

## **Report to Area Plans Sub-Committee**

**Date of meeting: South – 01 July 2015**

**Subject: Probity in Planning – Appeal Decisions, 1 October 2014 to 31 March 2015**

**Officer contact for further information: Nigel Richardson (01992 564110).  
Democratic Services Officer: Jackie Leither**

### **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 (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

#### **Performance**

4. Over the six-month period between 1 October 2014 and 31 March 2015, the Council received 40 decisions on appeals (38 of which were planning related appeals, the other 2 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 38, 14 were allowed (36.8%). Broken down further, GOV07 performance was 6 out of 29 allowed (20.68%) including one part-allowed/part-dismissed and GOV08 performance was 8 out of 9 (88.88%), although out of this 8, one was part-allowed/ part-dismissed.

#### **Planning Appeals**

6. Out of the 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 cases:

## COMMITTEE REVERSALS - APPEALS ALLOWED:

### Area Committee South

1	EPF/1247/14	Retrospective application for new extraction system to the rear of the property.	69 Queens Road Buckhurst Hill
2	EPF/1248/14	Part one and part two storey rear extension, first floor side extension, and enlargement of roof with rear second floor dormer window.	18 Stradbroke Grove Buckhurst Hill
3	EPF/2009/13	New semi detached house and alterations to existing dwelling. (Revised application)	Land adjacent to 20 Ollards Grove Loughton

### Area Committee East

4	EPF/1093/14	Change of use of existing unit to A2.	134 - 136 High Street Epping
5	EPF/0877/13	Retrospective application for the change of use of existing menage for the parking/storage of vehicles and plant machinery in connection with established recycling business.[Part Allowed]	Marlow High Road Thornwood
6	EPF/0868/13	Retrospective application for the change of use of land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, Tarmac and screen waste together with stationing of related plant and machinery.	Marlow High Road Thornwood
7	EPF/2322/13	Replacement dwelling	44 Hoe Lane Abridge
8	EPF/2610/13	Lighting to Tennis Court	Theydon Bois Tennis Club, Sidney Rd.

7. Whilst the appeal performance for GOV08, committee reversals, was somewhat over the target of 50%, it is appreciated that these are generally contentious applications which are on-balance recommendations. If Members have concerns, they can try and discuss any planning issues they may have before each meeting by making the most of the officer contact at the end of each report. 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. There was one case where the committee was successful:

## COMMITTEE REVERSALS - APPEALS DISMISSED:

### District Development Control Committee

EPF/1996/12	Part retrospective application for the change of use of land to include stationing of caravans for occupation by gypsy-traveller family with new access, fencing, gates, hardstanding, utility block and cess pool/septic tank.	Valley View Curtis Mill Lane Stapleford Abbots
-------------	---	--

8. Out of 2 **ENFORCEMENT NOTICE APPEALS** decided, 1 was dismissed and the other

quashed because it did not require planning permission. These are as follows:

#### **Dismissed**

<b>ENF/0447/12</b>	Change of use of land to include stationing of Caravans for occupation by gypsy-traveller family with new access, fencing, gates, hardstanding, utility block and cess pool/septic tank.	Valley View Curtis Mill Lane Stapleford Abbots
--------------------	--	--

#### **Quashed**

<b>ENF/0289/13</b>	Fence adjacent to a road over 1 metre high	41 The Gables, Ongar
--------------------	--	----------------------

#### **Costs**

9. During this period, no costs were awarded and concluded, against the Council.

#### **Conclusions**

11. Whilst performance in defending appeals at 36.8% appears high, there is no national comparison of authority performance. 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 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 9 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 1 of which was dismissed and therefore refused planning permission.

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

#### **Total Appeal Decisions 1<sup>st</sup> October 2014 to 31<sup>st</sup> March 2015**

##### **Allowed**

##### **Buckhurst Hill**

1	EPF/0543/14	Elevated timber playhouse (retrospective application)	9 Little Plucketts Way
2	EPF/1247/14	Retrospective application for new extraction system to the rear of the property.	69 Queens Road
3	EPF/1248/14	Part one and part two storey rear extension, first floor side extension, and enlargement of roof with rear second floor dormer window.	18 Stradbroke Grove

##### **Epping**

4	EPF/1093/14	Change of use of existing unit to A2.	134 - 136 High Street
---	-------------	---------------------------------------	-----------------------

##### **High Ongar**

5 EPF/0794/14 Grade II listed building application for single storey extension to rear. (Revised application to EPF/2674/13) Wythams Chelmsford Road

**Lambourne**

6 EPF/2322/13 Demolition of existing dwelling and erection of replacement dwelling (Revised application to EPF/0803/13) 44 Hoe Lane Abridge

**Loughton**

7 EPF/2009/13 New semi detached house and alterations to existing dwelling. (Revised application) Land adjacent to 20 Ollards Grove

8 EPF/2153/14 Demolition of existing garage and replacement two storey side extension and front porch (Amended application) 1 Pyrles Lane

**North Weald Bassett**

9 EPF/0877/13 Retrospective application for the change of use of existing menage for the parking/storage of vehicles and plant machinery in connection with established recycling business. Marlow High Road

**Theydon Bois**

10 EPF/1455/14 Loft conversion forming front and rear dormers including hip to gable and removal of existing rear pitched roof to form flat roof with lantern over existing kitchen. 16 Orchard Drive

11 EPF/1456/14 Proposed single storey rear extension and new rooms in roof with front and rear dormers. 18 Orchard Drive

12 EPF/2610/13 Installation of lights to Court 3 incorporating a total of 4 Columns and 4 Lamps - lights to be used 3 nights a week till 9.30pm. Theydon Bois Lawn Tennis Club, Sidney Road

**Part Allowed**

**Chigwell**

13 EPF/1242/14 Retrospective planning application for a garage, new wall and wrought iron fencing 3a Lyndhurst Rise

**North Weald Bassett**

14 EPF/0868/13 Retrospective application for the change of use of land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, Tarmac and screen waste together with stationing of related plant and machinery. Marlow High Road

**Dismissed**

**Chigwell**

15 EPF/1003/14 Two storey side extensions to both sides and extend and raise roof. Station House 114 High Road

16 EPF/1466/14 Demolition of existing stables and warehouse and erection of 6 detached residential dwellings. The Paddock Grove Lane

(Revised application to EPF/2188/13)

### **Epping**

- |    |             |   |                           |
|----|-------------|---|---------------------------|
| 17 | EPF/1599/14 | Addition of 1 x no. 2 bed dwelling above existing listed outbuildings accessed via proposed walkway from existing staircase.  | 220 High Street           |
| 18 | EPF/1628/14 | Grade II Listed Building application for addition of 1 x no. 2 bed dwelling above existing listed outbuildings accessed via proposed walkway from existing staircase. | 220 High Street           |
| 19 | EPF/2365/13 | Single storey garden room to rear elevation and alterations.  | Forest Lodge<br>Wood Mead |
| 20 | EPF/2366/13 | Grade II listed building consent for single storey garden room to rear elevation and alterations  | Forest Lodge<br>Wood Mead |

### **High Ongar**

- |    |             |  |                             |
|----|-------------|--|-----------------------------|
| 21 | EPF/2238/13 | Outline planning permission for a single dwelling with four or more bedrooms and double garage | Orchard<br>Old Wythers Farm |
|----|-------------|--|-----------------------------|

### **Lambourne**

- |    |             |  |                            |
|----|-------------|--|----------------------------|
| 22 | EPF/0301/14 | Demolish existing house and erect one chalet bungalow and two detached houses. | The Rectory<br>39 Hoe Lane |
|----|-------------|--|----------------------------|

### **Loughton**

- |    |             |  |                  |
|----|-------------|--|------------------|
| 23 | EPF/0278/14 | Two storey side and single storey rear extension with roof window, loft conversion with rear dormer window and external render and new | 57 Chequers Road |
| 24 | EPF/1537/14 | Provision of one bedroom flat within enlarged roofspace of existing restaurant.  | 13 Forest Road   |

### **Nazeing**

- |    |             |                                     |                          |
|----|-------------|-------------------------------------|--------------------------|
| 25 | EPF/1567/14 | New proposed detached granny annex. | Hawthorns<br>Paynes Lane |
|----|-------------|-------------------------------------|--------------------------|

### **Roydon**

- |    |             |   |                          |
|----|-------------|---|--------------------------|
| 26 | EPF/1358/14 | Side extension and raised roof to form a chalet bungalow. | Charfield<br>Epping Road |
| 27 | EPF/1359/14 | Extensions and raised roof to create a 2 storey dwelling. | Charfield<br>Epping Road |

### **Stapleford Abbots**

- |    |             |   |                                      |
|----|-------------|---|--------------------------------------|
| 28 | EPF/1996/12 | Part retrospective application for the change of use of land to include stationing of caravans for occupation by gypsy-traveller family with new access, fencing, gates, hardstanding, utility block and cess pool/septic tank. | Valley View<br>Curtis Mill Lane      |
| 29 | EPF/0964/13 | Outline application to demolish office, boiler house and glasshouses and erect six detached dwellings with garages,   | Esperanza Nursery<br>Stapleford Road |

### **Theydon Bois**

- |    |             |  |                  |
|----|-------------|--|------------------|
| 30 | EPF/1267/14 | Loft conversion (raised) with extension to existing loft, two and single storey rear extension and | 31 Piercing Hill |
|----|-------------|--|------------------|

conversion of garage to gym. Extension and raising of roof to provide increased accommodation at second floor level, with 3 front and 3 rear dormer windows, together with the erection of a part 1, part 2 and part 3 storey extension.

31	EPF/1305/14	Erection of ground floor side extension to accommodate garage and lounge.	66 Morgan Crescent
32	EPF/1593/14	Erection of agricultural storage barn in south west of field, on land to the east of Broadlawn in connection with christmas tree business,	Land at Coopersale Lane
33	EPF/1639/14	Prior approval application for two 8 metre deep conservatories, height to eaves 2 metres and maximum height 3.95 metres.	Granville 119 Theydon Park Road
<b>Waltham Abbey</b>			
34	EPF/0349/14	Single storey rear conservatory extension.	Bradley Barn Holyfield Farm Crooked Mile
35	EPF/0870/14	Two storey side extension with single storey rear extension.	214 Upshire Road
36	EPF/1914/14	Proposed three bedroom house with two parking spaces. Resubmission of EPF/0730/14 (Detached dwelling house, garage and ancillary parking and garden area).	Land adjacent 1 The Cobbins
37	EPF/2097/14	New single storey detached garage.	11 Farthingale Lane
38	EPF/0350/14	Grade II listed building application for a single storey rear conservatory extension.	Bradley Barn Holyfield Farm Crooked Mile