

|   |  |                |
|---|--|----------------|
| <b>18 April 2024</b>  |  | <b>ITEM: 6</b> |
| <b>Planning Committee</b>   |  |                |
| <b>Planning Appeals</b>   |  |                |
| <b>Wards and communities affected:</b><br>All   | <b>Key Decision:</b><br>Not Applicable |                |
| <b>Report of:</b> Trevor Faulkner – Interim Head of Planning Delivery                 |  |                |
| <b>Accountable Chief Officer:</b> Trevor Faulkner – Interim Head of Planning Delivery |  |                |
| <b>Accountable Director:</b> Claire Demmel – Interim Executive 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: 21/02190/FUL**

Location: Land Adjoining Tamarisk Road, South Ockendon, Essex

Proposal: Erection of five buildings to provide 38 residential apartments (Use Class C3) with car parking, cycle parking, new primary and secondary vehicular accesses, soft and hard landscaping including amenity space and associated works

**3.2 Application No: 23/00998/CLOPUD**

Location: Part Of Land Adjacent The Paddock And Nutoi, Park Gate Road, Corringham, Essex

Proposal: Certificate of lawful proposed development for the erection of a proposed swimming pool building for the occupants of the property at Burnside.

**3.3 Application No: 23/00320/BUNUSE**

Location: Old England Farm, St Mary's Lane, Bulphan, Essex, RM14 3PB

Proposal: The farm yard has been converted into a haulage use over the last few years, which is a change of use requiring planning permission.

**3.4 Application No: 23/00348/FUL**

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

Proposal: Erection of single dwelling house with associated parking and private amenity space.

**3.5 Application No: 23/01125/FUL**

Location: 10 Chestnut Avenue, Grays, Essex, RM16 2UJ

Proposal: Demolishing the existing Outbuilding and creating a new house of 1 no. of (4 Bedrooms for 6 people), associated cycle storage, bin storage, and amenities and new vehicle access to original dwelling.

**3.6 Application No: 23/01273/FUL**

Location: Land Adjacent 24, Broadhope Avenue, Stanford Le Hope, Essex

Proposal: Erection of a new build containing 2no. one-bedroom residential flats with associated parking on land to the side of 24 Broadhope Avenue.

**3.7 Application No: 23/00627/FUL**

Location: Land Adjacent, 5 Malpas Road, Chadwell St Mary, Essex

Proposal: Two bedroom end terrace house with associated parking and landscaping.

**3.8 Application No: 23/01428/HHA**

Location: 42 Kiln Way, Grays, Essex, RM17 5JE

Proposal: Loft conversion with two front roof lights and rear dormer.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 22/00452/FUL**

Location: Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB

Proposal: Retention of mobile home and stables

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be: whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework; the effect of the proposal on the openness and purpose of the Green Belt; the effect of the proposal on the character and appearance of the area; 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 found that the development did not accord with any of the exceptions in the Core Strategy or NPPF for new development in the Green Belt and was accordingly inappropriate development.
- 4.1.3 The Inspector found the stable and mobile home were harmful to the openness of the Green Belt.
- 4.1.4 The Inspector found the development would have a neutral impact on the character and appearance of the area.
- 4.1.5 The Inspector found the case put forward as very special circumstances did not outweigh the identified harm to the Green Belt.
- 4.1.6 The appeal was dismissed. The full appeal decision can be found online.

**4.2 Application No: 21/01635/FUL**

Location: Land South Of Marsh Farm, Marsh Lane, Fobbing, Essex

Proposal: Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements

Appeal Decision: Appeal Allowed

- 4.2.1 The Inspector considered that the main issues were the effects of the proposed development on the character and appearance of the area, the effects of the proposed development on heritage assets, whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- 4.2.2 The Inspectorate stated that the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, they considered that very special circumstances exist which justify the development. Subject to the imposition of appropriate planning conditions, the Inspector was satisfied that the impacts of the proposed development could be made acceptable, and that in accordance with NPPF paragraph 163 b) the scheme should be approved. The proposal complies with the NPPF taken as a whole.
- 4.2.3 The Inspector concluded that proposal complies with the development plan and appeal was allowed.

4.2.4 The full appeal decision can be found online.

## 5.0 APPEAL PERFORMANCE:

5.1 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 | APR |
|---------------------|------|-----|-----|-----|-------|-------|-----|-------|-----|-----|-------|-----|-----|
| Total No of Appeals | 1    | 2   | 0   | 1   | 6     | 6     | 3   | 7     | 4   | 0   | 9     | 2   |     |
| No Allowed          | 1    | 1   | 0   | 0   | 2     | 2     | 0   | 3     | 0   | 0   | 2     | 1   |     |
| % Allowed           | 100% | 50% | 0%  | 0%  | 33.3% | 33.3% | 0%  | 42.8% | 0%  | -   | 22.2% | 50% |     |

## 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**

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 Planning and Highways 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 or equality implications arising from this report.

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

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](http://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