

# PLANNING COMMITTEE

20 SEPTEMBER 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>
11/00051/REFUSE	11/00535/FUL	Replacement dwelling – The Orchard, Grove Lane, Little Clacton, CO16 9NG	Mr C Cook

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00052/REFUSE	11/00574/LUEX	Lawful use of site without complying with Condition 14 imposed upon planning permission 00/01062/FUL relating to storage and sale of produce outside the farm shop – Mitchells Farm Shop, School Road, Elmstead, CO7 7EY	R W Mitchell & Sons

<u>Appeal No.</u>	<u>Application No.</u>	<u>Proposal</u>	<u>Appellant</u>
11/00053/REFUSE	11/00544/FUL	Erection of 7 no. apartments (following demolition of existing building) – 40 Queens Road, Frinton on Sea, CO13 9BL	Mr J Cavanna

#### Background Papers

Planning Inspectorate Notification Letters.

#### 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.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
10/01092/FUL	1 Pyesand, Kirby Le Soken, CO13 0EA	Erection of a 2 bedroom bungalow	Dismissed
<b>Decision</b>	Delegated	<b>Officer Recommendation:</b>	N/A

The Inspector considered that the main issues were:-

- The effect of the proposal on the character and appearance
- Whether the proposal would provide adequate private amenity space.

The Inspector Dismissed the Appeal.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
10/01107/FUL	Land Opp. Frith's Farm, Colchester Road, Gt Oakley, CO12 5DF	Proposed "change of use from agricultural land to paddock land and proposed hardened access"	Dismissed

**Decision** Delegated **Officer Recommendation:** M/A

The Inspector considered that the main issue was:-

- The effect of the proposal and likely future associated development on the character and appearance of the area.

The Inspector Dismissed the Appeal.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
11/00369/FUL	Cloverlands, 261 Wivenhoe Road, Alresford, CO7 8AJ	Proposed two-storey side extension and conversion of existing two-bay garage to study and utility.	Allowed

**Decision** Delegated **Officer Recommendation:** 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 Allowed the Appeal.

<u>Application No.</u>	<u>Address</u>	<u>Proposal</u>	<u>Decision</u>
10/00937/FUL	Rainbow's End, 118 Woodberry Way, Walton, CO14 8ER	Demolish existing garage and lean-to and replace with a new side extension. New side extension to form a sun- lounge with a balcony above. Loft conversion with 3no. front dormers – Appealed against Condition 3	Dismissed

**Decision** Delegated **Officer Recommendation:** M/A

The Inspector considered that the main issues were:-

- The effect of the proposal that removal or variation of the disputed condition would have on the character and appearance of the building and surrounding area, and on the living conditions of neighbouring residents with particular regard to overlooking and privacy.

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>
10/01096/OUT	Land at Windmill Road, Bradfield	Outline planning application for 3 residential units.	Dismissed
<b>Decision</b>	Delegated	<b>Officer Recommendation:</b>	N/A

The Inspector considered that the main issues were:-

- Whether the proposed development would be acceptable having regard to its location in a rural area;
- The effect of the proposed development on the character and appearance of the surrounding area; and,
- The effect of the proposed development on highway safety.

The Inspector Dismissed the Appeal.

#### Background Papers

Planning Inspectorate Notification 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.

<b><u>Incident Number</u></b>	<b><u>Address</u></b>	<b><u>Alleged Unauthorised Development</u></b>	<b><u>Decision</u></b>
11/00012/ENFORC	Land at 262 Point Clear Road, St Osyth, CO16 8JL	Without the benefit of planning permission the change of use of an outbuilding to a dwellinghouse	Dismissed

The Inspector dismisses the appeal and upholds the Enforcement Notice.

<b><u>Incident Number</u></b>	<b><u>Address</u></b>	<b><u>Alleged Unauthorised Development</u></b>	<b><u>Decision</u></b>
11/00016/ENFORC	"Aqua Valet", 324 London Road, Clacton, CO16 9QZ	Without the benefit of planning permission the use of land for the storage of containers and parking of goods vehicles	Dismissed

The Inspector dismisses the appeal and upholds the Enforcement Notice.

#### Background Papers

Planning Inspectorate Notification Letters.

## **APPEAL COSTS DECISIONS**

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 partial 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.

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>
11/00016/ENFORC	"Aqua Valet", 324 London Road, Clacton, CO16 9QZ	Without the benefit of planning permission the use of land for the storage of containers and parking of goods vehicles

## **ENFORCEMENT APPEAL DECISIONS – WITHDRAWN**

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Decision</u></b>
11/00050/ENFORC	Wick Farm, Wick Lane, Ardleigh, CO7 7RE	Without the benefit of planning permission (i) the erection of two buildings on the land, the approximate position shown edge black on plan B attached to this notice, (ii) the construction of decking used in relation to a caravan on the land and (iii) the laying of hard surfaces including a driveway and hardstand	Withdrawn

<b><u>Application No.</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Decision</u></b>
11/00049/ENFORC	Wick Farm, Wick Lane, Ardleigh, CO7 7RE	Without the benefit of planning permission the change of use of land from agricultural to a use of land for the stationing of a residential caravan	Withdrawn

### **Background Papers**

Planning Inspectorate Withdrawal Notification Letters.