



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

### **Date of meeting: 4 September 2019**

**Subject: Probity in Planning – Appeal Decisions, 1<sup>st</sup> October 2018 to 31<sup>st</sup> March 2019**

**Officer contact for further information: Nigel Richardson (01992 564110).  
Democratic Services Officer: Vivienne Messenger (01992 564243)**

#### **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 31<sup>st</sup> 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

Maltings Farm

and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works	Maltings Hill Church Road
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**Area Committee South**

**Loughton**

- |  |   |
|--|---|
| 2 EPF/3059/17 Variation of cond. 10 ' Hours of Use' on EPF/2163/13 | Sir Winston Churchill<br>(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<br>Hoe Lane |
|--|----------------------------|

6. The 18 cases where the committees were successful are as follows:

**COMMITTEE REVERSALS - APPEALS DISMISSED (18):**

**Area Committee East**

- |  |   |
|--|---|
| 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<br>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<br>Epping                                 |
| 3 EPF/0257/18 Proposed 3 bedroom detached dwelling.  | Land adjacent 7 & 8<br>The Poplars<br>Lambourne             |
| 4 EPF/2654/17 Rear extension to enclose existing outdoor dining area.  | The Chequers<br>Matching Green                              |
| 5 EPF/0182/18 Construction of storage barn and stable building.<br>Re-submission of refused application: EPF/2826/17   | White Lodge<br>Little Laver Road<br>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<br>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 Stapleford Road. | Esperanza Nurseries<br>Stapleford Road<br>Stapleford Abbots |
| 8 EPF/0184/18 Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17   | Rozel<br>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<br>Buckhurst Hill                    |
| 2 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay.  | 49 Manor Road<br>Chigwell                            |
| 3 | EPF/0536/17 | First floor rear extension to western side of first floor bay   | 49 Manor Road<br>Chigwell                            |
| 4 | EPF/0612/18 | Two storey side extension, part single/part two storey rear extension & division into 2 dwellings.  | 14 Ely Place<br>Chigwell                             |
| 5 | EPF/2758/17 | Demolition of existing bungalow and replacement with two dwellings with basements.  | 12 High Elms<br>Chigwell                             |
| 6 | EPF/2877/17 | Retrospective planning application for ground floor rear storage shed   | 49 Manor Road<br>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<br>Chigwell                           |
| 8 | EPF/2885/17 | Demolition of existing house and replace with 2 houses.   | 39 Traps Hill<br>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<br>33-37 Hillyfields<br>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<br>19 Coopersale Common<br>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<br>Avey Lane<br>Waltham Abbey |
| 2. | ENF/0172/14 | LISTED BUILDING NOTICE<br>Without LBC the alteration, extension and conversion of the barn into 3 separate residential units                                     | Old House<br>Old House Lane<br>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<br>Old House Lane<br>Roydon            |
| 4. | ENF/0328/16 | Rear extension not as approved EPF/2241/14   | School Knotts<br>Middle Street<br>Nazeing        |

- |    |             |  |  |
|----|-------------|--|--|
| 5. | ENF/0414/14 | Without planning permission the erection of a commercial building              | Providence Nursery<br>Avey Lane<br>Waltham Abbey |
| 6. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall<br>Willingale Road<br>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<br>Parsloe Road<br>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 1<sup>st</sup> October 2018 to 31<sup>st</sup> 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**

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|---|-------------|---|---|
| 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<br>Maltings Hill<br>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<br>Hoe Lane |
|---|-------------|---|----------------------------|

**Ongar**

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

**Theydon Bois**

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

**Allowed Without Conditions**

**Epping Upland**

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|----|-------------|--|---|
| 10 | EPF/0752/18 | Front fence and electric gates across front of driveway. | Clevedon<br>Epping Road<br>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 3 front dormers and raised patio area to rear.   | Tymba<br>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
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### **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
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### **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
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**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 Abbots**

- 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**

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|-----|-------------|--|--|
| 8.  | ENF/0001/14 | Erection of a portable building  | Providence Nursery<br>Avey Lane<br>Waltham Abbey |
| 9.  | ENF/0172/14 | LISTED BUILDING NOTICE<br>Without LBC the alteration, extension and conversion of the barn into 3 separate residential units                                     | Old House<br>Old House Lane<br>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<br>Old House Lane<br>Roydon            |
| 11. | ENF/0328/16 | Rear extension not as EPF/2241/14  | School Knotts<br>Middle Street<br>Nazeing        |
| 12. | ENF/0414/14 | Without planning permission the erection of a commercial building  | Providence Nursery<br>Avey Lane<br>Waltham Abbey |
| 13. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage   | Fyfield Hall<br>Willingale Road<br>Fyfield       |

### **Enforcement Appeal: Dismissed, but Varied**

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|-----|-------------|--|--|
| 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<br>Parsloe Road<br>Epping Upland |
|-----|-------------|--|--|