

13 July 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 Assistant Director: Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim 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: 22/01162/CLEUD

Location: Land To Rear Of 2 To 20, Hillcrest Avenue, West Thurrock, Essex

Proposal: Lawful application to regularise the storage and hobby use of the land with the erection of palisade fencing.

3.2 Application No: 22/00243/CV

Location: 45 Longhouse Road, Chadwell St Mary, Grays, Essex, RM16 4RT

Proposal: Application for the removal of condition no. 4 of planning permission ref: 17/01064/FUL [Conversion of garage into a self-contained annexe with extensions to garage. A drop kerb proposed to front to accommodate new driveway] to allow for use as a separate dwelling.

3.3 Application No: 22/01689/FUL

Location: 11 Scott Road, Chadwell St Mary, Thurrock, RM16 4ED

Proposal: Single storey rear of garden one bedroom annexe.

3.4 Application No: 21/00456/CLEUD

Location: Little Acres, Inglefield Road, Fobbing, Essex, SS17 9HW

Proposal: Lawful Development Certificate for residential use for the whole site.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01781/FUL

Location: Land Adjacent 2, Fort William Road, Vange, Essex

Proposal: Change of use of land to residential use for the stationing of 1 No. residential static caravan and dayroom, storage of hardcore and upgrading of existing access. Retention of use of land for storage of 1 No. touring caravan and standing of field shelter.

Appeal Decision: Appeal Allowed

4.1. The Inspector considered the main issue to be the impact of the development on the openness and purposes of the Green Belt and if the

proposal would be inappropriate development whether the harm by reason of inappropriate and any other harm would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

- 4.2 The Inspector found there would be an impact on openness, which is contrary to a fundamental aim of the Green Belt, but he felt the impacts would be limited as the site is constrained.
- 4.3 The Inspector noted that there was not a demonstrable supply of sites to meet Gypsy & Traveller need at this time, but he did note that the Council is working towards a new Local Plan in the next couple of years and a new GTAA is anticipated shortly.
- 4.4 The lack of the 5 year supply of sites, needs of the occupiers and the potential for a temporary consent meant that the Inspector considered the very special circumstances to allow permission in the Green Belt existed. A temporary 5 year consent for the named occupier was granted and the appeal was allowed.
- 4.5 The full appeal decision can be found online.

4.2 Enforcement Case: 20/00476/BUNWKS

Location: 38 Sanderling Close, East Tilbury, Essex, RM18 8FF

Notice: Without planning permission the erection of black metal railings with a maximum height of 1.4m to the front of the property

Appeal Decision: Appeal Dismissed (Notice upheld)

- 4.1. The Enforcement Notice was appealed on the grounds that the steps required (ground (f)) and time period for compliance (ground (g)) were excessive.
- 4.2 Ground (f)
The appellant wanted to retain the railings at 1m in height, rather than the 2m as built. The Inspector found that PD rights which would have allowed 1m high railings were removed for the site when planning permission was originally granted, the appeal on this ground therefore failed.
- 4.3 Ground (g)
The appellant suggested the compliance period to remove the railings would be too short, due to a lack of available contractors. The Inspector found no evidence of a lack of contractors had been provided, therefore the appeal on this ground failed.
- 4.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Total No of Appeals	0	1	6	1	14	3	5	2	5	4	12	2
No Allowed	0	0	2	0	4	2	3	1	2	1	6	1
% Allowed	0%	0	33.3%	0%	28.6%	66.7%	60%	50%	40	25%	50%	50%

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

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: **Caroline Robins**
Locum Principal Solicitor

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