

Report to Area Plans Sub-Committee

Date of meeting: West – 21 June 2017



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 October 2016 to 31 March 2017

Officer contact for further information: Nigel Richardson (01992 564110).

Democratic Services Officer: Jackie Leither (01992 564243)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) 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.
3. Since 2011/12, there have been two local key performance indicators (KPI's) , one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations, which are in the main delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 October 2016 and 31 March 2017, the Council received 54 decisions on appeals (51 of which were planning related appeals, the other 3 were enforcement related).
5. GOV07 and 08 measure planning application decisions taken at appeal and out of a combined total of 51, 16 were allowed (31%). Broken down further, GOV07 officer performance was 8 out of 40 allowed (20%) and GOV08 committee reversal performance was 8 out of 11 (73%) for the 6 month period.

Planning Appeals

6. 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 8 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

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|---|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1 | EPF/0837/16 | Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential. | 53 Queens Road |
|---|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|

Chigwell

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|---|-------------|------------------------------------------------------------------------------------------------|---------------------|
| 2 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |
|---|-------------|------------------------------------------------------------------------------------------------|---------------------|

Loughton

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|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 3 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 4 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to Warren Hill |

Area Committee East

Epping

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|---|-------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
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North Weald Bassett

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|---|-------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 6 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements Vicarage Lane |
| 7 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe Farm London Road |

Sheering

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|---|-------------|-----------------------|--------------------|
| 8 | EPF/3255/15 | Replacement dwelling. | Vailima The Street |
|---|-------------|-----------------------|--------------------|

7. The appeal performance for GOV08, committee reversals, was noticeably outside of its KPI target of 50% target at 73%. There were though 3 cases where the committees were successful, as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

North Weald Bassett

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|---|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1 | EPF/1247/16 | Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined) | 171 High Road |
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Area Committee South

Chigwell

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|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 2 | EPF/0653/16 | Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. | 105 Manor Road &
281 Fencepiece Road |
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Area Committee West

Waltham Abbey

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| 3 | EPF/2305/16 | Double storey extension to existing dwelling. | North Villa
Mott Street |
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8. Out of 4 **ENFORCEMENT NOTICE APPEALS** decided, 3 were dismissed, 1 allowed. These are as follows:

Allowed With Conditions

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|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthagen Estate
Nazeing |
|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|

Dismissed, but Varied

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|---|-------------|-----------------------------------------------------------------------------------------|---------------------------------------------|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |

Costs

9. During this period, there were three cases where costs have been paid by the Council regarding planning appeals.

10. Bridge House, Roding Road, Loughton - The appeal was against the refusal of planning permission made by Area Plan South (in this case, supporting the officers recommendation to refuse planning permission) for the demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block (EPF/1997/15). The Inspector concluded that the Council has acted unreasonably in that it had failed to provide evidence to substantiate their reasons for refusal at appeal in relation to identifying alternative sites less prone to flooding than this one, which is located in Flood Zone 2, and that they failed to follow the approach required in assessing the sequential test having regard to the National Planning Policy Framework, the PPG and the associated Environment Agency guidance in that it was not sufficient to compare this small site against much larger sites that were at least risk from flooding. Furthermore, the Inspector considered that the Council could have addressed a requirement for a Flood Risk Assessment through suitably worded planning conditions as recommended by the Council's Engineering, Drainage and Water Team and finally, the Council did not balance the issues against the Council's position in relation to lacking having a five year housing land supply. The Council paid the appellant £2,400.00, which given the issues, was a very reasonable sum in this case.

11. Field adjacent to Horse Shoe Farm, London Road, North Weald Bassett - Appeal was

against the refusal of planning permission for a steel portal framed agricultural sprayer cover and chemical store lean-to off one end (EPF/2716/15). Area Plans East refused planning permission because of the lack of agricultural justification for the need for the building in the Green Belt, following a late representation from Natural England and secondly, because of its excessive size and visual impact. The Planning Inspector considered that this was not substantiated because the applicant had provided sufficient evidence for its need and the late representation was not objecting to the necessity of the building. There were also other features and developments in the landscape that help merge the development into its surroundings. A cost settlement of £4,629.41 has been agreed.

12. 10 Bridge Hill, Epping - Appeal against the refusal of planning permission for single storey and part two storey rear extension, loft conversion with a rear dormer (EPF/0206/16). Having regard to the planning committee minutes, the Planning Inspector considered there was little evidence within them that expanded on the reasons for refusal set out within the Council's decision notice to allow a full understanding of the matters that resulted in the planning application being refused. Consequently, the Council has not demonstrated with any clear evidence why it considers that the combined elements of the proposal, in light of what has previously been consented, would be harmful to the living conditions of an immediate neighbour, contrary to the views of the Planning Officer. A cost was settled on £2,000.00 to the appellant.

Conclusions

13. Performance in defending appeals at 31% appears high, but 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.

14. 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 and as can be seen in paras. 10 -12 above, there can be costs against the Council where they are considered to have behaved unreasonably.

15. 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, 8 of which were allowed and 3 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

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

Total Planning Application Appeal Decisions 1st October 2016 to 31st March 2017

Allowed With Conditions

Buckhurst Hill

1	EPF/0837/16	Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential.	53 Queens Road
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Chigwell

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| 2 | EPF/1593/16 | First floor rear extension (Revised application to EPF/0533/16) | 49 Manor Road |
| 3 | EPF/3160/15 | Two storey side extension following demolition of side detached garage. | 40 Ely Place |
| 4 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |

Epping

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|---|-------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
|---|-------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------|

Loughton

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|----|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 6 | EPF/1997/15 | Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block | Bridge House
Roding Road |
| 7 | EPF/0617/16 | Replacement dwelling house with basement and roof accommodation (amended design to EPF/0504/15 to include extension of first and second floors to rear). | 60 Tycehurst Hill |
| 8 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 9 | EPF/1503/15 | Retrospective application for a single storey rear extension with relocating of the external metal staircase for the residential units and alter shop front. | Molens
209D High Road |
| 10 | EPF/1505/15 | Retrospective application for outbuilding to the rear of the property. | Molens
209D High Road |
| 11 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to
Warren Hill |

Nazeing

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|----|-------------|------------------------------|-----------------------------------------|
| 12 | EPF/1341/16 | Single storey side extension | Willow Tree House
23a Shooters Drive |
|----|-------------|------------------------------|-----------------------------------------|

North Weald Bassett

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|----|-------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 13 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe
Farm, London Road |
|----|-------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------|

Sheering

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|----|-------------|-----------------------|-----------------------|
| 14 | EPF/3255/15 | Replacement dwelling. | Vailima
The Street |
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Allowed Without Conditions**North Weald Bassett**

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|----|-------------|-------------------------------------------------------------------------------|---------------------------------|
| 15 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements
Vicarage Lane |
|----|-------------|-------------------------------------------------------------------------------|---------------------------------|

Dismissed

Buckhurst Hill

16 EPF/1718/16 Erection of a single storey dwellinghouse and formation of parking area to existing dwellinghouse 40 Princes Road

Chigwell

17 EPF/2223/16 Two storey front extension with a canopy and alterations to front entrance door. Two storey side extension. Single storey rear extension with a flat roof. Rear dormer window across the rear roof slopes of existing house and proposed two storey side extension together with 4no. front roof lights 31 Coopers Close

18 EPF/1239/16 First floor side extension above garage. Alterations to roof, including rear dormer, and creation of accommodation within roof space. 13 High Elms

19 EPF/1027/16 Proposed sub-division of rear garden to 8 Whitehall Close (fronting Orchard Way) to create a single level, courtyard house. 8 Whitehall Close Chigwell

20 EPF/0653/16 Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. 105 Manor Road & 281 Fencepiece Road

Epping

21 EPF/0800/16 Additional dwelling 77 Parklands

22 EPF/0628/16 Prior approval of proposed change of use of agricultural building to residential. Plot 1 (Rose Cottage) Old Piggery Land Behind Parish Rooms, Coopersale

Epping Upland

23 EPF/1373/16 Proposed ground floor front extension; alterations and extensions to form loft conversion incorporating front and rear dormers and new vehicle access Fairbourne Lodge

24 EPF/2146/16 Retrospective planning application for the erection of walls and gates 2 Takeleys Manor Cottages Upland Road

Lambourne

25 EPF/1560/16 Outline planning application with all matters reserved for a four-bedroom detached one-and-a-half storey, chalet bungalow fronting Knights Walk. 65 Alderwood Drive

Loughton

26 EPF/2224/15 Certificate of Lawful Development for proposed completion of previously approved (planning permission EPF/0674/74) but not fully completed two storey rear and side extension with garage. 12 Marjorams Avenue

27 EPF/3210/15 Proposed single storey rear extension - revised application to EPF/1353/15 1 Woodbury Hollow Cottage Woodbury Hill

28 EPF/0026/16 Listed building application for proposed single storey rear extension. 1 Woodbury Hollow Cottage Woodbury Hill

29	EPF/2134/16	Raising of roof to provide additional residential accommodation with front balcony (revised scheme to refused application EPF/0849/16)	6A High Road
30	EPF/2673/15	Grade II listed building application for a proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding in the area of the proposed extension.	Loughton Hall Rectory Lane
31	EPF/2674/15	Proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding located in the area of the extension	Loughton Hall Rectory Lane
Moreton, Bobbingworth and the Lavers			
32	EPF/0364/16	Change of use and alteration works to convert existing stable block to residential use	Stable building Land opposite Moreton Lodge Pedlars End Moreton
33	EPF/0886/16	Outline application (all matters reserved) for proposed new housing development.	Land north of 1 and 2 Landview and Aldebury Dale Harlow Road Moreton
North Weald Bassett			
34	EPF/1247/16	Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined)	171 High Road
35	EPF/2517/14	Proposed development of Plot A of site for B1 (business) and B8 (storage and distribution) purposes by C.J. Pryor Ltd see also linked enabling development proposals EPF/2516/14 and EPF/2518/14)	Land at Harlow Gateway South A414 London Road
36	EPF/2518/14	Application for full planning permission to redevelop site with enabling residential development to provide 65 residential units together with associated car parking, open space and refuse and recycling units (Enabling development for linked application EPF/2517/14).	C. J. Pryor Cecil House Foster Street
37	EPF/0718/16	Outline Application (all matters reserved) for between 45 and 80 dwellings.	Debbies Garden Centre Riddings Lane
38	EPF/2460/15	Outline planning application with some matters reserved for demolition of existing house and construction of 3 pairs of semi-detached houses (Appearance, landscaping and scale reserved for future determination)	171 High Road
Ongar			
39	EPF/2375/15	Prior approval of proposed change of use and	Greensted Wood Farm

conversion of agricultural storage barn and curtilage to single dwelling house and curtilage.

Greensted Road

The Rodings - Abbess, Beauchamp and Berners Roding

40 EPF/0773/16 Proposed annex dwelling and garage to approved dwelling under ref: EPF/1659/14.

Bumble Bee Barn
Woodend Lane
Abbess Beauchamp
and Berners Roding

Theydon Bois

41 EPF/1838/16 Formation of new boundary wall.

Oak Grove
Theydon Road

42 EPF/1839/16 Formation of new boundary fence.
Theydon Road

Oak Grove

43 EPF/2687/15 Removal of existing dwelling and erection of replacement two storey dwelling with rooms in attic and detached garage at the front. Provision of pitched roof to existing garage at rear. Front wall/railings and gates with altered access point/crossover.

26 Piercing Hill

Waltham Abbey

44 EPF/1274/16 Demolition of garage/workshop and erection of replacement garage/workshop (Revised application to EPF/1757/15)

The Cottage
Long Street

45 EPF/0609/16 Change of use of land through incorporation into curtilage of existing dwellinghouse and construction of '5-a-side' 3G artificial grass football pitch with boundary fencing including associated engineering operations (part retrospective).

Land adjacent to
8 Woodgreen Road

46 EPF/2305/16 Double storey extension to existing dwelling.

North Villa
Mott Street

47 EPF/1901/16 Single storey rear extension.

The Cottage
Long Street

48 EPF/0794/16 Erection of an orangery extension.

The Farmhouse
Warlies Park Farm
Woodgreen Road

49 EPF/2833/15 Demolition of existing glasshouse and erection of 5 residential dwellings and two storey office extension.

Brooklyn Nursery
Mott Street

Willingale

50 EPF/1489/16 Removal of existing garage, porch, weatherboard, render. Proposed new garage, porch, rear first floor extension, external storage. Alteration to existing windows, doors and external facing materials. Proposed new vehicular access.

Hoddydodd Hall
Spains Hall Road

Part Allowed - with Conditions and Part Dismissed

Sheering

51 EPF/0044/16 To construct a new garage in the front of the site and to convert the existing garage into home office with

Crown Lodge
The Street

ensuite bathroom over with insertion of front and rear dormer windows.

Enforcement Appeals

Allowed With Conditions

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|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthagena Estate
Nazeing |
|---|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|

Dismissed, but Varied

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|---|-------------|-----------------------------------------------------------------------------------------|---------------------------------------------|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |