

**Title:** Appeal Decisions

**Item 6**

**Author:** Nigel Brown –

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>SUMMARY OF DECISION</b>	<b>DECISION BY OFFICER/OVERTURNED BY COMMITTEE</b>
Lindsell Stores Holders Green Road Lindsell	ENF/14/0079/C	Appeal against Enforcement Notice Change of use from scrap metal dealing to airport parking	18/08/2015  Appeal dismissed (Enforcement notice varied)	<p>The Inspector considered that the use of land for airport parking was not an appropriate use in a rural area, and although the visual impact was possibly less than the authorised use of the site as a scrap yard, the Ground (a) appeal (i.e. whether planning permission should be allowed), should be rejected on policy grounds.</p> <p>On the appeal regarding the compliance period of 4 weeks. Although the Inspector accepted that the tenancy agreements do not outweigh planning requirements, he did consider that a 3 month period was more appropriate to allow certain bookings to be honoured.</p>	N/A
Kingstone Lodge Water End Road Ashdon	ENF/13/0389/C	Appeal against enforcement notice  Unauthorised change of use from an annexe to a separate dwelling.	14/09/2015  Appeal Dismissed, and Enforcement Notices upheld.	<p>The Enforcement Notice relates to the unauthorised change of use of an annex building to a separate residential unit. The Inspector concluded that the change of use of the annex to a separate dwelling would result in a new dwelling in an isolated countryside location and as such should be rejected on sustainability terms.</p> <p>The Inspector considered a Ground (f) appeal as to whether the requirements of</p>	

				the Enforcement Notice were excessive. The Inspector concluded that the requirements of the Notice (i.e. to prohibit the use of the annex as separate dwelling) were appropriate.	
Land Opposite Branksome Whiteditch Lane Newport	UTT/14/1794/OP	Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL)	23/07/2015  Appeal Allowed	<p>The appeal site related to a further fifteen dwellings to the north and unconnected to an existing site with outline planning permission for 84 dwellings. The fundamental case over the refusal of the planning permission was around piecemeal development. No issues over sustainability were raised by the Council.</p> <p>In allowing the appeal, the Inspector did consider that other sites in the vicinity had planning permission for single plots and a development of 15 dwellings (Wyndhams Croft). As such, he accepted that the development would be suitably screened and not isolated from the key settlement of Newport. He did not consider that there would be problems over highway safety based upon the views of the Local Highway Authority.</p>	N/A
The Lilacs Chelmsford Road White Roding	ENF/14/0235/C	Appeal against Enforcement Notice  Erection of 2 metre high green wire fence.	23/09/2015  DISMIS - Appeal Dismissed	<p>The appellant's first argument on Ground (c) (i.e. there was no breach of planning control), was that the fence was not adjacent to the highway and therefore a 2 metre fence was permitted development. The Inspector concluded that the fence was in close proximity to the highways, and therefore through "fact and degree" was adjacent to the highway and required planning permission.</p>	N/A

				<p>On the Ground (a) appeal (i.e. whether planning permission should be granted). The Inspector considered that the fence offered a discordant and intrusive effect on the street scene. He added that it introduced an urban effect to this rural location (also within the Green Belt). He stated that the fence eroded the sense of openness of the Green Belt.</p> <p>He did accept that the business did require some element of enclosure, but this need did not justify the imposition of such an inappropriate form of fencing.</p> <p>He allowed the appeal on Ground (g) (compliance period), extending it to 6 months to allow the further consideration of an appropriate form of enclosure.</p>	
<p>Stansted Tennis Club Cambridge Road Stansted</p>	<p>UTT/14/2914/TPO</p>	<p>Fell 1 no. Horse Chestnut (TPO: 9/09/25 - G1)</p>	<p>01/09/2015</p> <p>ALLOW - Appeal Allowed</p>	<p>The Inspector concluded that the preserved horse chestnut had the amenity value to justify its TPO, and that its removal would have a negative effect upon the character and appearance of the locality.</p> <p>The second part of the Inspector's decision relates to the justification of the proposed felling of the tree. The Inspector was provided evidence of a cavity/decay area within the trunk of the tree. There was also evidence of bacterial/slime flux. In light of the fact that the main footpath from Cambridge passes under the canopy of the tree, he allowed its felling. It was conditioned to provide a replacement tree.</p>	<p>N/A</p>

Stansted Tennis Club Cambridge Road Stansted	UTT/14/2913/TPO	Fell 1 no. Beech (TPO:2/76/25 - G2)	01/09/2015  ALLOW - Appeal Allowed	<p>The Inspector concluded that the contribution that the preserved beech tree is limited, but nonetheless it does contribute in a moderate way to the pleasant, leafy landscape of the locality. Its loss would have a minor negative effect on the character and appearance of the locality.</p> <p>The Inspector considered that there was evidence of decay, and bearing in mind its proximity to a footpath route allowed its felling. It was conditioned to provide a replacement tree.</p>	N/A
Wimbish Lodge Maple Lane Radwinter	UTT/14/3661/TPO	Fell 1 no. Scots Pine	02/09/2015  ALLOW - Appeal Allowed	<p>The Inspector considered that although the public amenity value of the preserved scots pine was limited to those driving past, it should not be removed unless there are clear justifications.</p> <p>The Inspector considered submission from the appellant regarding the potential of needle fall upon the thatched roof adjacent. In addition the impact of the blocking of rainwater goods was also considered. He noted that the tree was subservient in age terms by around 400 years from the thatched property and as such allowed its felling. It was conditioned to provide a replacement tree (but a different species to scots pine).</p>	N/A
Roundhouse Buttleys Lane	UTT/14/3706/HHF	Single storey extension and alteration to form annexe	07/08/2015  ALLOW -	The inspector considered that the proposed extension would still be dominated by the existing Grade II listed building. As such, he	N/A

Dunmow			Appeal Allowed	concluded that the proposal would conserve the particular significance of the Grade II listed building, and would not be harmful to the character and appearance of the area.	
Land South Of Ramseys High Easter Road High Easter	UTT/14/2239/OP	A single new self-build dwelling and community use astronomical observatory.	10/09/2015  DISMIS - Appeal Dismissed	<p>The Inspector concluded that the proposal would be an intrusive an urbanising form of development and would be harmful to the rural character and appearance of the area, which is open countryside.</p> <p>Although the proposal would result in the loss of agricultural land, the loss was modest and therefore it would not conflict with the NPPF on this point.</p> <p>The proposed new dwelling would be some distance from High Easter (1.2km), and such was an isolated dwelling. He found that the dwelling would result in a high dependency upon the motor car to access local services and therefore would be unsustainable development.</p> <p>The appellant did run an argument that the additional development to provide an astronomical observatory would justify a dwelling to finance this. The Inspector that the observatory provided minimal public/community benefit and therefore did not provide the exceptional justification for the dwelling.</p>	N/A
Land East Of Cedar Cottage Church Road Great Hallingbury	UTT/14/3785/OP	Outline application for erection of 1 no. dwelling with all matters reserved except access, layout and scale	07/08/2015  ALLOW - Appeal Allowed	The Inspector concluded that the provision a further bungalow-type dwelling on this site would not have a harmful impact on the character and appearance of the area. He considered that the development would continue the existing development pattern of	N/A

				<p>this part of the village.</p> <p>He considered that the location was in a reasonable walking distance of facilities of the village and therefore was considered sustainable.</p>	
Holly House Cophthall Lane Thaxted	UTT/15/0099/HHF	Two-storey and part single-storey side extension and ancillary works	30/09/2015  ALLOW - Appeal Allowed	Although the proposed extension would significantly increase the bulk of the appeal property, the Inspector considered that height and scale of the extension would not jar with the host dwelling. As such the proposal would not have a harmful effect on the character and appearance of the host building or the surrounding area.	<b>N/A</b>
Yew Tree Cottage Rickling Green	UTT/14/3145/FUL	Proposed erection of a detached dwelling with existing access.	22/07/2015  ALLOW - Appeal Allowed	The primary consideration within this appeal was the effect of the proposal upon the character and appearance of the Quendon and Rickling Conservation Area. The Inspector considered that due to the dwelling's design and location it would not encroach or harm the open spacious character or appearance of the central part of the village. He concluded that the proposal would not harm the character and appearance of the area.	
Henham Lodge Chickney Road Henham	UTT/14/2829/LB	Retention of replacement windows	14/07/2015  DISMIS - Appeal Dismissed	The Inspector considered that the replacement windows were dissonant and unsatisfactory for a number of reasons including them being double glazed, separation of panes and the depth of the frames. As such the replacement windows fail to preserve the listed building.	
Roding Hall The Street High Roding	UTT/14/3301/FUL	Construction of dwelling in garden land belonging to Roding Hall. Replacement of the existing front	24/09/2015  DISMIS - Appeal Dismissed	The Inspector considered that the development of this site would result in a loss of openness in this part of the High Roding Conservation Area. The development would also not constitute infill	

		boundary treatment.		<p>development and therefore constituted unjustified harmful development in the open countryside.</p> <p>In terms of the design of the proposed dwelling, the Inspector considered although its form would generally accord with traditional buildings in the Conservation Area, the size of the proposed dormers and associated double garage would not reflect local traditional buildings.</p> <p>He did not consider that the development would have a harmful affect upon the setting of the adjacent listed buildings.</p>	
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