



**Epping Forest
District Council**

Report to Area Plans Sub-Committee

***Date of meeting: East –
West –
South –***

Subject: Probity in Planning – Appeal Decisions, 1st October 2018 to 31st March 2019

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: (01992 564607)**

Recommendation:

That the Planning Appeal Decisions from 1 October 2018 to 31 March 2019 be noted.

Report Detail:

Background

1. (Director of Planning) 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.

Performance

3. Over the six-month period between 1 October 2018 and 31st March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals, the other 7 were enforcement related).
4. Out of a total of 46 planning related appeals, 10 were allowed (21%). Broken down further, Committee reversals performed very well with only 4 out of 22 allowed (18%) and there was a good Officer delegated decisions performance of 6 out of 24 (25%) allowed.
5. 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 4 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED (4):

Area Committee East

Moreton

- | | | |
|---|---|---|
| 1 | EPF/0181/18 Outline planning application for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works | Maltings Farm
Maltings Hill
Church Road |
|---|---|---|

Area Committee South

Loughton

- | | | |
|---|--|---|
| 2 | EPF/3059/17 Variation of cond. 10 ' Hours of Use' on EPF/2163/13 | Sir Winston Churchill
(Now Landmark House) |
| 3 | EPF/0616/18 Single storey rear conservatory. | 60 Tycehurst Hill |

Area Committee West

Nazeing

- | | | |
|---|--|----------------------------|
| 4 | EPF/3500/17 Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no. 'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
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6. The 18 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED (18):

Area Committee East

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|---|---|---|
| 1 | EPF/1348/18 Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. | 4 Kendal Avenue
Epping |
| 2 | EPF/2388/17 Detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover | 47 Sunnyside Road
Epping |
| 3 | EPF/0257/18 Proposed 3 bedroom detached dwelling. | Land adjacent 7 & 8
The Poplars
Lambourne |
| 4 | EPF/2654/17 Rear extension to enclose existing outdoor dining area. | The Chequers
Matching Green |
| 5 | EPF/0182/18 Construction of storage barn and stable building.
Re-submission of refused application: EPF/2826/17 | White Lodge
Little Laver Road
Little Laver |
| 6 | EPF/2448/17 Change of use from post office (A1) to takeaway(A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm). | 38 High Road
North Weald |
| 7 | EPF/3216/17 Outline application to demolish office, boiler house and two glasshouses, erect five dwelling houses, lay out access drive and turning head, amenity and parking areas, form meadow/paddock and alter vehicular access onto | Esperanza Nurseries
Stapleford Road
Stapleford Abbots |

Stapleford Road.

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|---|-------------|--|------------------------|
| 8 | EPF/0184/18 | Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17 | Rozel
Loughton Lane |
|---|-------------|--|------------------------|

Area Committee South

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|---|-------------|---|--|
| 1 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road
Buckhurst Hill |
| 2 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay. | 49 Manor Road
Chigwell |
| 3 | EPF/0536/17 | First floor rear extension to western side of first floor bay | 49 Manor Road
Chigwell |
| 4 | EPF/0612/18 | Two storey side extension, part single/part two storey rear extension & division into 2 dwellings. | 14 Ely Place
Chigwell |
| 5 | EPF/2758/17 | Demolition of existing bungalow and replacement with two dwellings with basements. | 12 High Elms
Chigwell |
| 6 | EPF/2877/17 | Retrospective planning application for ground floor rear storage shed | 49 Manor Road
Chigwell |
| 7 | EPF/3177/17 | Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking. | 105 Manor Road
Chigwell |
| 8 | EPF/2885/17 | Demolition of existing house and replace with 2 houses. | 39 Traps Hill
Loughton |
| 9 | EPF/3512/17 | Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking | Land to the rear of
33-37 Hillyfields
Loughton |

District Development Committee

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|---|-------------|--|--|
| 1 | EPF/1973/17 | Demolition of 19 Coopersale Common and erection of six detached houses and associated amenity space, car parking, cycle storage and landscaping. | Newstead
19 Coopersale Common
Coopersale |
|---|-------------|--|--|

7. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, all were dismissed. These are as follows:

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|----|-------------|--|--|
| 1. | ENF/0001/14 | Erection of a portable building | Providence Nursery
Avey Lane
Waltham Abbey |
| 2. | ENF/0172/14 | LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of the barn into 3 separate residential units | Old House
Old House Lane
Roydon |
| 3. | ENF/0172/14 | Without planning permission the use of the barn a Grade II Listed Building situated on the land (The Barn) for the purpose of 3 self-contained residential units | Old House
Old House Lane
Roydon |

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|----|-------------|--|--|
| 4. | ENF/0328/16 | Rear extension not as approved EPF/2241/14 | School Knotts
Middle Street
Nazeing |
| 5. | ENF/0414/14 | Without planning permission the erection of a commercial building | Providence Nursery
Avey Lane
Waltham Abbey |
| 6. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall
Willingale Road
Fyfield |

Dismissed, but Varied

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|----|-------------|--|--|
| 7. | ENF/0295/16 | Without planning permission the change of use of the land for the storage of scaffolding, storage and sale of motor homes and caravans/mobile homes and the laying of a hardstanding to facilitate the change of use | Richmond Farm
Parsloe Road
Epping Upland |
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Costs

8. During this period, there was one award of costs against the Council, in respect of application EPF/1706/17 - Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane, Abridge. The Inspector concluded that the Council prevented development that should have been permitted and consequently required the applicant, Mr Phillips, to incur the unnecessary expense of appealing. The proposal was for the provision of a new crossover and limited area of hardstanding. However, the appeal statement submitted by the Council predominantly focused on the harm to the openness of the Green Belt that they consider would result from an existing track that did not form part of the application but that the new access would link into. Consequently, the Inspector considered that the Council acted unreasonably. The cost paid by the Council to the appellant was £9,960.00.

Conclusions

9. Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council were successful in defending their decisions in 79% of cases. Whilst there is no national comparison of authority performance, Members and Officers 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.

10. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

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

Total Planning Application Appeal Decisions 1st October 2018 to 31st March 2019

Allowed With Conditions

Lambourne

- | | | | |
|---|-------------|---|--------------------------------|
| 1 | EPF/1706/17 | Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane | Land to rear of 40-62 Hoe Lane |
|---|-------------|---|--------------------------------|

Loughton

- | | | | |
|---|-------------|--|--|
| 2 | EPF/3059/17 | Variation of condition 10 ' Hours of Use' on planning application EPF/2163/13 | Sir Winston Churchill (Now Landmark House) |
| 3 | EPF/0010/18 | Outline application with some matters reserved for new two storey house on adjoining land. | 70 Alderton Hill |
| 4 | EPF/0616/18 | Single storey rear conservatory. | 60 Tycehurst Hill |

Moreton, Bobbingworth and the Lavers

- | | | | |
|---|-------------|---|---|
| 5 | EPF/0181/18 | Outline planning application for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works | Maltings Farm
Maltings Hill
Church Road |
|---|-------------|---|---|

Nazeing

- | | | | |
|---|-------------|---|----------------------------|
| 6 | EPF/3500/17 | Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no.'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
|---|-------------|---|----------------------------|

Ongar

- | | | | |
|---|-------------|--|--------------------------------|
| 7 | EPF/1620/18 | Retention of a front boundary wall (replacement of close boarded fence). | Bushey Cottage
1 Bushey Lea |
| 8 | EPF/2947/17 | Erection of detached outbuilding. | 1 Bushey Lea |

Theydon Bois

- | | | | |
|---|-------------|---|------------------|
| 9 | EPF/2314/18 | Loft conversion with 2 front dormers and a rear dormer. | 5 Hornbeam Close |
|---|-------------|---|------------------|

Allowed Without Conditions

Epping Upland

- | | | | |
|----|-------------|--|---|
| 10 | EPF/0752/18 | Front fence and electric gates across front of driveway. | Clevedon
Epping Road
Epping Green |
|----|-------------|--|---|

Dismissed

Buckhurst Hill

- | | | | |
|----|-------------|---|--------------------|
| 11 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road |
| 12 | EPF/3273/17 | Conversion of house into 5 flats and erection of rear dormer window. | 17 Palmerston Road |
| 13 | EPF/1543/18 | Retrospective application for rear dormer. | 12 Farm Way |
| 14 | EPF/1214/18 | Two storey front and rear extensions, loft conversion with | Tymba |

3 front dormers and raised patio area to rear. 10 Fernside

Chigwell

- 15 EPF/0535/17 First floor rear extension to eastern side of first floor bay. 49 Manor Road
- 16 EPF/0263/18 Proposed sub-division of rear gardens to 8 & 9 Whitehall Close (fronting Orchard Way) and erection of single storey two bed house. 8 Whitehall Close
- 17 EPF/3177/17 Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking. 105 Manor Road
- 18 EPF/2758/17 Demolition of existing bungalow and replacement with 2 no. two storey dwellings with basements. 12 High Elms
- 19 EPF/0612/18 Two storey side extension, part single and part two storey rear extension and division into 2 no. x 3 bedroom dwellings 14 Ely Place
- 20 EPF/0536/17 First floor rear extension to western side of first floor bay 49 Manor Road
- 21 EPF/2877/17 Retrospective planning application for ground floor rear storage shed 49 Manor Road

Epping

- 22 EPF/1973/17 The demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedroom and 4 x 4 bedroom) and associated amenity space, car parking, cycle storage and landscaping. Newstead
19 Coopersale Common
Coopersale
- 23 EPF/2388/17 Erection of a detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover 47 Sunnyside Road
- 24 EPF/1348/18 Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. 4 Kendal Avenue
- 25 EPF/1382/18 Single storey rear extension 17 Lindsey Street

Lambourne

- 26 EPF/0257/18 Proposed 3 bedroom detached dwelling. Land adjacent 7 & 8
The Poplars

Loughton

- 27 EPF/3512/17 Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking Land to the rear of
33-37 Hillyfields
- 28 EPF/2885/17 Demolition of existing house and replace with 2 new houses. 39 Traps Hill
- 29 EPF/1584/18 Conversion of terraced house to 3 no. flats. 2 Danbury Road
- 30 EPF/1315/18 Single storey front, side and rear extension. Two storey side extension 35 Forest Road

Matching

- 31 EPF/2654/17 Proposed rear extension to enclose outdoor dining area. The Chequers
Matching Green

Moreton, Bobbingworth and the Lavers

32 EPF/0182/18 Construction of storage barn and stable building.
Re-submission of refused application: EPF/2826/17
White Lodge
Little Laver Road
Little Laver

Nazeing

33 EPF/0477/18 Erection of detached bungalow
61 North Street

34 EPF/0124/18 Demolition of two residential single storey buildings
and their replacement with 2 no. two storey dwellings.
Patience Cottage
Belchers Lane

35 EPF/0166/18 Demolition of existing converted barn consisting of
3 no. dwellings and the erection of 2 detached dwellings
and 4 semi-detached dwellings
Woodside Barn
Paynes Lane

North Weald Bassett

36 EPF/2448/17 Change of use from post office (A1) to takeaway(A5),
installation of extract flue and alterations to front elevation.
Revision to previous refused scheme with revised opening
hours (11am - 9pm).
38 High Road

Ongar

37 EPF/2209/18 Single storey infill side and rear extension.
69 Coopers Hill

Stanford Rivers

38 EPF/0926/18 Building carport with flat-sedum roof.
12 Garden Fields

39 EPF/1393/17 Residential scheme comprising 5 no. residential dwellings
with associated off-street parking, garden space and external
landscaping.
153a London Road
Stanford Rivers

40 EPF/3141/17 New dwelling within the residential curtilage of Lilac
House and associated car parking for the new and existing
dwellings.
Lilac House
6 London Road

41 EPF/2937/17 Erection of 4 no. four bedroom semi-detached dwellings
Land at School Road

42 EPF/1943/17 Construction of 1 new dwelling. Re-submission of refused
application: EPF/1046/17
End House
8 Hill Crest Road

Stapleford Abbotts

43 EPF/3216/17 Outline application to demolish office, boiler house and
two glasshouses, erect five dwelling houses, lay out
access drive and turning head, amenity and parking areas,
form meadow/paddock and alter vehicular access onto
Stapleford Road.
Esperanza Nurseries
Stapleford Road

Theydon Bois

44 EPF/0184/18 Construction of new chalet bungalow in land to rear of
Rozel. Re-submission of refused application EPF/2364/17
Rozel
Loughton Lane

Waltham Abbey

45 EPF/0799/18 Demolition of single storey Caretakers House and
erection of 3 x 2 bedroom bungalows with associated
access, parking and amenity space.
Leverton County GM
Junior And Infant School
Honey Lane

Willingale

46 EPF/2909/17 Erection of 2 no. houses.

Land East of Southgates
(Shellow Bellows)
Shellow Road

Enforcement Appeals

Dismissed

8. ENF/0001/14 Erection of a portable building
Providence Nursery
Avey Lane
Waltham Abbey
9. ENF/0172/14 LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of
the barn into 3 separate residential units
Old House
Old House Lane
Roydon
10. ENF/0172/14 Without planning permission the use of the barn a
Grade II Listed Building situated on the land (The Barn)
for the purpose of 3 self-contained residential units
Old House
Old House Lane
Roydon
11. ENF/0328/16 Rear extension not as EPF/2241/14
School Knotts
Middle Street
Nazeing
12. ENF/0414/14 Without planning permission the erection of
a commercial building
Providence Nursery
Avey Lane
Waltham Abbey
13. ENF/0506/15 Motor home used for residential purposes
and stables used for personal storage
Fyfield Hall
Willingale Road
Fyfield

Enforcement Appeal: Dismissed, but Varied

14. ENF/0295/16 Without planning permission the change of use of the land
for the storage of scaffolding, storage and sale of motor
homes and caravans/mobile homes and the laying of a
hardstanding to facilitate the change of use
Richmond Farm
Parsloe Road
Epping Upland