

Report to Area Plans Sub-Committee

Date of meeting: South – 11 June 2014



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 October 2013 to 31 March 2014

Officer contact for further information: Nigel Richardson (01992 564110)
Democratic Services: Adrian Hendry (01992 564246)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between 1 October 2013 and 31 March 2014, the Council received 48 decisions on appeals (46 of which were planning related appeals, the other 2 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and out of a total of 46, 18 were allowed (37%). Broken down further, KPI 54 performance was 4 out of 23 allowed (17%) and KPI 55 performance was 13 out of 22 (59%). One other case was allowed, but it was recommended for approval by officers and supported by Area Plans Committee East but unusually an appeal was lodged against non-determination, despite District Development Control Committee supporting an approval (Application EPF/2404/12).

Planning Appeals

6. Out of the 22 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 13 cases:

Area Committee South

EPF/1042/13	Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises	Loughton Baptist Church High Road, Loughton
EPF/2225/13	Single storey rear extension.	2 Chigwell Park Chigwell

Area Committee East

EPF/1924/12	Conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat.	261 High Street Epping
EPF/2298/12	Change of use to allow the premises to be used as a take away (Class A5). (Revised Application)	20 St. Peters Avenue Ongar
EPF/2451/12	Proposed replacement dwelling.	32 Piercing Hill Theydon Bois
EPF/0528/13	Additional grain storage facilities and extension to existing area of hardstanding..	Land adjacent to Horseshoes Farm London Road North Weald
EPF/0891/13	Demolition of existing bungalow and erection of a new chalet bungalow and alterations to existing crossover. (Revised application)	11 Bower Hill Epping
EPF/1558/09	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application)	North Barn New Farm Drive, Abridge
EPF/1577/13	New signage both illuminated and non-illuminated on around the existing building.	Tesco Stores Ltd 77 High Street, Epping

Area Committee West

EPF/0363/13	Proposed new 2 bedroom bungalow dwelling with rear terrace area.	1 Banes Down Nazeing
-------------	--	-------------------------

District Development Control Committee

EPF/2214/12	Two storey and single storey side extension.	5 Roding View Buckhurst Hill
EPF/2405/12	Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.	New House Farm Little Laver Road Moreton
EPF/2406/12	Proposed grain storage building.	New House Farm Little Laver Road Moreton

7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where

members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

8. Out of 2 enforcement notice appeals decided, 1 was part allowed and 1 was dismissed. These are as follows:

Part Allowed:

1	ENF/0652/11	Without planning permission the recreational use of motor vehicles on the land and the ancillary stationing of a shipping container on the land together with retention of works to form a track facilitating such use	Land on the North side of School Road Ongar Essex
---	-------------	--	---

Dismissed:

2	ENF/0022/11	Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of sheds	Sunnyside Carthagen Estate Nazeing
---	-------------	--	------------------------------------

Costs

9. During this period, there was no award of costs made against the Council.

10. Members attention is brought to the fact recent appeal changes allows Planning Inspectors to award costs against a party that has behaved unreasonably even if neither the Council or the appellant has applied for costs.

Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of the relevant issues to balance out in order to understand the merits of the particular development being applied for.

12. Finally, at a previous request from Planning Services Scrutiny Standing Panel, appended to this report are the 22 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 13 of which were allowed and granted planning permission.

13. A full list of appeal decisions over this six month period appears below.

Appeal Decisions October 2013 to March 2014

Allowed With Conditions

Buckhurst Hill

1 EPF/2214/12 Two storey and single storey side extension.

5 Roding View

Epping

- | | | | |
|---|-------------|--|------------------------------------|
| 2 | EPF/1924/12 | Conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat. | 261 High Street |
| 3 | EPF/1970/12 | Change of use of first floor office space to residential, erection of residential space at second floor level (136 High Street) and extension at first floor level (rear of no. 136 High Street) to create a total of 6 new flats
Replacement of escape/parking | 134 - 136 High Street |
| 4 | EPF/0891/13 | Demolition of existing bungalow and erection of a new chalet bungalow and alterations to existing crossover.
(Revised application) | 11 Bower Hill |
| 5 | EPF/1577/13 | New signage both illuminated and non illuminated on and around the existing building. | Tesco Stores Ltd
77 High Street |

Loughton

- | | | | |
|---|-------------|---|--------------------------------------|
| 6 | EPF/0931/13 | Part one and part two storey rear extensions. | 4 Habgood Road |
| 7 | EPF/1042/13 | Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises | Loughton Baptist Church
High Road |
| 8 | EPF/1766/13 | Two storey rear extension (Revised application) | 84 Spring Grove |

Moreton, Bobbingworth and the Lavers

- | | | | |
|----|-------------|---|--|
| 9 | EPF/2404/12 | Change of use of units 2a, 3a and 7c1 to Class B2 use and alterations to previously approved lean-to extensions (EPF/0359/08) to facilitate the change of use. | New House Farm
Little Laver Road
Moreton |
| 10 | EPF/2405/12 | Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use. | New House Farm
Little Laver Road
Moreton |
| 11 | EPF/2406/12 | Proposed grain storage building. | New House Farm
Little Laver Road
Moreton |

Nazeing

- | | | | |
|----|-------------|--|--------------|
| 12 | EPF/0363/13 | Proposed new 2 bedroom bungalow dwelling with rear terrace area. | 1 Banes Down |
|----|-------------|--|--------------|

North Weald Bassett

- | | | | |
|----|-------------|--|--|
| 13 | EPF/0528/13 | Additional grain storage facilities and extension to existing area of hardstanding.. | Land adjacent to
Horseshoes Farm
London Road |
|----|-------------|--|--|

Theydon Bois

- | | | | |
|----|-------------|--------------------------------|------------------|
| 14 | EPF/2451/12 | Proposed replacement dwelling. | 32 Piercing Hill |
|----|-------------|--------------------------------|------------------|

Waltham Abbey

15	EPF/0447/13	Conversion of existing dwelling house and pool house into six self contained flats. Extension of existing roof of dwelling by the addition of front and rear dormer windows and a rear roof terrace area.	Green View Bury Road
----	-------------	---	-------------------------

Allowed Without Conditions

Chigwell

16	EPF/2225/13	Single storey rear extension.	2 Chigwell Park
----	-------------	-------------------------------	-----------------

Lambourne

17	EPF/1558/09	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application)	North Barn New Farm Drive
----	-------------	--	------------------------------

Ongar

18	EPF/2298/12	Change of use to allow the premises to be used as a take away (Class A5). (Revised Application)	20 St. Peters Avenue
----	-------------	---	----------------------

Dismissed

Buckhurst Hill

19	EPF/1751/13	Hip to gable roof extension with window in side gable, together with erection of rear dormer with high level fixed obscured windows (note: duplicate application of previously refused PL/EPF/2210/12)	19 Westbury Road
----	-------------	--	------------------

Chigwell

20	EPF/0777/13	Erection of a single storey garage structure.	Bryn Miskin Pudding Lane
21	EPF/0829/13	Single storey rear extension, first floor side extensions, and loft conversion with roof light windows.	69 Grange Crescent
22	EPF/1877/13	Single storey rear extension, first floor side extensions, and loft conversion with raised and roof light windows. (Revised application)	69 Grange Crescent

Epping

23	EPF/1468/12	Grade II listed building consent for retrospective application for signage:- 1 set of non illuminated fascia text to front elevation reading PREZZO 1 set of non illuminated fascia text to right elevation reading PREZZO 1 x hanging sign non illuminated to	Prezzo PLC 236 High Street
24	EPF/1918/13	Two storey side extension. (Revised application)	23 Bell Common

Lambourne

25	EPF/2389/12	Erection of cattle barn (20m x 12m) and construction of associated hard standing.	Land to rear of 42 -62 Hoe Lane
----	-------------	---	------------------------------------

Loughton

26	EPF/1925/12	Removal of condition 2 of planning permission EPF/0206/12 (Ground floor rear side infill extension to both 49 and 51 Lower Park Road) to allow works to commence independently.	49 Lower Park Road
----	-------------	---	--------------------

27	EPF/1986/12	Proposed three bedroom, detached chalet bungalow with vehicular access (Revised application)	Rear of 71 & 71A Stonards Hill
28	EPF/0233/13	Proposed replacement of redundant former garages with one single storey, 1 bed bungalow.	44 Kenilworth Gardens
29	EPF/0740/13	Two storey rear extension to provide 3 no. self contained flats (Revised application)	146 High Road
30	EPF/0856/13	Proposed two bedroom detached house.	Rear of 71 & 71a Stonards Hill
31	EPF/1500/13	Proposed double storey rear extension and loft conversion.	95 High Road
32	EPF/1544/13	Replacement garden wall. (Revised application)	56 Hill Top
Matching			
33	EPF/0356/13	Use of site for stationing of a caravan for a temporary period of 2 years.	Former Moor Hall Stables Moor Hall Road North
Nazeing			
34	EPF/0529/12	Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing.	Land at Sunnyside Carthagena Estate Meadgate
North Weald Bassett			
35	EPF/0082/13	Outline application for demolition of existing buildings and erection of three dwellings and associated garages.	The Poplars (Pretloves) Epping Road
36	EPF/0741/13	Proposed detached house with garage. (Revised application)	Rear of 9 & 10 Vicarage Lane East
37	EPF/2076/13	Two bedroom dwelling. (Resubmission of EPF/1197/12)	Land adjacent to 5 Bluemans
Roydon			
38	EPF/0638/13	Variation of occupancy condition '2' on EPF/0553/87 to allow use of chalet for eleven months of the year for weekend and holiday lets	Plot 44 Roydon Lodge Chalet Estate High Street
39	EPF/1291/13	Vehicle crossover.	The Tudors Epping Road
Stanford Rivers			
40	EPF/1037/12	Continuance of use of land for the private recreational use of motor vehicles and the ancillary stationing of one portable building/shipping container together with the retention of works to form a track facilitating the use.	Land near Stewarts Farm School Road
Stapleford Abbotts			
41	EPF/2334/12	Outline application for 3 no. new dwellings. (Revised Application)	Kensington Park Oak Hill Road

Theydon Bois

42	EPF/0457/12	Demolition of existing buildings and erection of single dwelling, including change of use of part of site to residential garden. (Revised application)	Coppice Farm Coppice Row
43	EPF/2201/12	Erection of single storey side extension and 1.2m front boundary wall - amended plans omitting car port and side walls to front garden.	40 Forest Drive
44	EPF/2468/12	Demolition of existing buildings comprising a dwelling house and agricultural / commercial buildings and the partial demolition of agricultural / commercial buildings, removal of areas of hard standing and the erection of four dwelling houses, access work	Blunts Farm Coopersale Lane
Waltham Abbey			
45	EPF/1059/13	Proposed end of terrace dwelling house on land at 17 Conybury Close (Revised application)	17 Conybury Close
46	EPF/1425/13	Extension of existing dwelling to create assisted living facility	7 Patmore Road

Enforcement Appeal: Part Allowed with Conditions

1	ENF0652/11	Without planning permission the recreational use of motor vehicles on the land and the ancillary stationing of a shipping container on the land together with retention of works to form a track facilitating such use	Land on the North side of School Road Ongar Essex
---	------------	--	---

Enforcement Appeal Dismissed

2	ENF0022/11	Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of sheds	Sunnyside Carthagenia Estate Nazeing
---	------------	--	--