

12 July 2018		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Strategic Lead - Development Services		
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.		
Accountable Director: Steve Cox, Corporate Director - 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: 17/01537/HHA
Location: 54 St Chads Road, Tilbury
Proposal: Drop kerb
- 3.2 Application No: 18/00070/HHA
Location: 28 Elmstead Close, Corringham

Proposal: Single storey rear extension, Loft conversion: hip to gable, enlarging existing front and rear dormer. Demolishing of existing garage.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/01639/HHA

Location: 72 Fullarton Crescent, South Ockendon

Proposal: Two storey side extension.

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the surrounding area.

4.1.2 The Inspector found the development to be untypical of the prevailing development pattern and in conflict with the Council's Design SPD. The Inspector concluded that the physical form and extent of the proposal would have a harmful effect on the character and appearance of the surrounding area, contrary to the design objectives of CS Policies PMD2 and CSPT22 and also relevant advice on good design within both the SPD and the NPPF.

4.1.3 The full appeal decision can be found online.

4.2 Application No: 15/01354/OUT

Location: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury

Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.

Decision: Appeal Dismissed

- 4.2.1 This appeal was determined by way of Public Inquiry. At the Inquiry there was no dispute between the parties that, apart from a small portion of land on the western side, the appeal site is located in the Green Belt (GB). The Inspector considered the main issue to be whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations.
- 4.2.2 The NPPF makes clear that harm to the GB should be afforded substantial weight and the Inspector considered the development would conflict with three of the five purposes of including land within a GB.
- 4.2.3 The Inspector weighed the benefits of the scheme, giving very significant weight to the provision of market and affordable housing. The provision to allow the Council's cycleway scheme to cross the appeal site was also considered to be an advantage which was afforded moderate weight. The Inspector recognised that there would be economic advantages that would flow from the introduction of new population.
- 4.2.4 The Inspector considered the case presented but held that the applicant's case would not either individually or cumulatively clearly outweigh the substantial harm that would arise to the Green Belt.
- 4.2.5 The full appeal decision can be found online.

4.3 Application No: 17/00033/BUNUSE

Location: The Old Chapel, Oxford Road, Horndon on The Hill

Proposal: Material change of use of land.

Decision: Appeal Dismissed

- 4.3.1 The appeal related to the stationing of a metal storage container and support base in the Green Belt.
- 4.3.2 The requirements of the Notice are to remove the container and to clear away materials resulting from the removal of the container. The Inspector found that the requirements of the Notice would not exceed what is necessary to remedy the breach of planning control. The appeal on this ground (ground f) therefore failed.
- 4.3.3 The Notice also required the owner to remove the container within 1 month. The appellant argued that it should be allowed to remain until October 2019. The Inspector took the view that one month would be sufficient to remove the container, and as such the appeal on this ground (ground g) also failed.

4.3.4 The Inspector found it necessary to vary the wording of the Notice but upheld the Council's decision to take action. The Enforcement Notice (as varied) was upheld and the appeal dismissed.

4.3.5 The full appeal decision can be found online.

4.4 Application No: 17/01521/HHA

Location: 11 King Edward Drive, Grays

Proposal: Amendment of roof for loft conversion to mansard roof with flat windows and Juliet balcony.

Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

4.4.2 In dismissing the appeal the Inspector found that the proposal, by reason of the increased bulk and design of the mansard roof, would have an adverse effect on the character and appearance of the host dwelling and surrounding area. The Inspector found conflict with Policy CSTP22 and PMD2 and the NPPF.

4.4.3 The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road, Vange

Proposal: Unauthorised use of the land.

Dates: To be confirmed.

5.2 Application No: 16/01512/FUL

Location: Land Adjacent Astons Villa And Appletons, Brentwood Road, Bulphan

Proposal: Change of use of land to residential use for Romani Gypsy family and stationing of one caravan and one camper van for residential occupation with ancillary works comprising modified access and area of hardstanding.

Dates: To be confirmed.

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	0	4										
No Allowed	0	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. The planning enforcement files are not public documents and should not be disclosed to the public.

11. **Appendices to the report**

- None