

Report to Area Plans Sub-Committee East

Date of meeting: East – 12/11/08



Subject: Probity in Planning – Appeal Decisions, April 2008 to September 2008.

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Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. 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.

2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal. The latest known figure for the national average for District Councils is 30.9%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals) and where the Council sets its own target – set this year to align with top quartile performance at 25%. In fact in recent years the Council has been more successful than the national average with only 18% in 2003/04, 29% in 2004/05, 22% in 2005/06 and 30% in 2006/07.

Performance

3. Over the six-month period between April and September 2008, the Council received 78 decisions on appeals – 75 planning and related appeals and 3 enforcement appeals. Of the 75 planning and related appeals, 24 were allowed (32%) and 2 of the 3 enforcement appeals were allowed – a combined total of 33.33% of the Council's decisions being overturned during this period.

4. For the previous year, 2007/08 as a whole: a total of 132 decisions were received – 120 planning appeals and 12 enforcement appeals. Of the 120 planning appeals 36 were allowed but none of the enforcement appeals – a total of 27.30% of the Council's decisions being overturned.

5. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement,

telecommunications or tree-related appeals, nor appeals against conditions), the performance figure for this 6 month period is 26.86%. The full year target is 25%.

Planning Appeals

6. The proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6-month period was 24% and of the 18 decisions that this percentage represents, the Council was successful in sustaining its objection in 7 of them. The following remaining 11 were lost:

EPF/1504/07 – 41 & 43 Epping New Road, Buckhurst Hill - First floor side and two storey side and rear extensions to both properties (revised application) (Area Plans South)

EPF/2217/07 – 31 Amberley Road, Buckhurst Hill – Roof extension to form a 2 bedroom end of terrace bungalow (Area Plans South)

EPF/1581/07 – 154 High Road, Chigwell – Demolition of existing bungalow and construction of 3 apartments and underground parking (Area Plans South)

EPF/1625/07 - 1 Connaught Avenue, Loughton – Two storey side extension for Office use (Area Plans South)

EPF/1783/07 – 1 Connaught Avenue, Loughton - Two storey side and single storey rear extension for office use (Area Plans South)

EPF/2598/07 – 1 Connaught Avenue, Loughton – Single storey side and rear extension (Area Plans South)

EPF/2179/07 – Land Adjacent to Broadbents, south of 4 Buttercross Lane, Epping – single and two storey extensions (Area Plans East)

EPF/1805/06 – Last Compound, Woodside Trading estate, Woodside, Thornwood – Security fencing over 2m high for security of parking cars, vans and lorries and storage container with temporary roof (Area Plans East)

EPF/1553/07 – Land to rear of The Trail, Poplar Row, Theydon Bois – New residential unit adjoining existing barn (Area Plans East)

EPF/1554/07 – Land to rear of The Trail, Poplar Row, Theydon Bois – Grade II Listed Building application for a new residential unit adjoining existing barn (Area Plans East)

EPF/1458/07 – Field Adj. to Friars Lodge, Tylers Road, Roydon – Erection of 4 x loose boxes with tack room and hay storage, wooden construction fixed to concrete base (Area Plans West)

7. The 7 committee refusals that were sustained were:

EPF/1754/06 – Land to rear of 8 Connaught Avenue, Loughton – Erection of 2 storey detached house with partial basement (Area Plans South)

EPF/0440/07 – 12-14 High Road, Buckhurst Hill – Demolition of 2 bungalows and replacement with 2 blocks of flats (14 total) with 100% parking and disabled bay (Area Plans South)

EPF/2196/07 – Land to rear of 67 Lower Queens Road, Buckhurst Hill – erection of new 3 bedroom dwelling (Area Plans South)

EPF/1876/07 – 126 High Road, Loughton - First floor extension to restaurant (Area Plans South)

EPF/0106/07 – 4 The Heights, Bumbles Green Lane, Nazeing – Erection of a storage building for garden furniture and maintenance machinery (retention of existing but with the reduced ridge height) (Area Plans West)

EPF/2342/07 – Barkers Farm, Mount End Road, Theydon Mount – Change of use from farm office/ice cream parlour to supervisory residential unit to goat farm (Area Plans East)

EPF/2403/07 – 9 Ravensmere, Epping – Ground and First floor extensions, new hipped roof with front and rear dormers and replacement front porch (Area Plans East)

8. 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. The Area Committees were clearly just in refusing planning permission 7 of the 18 above cases, but this was somewhat marred by the costs awarded against the Council in the 3 planning applications at 1 Connaught Avenue, Loughton (see point 9 below).

Costs

9. A full award of costs, a claim of £56,551, were awarded against the Council in respect of three planning appeals relating to 1 Connaught Avenue, Loughton. This appeal took place over 3 days as a public inquiry and the Planning Inspector allowed all 3 appeals relating to extensions to existing offices. In allowing the costs, the Planning inspector concluded that the Council had acted unreasonably in refusing two of the planning applications and in one of the two reasons in the third application, judging that the Council had failed to justify these refusals and therefore caused the appellant to incur and waste expense unnecessarily. With no budget provision for appeal costs, the final negotiated payment of £50,000 represents a substantial sum, plus this does not account for the expense of the council employing a Planning Barrister and an external highway consultant to defend the appeal.

Conclusions

10. The Council's performance for this 6-month period has just fallen short of the Local Performance Indicator and to achieve 25% by the year end, when reported again in 6 months time, requires Planning Officers and Members to consider very carefully whether a refusal of planning permission is likely to be sustained by the Planning Inspectorate.

11. Note must be taken of the costs award in relation to 1 Connaught Avenue, Loughton, plus the award of costs relating to the allowed appeal for Wansfell College, Piercing Hill, Theydon Bois, which is about to be settled at approximately £40,000. We have, however, not had many planning related award of costs against the Council over the years, helped by the fact that the appellant does not often make a claim. However, when it does occur, usually in the case of appeals heard at a public inquiry, then award of costs can clearly be expensive.

12. The decisions are listed in the Council Bulletin from time to time but a full list of decisions over this six month period appears below.

Appeal Decisions April to September 2008

Planning Appeals Allowed:

EPF/1581/07	154 HIGH ROAD, CHIGWELL, ESSEX	Demolition of existing bungalow and construction of three apartments and underground parking.
EPF/0193/07	KINGS HEAD GARAGE, HIGH ROAD, NORTH WEALD EPPING, ESSEX.	Retention of change of use of land from garage to hand car wash business. Stationing of portakabin and storage container on land.
EPF/1191/07	REAR OF 16 NEW FOREST LANE, CHIGWELL, ESSEX	Erection of a detached house.
EPF/2598/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Single storey side and rear extension.
EPF/1625/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Two storey side extension for office use.
EPF/1783/07	1 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Two storey side extension and single storey rear extension for office use.
EPF/1748/07	42- 52 COOPERSALE COMMON, COOPERSALE, EPPING, ESSEX	Amendment to dwelling approved (EPF/744/03) with the addition of two front dormers and three rear velux windows and a loft conversion.
EPF/0560/08	HIGHWAYS VERGE TO THE IMMEDIATE NORTH EAST OF THE JUNCTION OF BACK LANE AND THE STREET, SHEERING, ESSEX	Telecommunications installation comprising of one 8 metre `timber effect` pole with one omni antenna and four ground based equipment cabinets (to replace existing installation at nearby Woodlands Farm).
EPF/2187/07	LAND TO REAR OF 6 RED OAKS MEAD, THEYDON BOIS, ESSEX	Erection of dwelling in part of rear garden.
EPF/2217/07	31 AMBERLEY ROAD, BUCKHURST HILL, ESSEX	Roof extension to form a two bedroom end of terrace bungalow.
EPF/1532/07	LAND TO THE REAR OF 165 MANOR ROAD, CHIGWELL, ESSEX	Outline application for the erection of three domestic garages.
EPF/1998/07	26 WOODGREEN ROAD, WALTHAM ABBEY, ESSEX	Single storey rear extension to replace existing conservatory.
EPF/0875/07	107-111 EPPING NEW ROAD, BUCKHURST HILL, ESSEX	Demolition of existing building and erection of a block of eight flats (renewal of planning approval EPF/435/02).
EPF/1187/07	2 QUEENS ROAD, LOUGHTON, ESSEX	Retention of replacement garage and addition of a tiled roof and erection of tool shed (revised application).
EPF/1554/07	LAND TO THE REAR OF 'THE TRAIL' POPLAR ROW, THEYDON BOIS, ESSEX	Grade II Listed Building application for a new residential unit adjoining existing barn (revised application).
EPF/1553/07	LAND TO THE REAR OF 'THE TRAIL', POPLAR ROW, THEYDON BOIS, ESSEX	New residential unit adjoining existing barn (revised application).
EPF/1504/07	41 & 43 EPPING NEW ROAD, BUCKHURST HILL, ESSEX	First floor side and two storey side and rear extensions to both properties (revised application).

EPF/2179/07	LAND ADJACENT TO BROADBENTS, BUTTERCROSS LANE, EPPING, ESSEX	Erection of 1 two storey house.
EPF/0392/07	ORCHARD LEIGH HOUSE, NURSERY ROAD, NAZEING, ESSEX	Security fence.
EPF/2458/07	OAKWOOD PARADE, OAKWOOD HILL, LOUGHTON, ESSEX	Erection of 13 metre high slimline telecommunications column next to road kerb in front of 1 and 3 Oakwood Parade, together with ground level equipment cabinet.
EPF/2488/07	8 SPARELEASE HILL, LOUGHTON, ESSEX	Erection of new front wall.
EPF/1805/06	LAST COMPOUND, WOODSIDE TRADING ESTATE WOODSIDE, THORNWOOD, NORTH WEALD ESSEX	Security fencing over two metres high for security of parking cars, vans and lorries and storage container with temporary roof.

Planning Appeals Dismissed

EPF/0040/08	BARKERS FARM, MOUNT END THEYDON MOUNT, ESSEX	Stationing of caravan for on-site supervision of goat farm.
EPF/1825/06	FAIRLANDS FARM, ROOKWOOD HALL ANCHOR LANE, ABBESS RODING, ESSEX	Change of use of buildings to Class B1 and B8 uses.
EPF/0940/07	1 LARSONS COTTAGE, HAMLET HILL, ROYDON ESSEX	Removal of agricultural occupancy condition.
EPF/0796/07	EAST PARK LODGE, FOREST HALL, NORTON LANE, HIGH ONGAR, ESSEX	Two storey side extension and demolition of existing garage.
EPF/1151/07	8 HOMEFIELDS, CHURCH LANE, MATCHING, ESSEX	Two storey side and rear extensions and porch.
EPF/0902/07	THRESHERS, HASTINGWOOD ROAD HASTINGWOOD, NORTH WEALD, ESSEX	Change of use of disused former agricultural land to storage as part of existing waste transfer station and retention of metal palisade security fencing and gates.
EPF/2342/07	BARKERS FARM, MOUNT END, THEYDON MOUNT, ESSEX	Change of use from farm office/ice cream parlour to supervisory residential unit for goat farm.
EPF/0332/07	ASHVIEW, HAMLET HILL, ROYDON, ESSEX	Certificate of Lawfulness of an existing use for the siting of a mobile home for residential purposes.
EPF/1772/07	LAND TO THE NORTH BOUNDARY OF GRANGE FARM, OFF HIGH ROAD, CHIGWELL, ESSEX	Outline application for the construction of 116 dwellings (60% for rent and 40% for shared ownership).
EPF/1754/06	LAND TO THE REAR OF 8 CONNAUGHT AVENUE, LOUGHTON, ESSEX	Erection of two storey detached house with partial basement (revised application).

EPF/1274/06	LAND AT THE MEADOWS WALTHAM ROAD, LONG GREEN, NAZEING ESSEX.	Change of use of land to a residential caravan site for twenty-two gypsy families, each with two caravans.
EPF/1762/07	LAND AT BILDAKIN, TATSFIELD AVENUE NAZEING, ESSEX	Demolition of existing detached bungalow and erection of replacement dwelling.
EPF/1745/07	DAHMOI, SEWARDSTONE ROAD, WALTHAM ABBEY, ESSEX	Proposed new roof extension and dormers to front and rear, proposed garage conversion, widening of existing vehicle crossover and new crossover and erection of new boundary wall and electric gates (revised application).
EPF/1860/07	1-3 COOPERS HILL, ONGAR, ESSEX	Change of use for the retention of car valeting & hand car wash and retention of canopy.
EPF/1648/07	64 FOREST EDGE, BUCKHURST HILL, ESSEX	Two storey side and single storey rear extension (revised application).
EPF/2021/07	45 TOWER ROAD, EPPING, ESSEX	Retention of safety railing to rear balcony.
EPF/2124/07	15 LIME CLOSE, BUCKHURST HILL, ESSEX	New attached dwelling.
EPF/1876/07	MINX BAR & SHEESHA RESTAURANT 126 HIGH ROAD, LOUGHTON, ESSEX	Single storey first floor extension to restaurant.
EPF/0440/07	12 -14 HIGH ROAD, BUCKHURST HILL, ESSEX	Demolition of two bungalows and replacement with two blocks of flats (14 in total) with 100% parking and disabled bay.
EPF/0106/07	4 THE HEIGHTS, BUMBLES GREEN LANE, NAZEING ESSEX	Erection of a storage building for garden furniture and maintenance machinery (retention of existing but with reduced ridge height).
EPF/1869/07	12 -14 HIGH ROAD, BUCKHURST HILL, ESSEX	Demolition of two bungalows and replacement with block of flats (12 in total) with 100% parking.
EPF/1147/07	4 FLAGSTAFF ROAD, WALTHAM ABBEY, ESSEX	Two storey side extension.
EPF/0742/07	THEYDON TOWERS, THEYDON ROAD, THEYDON BOIS, ESSEX	Replacement of House 2.
EPF/1589/07	LAND ADJOINING ELMWOOD, COMMON ROAD, ROYDON, ESSEX	Erection of a four bedroom house.
EPF/1851/07	HOPLANDS, RIVERSIDE AVENUE, NAZEING, ESSEX	Conversion of single storey bungalow to two storey dwelling.
EPF/1227/07	CREEDS FARM, BURY LANE, EPPING, ESSEX	Retention of a storage shed.
EPF/2425/07	THE COACH HOUSE, GRAVEL LANE, CHIGWELL, ESSEX	Change of use of existing coach house to dwelling (revised application).
EPF/1669/07	THE YARD, REAR OF 16 SHEERING LOWER ROAD, SHEERING, ESSEX	Erection of detached garage.
EPF/0620/07	LAURELS, SAWBRIDGEWORTH ROAD, SHEERING, ESSEX	Extension to existing conservatory, installation of front gates and post.

EPF/2088/07	33 PATERNOSTER HILL, WALTHAM ABBEY, ESSEX	Loft conversion with rear dormer window and roof extension with hip to gable.
EPF/1881/07	SUTTONS MANOR, LONDON ROAD, STAPLEFORD TAWNEY, ESSEX	Proposed construction of a three storey side extension to provide 3 no. two bedroom self-contained flats.
EPF/1893/07	SUTTONS MANOR, LONDON ROAD, STAPLEFORD TAWNEY, ESSEX	Grade II Listed Building application for proposed construction of a three storey side extension to provide 3 no. two bedroom self-contained flats.
EPF/2446/07	37 MEADOW WAY, CHIGWELL, ESSEX	Replacement of existing roof with mansard roof with front and rear dormer windows.
EPF/2099/07	75 BEAMISH CLOSE, NORTH WEALD, ESSEX	Erection of detached dwelling.
EPF/1405/07	OAK LODGE, WOOLMONGERS LANE, HIGH ONGAR, ESSEX	Two storey side extension.
EPF/0792/07	157 HIGH STREET, ONGAR, ESSEX	Grade II Listed Building application for additional signage to property.
EPF/2384/07	32 SUN STREET, WALTHAM ABBEY, ESSEX	Conversion to form three flats including first floor additions to rear buildings with pitched roof and retention of ground floor shop (revised application).
EPF/1702/07	LAND AT THE JUNCTION OF CHESTNUT AVENUE WITH HORNBEAM ROAD, BUCKHURST HILL, ESSEX	Erection of a four bedroom house and double garage.
EPF/2403/07	9 RAVENSMERE, EPPING, ESSEX	Ground and first floor extensions, new hipped roof with front and rear dormers and replacement front porch (revised application).
EPF/0775/07	KINGS OAK, NURSERY ROAD, HIGH BEACH, WALTHAM ABBEY, ESSEX	Erection of single storey extensions to side and rear.
EPF/2432/07	215A FOREST LODGE, SMART'S LANE, LOUGHTON, ESSEX	Loft conversion with mansard roof.
EPF/2301/07	PASLOWS FIELD, KING STREET, HIGH ONGAR, ESSEX	Erection of stables, barn and ancillary facilities including a manege.
EPF/2417/07	PIGGOTTS CO LTD, 43 LONDON ROAD, STANFORD RIVERS, ESSEX	Retention of two mobile homes for staff accommodation.
EPF/2601/07	LITTLE THORBENS BARN, TOOT HILL ROAD, ONGAR, ESSEX	Double bay extension to existing double garage.
EPF/2726/07	WAITROSE, 27-43 QUEENS ROAD, BUCKHURST HILL, ESSEX	One advertisement measuring 1710mm x 1160mm.
EPF/1837/07	27 UPPER PARK, LOUGHTON, ESSEX	Side dormer window.
EPF/2196/07	LAND TO REAR OF 67 LOWER QUEENS ROAD, BUCKHURST HILL, ESSEX	Erection of new three bedroom dwelling (revised application).
EPF/1871/07	17 BARN HILL, ROYDON, ESSEX	Single storey rear extension (revised application).

EPF/1880/07	136 MANOR ROAD, CHIGWELL, ESSEX	Loft conversion, ground and first floor front extension.
EPF/2097/07	24 SUN STREET, WALTHAM ABBEY, ESSEX	Grade II Listed Building application for a ground floor extension to both shops and first and second floor rear addition to form four flats (revised application).
EPF/2089/07	24 SUN STREET, WALTHAM ABBEY, ESSEX	Ground floor extension to both shops and first and second floor rear addition to form four flats (revised application).
EPF/1858/07	9 NEW FOREST LANE, CHIGWELL, ESSEX	Two storey rear and single storey front extension.
ENF/0337/07	1-3 COOPERS HILL, ONGAR, ESSEX	Change of use of the car park area to a hand car wash centre and the erection of a canopy in connection with the said use.

Enforcement Appeals

1. 1-3 COOPERS HILL, ONGAR – Change of use of car park area to a hand car wash and erection of canopy - DISMISSED
2. LAND AT WILLINGALE AIRFIELD, OFF CANNONS LANE, FYFIELD – Use of land as shooting ground and erection of shooting stands – PART ALLOWED (Use as shooting ground)/ PART DISMISSED (shooting stands)
3. KINGS HEAD GARAGE, HIGH ROAD, NORTH WEALD – Creation of a hand car wash centre and the stationing of portable buildings, erection of a canopy and advertisements – ALLOWED.