

6 April 2023		ITEM: 5
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 for Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim 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: 22/00683/HHA

Location: Fouracres, Brentwood Road, Thurrock, Bulphan, RM14 3TL

Proposal: Part single storey side extension and construction of swimming pool

3.2 Application No: 21/02004/FUL

Location: Land Adjacent to 13-29 Kipling Avenue, Tilbury, Essex, RM18 8HE

Proposal: Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking area

3.3 Application No: 21/02172/FUL

Location: 261 Rectory Road, Grays, RM17 5SW

Proposal: Demolition of existing garage, sub division of plot and erection of new detached two bedroom dwelling with associated landscaping and parking

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01126/FUL

Location: Linsteads, Orsett Road, Horndon On The Hill, Essex SS17 8PW

Proposal: Demolition of storage building/yard, stable, mobile home, containers and construction of 2 x chalet bungalows with associated parking and amenity areas (resubmission of 20/00745/FUL)

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered that the main issues were the effect of the proposed development on the Thames Estuary and Marshes Special Protection Area and Ramsar sites and the effect the of the proposed development upon the character and appearance of the area.

4.1.2 In regard to the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar sites, the Inspector stated Paragraph 182 of the Framework makes it clear that the presumption in favour of development does not apply where a proposal is likely to have a significant effect on a SPA, either alone or combination with other projects. Unless an appropriate

assessment has concluded that it will not adversely affect the integrity of the site. They did not consider this had been done.

4.1.3 The Inspector stated the proposal would accord with Core Strategy and Policies PMD2, CSTP22, CSPT23 and the National Planning Policy Framework (NPPF) in terms of having an acceptable impact upon the character and appearance of the area.

4.1.4 The Inspector concluded that in this case there would be harm to the integrity of the SPA. This provides a clear reason for refusing the appeal proposal, the presumption in favour of sustainable development in the NPPF paragraph 11d) ii) does not apply. Therefore, the appeal was dismissed.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 21/01824/CV

Location: 13 Crouch Road, Chadwell St Mary, Essex RM16 4BX

Proposal: Application for the variation of condition no. 2 (approved plans) of planning permission ref. 19/01117/FUL (Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding.).

Appeal Decision: Appeal Dismissed

4.2.1 The inspector considered the main issue of the proposed amendments on the character and appearance of the area.

4.2.2 The Inspector drew attention to the open nature of the site due to its topography and substantial gap between Nos. 13 and 15 as such development would be visually prominent in the area.

4.2.3 It was considered that the design of the crown roof above the proposed rear projection together with the proposed flat roof dormers above it, would appear contrived and would fail to respect the character and appearance of the area. The proposal would therefore conflict with Policies PMD2 and CSSP22 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) January 2015.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 22/00382/HHA

Location: Velminster Cottage, Romford Road, Aveley, RM15 4XH

Proposal: Two storey side extension incorporating car port, front porch addition and alterations to window layout and external materials

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and upon the character and appearance of the host building, and if the proposal is inappropriate development, whether very special circumstances would justify the proposal.

4.3.2 The Inspector deemed that, by virtue of existing extensions and that proposed, the proposal would be inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. Due to the level of built development proposed, the size of the host building would be markedly increased which would have a moderate adverse impact on the openness of the Green Belt. Limited weight would be given to the improved accommodation, energy efficiency improvements and sheltered parking area.

4.3.3 The design of the proposal would result in a discordant and jarring feature which would be harmfully out of keeping with the character of the host building when considering the varying forms of existing extensions present at the site.

4.3.4 To conclude, the Inspector deemed the proposal would conflict with Policies PMD2, PMD6, CSTP22 and CSTP23 and the NPPF where the harm identified to the Green Belt would not be clearly outweighed by the benefits of the proposal.

4.3.5 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	
Total No of Appeals	1	2	0	1	6	1	14	3	5	2	5	4	
No Allowed	1	1	0	0	2	0	4	2	3	1	2	1	

% Allowed	100%	50%	0%	0	33.3%	0%	28.6%	66.7%	39.4%	50%	40%	25%	
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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

Government Intervention & Section 114

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council’s compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority’s approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority’s commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to

address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

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: **Mark Bowen**
Interim Project Lead - Legal

Planning decisions must be made entirely on the planning merits and the Council's present financial situation is not a material planning consideration.

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 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

Report Author:

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