

Report to Area Plans Sub-Committee 'B'



Date of meeting: 22 June 2005.

Subject: Probity in Planning – Planning Appeal Decisions, October 2004 to March 2005.

**Epping Forest
District Council**

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendation:

That the Planning Appeal Decisions for the period October 2004 to March 2005 be noted by the Sub-Committee.

Background:

1. In compliance with the recommendation of the District Auditor of November 2000, this report advises the decision-making committee 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 with the national average of about 33%. In fact in recent years the Council has been more successful with only 31% overturned in 1999/00, 25% in 2000/01, 24% in 2001/02, 27% in 2002/03 and only 18% in 2003/04.

Performance:

3. Over the six-month period between October 2004 and March 2005, the Council received 47 decisions on appeals – 44 planning appeals and 3 enforcement appeals. Of the 44 planning appeals, 14 were allowed (32%) and of the 3 enforcement appeals none were allowed – a combined total of 29% of the Council's decisions overturned.
4. For the year (04/04 to 03/05) as a whole, there were 79 planning appeal decisions and 12 enforcement appeals, with 23 planning appeals allowed and 2.5 enforcement appeals allowed, providing an overall proportion for the year of 28% of the Council's decisions being overturned at appeal.

Planning Appeals:

5. Of those 14 planning appeals allowed, 4 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 4 were:
 - (a) EPF/1007/03 – Fishing lakes and associated buildings at the former Thornwood Camp, Carpenters Arms Lane, Thornwood (Area Committee B 12/11/03);

(b) EPF/2207/03 – Single and two storey side and rear extensions at 58, Loughton Way, Buckhurst Hill (Area Committee A 11/02/04);

(c) EPF/416/04 – Erection of two storey side and rear extension at 11, Primley Lane, Sheering (Area Committee C 19/05/04); and

(d) EPF/1254/04 – New dwelling at 87, Monkswood Avenue, Waltham Abbey (Area Committee D 29/09/04).

6. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in 5 cases - nos. 18, 21, 24, 32 and 33 on the attached list.

Costs:

7. Costs were awarded against the Council in just one appeal. This was in regard to the two cases at Old House Farm, Old House Lane, Nazeing where the Council sought to argue that the nature of the traffic implications from the retention and expansion of commercial activities at this former farm complex was so different from the former farm traffic that amenity and environmental concerns were justified. The Inspector concluded that the Council should have had greater regard to the traffic information submitted at the application stage and that the refusal of permission was unreasonable. In the circumstances he made a full award in the appellant's favour of the costs of the whole appeal. The sum is still being determined but is likely to be in the order of £14,000.

Conclusions:

8. The Council's performance for this 6-month period was somewhat below last year's exceptional performance but consistent with previous periods and has exceeded the BVPI and the national average.
9. The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six-month period are attached at Appendix 1.

Appeal Decisions October 2004 to March 2005

Planning Appeals Allowed:

1. EPF/2085/03 – Renewal of temporary permission for light industrial and storage uses at Old House Farm, Old House Lane, Nazeing
2. EPF/1429/03 – Commercial uses in former farm complex at Old House Farm, Old House Lane, Nazeing
3. EPF/1007/03 – Fishing lakes and associated buildings at Thornwood Camp, Carpenters Arms Lane, Thornwood
4. EPF/1387/03 – Single and two storey extensions at 1, Lyndhurst Rise, Chigwell
5. EPF/1429/03 – Removal of agricultural occupancy condition at The Bungalow, The Street, High Ongar
6. EPF/2135/03 – New two storey dwelling at 72, Alderton Hill, Loughton
7. EPF/2150/03 – Six flats at 172, Manor Road, Chigwell
8. EPF/2207/03 – Single and two storey side extension at 58, Loughton Way, Buckhurst Hill
9. EPF/298/04 – First floor rear extension at Stem Christi, Tysea Hill, Stapleford Abbots
10. EPF/403/04 – Detached dwelling on land at 21, Station Road, Loughton
11. EPF/416/04 – Two storey side and rear extension at 11, Primley Lane, Sheering
12. EPF/729/04 – First floor rear extension and loft conversion at 9, Crows Road, Epping
13. EPF/1254/04 – New dwelling at 87, Monkswood Avenue, Waltham Abbey
14. EPF/856/04 – Wall, gates and railings at 19, Kings Avenue, Buckhurst Hill

Planning Appeals Dismissed:

15. EPF/1808/03 – Erection of 4 commercial frontages and 9 flats at 1-7A, Station Road, Epping
16. CAC/EPF/875/04 – Demolition of buildings at 1-7A, Station Road, Epping
17. EPF/2423/02 – Detached dwelling at land r/o 4 North Street, Nazeing
18. EPF/970/03 – Three detached houses at land r/o Brickfield House, High Road, Thornwood
19. EPF/1644/03 – Wall and railings at 165, Old Nazeing Road, Nazeing
20. EPF/1897/03 – First floor extension at Drummaids, Parsloe Road, Epping Green
21. EPF/2029/03 – Conversion of bungalow to house at 62, Theydon Park Road, Theydon Bois
22. EPF/2090/03 – Retention of car wash facility at Rocky Filling Station, High Road, Thornwood
23. EPF/2184/03 – Erection of 1.8m high fence to rear of 11, Whitehall Close, Chigwell
24. EPF/2222/03 – Change of use to pie and mash shop at 50, High Road, North Weald
25. EPF/2233/03 – Single storey rear extension to shop at 33, Sun Street, Waltham Abbey
26. LB/EPF/2234/03 – Listed building application for extension to shop at 33, Sun Street, Waltham Abbey
27. EPF/2257/03 – Erection of detached dwelling at 1, Pike Way, North Weald
28. EPF/2286/03 – Erection of bungalow as 'granny annexe' at rear of 83, Old Nazeing Road, Nazeing
29. EPF/2287/03 – Conversion of barn to dwelling at Tadgells, Housham Tye, Matching
30. RES/EPF/2414/03 – Details of replacement dwelling at Hatchmans Lodge, School Lane, Beauchamp Roding
31. EPF/138/04 – Vehicular crossover at Forge Cottage, 34, Lambourne Road, Chigwell

32. EPF/170/04 – Detached house on land between 91 and 93, Monkswood Avenue, Waltham Abbey
33. EPF/185/04 – First floor rear extension and single storey front extension at 13, Pump Hill, Loughton
34. EPF/202/04 – Removal of condition re parking area at land rear of 2-4, Goldings Hill, Loughton
35. EPF/207/04 – Boundary wall with railings and gates at 136-138, London Road, Abridge
36. EPF/295/04 – Formation of carriage driveway at 38, Hoe Lane, Abridge
37. EPF/435/04 – Extensions to bungalow to form house at 62, Theydon Park Road, Theydon Bois
38. EPF/485/04 – Detached dwelling at Sparks Farm, Nine Ashes Road, High Ongar
39. EPF/515/04 – Two storey side extension and loft conversion at 46, Woodland Way, Theydon Bois
40. EPF/721/04 – Single and two storey extension at 1, Blackmore Court, Winters Way, Waltham Abbey
41. CLD/EPF/765/04 – Certificate of Lawfulness for retention of a stable block at Chestnuts, Magdalen Laver
42. A/EPF/922/04 – Mobile advertising hoarding at Weald Hall Farm, Weald Hall Lane, Thornwood
43. EPF/1008/04 – Loft conversion at 21, Oak Lodge Avenue, Chigwell
44. EPF/1430/04 – Creation of additional dwelling by erection of side extension and loft conversion at 13, Rous Road, Buckhurst Hill

Enforcement Appeals Dismissed:

45. 28, Forest Lane, Chigwell – Erection of gates and brick piers on frontage of property
46. 24, Tomswood Road, Chigwell – Erection of railings, brick piers and entrance gates on frontage of property
47. 42-43, Roydon Lodge Chalet Estate, Roydon – Use of land for stationing a mobile home together with creation of hardstanding, parking area and paved patio