

6 June 2019		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Interim Assistant Director – Planning, Transport and Public Protection.		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director – Planning, Transport and Public Protection.		
Accountable Director: Andy Millard, Interim Director – Place		

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1. Recommendation(s)

1.1 To note the report.

2. 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. Appeals Lodged:

3.1 Application No: 18/01761/FUL

Location: 15 Alfred Road, Aveley

Proposal: Erection of two storey dwelling.

3.2 Application No: 18/01027/FUL

Location: Downwell Demolition Ltd, Newcastle House, Oliver Close

- Proposal: Two-storey side extension to form training room & further office space
- 3.3 Application No: 18/00155/LBC**
- Location: 7 Hollow Cottages, London Road, Purfleet
- Proposal: Erection of a rear glass conservatory
- 3.4 Application No: 18/01803/HHA**
- Location: 61 King Edward Drive, Grays
- Proposal: Hip to gable roof extension, three front rooflights, insertion of new windows to the northern flank elevation and alteration to the roof including a first floor rear extension with Juliet balcony.
- 3.5 Application No: 18/01802/FUL**
- Location: Beauchamp Place, Malvern Road, Grays
- Proposal: Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom
- 3.6 Application No: 18/01610/FUL**
- Location: 246 Heath Road, Chadwell St Mary
- Proposal: Proposed two storey infill extension to south east corner of scheme approved under ref. 16/01166/FUL (Proposed change of use from hostel to residential (Use Class C3) to form 2 new dwellings with associated external reconfigurations to both dwellings)
- 3.7 Application No: 18/00811/OUT**
- Location: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate, Towers Road, Grays
- Proposal: Outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved)
- 3.8 Application No: 18/01319/HHA**

Location: 41 St Georges Avenue, Grays, Essex, RM17 5XB

Proposal: Two storey side extension and single storey rear and front extension including porch and garage conversion.

3.9 Application No: 19/00043/OUT

Location: 40 High Road Fobbing Essex SS17 9HN

Proposal: Outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking

3.10 Application No: 18/01817/HHA

Location: 22 Claudian Way, Chadwell St Mary, Essex, RM16 4QB

Proposal: Single storey rear extension

4. Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 18/01178/HHA

Location: 16 Rowley Road, Orsett

Proposal: Retrospective application for fence with concrete posts

Decision: Appeal Dismissed

Summary

4.1.1 The main issue under consideration in this appeal was the impact of the proposal upon the character of the area and pedestrian and highway safety.

4.1.2 The Inspector commented that the residential estate is characterised by its openness, where open grass verges, low railing and hedges are common. The Inspector found the proposed fence to be unacceptable, commenting that it's siting, height and materials make it visually intrusive. The Inspector found the fence to dominate the corner plot detracting from the openness of the area, an essential defining characteristic that helps to give the area a sense of place.

4.1.3 In relation to highway and pedestrian impacts, the Inspector noted that sight visibility splays would enhance the visibility for drivers and pedestrians and that this would satisfactorily address the second reason for refusal.

4.1.4 Notwithstanding the highway and pedestrian impacts, the Inspector dismissed the appeal, commenting that the development harms the character and appearance of the host property and the surrounding area, contrary to policies CST22 and PMD2 of the Core Strategy and Policies for Management of Development (as amended) adopted in January 2015 and the NPPF.

4.1.5 The full appeal decision can be found online.

4.2 **Application No: 17/01446/FUL**

Location: The Kings Head West Tilbury

Proposal: Change of use of a listed building formerly used as a Public House (A4) to a single 4-bedroom residential dwelling (C3) , including the removal of the recent toilet block extension and redundant outbuildings/sheds and the creation of a new garage as well as associated changes to the hard and soft landscaping (refer to 17/01447/LBC)

Decision: Appeal Allowed
Application for costs refused

Summary

4.2.1 The Inspector considered the main issue to be the current and future potential of the appeal site as a community facility and the effect of its loss.

4.2.2 The public house was designated as an Asset of Community Value (ACV) in December 2016. At the hearing the appellant and Council agreed that the public house is not commercially viable (based upon the findings of the appellant's viability report which are broadly agreed with the viability report prepared on behalf of the Council).

4.2.3 The key area of dispute between the appellant, the Council and interested parties was whether it would be viable for a community group to run the public house. West Tilbury Community Pub Ltd (WTCPL) had been established as a community group and was represented at the hearing.

4.2.4 An assessment was made as to the operating costs as well as the repairs to fixtures and fittings in order to make the public house operational. The Inspector concluded that the report (submitted on behalf of WTCPL) did not provide sufficient evidence that the public house could be run by a community group in a viable manner.

- 4.2.5 The Inspector agreed that the loss of the public house would have a negative effect on local community facilities. There would also be conflict with CS Policy CSTP10 as noted above and it would not comply with NPPF paragraphs 83(d) and 92(c). However, the Inspector considered the degree of negative effect would be tempered by the fact that the public house is not viable as a commercial venture. The Inspector could only afford moderate weight to the negative effects and policy conflict.
- 4.2.6 The Inspector also afforded moderate weight to the provision of one additional dwelling to the 5 year housing supply shortfall, while it would also secure the refurbishment and long-term use of a listed building.
- 4.2.7 In conclusion, the Inspector stated that it had not been demonstrated that the appeal site has current or future potential as a community facility. The effect of its loss and the conflict with CS Policy CSTP10, while negative he argued, would not be sufficient to dismiss the appeal when weighed against the benefits of the proposed development. Therefore, the Inspector concluded, this indicates that planning permission should be granted in this instance and allowed the appeal.
- 4.2.8 The Appellant also submitted an application for an award for costs on the basis of procedural and substantive matters. The Inspector found no unreasonable behaviour leading to wasted or unnecessary expense in relation to procedural or substantive matters and refused the appeal for costs.
- 4.2.9 The full appeal decision can be found online.

4.3 **Application No: 18/01131/PIP**

Location: Green House, Robinson Road, Horndon On The Hill, Essex, SS17 8PU

Proposal: The application site seeks Permission in Principle for two detached 3/4 bedroom bungalows on the front part, of what forms a larger site, located on the south side of Robinson Road.

Decision: Appeal Dismissed

Summary

- 4.3.1 The Inspector considered the main issue to relate to the principle of development based upon the location, land use and amount of development.
- 4.3.2 The construction of new buildings is inappropriate in the Green Belt unless it would meet the exceptions criteria set out in paragraph 145 of the Framework. One of the exceptions is limited infilling in villages.

4.3.3 Whilst there is existing residential development along Robinson Road, the Inspector did not consider this location to have the characteristics of a village, therefore he did not consider the site would constitute infilling within a village. As such, the proposal would not fall within the exception criteria and therefore the proposal, by definition, would be inappropriate development.

4.3.4 The Inspector found that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Inspector concluded that other considerations raised by the Appellant held little weight and did not clearly outweigh the harm, which is the test that they have to meet. The proposed development would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

4.3.5 The full appeal decision can be found online.

5. Forthcoming public inquiry and hearing dates:

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

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: 18 June 2019

5.2 Application No: 18/01802/FUL

Location: Beauchamp Place, Malvern Road, Grays

Proposal: Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom

Dates: 6 August 2019 (3 days)

6. 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	3												3
No Allowed	1												1
% Allowed													33.3%

7. Consultation (including overview and scrutiny, if applicable)

N/A

8. Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

9. 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: **Tim Hallam**
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

Report Author:

Leigh Nicholson

Interim Assistant Director of Planning, Transport and Public Protection

Place