

4 ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNW2005/3607/F**

- The appeal was received on 20th March 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Thorpe
- The site is located at Land at Chapel House, Orleton, Nr. Ludlow, Shropshire
- The development proposed is Erection of a two storey house.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2005/2349/F

- The appeal was received on 14th March 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Westbury Homes (Holdings)
- The site is located at Land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire
- The development proposed is Residential development of 44 dwellings including affordable housing.
- The appeal is to be heard by Inquiry alongside appeal DCNC2004/2651/F

Case Officer: Andrew Banks on 01432 383085

APPEALS DETERMINED**Application No. DCNC2005/3089/F**

- The appeal was received on 20th December 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs C Jennings
- The site is located at 5 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The application, dated 19th September 2005, was refused on 15th November 2005
- The development proposed was Two storey extension to create 2 x one bedroom flats.
- The main issue is the effect of the development on the safety and free-flow of traffic on the highway.

Decision: The appeal was DISMISSED on 23rd March 2006

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2005/1870/F

- The appeal was received on 20th December 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs C Jennings
- The site is located at 5 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The application, dated 3rd June 2005, was refused on 10th August 2005
- The development proposed was Two storey extension to create 2 x one bedroom flats.
- The main issue is the effect of the development on the safety and free-flow of traffic on the highway.

Decision: The appeal was DISMISSED on 23rd March 2006

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2004/3258/O

- The appeal was received on 25th January 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr D Johns
- The site is located at Land adjoining Woodbine Cottage and Holme Oaks, Ocle Pychard, Herefordshire
- The application, dated 27TH September 2004, was refused on 10th November 2004
- The development proposed was Site for single dwelling and garage.
- The main issue is the effect of the proposal on the character and appearance of the surrounding rural area.

Decision: The appeal was DISMISSED on 6TH March 2006

Case Officer: Duncan Thomas 01432 261974

Application No. DCNE2005/0926/F

- The appeal was received on 25th November 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by R Harper Estate
- The site is located at Home End/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The application, dated 18th March 2005, was refused on 13th July 2005
- The development proposed was Removal of old glass house and construction of 5 dwellings as car free scheme
- The main issues are firstly, whether the car free aspect of the appeal can be enforced and if not, whether the resultant circumstances could lead to parking or access difficulties harmful to residential amenity or public safety. Secondly, the effect of the proposed development on the surrounding area, having regard to the location of the site within the Ledbury Conservation Area and close to buildings listed as being of architectural or historic importance. Thirdly, whether demolition of the glasshouse would be justified in

circumstances in which there was no permitted alternative use for or development on the site.

Decision: The appeal was DISMISSED on 14th March 2006

Case Officer: Ed Thomas on 01432 261795

Application No. DCNE2005/1020/C

- The appeal was received on 25th November 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr R Harper
- The site is located at Homend/Secret Garden, Fox Lane, Ledbury, Herefordshire
- The application, dated 30th March 2005, was refused on 13th July 2005
- The development proposed was Removal of old glass house
- The main issues are firstly, whether the car free aspect of the appeal can be enforced and if not, whether the resultant circumstances could lead to parking or access difficulties harmful to residential amenity or public safety. Secondly, the effect of the proposed development on the surrounding area, having regard to the location of the site within the Ledbury Conservation Area and close to buildings listed as being of architectural or historic importance. Thirdly, whether demolition of the glasshouse would be justified in circumstances in which there was no permitted alternative use for or development on the site.

Decision: The appeal was DISMISSED on 14th March 2006

Case Officer: Ed Thomas on 01432 261795

Application No. DCNC2004/3143/F

- The appeal was received on 6th January 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs M Tyers
- The site is located at The Riddle, Eyton, Leominster, Herefordshire, HR6 0BZ
- The application, dated 20th July 2004, was refused on 22nd November 2004
- The development proposed was Removal of condition 2 of planning permission 85/61 (occupancy condition)
- The main issue is whether the occupancy condition is necessary and reasonable having regard to the general presumption against residential development in the open countryside.

Decision: The appeal was UPHeld on 14th March 2006. An application for costs was DISMISSED.

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNC2005/2230/O

- The appeal was received on 8th December 2005

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by G H Jones Esq
- The site is located at Part OS 8709, Leysters, Nr Leominster, Herefordshire
- The application, dated 17th June 2005, was refused on 29th September 2005
- The development proposed was Site for the erection of a dwelling and agricultural building for racehorse training
- The main issues are firstly whether the proposed house and associated business activity would accord with the rural settlement policies of the development plan, and secondly, the effect of the development on the character and appearance of the surrounding area.

Decision: The appeal was DISMISSED on 20th March 2006

Case Officer: Astrid Jahn on 01432 261560

Enforcement Notice EN2005/0077/ZZ.

- The appeal was received on 2nd February 2006
- 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 Hereford Coach & Commercial Refinishers
- The site is located at Baddymarsh Farm, Lower Eggleton, Ledbury, Herefordshire
- The breach of planning control alleged in this notice is "Without planning permission, change of use of a building from use for storage of trucks to the housing of spray booths and their use for the purpose of re-painting vehicles"
- The requirements of the notice are "Cease using any part of the land for housing of spray booths for the re-painting of vehicles"
- The main issue is Whether the continued use of the building for re-painting of commercial vehicles was acceptable having regard to the proximity of neighbouring residential properties.

Decision: The appeal was WITHDRAWN on 21st March 2006

Case Officer: Ed Thomas on 01432 261795

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