

## PLANNING COMMITTEE

26 JULY 2011

### REPORT OF THE INTERIM HEAD OF PLANNING

#### A.1 PLANNING APPEALS AND DECISIONS

##### PLANNING APPEALS RECEIVED

Notification has been received from the Planning Inspectorate that the following appeals have been lodged.

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00033/REFUSE	11/00216/FUL	Erection of front and rear extensions (following demolition of existing rear conservatory) and raising of roof to provide first floor accommodation including two dormer windows – Tasconia, Colchester Road, Wix, CO11 2RS	Mr Chris Bertram

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00034/FHOUSE	11/00097/FUL	Erection of front, side and rear extensions to existing building (Retention of existing wrap around extensions and alterations to existing roof) – 3 Lane Cottage, The Green, Mistley, CO11 1EX	Mrs P Thompson-Bates

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00037/REFUSE	11/00214/FUL	Proposed demolition of existing asbestos cement Nissen hut garage. Erection of 1 bedroom self contained residential annexe for staff accommodation in association with cattery and single garage – Greenacre Cattery, Carringtons Road, Great Bromley, CO7 7XB	Mr Ian Kernutt

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00038/FHOUSE	11/00306/FUL	Erection of fence - 36 Third Avenue, Frinton, CO13 9EG	Mr & Mrs Walton

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00039/FHOUSE	11/00394/FUL	Front extension to garage – 1 Keith Close, Clacton, CO15 4SH	Mr & Mrs Leadley

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00041/REFUSE	11/00369/FUL	Two storey side extension and conversion of existing two bay garage to study and utility – Cloverlands 261 Wivenhoe Road, Alresford, CO7 8AJ	Mrs P Summers

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00042/REFUSE	11/00270/FUL	Proposed new house and garages - The Paddock, Kirby Road, Great Holland, CO13 0HZ	Mr N & Mrs P Hunt

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00043/REFUSE	11/00480/FUL	Removal of Condition 03 of planning permission TEN/591/74, to remove occupancy of dwelling for persons wholly or mainly employed in agriculture - 3 Lower Farm, Lower Farm Lane, Brightlingsea, CO7 0SU	Mr S Johnson

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00044/REFUSE	11/00024/FUL	Erection of a single bungalow – Holland House, Skelmersdale Road, Clacton, CO15 6BD	Holland House Development Limited

#### Background Papers

Planning Inspectorate Notification Letters.

#### **ENFORCEMENT APPEALS RECEIVED**

Notification has been received from the Planning Inspectorate that the following enforcement appeals have been lodged.

<u>Appeal No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00036/ENFORC	Without planning permission, the change of use of land to use for the stationing of a caravan used for residential purposes – 13 Seawick Road, St Osyth, CO16 8SJ	Ms Jean Twin

<u>Appeal No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00040/ENFORC	Without the benefit of planning permission, the material change of use of land hatched blue to a mixed use of a residential dwelling and the keeping of dogs and the material change of use of the land hatched green to the keeping of dogs – Land at 52 Harwich Road, Lawford, CO11 2LS	Ms D Fuller

## **PLANNING APPEAL DECISIONS**

Notification has been received from the Planning Inspectorate that the following appeals have been decided. If you wish to see the decision in full then please contact Wendy Townsend by email [wtownsend@tendringdc.gov.uk](mailto:wtownsend@tendringdc.gov.uk) or by phone 01255 686128.

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Decision</u></b>
11/00181/FUL	1 Boulton Cottages, Frating Road, Great Bromley, CO7 7JJ	Proposed garage	Dismissed
<b>Decision</b>	Delegated	<b>Officer Recommendation:</b>	N/A

The Inspector considered that the main issue was:-

- The impact of the proposed garage upon the character and appearance of the surrounding area.

The Inspector Dismissed the Appeal.

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Decision</u></b>
10/00933/FUL	Annex Building at 262 Point Clear Road, St Osyth, CO16 8JL	Change of use of swimming pool conversion for residential use	Dismissed
<b>Decision</b>	Committee	<b>Officer Recommendation:</b>	Refusal

The Inspector considered that the main issue was:-

- The effect of the occupation of the property as a permanent dwelling on the character of the area and whether the proposal would amount to a sustainable form of development.

The Inspector Dismissed the Appeal.

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Decision</u></b>
10/00913/FUL	Bottles Hall, Clacton Road, Elmstead Market, CO7 7DE	Proposed agricultural building to house herd of suckler cows	Allowed
<b>Decision</b>	Committee	<b>Officer Recommendation:</b>	Refused

The Inspector considered that the main issues were:-

- Whether the building and hardcore base constitute an appropriate form of development in this location having regard to the aims of the relevant planning policies concerning development in the countryside.
- The effect on the character and appearance of the area.

The Inspector Allowed the Appeal.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
10/00716/FUL	Land between 139 & 143 Fronks Road, Harwich, CO12 4EF	Proposed erection of a detached house and garage	Dismissed
<b>Decision</b>	Delegated	<b>Officer Recommendation:</b>	N/A

The Inspector considered that the main issue was:-

- Whether the proposed development should make an appropriate financial contribution to the public open space facilities.

The Inspector Dismissed the Appeal.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
10/00074/FUL	Hérons, Colchester Road, Stones Green, Harwich	Proposed alterations and extensions to increase size of garage and study with bedroom, bathroom and dressing room above.	Dismissed
<b>Decision</b>	Delegated	<b>Officer Recommendation:</b>	N/A

The Inspector considered that the main issue was:-

- The effect of the proposed development on the character and appearance of the existing dwelling.

The Inspector Dismissed the Appeal.

### Background Papers

Planning Inspectorate Decision Letters.

### ENFORCEMENT APPEAL DECISIONS

Notification has been received from the Planning Inspectorate that the following appeals have been decided. If you wish to see the decision in full then please contact Wendy Townsend by email [wtownsend@tendringdc.gov.uk](mailto:wtownsend@tendringdc.gov.uk) or by phone 01255 686128.

<u>Incident Number</u>	<u>Address</u>	<u>Alleged Unauthorised Development</u>	<u>Decision</u>
09/00621/BLDOP2	42 – 44 Brooklands Gardens, Jaywick, CO15 2JP	Without the benefit of a planning application the erection of a dwellinghouse	Dismissed

Appeal was submitted incomplete and without the requested information, Appellant was asked by the Inspector to submit the information within a required time. As this was not received The Secretary of State has decided, therefore to exercise in this case, the power under s176 (3) (a) of the 1990 Act to dismiss the appeal if the appellant fails to comply with s174 (4) of the Act within the prescribed time. The Secretary of State hereby dismisses the appeal.

<u>Incident Number</u>	<u>Address</u>	<u>Alleged Unauthorised Development</u>	<u>Decision</u>
11/00001/ENFORC	Land at Bottles Hall, Clacton Road, Elmstead, CO7 7DE	Without the benefit of planning permission the erection of a steel framed and corrugated roof building and the laying of a hardcore base	Allowed

The Inspector Allowed the appeal and the Enforcement Notice is quashed, and planning permission is granted.

Background Papers

Planning Inspectorate Decision Letters.

**TPO APPEAL – WITHDRAWN**

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
11/00019/REFUSE	70 Third Avenue, Frinton, CO13 9EE	T2 - Weeping Willow - fell	Withdrawn

Background Papers

Planning Inspectorate Withdrawal Notification Letters.

**APPEAL COSTS DECISION**

On April 2009 the Government issued new guidance increasing the number of decisions where a costs award is payable for unreasonable behaviour. Since April 2009 a more rigorous approach has been taken and costs have been sought in cases where an appellant has appeared unreasonable. In a recent case the Council has been awarded full costs on appeal. There are no specific sums yet agreed, as we have to claim these from the appellant and the final settlement may not be what is claimed.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>
10/00933/FUL	Annex building at 262 Point Clear Road, St Osyth, CO16 8JL	Change of use of swimming pool conversion for residential use.

Background Papers

None.