

17 August 2023		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Louise Reid, Strategic Lead, Development Services		
Accountable Director: Mark Bradbury, Director of Place		

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3.0 Appeals Lodged:

3.1 Application No: 22/00706/FUL

Location: Land Between Gunning Road and Globe Industrial Estate, Towers Road, Grays, Essex.

Proposal: Erection of 2 storey building for commercial purposes (Use Class E purposes - Commercial, Business, Service) with parking to rear.

3.2 Application No: 20/01171/FUL

Location: Stanford House, Princess Margaret Road, East Tilbury, Essex

Proposal: Conversion of ground floor ancillary retail storage units (E Use Class) to provide 1 x 2 bedroom flat and 2 x1 bedroom flats (C3 Use Class) with associated landscaping.

3.3 Application No: 22/00616/FUL

Location: 63 Wharf Road, Stanford Le Hope, Essex, SS17 0DZ

Proposal: Demolition of existing dwelling to form access and erection of four semi-detached chalets with parking and amenity space to rear of properties on Wharf Road.

3.4 Application No: 22/01497/HHA

Location: 15 Norfolk Place, Chafford Hundred, Grays, Essex, RM16 6DE

Proposal: Replacement of two existing dormers for a rear dormer loft conversion.

3.5 Application No: 22/01097/FUL

Location: 45 Sanderling Close, East Tilbury, Essex, RM18 8FF

Proposal: (Retrospective) Change of use of land from landscaped setting to residential curtilage, and the reposition of a new 1.8m high boundary fence and new driveway and vehicle access.

3.6 Application No: 21/01277/FUL

Location: 36 High Street, Stanford Le Hope, SS17 0HQ

Proposal: First floor rear extension to the existing property to provide HMO rooms and kitchen space, with parking beneath for existing HMO rooms.

3.7 Application No: 22/01102/FUL

Location: 15 Nursery Close, South Ockendon, Thurrock, RM15 6DD

Proposal: Erection of a 1 bedroom two storey dwelling in the land adjacent to no. 15 Nursery Close, including the demolition of existing double garage and creation of associated off street parking, cycle and bin store and landscaping.

3.8 Application No: 23/00179/HHA

Location: 321 Southend Road, Stanford Le Hope, Essex, SS17 8HL

Proposal: Hardstanding and vehicle access.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/00015/BUNUSE

Location: 37 Sanderling Close, East Tilbury, Essex, RM18 8FF

Proposal: Refused planning application 19/01642/FUL Change of use from landscape setting to residential curtilage and erection of 1.8m high fence [Retrospective].

Appeal Decision: Appeal Dismissed

Appeals were lodged against enforcement notices requiring the removal of a 1.8m high fence. The Inspector considered that the main issue for consideration was the effect of the fence on the character and appearance of the area. In conclusion, it was considered that the structure was a large and obtrusive feature, visually dominant and harmful to character. The fence was found to be contrary to development plan policy and failed to demonstrate high quality design. The full appeal decision can be found online.

4.2 Application No: 22/01074/FUL

Location: Land Adjoining Fobbing Acres And Mill Lane, Fobbing, Essex

Proposal: Change of use of land to a gypsy and traveller caravan site consisting of a 1 no. pitch and associated development

Appeal Decision: Appeal Allowed

Members will recall this appeal from the meeting on 8th June, at which it was agreed that the Council would not defend the appeal due to the inherent difficulties of addressing the reasons for refusal which had emerged since the decision was issued.

The Inspector's decision was as anticipated; allowing the appeal and giving substantial weight to the Council's lack of an identifiable five-year supply of sites or other alternative locations to direct the applicant. The Inspector noted that the very high need for sites in the Borough can be a 'Very Special Circumstance' that outweighs harm to the Green Belt in some instances. The Inspector was also critical of the slow progress of the emerging Local Plan, and highlights that the Council will need to rely on windfall sites to address Gypsy and Traveller provision until a new Local Plan is adopted.

The Inspector does, however, acknowledge that the Council issued the original refusal based on relevant material considerations at the time, and had to reconsider its position as new information emerged in the period between refusal (December 2022) and receipt of the appeal. The full appeal decision can be found online.

4.3 Application No: 21/02186/FUL

Location: Globe Industrial Estate, Unit 29A Towers Road, Grays, RM17 6ST

Appeal Decision: Appeal Dismissed

Proposal: Conversion and change of use of vacant warehouse/office (B8 use) to a place of worship and community centre (falling under a dual F.1 and F.2 use) including minor external alterations to fenestration in both front and rear elevations.

The main issues were considered to be whether the proposal would be an appropriate use of the site, provision of sufficient car parking and evidence is respect of noise.

The Inspector concluded that the proposal would conflict with Core Strategy policy CSTP6, which seeks to safeguard secondary industrial and commercial land. Regarding car parking, the Inspector concluded that the

proposal would not make sufficient provision for car parking, resulting in unacceptable harm to highway safety. Finally it was concluded that insufficient evidence had been put forward by the applicant to demonstrate that the proposal would not result in noise nuisance to residential properties, or that impacts could be mitigated.

The full appeal decision can be found online.

4.4 Application No: 22/01004/FUL

Location: 9 Ludlow Place, Grays, Essex, RM17 5AS

Proposal: Erection of a single storey one bedroomed dwelling in the land adjacent to no. 9 Ludlow Place, including vehicle access.

Appeal Decision: Appeal Dismissed

The main issues in this case were considered to be

- the effect of the proposed dwellings on the character and appearance of the host property and the area
 - living conditions of future residents in respect of privacy, amenity space, outlook and light; and
- provision of car parking.

The Inspector concluded that, due to its cramped layout and incongruous location, the proposal would lead to significant harm to the character and appearance of the host property and the wider area. The proposal would also lead to significant harm to the living conditions of future residents in respect of privacy, amenity space, outlook and light. The proposal would therefore be contrary to the design and layout considerations of Policies CSTP22, CSTP23, PMD1 and PMD2 of the Core Strategy and Policies for Management of Development (as amended) 2015 (the CSPMD); and Annexe 1 of the Thurrock Borough Local Plan 1997 (the Local Plan). The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of achieving well-designed places

However, the inspector concluded in respect of car parking, the proposal would make suitable provision for the parking of vehicles. The proposal would therefore not conflict with the accessibility and parking requirements

of Policies PMD2, PMD8 and PMD9 of the CSPMD. The full appeal decision can be found online.

4.5 Application No: 22/01098/PHA

Location: 65 Feenan Highway, Tilbury, Essex, RM18 8ET

Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 3 metres and eaves height of 3 metres.

Appeal Decision: Appeal Dismissed

The Inspector considered the main issue to be the effect of the proposal on the amenity of adjoining premises with regard to outlook and light

The Inspector found that the extension would be located in close proximity to the boundary with No 67 and, therefore, due to the projection to the rear and the height of the proposal, the Inspector has decided that the extension would be apparent as an over dominant and oppressive feature in views from the rear windows and amenity area of No 67.

Accordingly, the appeal was dismissed. The full appeal decision can be found online.

4.6 Application No: 23/00125/HHA

Location: 38 Charlotte Place, West Thurrock, Essex, RM20 3JF

Proposal: (Retrospective) Outbuilding.

Appeal Decision: Appeal Dismissed

The Inspector considered the main issues to be:

- character and appearance of the host property and area; and
- living conditions of residents of 37 Charlotte Place in respect of outlook and privacy

The Inspector found that, as a result of the unorthodox layout of the site, the scale and arrangement of the outbuilding was in contrast with the frontage arrangement of adjoining dwellings along the path and due to its freestanding nature and scale compared to the host dwelling, the Inspector decided that the outbuilding would appear to be an over dominant and

obtrusive feature in views from the parking and circulation area. The Inspector also deemed the outbuilding, due to its scale and location, would result in significant harm to the living conditions of residents of No 37 in respect of outlook and privacy.

Accordingly, the appeal was dismissed. The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	JUNE	July
Total No of Appeals	1	2	0	1	6	1	14	3	5	4	3	6	12	2	6
No Allowed	1	1	0	0	2	0	4	2	3	1	7	2	6	1	1
% Allowed	100%	50%	0%	0	33.3%	0%	28.6%	66.7%	60%	25%		33.3%	50%	50%	10%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8.0 Implications

8.1 Financial

Implications verified by: **Laura Last**
Management Accountant

Government Intervention & Section 114

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

Implications relating to this specific report

This report is an update report and as such there are no specific financial implications.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim Project Lead

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably.

Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

8.3 **Diversity and Equality**

Implications verified by: **Becky Lee**
**Team Manager - Community Development
and Equalities Adults, Housing and Health
Directorate**

There are no direct diversity implications to this report.

8.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- None.

9.0. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: www.thurrock.gov.uk/planning. The planning enforcement files are not public documents and should not be disclosed to the public.

10. **Appendices to the report**

- None