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| 22nd September 2016 | | ITEM: 6 |
| Planning Committee | | |
| Planning Appeals | | |
| Wards and communities affected: All | Key Decision: Not Applicable | |
| Report of: Leigh Nicholson, Development Management Team Leader | | |
| Accountable Head of Service: Andy Millard, Head of Planning and Growth | | |
| Accountable Director: Steve Cox, Director of Environment and 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. Appeals Lodged:

3.1 Application No: 15/01342/FUL

Location: Bulimba, Butts Road, Stanford Le Hope

Proposal: Retrospective application for a 2.7 metre high fence and change of use of existing part of residential garden to commercial open storage.

3.2 Application No: 16/00197/HHA

Location: 56 Scratton Road, Stanford Le Hope

Proposal: Two storey side and rear extension, loft conversion and removal of the chimney stack.

3.3 Application No: 16/00247/HHA

Location: 2 Marie Close, Corringham

Proposal: Removal of existing conservatory and retention of extended games room.

3.4 Application No: 16/00462/FUL

Location: 14 Cardinal Road, Chafford Hundred

Proposal: Convert existing garage into premises for a small 'by appointment' business (dog grooming salon)

3.4 Application No: 16/00232/FUL

Location: Malgraves Meadow Lower Dunton Road
Horndon On The Hill Essex SS17 8QD

Proposal: Convert existing garage into premises for a small 'by appointment' business (dog grooming salon)

3.4 Application No: 16/00405/FUL

Location: Wharf Shipping Services The Warren Wharf Road
Stanford Le Hope Essex

Proposal: Replacement and extension of existing timber storage building and improved maintenance facility.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/00058/HHA

Location: The Old Kennels, Kirkham Shaw, Horndon On The Hill

Proposal: Erection of cart lodge for 2 vehicles

Decision: Allowed

Summary of decision:

4.1.1 The Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt, having regard to national and local planning policy; and
- II. The effect of the proposal on the character and appearance of the area.

4.1.2 With regards to (i), the Inspector agreed that given the proximity and ancillary use of the building the development should be treated as an extension to the dwellinghouse. The Inspector however took the view that because the property had been re-built since 1948 and not extended [since being re-built], the development, which amounted to some 30 sqm, would accord with LDF CS Policy PMD6.

4.1.3 With regards to (ii), the Inspector took the view that due to the unobtrusiveness position of the cart lodge and prevalence of other similar structures nearby the cart lodge would not be an incongruous or overly prominent feature in the locality.

4.1.4 The full appeal decision can be found [here](#)

4.2 **Application No: 16/00460/HHA**

Location: 65 Parkside, Grays

Proposal: Single storey rear conservatory extension

Decision: Allowed

Summary of decision:

4.2.1 The Inspector considered the main issue to be:

- i. The effect of the proposed development on the living conditions of occupiers of 67 Parkside with regards to outlook and light.

4.2.2 The Inspector took the view that whilst the extension would protect beyond the Council's standards, the design and restricted height of the conservatory would negate any adverse effects on views from No.67. As a consequence the Inspector took the view that the conservatory would not appear overbearing. The Inspector also took the view that any effects on sunlight and daylight would be limited.

4.2.3 The full appeal decision can be found [here](#)

4.3 **Application No: 15/00510/FUL**

Location: Land Part of Fiddlers Reach (Eastern Side), Wouldham Road, Grays

Proposal: The development of a waste-wood fuelled combined heat and power station to generate heat and energy from biomass, comprising: a main building that contains the fuel reception and storage area, gasification and oxidation area, the boiler, flue gas treatment facility, stack; a building containing steam turbine and water treatment facilities, control room, and staff facilities; an auxiliary boiler house and associated stack; air cooled condenser; steam offtake pipe; and associated ancillary buildings and infrastructure including external hardstanding for vehicle manoeuvring / parking, weighbridges, an electricity substation and transformers, generators and associated diesel tank, air blast coolers, fire break water tanks and associated pumping building, cycle / motorbike store, surface water and foul drainage infrastructure, landscaping, fencing and security gates.

Decision: Allowed

Summary of decision:

- 4.3.1 The Inspector considered the main issue to be:
- i. The effect of the proposed development on the character and appearance of the area.
- 4.3.2 The Inspector acknowledged the building would be bulky and in close proximity to nearby residential properties but also took the view the relationship of the new building and its surroundings would not be dissimilar to other new development in the vicinity in relation to the Proctor and Gamble complex. The Inspector was satisfied that the overall height of the building would not be excessive.
- 4.3.3 The Inspector considered the impact of the development from the viewpoints assessed in the ES submitted with the application and found the harm arising from the development to be acceptable, particularly because of the industrial context of the site.
- 4.3.4 Whilst not specifically raised in the Council's refusal, the Inspector also considered other matters raised by interested parties but found no grounds to dismiss the appeal. The Inspector concluded that there would be no unacceptable harm in terms of the effect of the proposal on the character and appearance of the area. The Inspector also considered there to be significant benefits arising both from the generation of renewable energy and from the sustainable management of waste. There would also be benefits arising from the employment that would be generated.

4.3.4 The full appeal decision can be found [here](#)

4.4 Application No: 14/00291/CWKS

Location: Mills Oak Lower Dunton Road Laindon Essex RM14 3TD

Proposal: Two storey building built to front of the property without the benefit of planning permission, also using it as living quarters.

Decision: Part allowed / Part Dismissed

Summary of decision:

4.4.1 This appeal relates to an Enforcement Notice served on the owners of the above property which required, amongst other things, the removal of domestic paraphernalia and the demolition of aspects of the outbuilding which did not benefit from planning permission.

4.4.2 The Inspector acknowledged that the case was finely balanced, but considering evidence provided by the appellant during the appeal process in relation to the length of time the building had been in use, the Inspector found the alterations to not represent inappropriate development in the Green Belt.

4.4.3 The Inspector dismissed the ground 'C' appeal [that there has been no breach of planning control] but went on to allow the ground 'A' appeal and granted planning permission for the development. In granting planning permission, the Inspector imposed conditions to ensure that the development remained incidental to the property and to prevent additional windows from being inserted into the building.

4.4.4 The full appeal decision can be found [here](#)

5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

6.0 APPEAL PERFORMANCE:

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

| | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Total No of Appeals | 5 | 2 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| No Allowed | 2 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| % Allowed | | | | | | | | | | | | | 37% |

7. Consultation (including overview and scrutiny, if applicable)

7.1 N/A

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

8.1 This report is for information only.

9. Implications

9.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Vivien Williams**
Principal Regeneration Solicitor

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

9.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

There are no direct diversity implications to this report.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

10. 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.

11. Appendices to the report

- None

Report Author:

Leigh Nicholson

Development management manager