

1 December 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead for Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Director of Public Realm		

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: **22/00420/CLOPUD**

Location: Greenwise Nurseries, Vange Park Road, Vange, BasildonSS16 5LA

Proposal: The use of the land for growing plants and retail sale thereof together with the importation of plants and retail sale of plants. The use of land for storage and display

for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of storage containers, building materials and other general materials un-related to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with associated buildings

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/01662/OUT

Location: Greenwise Nurseries, Vange Park Road, Vange SS16 5LA

Proposal: Outline planning application for demolition of the existing structures and the construction of up to 60 houses (18 to be custom-build and 21 to be affordable homes). To include determination of the matter of access (matters relating to appearance, landscaping, layout and scale reserved)

Appeal Decision: Appeal Dismissed

- 4.1.1 The Inspector considered that the main issues were whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- 4.1.2 The Inspector stated the proposal would not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt. Therefore, the proposal would be inappropriate development which, by definition, would be harmful to the Green Belt. Furthermore, the proposal would represent urban sprawl beyond a built-up area and this would conflict with the fundamental aim of Green Belt policy and, due to its location beyond settlement boundaries, would not assist in any form of urban regeneration. The very special circumstances put forward by the applicant did not clearly outweigh the harm.
- 4.1.3 The Inspector concluded that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development did not exist. Therefore, the proposal is in conflict with the NPPF and policies CSSP4 and PMD6 of the Core Strategy.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/01077/CV

Location: Tanga, Inglefield Road, Fobbing, Essex, SS17 9HW

Proposal: Application for the variation of condition no. 5 (PD rights) of planning permission ref. 94/00646/FUL (Replacement dwelling house)

Appeal Decision: Appeal Allowed

4.2.1 The Inspector considered that the main issues were whether the proposal is the effect of the removal of condition 5 (Permitted Development Rights) on the openness of the Green Belt.

4.2 The Inspector stated that the permitted development rights which have been removed would allow extensions to the original property and alterations to the site. It was considered that any such extensions or alterations carried out under permitted development rights are likely to be relatively minor. The Inspector found that there was no substantive evidence to indicate that in exercising permitted development rights, further extensions would result in disproportionate additions over and above the size of the original building, which would subsequently lead to a loss of openness within the Green Belt.

4.2.3 The Inspector concluded that the removal of condition number 5 would not harm the openness of the Green Belt and there is no clear justification for the removal of permitted development rights, as such condition 5 of planning permission 94/00646/FUL was removed.

4.2.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3		2	1	7	5	11	1				38
No Allowed	4	1		0	0	5	0	4	1				16
% Allowed	57.1%	33.3%		0.0%	0.0%	41.6%	0.0%	26.6%	50%				42%

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

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim 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.

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

There are no direct diversity implications to this report.

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