

**DEVELOPMENT CONTROL COMMITTEE – 29 APRIL 2002**

**Agenda Item No: 7**  
**Title: APPEAL DECISIONS**  
**Author: Jeremy Pine (01799) 510460**

**Summary**

The following appeal decisions have been received since the last meeting:

**1 APPEAL BY MR RAHMAN**  
**THE RAJ OF INDIA, KENWOOD, CHELMSFORD ROAD, HATFIELD**  
**HEATH - APPLICATION NO: UTT/0413/01/FUL**

Appeal against the refusal of planning permission for a single storey front and rear extension (to facilitate creation of 40 seat restaurant) and first floor rear extension to existing living accommodation.

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	4 APRIL 2002
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	29 MAY 2001
<u>Officers' recommendation to DC CTTE:</u>	REFUSAL

Summary of decision:

The Inspector considered that the rear extension would be excessively large and that noise from the kitchen would be very disturbing to adjoining residents. He felt that additional congestion would be caused by parked vehicles, making it difficult for residents to park. He also said that the porch extension at the front would be out of character with the village setting.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. Over development and loss of amenity) since 1984/5: .70% (161 cases).

**2 APPEAL BY MRS L BARLOW  
LAND AT "WOODCROFT", STORTFORD ROAD, LITTLE CANFIELD  
COUNCIL REF: ENF/78/99/A**

Appeal against an Enforcement Notice in respect of a breach of planning control for failure to comply with condition no.3 of planning permission UTT/1788/87 granted by the Council on 19 January 1988 in respect of the erection of a new dwelling. The condition requires the demolition of an existing bungalow within one month of the first residential occupation and rating of the new dwelling.

<u>Appeal decision:</u>	DISMISSED
<u>Date of decision:</u>	20 MARCH 2002
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	19 JANUARY 1988
<u>Officers' recommendation to DC CTTE:</u>	ENFORCEMENT ACTION

Note: This appeal decision supersedes that issued on 16 November 2000. That decision on the appeal (dismissed) was quashed by order of the High Court.

Summary of decision:

The Inspector did not agree with the appellants contention that the planning permissions had not been implemented and that enforcement of the condition could not occur as a matter of fact. He considered that the changes that had occurred to the alignments of the new buildings and the detailed differences in design and appearance were immaterial departures from the developments permitted by the Council. The planning permissions have been implemented. The Inspector was satisfied that the Council was not prevented from seeking to enforce the condition by the passage of time and that the condition remained valid by reference to the Council Tax.

The Inspector considered that the retention of Woodcroft would result in the consolidation of the loose-knit enclave of housing which would cause demonstrable harm to the preservation of open appearance and character of the countryside.

The Inspector varied the period for compliance (six months for demolition and a further two for the removal of materials, but found no conflict with Human Rights legislation as refusal of planning permission and the taking of enforcement action were necessary in a democratic society.

Comments on decision:

Current dismissal rate on this type of appeal (i.e. Enforcement) since 1984/5:  
69% (76 cases).

**Agenda Item No: 8**

**Title: PLANNING AGREEMENTS**

**Author: Frank Chandley (01799 510417)**

The following table sets out the current position regarding outstanding Section 106 Agreements:-

<b>Planning Ref</b>	<b>Approved by Sub-Cttee</b>	<b>Applicant</b>	<b>Property</b>	<b>Current Position</b>
1 UTT/0791/98/REN	7.12.98	Wickford Dev Co Ltd	Emblems Great Dunmow	Negotiations continuing
2 UTT/1418/00/FUL	11.12.00	Messrs Sullivan	Brook Road Stansted	Agreement being negotiated
3 UTT/0036/01/CL	23.7.01	Mr L J Eley	Trycot Felsted	Title investigation proceeding
4 UTT/1179/01/FUL	15.10.01	Ashdon Parish Council and English Villages Housing Association	Guildhall Way Ashdon	Agreement completed
5 UTT/1072/01/DFO	26.11.01	Wilcon Homes North London	Phase 2a & 2b Oakwood Park Little Dunmow	Agreement being negotiated
6 UTT/0912/01/FUL	26.11.01	Mr and Mrs D G Reeves	St Clouds Hatfield Heath	Negotiations taking place
7 UTT/0091/01/FUL	14.1.02	Norwich Union Life and Pensions Ltd	Roundabout Access to Chesterford Park	Agreement negotiated by ECC
8 UTT/1555/01/FUL	4.2.02	Weston Homes PLC	Parsonage Rd Takeley	Agreement being negotiated
9 UTT/0443/98/OP UTT/1123/00/OP	18.3.02	Pelham Homes Ltd Cloudacre Ltd	Rochford Nurseries	Negotiations continuing

10	UTT/0374/00/FUL	8.4.02	Croft Group Limited	Land at Millfields Stansted	Agreement being negotiated
11	UTT/1487/01/FUL	18.3.02	Mr A.D.W Broomhead	Adj to Wicken Bonhunt House Wicken Bohunt	Agreement to be prepared
12	UTT/002/02/FUL	8.4.02	Pegasi Ltd	Church End Farm Rickling	Agreement to be prepared

**Background Papers:** Planning Applications  
Files relating to each application

FOR INFORMATION