

BABERGH DISTRICT COUNCIL

FROM: Chief Planning Control Officer

REPORT NUMBER: **H204**

TO: Development Committee

DATE OF MEETING: 11 March 2009

PLANNING PERFORMANCE: PLANNING APPEALS

1. PURPOSE OF REPORT

- 1.1 This report reviews appeals determined by the Planning Inspectorate in January and February 2009 and contains an overview of the decisions made between 1 October and 31 December 2008.

2. RECOMMENDATION

- 2.1 That the information contained within this report be noted.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly from this report.

4. RISK MANAGEMENT

- 4.1 There are no significant risks arising directly from this report.

5. KEY INFORMATION

- 5.1 The Development Committee at its meeting on 11 February 2009 requested further information on appeals determined by the Planning Inspectorate.

- 5.2 As a matter of good practice local planning authorities are encouraged to monitor the number of appeals allowed against an authority's decision to refuse permission and express it as a percentage of the total number of appeals against the refusal of permission. An acceptable threshold is deemed to be 30% as it provides a useful indicator as to whether more applications are being refused in order to meet development control performance targets. Babergh, however, uses a more taxing threshold of 25% to assess the quality of the decision making process.

- 5.3 Appendix One provides a review of decisions made during January and February 2009, including a summary of the Inspector's decision and commentary as appropriate. The reporting method adopted in Appendix One will be followed in future quarterly reports to Development Committee as part of the Planning Performance report. As will be noted seven appeals have been determined during the period, six of which relate to applications determined by Development Committee. Of these seven cases two have been allowed and five dismissed. This equates to 28%. Appendix One also contains details of the enforcement cases determined during the same period but they are excluded from decision making quality assessment referred to above because they do not directly involve planning application decisions.

5.4 Appendix Two contains an overview of the decisions made between 1 October and 31 December 2008 in response to concerns expressed by Development Committee on 11 February 2009 that of the 17 appeals determined during this period, nine were allowed and eight were dismissed. As will be noted four of the appeals were allowed following a decision made by the Development Committee but of these four, two decisions related to the same development. Appendix Two also contains details of the enforcement cases determined during the same period.

6. **APPENDICES**

6.1 Appendix One: Appeal Decisions: 1 January to 28 February 2009.

6.2 Appendix Two: Overview of planning appeals determined between 1 October and 31 December 2008.

7. **BACKGROUND PAPERS**

7.1 None

Contact: Nick Ward

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APPEAL DECISIONS: 1 JANUARY TO 28 FEBRUARY 2009**Planning Applications**

Final Decision: **Allowed**

Application No: **B/07/01772 FUL** **Appellant:** **Christina Hawkins**

Application decision: Development Committee **Appeal Decision Date:** 2-Feb-09

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission

Location: Christmas Hall, Market Place, Bildeston, Ipswich, IP7 7EN

Proposal: Change of use from dwelling to dwelling with private functions, as amended by plan received 07/02/08.

The Inspector's Reasons: A conjoined Hearing was held to deal with appeals lodged against the refusal of planning permission and the service of an enforcement notice. In summary the Inspector considered that the main issues to be whether the continued use of the premises for private functions was acceptable having regard to the effect on neighbours in terms of noise, disturbance and on-street parking, and the benefits to the local economy. He observed that noise disturbance had been significant at times but noted that Christmas Hall is a substantial property that could be occupied by a large household. Furthermore the use of the property for short-term lets was a lawful activity and some exuberant behaviour was to be expected but could be addressed by the imposition of planning conditions. In his opinion the nine parking spaces shown on the submitted plan were sufficient to prevent problematic on-street parking and the use of Christmas Hall was a boost to local businesses. He concluded that the use of the premises for private functions was acceptable and accordingly allowed the appeal. The enforcement appeal was also allowed and the enforcement notice quashed.

A claim for costs was submitted by the Appellant. The Inspector in assessing the claim considered that the Council had behaved unreasonably insofar as insufficient evidence had been advanced to support the parking related reason for refusal and in issuing the enforcement notice.

A partial award of costs was made.

Comment: The application was refused by Development Committee at their meeting on 2 April 2008 contrary to the officer recommendation and the observations of the Parish Council.

Final Decision: **Allowed**

Application No: **B/08/00145 FUL** **Appellant:** **Seven Project Ltd**

Application decision: Development Committee **Appeal Decision Date:** 23-Feb-09

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: The Stables, High Street, Sproughton

Proposal: Erection of 2 No. two-storey dwellings (semi-detached). Alterations to existing vehicular access.

The Inspector's Reasons: In summary the Inspector considered the main issue to be the effect of the proposed development on the living conditions of nearby residents in terms of noise and disturbance. He concluded that the additional activity associated with the use of the parking area would not cause harm and that the proposed access arrangements would not be detrimental to highway safety. In his opinion there would be no loss of amenity to neighbouring premises and while the proposed private gardens would be modest they might suit the preferences of future occupants. He noted that a planning obligation had not been completed and in the absence of any information on the provision of public open space in the area attached no weight to the provisions of Local Plan Policy HS32.

Comment: The application was refused by Development Committee at their meeting on 30 April 2008 in line with the views of the Parish Council but contrary to the officer recommendation.

Total Allowed: 2

Final Decision: Dismissed

Application No: B/08/00915 FHA **Appellant:** Mr N Groom

Application decision: Development Committee **Appeal Decision Date:** 23-Feb-09

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Pen-Y-Fan, Elm Road, East Bergholt, Colchester, CO7 6SG

Proposal: Erection of first-floor side extension; erection of two-storey rear extension; erection of rear conservatory (following demolition of existing conservatory).

The Inspector's Reasons: In summary the Inspector considered the main issues to be the impact of the proposal upon the appearance of the dwelling and the living conditions of nearby residents. He concluded that the scale and mass of the proposed extension would not blend in satisfactorily with the existing dwelling and would conflict with the provisions of Local Plan Policies HS33 and CN01. He was not, however, persuaded there would be any material harm in terms of loss of light or outlook to the residents of Elm House. In relation to Elm Croft on the other side of the appeal property he was also of the view that there would be no loss of light arising from the proposal but he did consider that the bulk and height of the proposed extension added weight to his conclusion on the first issue.

Comment: The application was refused by Development Committee at their meeting on 20 August 2008 in line with the views of the Parish Council but contrary to the officer recommendation.

Final Decision: Dismissed

Application No: B/08/00528 FHA **Appellant:** Mr J Tanner

Application decision: Development Committee **Appeal Decision Date:** 10-Feb-09

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission

Location: Westgate Park, Westgate Street, Long Melford, Sudbury

Proposal: Erection of outbuilding (as amplified by letter dated 22/05/2008 from Tim Harbord associated and supporting information from Leigh Alston, and email from Adam Power dated 27/05/2008 and supporting letter from Adam Power dated 10/01/2008 and supporting applicants letter dated 23/06/08 together with additional information received by Local Planning Authority on 24/06/08).

Final Decision: Dismissed

Application No: B/08/00529 LBC **Appellant:** Mr J Tanner

Application decision: Development Committee **Appeal Decision Date:** 9-Feb-09

Appeal Procedure: Informal Hearing **Appeal Type:** Listed Building Consent

Location: Westgate Park, Westgate Street, Long Melford, Sudbury

Proposal: Application for Listed Building Consent - Erection of outbuilding (as amplified by letter dated 22/05/2008 from Tim Harbord Associates and supporting information from Leigh Alston and email from Adam Power dated 27/05/2008 and supporting letter from Adam Power dated 10/01/2008 and applicants letter dated 23/06/08 together with additional information received by Local Planning Authority on 24/06/08).

The Inspector's Reasons:

The conjoined Hearing dealt with appeals lodged against the refusal of planning permission, listed building consent and the service of an enforcement notice. In summary the Inspector considered the main issues to be the effect of the new building upon the setting of listed buildings and its effect on the landscape and the Conservation Area. He concluded that the width of the building, the shallow roof pitch and roofing materials were visually damaging to the historic wall and its setting in the surrounding parkland. All three appeals were therefore dismissed and the enforcement notice was upheld but the period for compliance was varied to six months.

Comment:

The application was refused by Development Committee at their meeting on 25 June 2008 in line with the officer recommendation.

Final Decision:

Dismissed

Application No:

B/07/00566 FUL

Appellant:

Mr & Mrs Willemsen

Application decision:

Development Committee

Appeal Decision Date:

9-Jan-09

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

Trucketts Hall, Glemsford Road, Boxted, Bury St Edmunds, IP29 4LJ

Proposal:

Change of use and conversion of existing barn and linked yard buildings to provide a function facility and associated accommodation including erection of single storey extension as amended by Environmental Noise Assessment prepared by RdB Associates received by the Local Planning Authority on 19/07/07, ii) by Philip Aitkens Historic Building Assessment dated 29/11/07, (received by the Local Planning Authority on 17/12/07) and by agents letter dated 13/05/08, supplementary report from RdB Associates dated 12th May 2008 and drawing number 2018/DD1, all received by the Local Planning Authority on 15/05/08.

The Inspector's Reasons:

In summary the Inspector considered there to be three main issues. Firstly whether the development would be sustainable in transport terms, secondly whether the proposal represented an acceptable form of farm diversification, and thirdly the impact of the development on highway safety. On the first issue he concluded that the proposal would fail to constitute a sustainable form of development in transport terms because of the heavy reliance on private vehicles and the lack of viable alternatives and remoteness. In relation to the second issue he acknowledged the need to find new uses for traditional farm buildings but did not consider the proposed use to be acceptable because it was unsustainable. As far as the third issue was concerned he concluded that the proposal would result in increased risk to road users and adversely affect highway safety contrary to the provisions of Local Plan Policy CR18.

Comment:

The application was refused by Development Committee at their meeting on 25 June 2008 in line with the officer recommendation.

Final Decision:

Dismissed

Application No:

B/08/00378 FUL

Appellant:

Mr C Hammond

Application decision:

Delegated

Appeal Decision Date:

20-Jan-09

Appeal Procedure:

Informal Hearing

Appeal Type:

Refusal of planning permission

Location:

Hammonds Holt, Church Road, Little Waldingfield, Sudbury, CO10 5PN

Proposal:

Erection of 1 No. detached two-storey dwelling; erection of detached garage and workshop (existing bungalow and caravan to be demolished).

The Inspector's Reasons:

In summary the Inspector considered the main issue to be the effect of the proposal upon the surrounding countryside. He observed that the height of the dwelling would emphasize its substantial width and sheer size. As such the design solution did little to reinforce local distinctiveness and the architectural characteristics of this part of rural Suffolk. While he accepted that the development would be partially screened by existing trees, the proposed dwelling would have a real presence in the countryside contrary to well established planning policies. He concluded that the proposal would conflict with Local Plan Policies HS05 and CN01.

Comment:

The application was refused on 23 April 2008.

Total Dismissed:

5

Final Decision: Withdrawn
Application No: B/08/01052 FUL **Appellant:** Hills Residential
Application decision: Delegated **Appeal Decision Date:** 16-Feb-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land North of, Crownfield Road, Glemsford
Proposal: Erection of 58 No. dwellings, garage and associated infrastructure.

Total Withdrawn: 1

TOTAL DETERMINED 8

Enforcement Cases

Final Decision: Allowed **Appeal Decision Date:** 2-Feb-09
Application No.: B/06/00150
Appeal Procedure: Informal Hearing **Appeal Type:** Enforcement Action
Location: Christmas Hall, Market Place, Bildeston, Ipswich, IP7 7EN
Description of Breach: Use of dwelling as a Wedding and Conference venue with associated accommodation.

Final Decision: Dismissed **Appeal Decision Date:** 9-Feb-09
Application No.: B/07/00265
Appeal Procedure: Informal Hearing **Appeal Type:** Enforcement Action
Location: Westgate Park, Westgate Street, Long Melford, Sudbury, CO10
Description of Breach: Storage Building.

Final Decision: Withdrawn **Appeal Decision Date:** 13-Feb-09
Application No.: B/07/00432
Appeal Procedure: Written Representations **Appeal Type:** Enforcement Action
Location: The Saracens Head, Sudbury Road, Newton, Sudbury, CO10 0QJ
Description of Breach: Canopy

Final Decision: Withdrawn **Appeal Decision Date:** 3-Feb-09
Application No.: B/05/00368
Appeal Procedure: Public Inquiry **Appeal Type:** Enforcement Action
Location: Land adjacent 3 Tills Farm Cottages, Hadleigh Road, Polstead, CO10 5JJ
Description of Breach: Formation of driveway.

OVERVIEW OF PLANNING APPEALS DETERMINED BETWEEN 1 OCTOBER AND 31 DECEMBER 2008

Planning Applications

Final Decision: Allowed
Application No: B/07/02036CAC **Appellant:** Smarter Projects Limited
Application decision: Development Committee **Appeal Decision Date:** 10-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Homelands, School Lane, Stratford St Mary, Colchester, CO7 6LZ

Proposal: Application for Conservation Area Consent - Demolition of detached two-storey dwelling and attached double garage.

Final Decision: Allowed
Application No: B/08/00209 FHA **Appellant:** Mr and Mrs J Alexander
Application decision: Delegated **Appeal Decision Date:** 13-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Thatched Cottage, Main Road, Woolverstone, Ipswich, IP9 1AY

Proposal: Erection of two-storey link attached annexe.

Final Decision: Allowed
Application No: B/08/00046 FHA **Appellant:** Mr & Mrs K. P. Grime
Application decision: Delegated **Appeal Decision Date:** 15-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Waters Edge House, Joes Road, Great Cornard, Sudbury, CO10 0QB

Proposal: Erection of a rear conservatory and a front boundary wall with railings and gates.

Final Decision: Allowed
Application No: B/08/00631 FHA **Appellant:** Mr & Mrs P Reason
Application decision: Delegated **Appeal Decision Date:** 27-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Foinaven, 2 Stoke Road, Leavenheath, Colchester, CO6 4PP

Proposal: Erection of first-floor side extension.

Final Decision: Allowed
Application No: B/08/00796 FUL **Appellant:** Ellisdale Builders
Application decision: Development Committee **Appeal Decision Date:** 19-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 1 Brookfield, Bildeston, Ipswich, IP7 7EH

Proposal: Erection of 1 pair semi-detached two storey dwellings and alteration to existing vehicular access. Erection of detached single garage to serve No. 1 Brookfield and construction of a new vehicular access (existing garage to be demolished).

Final Decision: Allowed
Application No: B/08/00496 FUL **Appellant:** Deben Homes Ltd
Application decision: Delegated **Appeal Decision Date:** 4-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land East of Victoria Bakery, Heath Road, East Bergholt, Colchester

Proposal: Erection of detached two-storey dwelling and detached double garage.

Final Decision: Allowed
Application No: B/08/00166 FUL **Appellant:** Mr T Leach
Application decision: Development Committee **Appeal Decision Date:** 22-Oct-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Grubbs Edge, The Street, Whatfield, Ipswich, IP7 6QN

Proposal: Erection of 1 No. detached two-storey dwelling and detached single garage as amended by location plan Rev A and drawing no. 07/1012: received 26/02/08.

Final Decision: Allowed
Application No: B/07/02035 FUL **Appellant:** Smarter Projects Limited
Application decision: Development Committee **Appeal Decision Date:** 10-Nov-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Homelands, School Lane, Stratford St Mary, Colchester, CO7 6LZ

Proposal: Erection of 2 no. detached two-storey dwellings with integral garages (following demolition of existing dwelling and garage). Construction of a new vehicular access.

Final Decision: Allowed
Application No: B/08/00376 OUT **Appellant:** Peal Estates LLP
Application decision: Delegated **Appeal Decision Date:** 9-Dec-08
Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission
Location: Land north of 29, Fair Green, Glemsford

Proposal: Outline - Erection of 2 No. detached two-storey dwellings with associated garaging. Alterations to existing vehicular access.

Appellants Costs Application Allowed
District Council's Costs Application Dismissed

Total Allowed: 9

Final Decision: Dismissed
Application No: B/07/01320 FHA **Appellant:** Capt. C Aikenhead
Application decision: Delegated **Appeal Decision Date:** 8-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Lawn House, Upper Tye, Great Cornard, Sudbury, CO10 0QA

Proposal: Erection of garage, garden room, green house and garden shed

Final Decision: **Dismissed**
Application No: B/08/00193 FHA **Appellant:** Mr and Mrs N Norrington
Application decision: Delegated **Appeal Decision Date:** 18-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: The Dower House, 41 High Street, Long Melford, Sudbury, CO10 9BD
Proposal: Erection of detached triple garage (existing carport to be demolished).

Final Decision: **Dismissed**
Application No: B/08/00723 FUL **Appellant:** Ellisdale Builders
Application decision: Delegated **Appeal Decision Date:** 3-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land west of 2, Causeway Estate, Hitcham
Proposal: Erection of two-storey dwelling and single garage. Construction of new vehicular access onto The Causeway.

Final Decision: **Dismissed**
Application No: B/08/00167 FUL **Appellant:** Mr C Pociеча
Application decision: Delegated **Appeal Decision Date:** 16-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land west of 8, Daniels Close, Acton
Proposal: Erection of two-storey side extension to provide 2 No. self-contained flats.

Final Decision: **Dismissed**
Application No: B/07/01745 FUL **Appellant:** Mr & Mrs J Chipperfield
Application decision: Delegated **Appeal Decision Date:** 23-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Brick Kiln Cottage, Hitcham Road, Wattisham, Ipswich, IP7 7LB
Proposal: Erection of dwelling, installation of private sewage treatment plant and alterations to existing vehicular access (existing bungalow and former agricultural buildings to be demolished).

Final Decision: **Dismissed**
Application No: B/07/01266 FUL **Appellant:** Capt. C Aikenhead
Application decision: Delegated **Appeal Decision Date:** 8-Dec-08
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Lawn House, Upper Tye, Great Cornard, Sudbury, CO10 0QA
Proposal: Conversion of existing coach house and outbuildings into a two-storey dwelling and garage. Construction of a new vehicular access.

Final Decision: Dismissed

Application No: B/07/01335 LBC **Appellant:** Capt. C Aikenhead

Application decision: Delegated **Appeal Decision Date:** 8-Dec-08

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Lawn House, Upper Tye, Great Cornard, Sudbury, CO10 0QA

Proposal: Application for Listed Building Consent - Demolition of existing sheds and wall. Erection of garage and garden room. Associated external works.

Final Decision: Dismissed

Application No: B/07/01264 LBC **Appellant:** Capt. C Aikenhead

Application decision: Delegated **Appeal Decision Date:** 8-Dec-08

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Lawn House, Upper Tye, Great Cornard, Sudbury, CO10 0QA

Proposal: Application for Listed Building Consent - Conversion of existing coach house and outbuildings into a two storey dwelling and garage

Total Dismissed: 8

Final Decision: Withdrawn

Application No: B/07/01445 FUL **Appellant:** Mr J Melia

Application decision: Delegated **Appeal Decision Date:** 10-Dec-08

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission

Location: Great Waldingfield Garage, Lavenham Road, The Heath, Great Waldingfield, Sudbury, CO10 0SE

Proposal: Erection of 2 no. detached dwellings and garages. Construction of new vehicular access (existing garage to be demolished).

Total Withdrawn: 1

TOTAL DETERMINED 18

Enforcement Cases

Final Decision: Dismissed **Appeal Decision Date:** 12-Nov-08

Application No.: B/06/00294

Appeal Procedure: Informal Hearing **Appeal Type:** Enforcement action

Location: Stour House, The Street, East Bergholt, Colchester, CO7 6TF

Description of Breach: Construction of 'dummy stack/sunpipe' on front roofslope of listed building.

Final Decision: Dismissed **Appeal Decision Date:** 12-Nov-08

Application No.: B/06/00294

Appeal Procedure: Informal Hearing **Appeal Type:** Enforcement action

Location: Stour House, The Street, East Bergholt, Colchester, CO7 6TF

Description of Breach: Construction of 'dummy stack/sunpipe' on front roofslope of listed building.