

14 March 2024		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Trevor Faulkner – Interim Head of Planning Delivery		
Accountable Chief Officer: Trevor Faulkner – Interim Head of Planning Delivery		
Accountable Director: 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: 23/00003/AUNUSE

Location: Chestnut Farm, South Road, South Ockendon, Essex
RM15 6DT

Proposal: A number of mobile homes (possibly 9) have been installed behind the Chestnut Farm Garden centre on South Road South Ockendon at the junction with Buckles Lane.

3.2 Application No: 23/00986/HHA

Location: 6 High Road, North Stifford, Grays, Essex, RM16 5UE

Proposal: Two storey front extension

3.3 Application No: 23/00735/HHA

Location: Alcott Oxford Road, Horndon On The Hill, Essex,
SS17 8PX

Proposal: (Retrospective) Garage.

3.4 Application No: 23/01162/HHA

Location: 2 Crescent Walk, Aveley, Essex, RM15 4HP

Proposal: Single storey side and rear extension.

3.5 Application No: 23/01178/FUL

Location: 7 Milton Road, Grays, Essex, RM17 5EZ

Proposal: Single storey rear of garden annexe to the main house.

3.6 Application No: 23/00872/FUL

Location: Hathaway Secondhand,1 Kingston Parade, Hathaway
Road, Grays, Essex, RM17 5LG

Proposal: Change of use from retail (Class E) to a place of
worship/community hall (Classes F1(f)/F2(b)).

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 22/00809/CLEUD

Location: St John The Baptist Church, Mucking Wharf Road, Stanford Le Hope, Thurrock, SS17 0RN.

Proposal: Certificate of lawful use in respect of use of Land as a Caravan Site.

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector concluded that, on the balance of probability, the site did not acquire lawful use rights as a result of the passage of time prior to the service of the enforcement notice in 2020. In the absence of any clear evidence in that respect it follows that there is no right to revert to a use as a caravan site under the terms of s57(4) of the Act. As such, the Inspector could not conclude that the site benefitted from lawful use rights for that purpose at the date the application was made.

4.1.2 The appeal was dismissed. The full appeal decision can be found online.

4.2 Application No: 23/00930/HHA

Location: 89 Erriff Drive, South Ockendon, Essex, RM15 5AZ

Proposal: (Retrospective) Single storey side extension with pitched roof.

Appeal Decision: Appeal Allowed

4.2.1 The Inspector agreed with the Council in that, to some extent, the extension would change the uniformity and symmetry of the existing terrace. Notwithstanding this that Inspector noted that, although not set back from the front building line, the extension, being single storey, is a subordinate extension to the host dwelling. The Inspector considered that it would not significantly alter the appearance of the existing terrace or substantially visually undermine its original appearance and form. 8. The terrace to the south hosts a uniformity to the building line along Hamble Lane. However, the gable ends of terraces give a more staggered appearance to the Hamble Lane street scene when looking north. The Inspector also noted the separation between the extension and the site boundary at Hamble Lane with the extension hosting a hipped gable roof form.

4.2.2 The Inspector concluded that the development is not unduly prominent at the end of the terrace or would significantly undermine the openness to the character and appearance of the area. Furthermore, being single storey and of limited width with hipped gable roof it would not substantially obstruct views of the terrace to the south. For these reasons, the Inspector concluded that the proposed development would not harm the character and appearance of the host property and the surrounding area. As such, the proposed development would comply with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

4.2.3 The appeal was allowed. The full appeal decision can be found online.

4.3 Application No: 23/00463/HHA

Location: 13 Triumph Close, Chafford Hundred, Grays, Essex
RM16 6RQ

Proposal: Demolition of existing outbuilding, construction of a part single, part two storey side extension with one roof light to the rear and a habitable space in roof.

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered that the proposed side extension would have a subservient appearance to that of the host dwelling. As such, they concluded that the proposal would not be of an overall bulk and mass that would represent a visually dominant addition to the dwelling. The Inspector noted that there is some repetitive character to the appearance of the Triumph Close street scene but that there is also variety to the house types within the Close.

4.3.2 The side extension would be a clearly visible addition to this property and within the street scene. Nonetheless, the Inspector concluded that the proposed extension to the dwelling would not cause visual harm to the host property nor would it represent a visually dominant feature out of keeping within the context of the street scene.

4.3.3 The appeal was allowed. The full appeal decision can be found online.

4.4 Application No: 23/00899/HHA

Location: 440 London Road, West Thurrock, Essex, RM20 4AR

Proposal: Formation of new vehicular crossover to access the highway.

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the proposal would introduce a vehicular access that would be out of keeping with the existing street scene. Removing the front boundary and replacing part the vegetated garden with a hard surface would diminish the characteristics of the street scene. Consequently, the Inspector concluded the proposal would be visually harmful for this reason stating that whilst crossovers may be a relatively common form of development across Thurrock, this does not justify the proposed development or the visual harm caused by it in this instance.

4.4.2 The appeal was dismissed. The full appeal decision can be found online.

4.5 Application No: 22/01570/FUL

Location: Golden Chicken & Pizza, 10 Civic Square, Tilbury, Essex RM18 8AD

Proposal: Retention of siting of four shipping containers linked together on hard standing for storage and refrigeration. Proposed is the painting of the exterior of the containers and the installation of a pitched roof.

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector noted the shipping containers are sited close to the rear garden of a residential property, and that the units would be clearly visible to neighbouring residential occupiers in both Arkwright Road and Manor Road. They would also be visible to the occupiers of the residential properties above the Civic Square commercial parade.

4.5.2 Although it is proposed to paint and roof the shipping containers, the Inspector agreed with the Council that they are by design, shipping containers and would retain such an appearance. Whilst located behind a row of commercial premises the site is situated immediately adjacent to a residential area. Shipping containers are not a feature associated with residential areas and are visually out of keeping for this reason. Their size, design and utilitarian form causes visual harm to the character and appearance of the locality. The Inspector considered this harm is clearly visible in the outlook of existing neighbouring residential occupiers. 9. The Inspector considered that proposal introduces structures substantially out of keep with the locality that are clearly visible over existing boundaries. The Inspector concluded that the visual harm arising from the presence of the shipping containers, even if painted and hosting a pitched roof, would diminish the enjoyment of the residential living environment for neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy.

4.5.3 The appeal was dismissed. The full appeal decision can be found online.

4.6 Application No: 22/00420/CLOPUD

Location: Greenwise Nurseries, Vange Park Road, Vange, Basildon, Essex, SS16 5LA

Proposal: The use of the land for growing plants and retail sale thereof together with the importation of plants and retail sale of plants. The use of land for storage and display for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of storage containers, building materials and other general materials un-related to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with associated buildings.

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector commented that the question posed by the appellants is whether the storage and display for sale of storage containers would be lawful, if undertaken as part of a mixed use also comprising the other uses/ activities described in the 2010 CLUED.

4.6.2 The Inspector considered that whilst the wording of the 2010 CLUED and the proposed CLOPUD may appear similar, the characteristics would be materially different. The Inspector concluded that the storage and display for sale of storage containers does not fall within the description of the type of things that may be stored and/or sold from the site within the 2010 CLUED. On the balance of probability, on the information submitted with the appeal, the Inspector concluded the introduction of that element into the overall range of composite uses would result in a material change in the character of the use, in the absence of any restriction in the scale of storage and/or sales that may take place. Given that no planning permission exists for that material change of use, the Inspector concluded that they were not satisfied that the proposed use would be lawful within the meaning of the Act.

4.6.3 The appeal was dismissed. The full appeal decision can be found online.

4.7 Application No: 23/00149/HHA

Location: Lyndfield Orsett Road, Horndon On The Hill, Essex, RM16 3BH

Proposal: First floor side extension.

Appeal Decision: Appeal Dismissed

4.7.1 The Inspector agreed with the Council in concluding that the proposal would result in a disproportionate addition over and above the size of the original building. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy PMD6 of the CS, which seeks to protect the Green Belt from harm, and with the Framework.

4.7.2 The appeal was dismissed. The full appeal decision can be found online.

4.8 Application No: 22/01630/PNTC

Location: Land Adjacent The White Heart, Kings Walk, Grays, Essex

Proposal: The development proposed is proposed 5G telecoms installation: H3G 15m phase 9 street pole and additional equipment cabinets.

Appeal Decision: Appeal Dismissed

4.8.1 The Inspector was not satisfied that the harm to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed. Consequently, they were not satisfied that the public benefits of the proposal would outweigh the harm the Inspector identified to the significance of the designated heritage asset. The Inspector concluded that the appeal should be dismissed.

4.8.2 The appeal was dismissed. The full appeal decision can be found online.

4.9 Application No: 21/00606/FUL

Location: 37 Bridge Road, Grays, Essex, RM17 6BU

Proposal: The development proposed is a self contained dwelling unit at the rear of existing HMO.

Appeal Decision: Appeal Dismissed

4.9.1 With respect to the impact upon character and appearance, the Inspector concluded that the development would harm the character and appearance of the area. The proposal would therefore conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015).

4.9.2 With regard to living conditions, the Inspector concluded that the development would not provide suitable living conditions for future occupants of the dwelling. The proposal therefore conflicts with Policy PMD1 of the CS and the retained Annexe 1, which state that development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenity of future occupiers of the site and the Framework, which requires a high standard of amenity for existing and future users.

4.9.3 And finally, with respect to parking and highway matters, the Inspector concluded that development would have an unaccepted effect on highway safety through the loss of the existing parking spaces. The proposal would therefore conflict with Policies PMD2 and PMD8 of the CS and the Framework, which collectively require development to demonstrate high quality design, responding to the sensitivity of the site and its surroundings, comply with adopted parking standards and not have unacceptable impacts on the road network or highway safety.

4.9.4 The appeal was dismissed. 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		
No Allowed	1	1	0	0	2	2	0	3	0	0	2		
% Allowed	100%	50%	0%	0%	33.3%	33.3%	0%	42.8%	0%	-	22.2%		

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: **Mark Bowen**
Interim Project Lead – Legal.

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. The planning enforcement files are not public documents and should not be disclosed to the public.

10. Appendices to the report

- None