

**4 ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNE2006/0745/F**

- The appeal was received on 20th July 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 S R Austen
- The site is located at 16 Oakland Drive, Ledbury, Herefordshire, HR8 2ER
- The development proposed is Proposed loft conversion
- The appeal is to be heard by Written Representations

**Case Officer: Roland Close on 01432 261803**

**Application No. DCNC2006/0890/F**

- The appeal was received on 5th July 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 A Judge
- The site is located at 5 Old Forge, Whitbourne, Worcester, Herefordshire, WR6 5SB
- The development proposed is Application under S73 of the town and country planning act 1990 to delete condition 3 of permission DCNC2005/3189/F. Level of conservatory.
- The appeal is to be heard by Written Representations

**Case Officer: Mrs A Jahn on 01432 261560**

**Application No. DCNE2006/0401/O**

- The appeal was received on 18th July 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 L A Watkins
- The site is located at Land adjacent to Holmlea, Ashperton, Herefordshire, HR8 2RZ
- The development proposed is Outline planning for two dwellings.
- The appeal is to be heard by Written Representations

**Case Officer: Ed Thomas on 01432 261795**

**APPEALS DETERMINED****Application No. DCNW2004/3416/O**

- The appeal was received on 5th April 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 J W Mokler
- The site is located at Land between Oakland and Gipsy Hall, Eardisley, Hereford, Herefordshire, HR3 6PR

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Further information on the subject of this report is available from the relevant Case Officer

- The application, dated 4<sup>th</sup> October 2004, was refused on 11<sup>th</sup> January 2005
- The development proposed was Site for one bungalow
- The main issues are whether the operational needs of cultivating and maintaining the land are sufficiently compelling to justify the erection of the proposed dwelling on the appeal site and secondly the effect of the proposed dwelling on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 6<sup>TH</sup> July 2006

**Case Officer: Philip Mullineaux on 01432 261808**

**Application No. DCNC2005/3734/F**

- The appeal was received on 12th April 2006
- 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 P Davis
- The site is located at Lavender Cottage, Upper Sapey, Worcester, Herefordshire, WR6 6XT
- The application, dated 16<sup>th</sup> November 2005, was refused on 25<sup>th</sup> January 2006
- The development proposed was Retrospective application for two-storey side extension to dwelling.
- The main issue is the effect of the existing building on the character and appearance of the site, its surroundings and the wider landscape having regard to the alterations permitted by the Council.

**Decision:** The appeal was UPHELD on 30<sup>th</sup> June 2006

**Case Officer: Astrid Jahn 01432 261560**

**Application No. DCNC2004/2651/F**

- The appeal was received on 11th April 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 Westbury Homes (Holdings) Ltd
- The site is located at Land at St. Botolph's Green/Southern Avenue, Leominster, Herefordshire
- The application, dated 16<sup>th</sup> July 2004, was refused on 23<sup>rd</sup> March 2005
- The development proposed was Residential development of 44 dwellings including affordable housing.
- The main issues are:
  - (i) Whether or not this safeguarded employment land is still needed for that use and whether its development as proposed would lead to oversupply of housing in the area.
  - (ii) Whether or not any noise and disturbance resulting from increased traffic flows would have an unacceptable effect on the living conditions of St Botolphs Green.

**Decision:** The appeal was UPHELD on 11<sup>th</sup> July 2006.

An application for the award of costs against the Council was DISMISSED.

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2005/2349/F**

- The appeal was received on 14th March 2006
- 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 Westbury Homes (Holdings)
- The site is located at Land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire
- The application, dated 27<sup>th</sup> June 2005, was refused on 7<sup>th</sup> September 2005
- The development proposed was Residential development of 44 dwellings including affordable housing.
- The main issues are:
  - (i) Whether or not this safeguarded employment land is still needed for that use and whether its development as proposed would lead to oversupply of housing in the area.
  - (ii) Whether or not any noise and disturbance resulting from increased traffic flows would have an unacceptable effect on the living conditions of St Botolphs Green.

**Decision:** The appeal was UPHELD on 11<sup>th</sup> July 2006.

An application for the award of costs against the Council was DISMISSED.

**Case Officer: Andrew Banks on 01432 383085**

**Enforcement Notice EN2005/0079/ZZ**

- The appeal was received on 1st December 2005
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The site is located at Holly Hill, Avenbury, Bromyard, Herefordshire
- The breach of planning control alleged in this notice is:

Without planning permission the change of use of the building from storage to a mixed use for the purpose of storage and single dwelling house.
- The requirements of the notice are:
  - (i) To cease the residential use of the building.
  - (ii) To restore the building back to its lawful use as approved under Planning Permission NE2001/2770/F by removal of the following: Kitchen, including kitchen units (ground and wall units), kitchen sink, cooker, fridge/freezer, washing machine/dryer, bath, shower, shower screen and also the wood burner.
- The main issue is the change of use of the building from storage to a mixed use for the purposes of storage and a single dwelling house.

**Decision:** The appeal was UPHELD on 17<sup>th</sup> July 2006

**Case Officer: Russell Pryce on 01432 261957**

**Application No. DCNE2006/0248/F**

- The appeal was received on 18th April 2006
- 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 Vaughan
- The site is located at Woodend Cottage, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JW
- The application, dated 26<sup>th</sup> January 2006, was refused on 27<sup>th</sup> February 2006
- The development proposed was Proposed conservatory to front
- The main issue is the effect of the proposed conservatory on the character and appearance of the building.

**Decision:** The appeal was DISMISSED on 18<sup>th</sup> July 2006

**Case Officer: Ed Thomas on 01432 261795**

**Enforcement Notice EN2005/0097/ZZ**

- The appeal was received on 28th 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 Mr P Williams
- The site is located at Land at Ledwyche Springs, Bleathwood, Ludlow, SY8 4LF
- The breach of planning control alleged in this notice is:  
Without planning permission change of use of the land from the use of agriculture to the mixed use of agriculture and the siting of two mobile homes linked with a covered walkway, together with associated works comprising the construction of a concrete hardstanding, pathway, amenity points and related works
- The requirements of the notice are:  
Permanently remove the said mobile homes together with the covered walkway area between them. Remove all associated site works including the concrete hardstanding and amenity points and restore the land to its condition before the breach took place by reseeding it with grass and such other work as is necessary to return its agricultural land quality to at least that which it formerly had.
- The main issues are:
  - (i) Whether or not the siting of mobile homes on the land were considered to be permitted development whilst the landowner carried out renovation works to a lawfully sited chalet.
  - (ii) Whether there was any justification to allow a deemed application on the basis of there being an agricultural need.

**Decision:** The appeal was DISMISSED on 27<sup>th</sup> July 2006

**Case Officer: Andrew Banks on 01432 383093**

**Application No. DCNW2004/4400/F**

- The appeal was received on 17th August 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 J Gwatkin
- The site is located at Tibhall, Pembridge, Hereford, HR6 9JR
- The application, dated 17<sup>th</sup> December 2004, was refused on 16<sup>th</sup> March 2005
- The development proposed was Extension of existing holiday lodge site providing an additional eight holiday units, with access road and landscaping
- The main issues are:
  - (i) Whether the proposal would result in unacceptable harm to the character and appearance of this rural area.
  - (ii) Whether the scheme would result in detriment to highway safety.

**Decision:** The appeal was DISMISSED on 31<sup>st</sup> July 2006

**Case Officer: Andrew Banks on 01432 383085**

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