

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 NOVEMBER 2017
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 173686

- The appeal was received on 20 September 2017
- 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 Ms B Eakins
- The site is located at Log Cabin At Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire, WR15 8TL
- The breach of planning control alleged in this notice is:
 - Erection of dwelling, known as 'the log cabin', without the benefit of planning permission.
 - Change of use of land from agricultural to mixed use of residential and agricultural, without planning permission.
- The requirements of the notice are:
 - i. Remove the log cabin and all constituent parts from the site, including paving stones.
 - ii. Remove the associated Drainage system, gas tank and generator,
 - iii. Cease the use of the land for residential purposes
 - iv. Reinstate disturbed land for agricultural use.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 173550

- The appeal was received on 29 September 2017
- 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 S Whitby
- The site is located at Moon Monkey Meadows, Bringsty, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
Without planning permission, the material change of use of the land from that of agriculture to leisure and occupation and also the operational development of the land by the construction of buildings and provision of other structures on agricultural land.
- The requirements of the notice are:
Permanently remove the roadways, a hexagonal hay-store, two caravans, a barn, a greenhouse, a pergola, a pair of loose-boxes, an implement shed, and enclosed latrine, works to enlarge the watercourse and a jetty and to thereby secure the restoration of the land to its former use as agriculture.
- The appeal is to be heard by Hearing

Case Officer: Mr Steve Davies on 01432 260119

APPEALS DETERMINED

Application 170619

- The appeal was received on 27 June 2017
- 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 Rendle
- The site is located at Site adjacent 102 Old Road, Bromyard, Herefordshire
- The development proposed was Erection of 4 houses with 8 car parking spaces.
- The main issue is the effect of the proposal on the setting of the Grade II listed building.

Decision:

- The application was Refused under Delegated Powers on 19 April 2017
- The appeal was Dismissed on 26 September 2017

Case Officer: Mr Andrew Prior on 01432 261932

Application 163693

- The appeal was received on 27 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Reserved Matters
- The appeal was brought by Harper Group Construction Ltd
- The site is located at Field adjoining A4112 and Chestnut Avenue, Kimbolton, Leominster, Herefordshire
- The development proposed was Application for approval of reserved matters following outline approval. (P151145/O)
- The main issues were:
 - The effect of the proposal on the character and appearance of the area, having particular regard to local landscape character, the layout and design of the proposed dwellings, and the provision for open space and soft landscaping;
 - Whether the proposal would provide a suitable mix of housing types;
 - Whether the proposal makes adequate provision for biodiversity enhancements; and
 - The effect of the proposal on the living conditions of the occupiers of the property known as Steps Cottage.

Decision:

- The application was refused under delegated powers on 7 April 2017
- The appeal was dismissed on 29 September 2017
- An application for the award of costs, made by the Council against the Appellant was dismissed.

- 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 170036

- The appeal was received on 27 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mr Elwyn Brooke
- The site is located at The Rectory Field as known as Land at The Green, Kings Caple, Herefordshire
The development proposed was Erection of two pairs of semi-detached houses together with a single dwelling, scale layout, access, parking and manoeuvring. Landscaping and Materials
- The main issues were:-
 - Whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the character and appearance of the area, having regard to its location within an Area of Outstanding Natural Beauty; and
 - The effect of the proposal on the significance of designated heritage assets

Decision:

- The application was Refused under Delegated Powers on 15 May 2017
- The appeal was Dismissed on 2 October 2017
- An Application for the award of Costs, made by the Council against the Appellant, was Dismissed

Case Officer: Mr C Brace on 01432 261947

Enforcement Notice 172682

- The appeal was received on 10 July 2017
- 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 Gregory Powell
- The site is located at Land at Berrington Bower, Litmarsh, Marden, Hereford, Herefordshire, HR1 3EY
- The breach of planning control alleged in this notice is:
Without planning permission the barn has been converted to provide residential accommodation.
- The requirements of the notice are:
Reinstate building to former use and remove all aspects of residential accommodation. Remove balcony. Remove all newly installed doors, windows and skylights. Remove wood burning stove and flue. Remove newly fitted kitchen and washroom facilities. All the above must be removed completely from site and taken to a registered waste disposal site.

Decision:

- On 20 October 2017, the Enforcement Notice was found to be a nullity, therefore, no further action will be taken in connection with this appeal.

Case Officer: Ms Joanne Last on 01432 260243

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