: Mr Edward Thomas on 01432 260479

Application 152353

- The appeal was received on 24 March 2016
- 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 Miss Amy Marsland
- The site is located at Forge Cottage, Bridstow, Ross-on-Wye, Herefordshire, HR9 6QW
- The development proposed was Proposed erection of blacksmiths forge and stables.
- The main issue in this case is the effect of the proposed development on the character and appearance of the countryside in this part of the Wye Valley Area of Outstanding Natural Beauty (WVAONB).

Decision:

- The application was Refused under Delegated Powers on 30 September 2015
- The appeal was Dismissed on 16 June 2016
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr C Brace on 01432 261947

Application 140215

- The appeal was received on 20 November 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 Richard White
- The site is located at 83 Tower Hill, Dormington, Hereford
- The development proposed was Resumption of residential use following access dispute. Retention of bat roost.
- The main issues in this appeal were the effects of the proposed development on:
 - a) The character and appearance of the structure and on the area, having particular regard to relevant policies for development in the countryside, and for the re-use of rural buildings.
 - b) Mineral resources.

Decision:

- The application was Refused under Delegated Powers on 6 March 2015
- The appeal was Dismissed on 17 June 2016

Case Officer: Ms Kelly Gibbons on 01432 261781

Application 151248

- The appeal was received on 31 March 2016
- 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 HKSLEP Limited T/A Natalka Delicatessen
- The site is located at 61 Stanhope Street, Hereford, Herefordshire, HR4 0HA
- The development proposed was Change of use to HMO and installation of fire alarm Grade A LD2, all bedrooms and kitchen door to be replaced with fire door, all walls repainted, carpets refitted, additional shower room and toilet, one internal stud wall added. (Retrospective)
- The main issues were:
 - The effect on the living conditions of neighbouring occupiers with particular regard to noise, disturbance and the car parking arrangements; and
 - The effect of the development on highway safety; and
 - The effect on the character and appearance of the surrounding area.

Decision:

- The application was Refused at Planning Committee (against Officer Recommendation) on 9 December 2015
- The appeal was Dismissed on 22 June 2016

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 153078

- The appeal was received on 31 March 2016
- 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 Robert Stuliglowa
- The site is located at 28 Breinton Road, Hereford, Herefordshire, HR4 0JX
- The development proposed was Proposed change of use of dwelling to form House of Multiple Occupancy for up to 8 people
- The main issues were:
 - The effect on the living conditions of neighbouring occupiers with particular regard to noise, disturbance and the car parking arrangements; and
 - The effect of the development on highway safety.

Decision:

- The application was Refused under Delegated Powers on 14 January 2016
- The appeal was Dismissed on 22 June 2016

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 150182

- The appeal was received on 4 March 2016
- 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 adjoining and immediately to the south of Fairview, Putley, Herefordshire, HR8 2RE
- The development proposed was Proposed erection of two holiday let units
- The main issues were:
 - i) whether the proposal would contribute to a sustainable pattern of development and
 - ii) its effect on the character and appearance of the surrounding area.

Decision:

- The application was Refused under Delegated Powers on 17 June 2015
- The appeal was Dismissed on 23 June 2016

Case Officer: Mr A Prior on 01432 261932

Application 153000

- The appeal was received on 31 March 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Red Miracle Ltd
- The site is located at Unit 3, 109-111 Belmont Road, Hereford, Herefordshire, HR2 7JR

- The development proposed was Variation of Condition 7 of Planning Permission CW2002/3803/F and Condition 1 of Planning Permission CW2003/3853/F.
- The main issue was the effect of the proposal on the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance.

Decision:

- The application was Refused at Planning Committee on 3 February 2016
- The appeal was Allowed on 30 June 2016

Case Officer: Steffan Thomas on 01432 260627

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