

<b>7 June 2018</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Leigh Nicholson, Strategic Lead – Development Services		
<b>Accountable Assistant Director:</b> Andy Millard, Assistant Director – Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Steve Cox, 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: 17/00976/CLEUD

Location: 41 Leicester Road, Tilbury

Proposal: Retention of the house as two separate flats.

#### **4.0 Appeals Decisions:**

The following appeal decisions have been received:

##### **4.1 Application No: 17/01182/HHA**

Location: 109 Lodge Lane, Grays

Proposal: Vehicle crossing over pedestrian footway.

**Decision: Appeal Dismissed**

4.1.1 The Inspector found the proposal to be unacceptable on the basis that the development would result in the removal of part of the existing grass verge which is a strong characteristic of this part of Lodge Lane. The Inspector concluded that the loss of the grass verge would erode the verdant setting, to the detriment of the character and appearance of the streetscene, in direct conflict with CS policies PMD9, PMD2 and CSTP22.

4.1.2 The full appeal decision can be found online.

##### **4.2 Application No: 17/01546/HHA**

Location: Fen Cottage, Fen Lane, Orsett

Proposal: Raise the roof of dwelling with front and rear dormers on the north and south elevations to provide first floor accommodation.

**Decision: Appeal Dismissed**

4.2.1 The Inspector considered the main issues to be:

- i. Whether the development constitutes inappropriate development in the Green Belt;
- ii. The impact of the development on the openness of the Green Belt;
- iii. Whether any harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations as to amount to the very special circumstances necessary to justify the development.

4.2.2 In relation to (i), the Inspector found that the extension would exceed the floor area of two reasonably sized rooms of the original dwelling. Due to the significant cumulative increase in internal floorspace, the Inspector concluded that the extension would constitute inappropriate development.

- 4.2.3 In relation to (ii), the Inspector found that, owing to the bulk, siting and scale of the extension, it would erode the openness of the Green Belt.
- 4.2.4 In relation to (iii), the Inspector identified no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt.
- 4.2.5 The full appeal decision can be found online.

**4.3 Application No: 17/00882/FUL**

Location: 1 Fairview Avenue, Stanford Le Hope

Proposal: Erection of detached dwelling.

**Decision: Appeal Dismissed**

4.3.1 The Inspector found the development to be unacceptable; the prominence of the dwelling would harm the character and appearance of the area. The Inspector found the development to conflict with CS policies PMD1 and PMD2 and accordingly dismissed the appeal.

4.3.2 The full appeal decision can be found online.

**4.4 Application No: 17/00705/FUL**

Location: 2 St James Avenue East, Stanford Le Hope

Proposal: Demolition of garage and erection of 2 bedroom bungalow on land rear of 2 St James Avenue East

**Decision: Appeal Dismissed**

4.4.1 The Inspector took the view that the proposal would not result in harm to the character and appearance of the area and would not harm the highway network. The Inspector did however find the relationship between the proposed dwelling and the neighbouring property to be unacceptable. The Inspector found conflict CS policies PMD2 and CSTP 22 and accordingly dismissed the appeal.

4.4.2 The full appeal decision can be found online.

**4.5 Application No: 17/00133/BUNUSE**

Location: Ongar Hall Farm, Brentwood Road, Orsett

Proposal: Retention of extension to parking facilities with associated landscaping.  
 Refusal of planning application 16/01416/FUL.

**Decision: Appeal Dismissed**

4.5.1 The Inspector considered the main issues to be:

- i. Whether the development constitutes inappropriate development in the Green Belt;
- ii. The impact of the development on the openness of the Green Belt;
- iii. Whether any harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations as to amount to the very special circumstances necessary to justify the development.

4.5.2 In relation to (i), by the admission of the appellant, the development is inappropriate development in the Green Belt. The Inspector found no reason to disagree.

4.5.3 In relation to (ii), the Inspector found the development to conflict with the fundamental aim of Green Belt policy (which is to maintain openness in perpetuity).

4.5.4 In relation to (iii), the inspector considered the appellants case for retaining the development, but concluded that there were no circumstances, either singularly or in combination that would clearly outweigh the harm caused by the inappropriateness of the development in the Green Belt and the loss of openness. The Inspector went on to dismiss the appeal and uphold the Enforcement Notice.

4.5.5 The full appeal decision can be found online.

**5.0 Forthcoming public inquiry and hearing dates:**

5.1 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												
No Allowed	0												
% Allowed													0%

## **7.0 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.

## **9.0 Implications**

### **9.1 Financial**

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

There are no direct financial implications to this report.

### **9.2 Legal**

Implications verified by: **Benita Edwards**  
**Interim Deputy Head of Law (Regeneration) and**  
**Deputy Monitoring Officer**

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: **Natalie Warren**  
**Strategic Lead Community Development**  
**and Equalities**

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](http://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

Strategic Lead – Development Services