

Agenda Item: 10**Title: APPEAL DECISIONS****Author: Michael Ovenden – Head of Development Control**

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	DATE & DECISION	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
Pegasi Ltd	Land at (B1038) Wicken Road Wicken Bonhunt	UTT/1716/09/FUL	Appeal against refusal to grant planning permission for proposed is described in the application as construction of a new agricultural access at Maces Farm	23 Dec 2010 DISMISSED	15 Mar 2010	The Inspector noted the requirement under Policy S7 for development to be both appropriate to a rural area and protect the character of the area. He considered that it would not protect the character of the area. He assessed various claims by the appellant in justification of the proposal and commented about the lack of evidence to support its claims. (FB)
DJR Cars LLP	The former Canfield Service Station Dunmow Road Little Canfield	UTT/1155/10/OP	Appeal against refusal to grant planning permission for erection of 4 single-storey dwellings and garages	10 Dec 2010 ALLOWED	19 Aug 2010	The Inspector acknowledged that the site was outside the development limit but found no discernable difference in character with the parcel at the front with outline permission for residential development. The area's character is mixed and the proposal would have little effect on it. He had some concern that commercial uses could re-commence on the land at rear and so permitting this scheme to replace it would be a benefit and that as brownfield land PPS3 encourages its redevelopment. He commented about conditions - drainage is

						dealt with under other approvals; circumstances not exceptional to justify removal of pd rights; considered water efficiency measures included in condition to be too vague and deleted them. (SB)
Mr Paul Barrett	The Three Horseshoes Inn Hazel End Farnham	UTT/1097/09/FUL, UTT/1098/09/LB & ENF/83/09/B	Appeal against refusal to grant planning permission, listed building consent for, and enforcement notice against, retention of installations comprising timber handrail and 'marquee/awning' to the front elevation of the building	9 Dec 2010 DISMISSED	21 May 2010	The Inspector quickly dealt with the suggestion that the decking did not require permission. He concluded that the attractive front of the building would be hidden by this incongruous makeshift structure. It was unsympathetic in the Conservation Area; the development is contrary to greenbelt policy. The pub is very well supported and he was not persuaded that the removal of the structure would erode that support such that the pub would become unviable. The benefit of improved disabled access could be achieved in a better way. He was not persuaded that noise from live bands was related to the shelter as they tended to play in tents. Appeals dismissed and EN upheld. (SB)

Mr & Nrs D Meriday	Lees Farm Salt's Green Good Easter	ENF/194/07/B	Appeal against Enforcement Notice against erection of 1.8m high fence	8 Dec 2010 DISMISSED	18 Feb 2010	The fee for a deemed application was not paid and therefore the appeal was considered on ground (c) only - that permission is not required. The fence is adjacent to the highway and exceeded one metre in height and therefore does require permission. Reference was made to a previous Inspector's comments about the unacceptable nature of the development and that decision was supported. (SB)
Mr M Jones & Mr S Jones	Land at Little Hallingbury in the District of Uttlesford shown edged red on the plan attached to the enforcement notice	EN/238/09/A	Appeal against Enforcement Notice for unlawful gypsy site	9 December 2010 ALLOWED		This appeal recovered by the Secretary of State. No weight was given to Core Strategy as it hasn't advanced far enough through the process towards adoption. Insufficient evidence to justify dismissal on grounds of air pollution. There is an inadequate number of pitches and additional ones will probably be in the countryside. Dismissal would be likely to make the families homeless and this together with current possibilities for a more settled existence weigh in favour of permitting the development. Very special circumstances to permit inappropriate development in the greenbelt for permanent permission, had not been not shown, but had been shown for a temporary one. Temporary permission

						recommended by Inspector for four years but granted by SoS for only three years by which time the allocation of suitable sites is likely to have been achieved through the LDF. Decision on ground (c) – compliance period - not necessary.(SoS)
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