

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0773.13 Tyas Stud Farm r/o Latchford Farm St. Marys Lane Upminster <i>Change of Use of land to caravan site for 2 pitches for occupation by two gypsy-travellers families with associated hard standing, utility block and septic tank (Retrospective)</i></p>	Local Inquiry	Refuse	Delegated	<p>The site lies within the area identified in the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. Policy DC45 of the Development Plan Document and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts. Government guidance in Planning Policy for Traveller Sites states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been demonstrated in this case sufficient to outweigh the demonstrable harm that the development would cause to the openness of the Green Belt and the rural character of the area. The development would, therefore be contrary to policy DC45 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework and the Planning Policy for Traveller Sites.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations</p>	<p>Allowed with Conditions</p> <p>The Inspector found that, in this case, there would be harm to the Green Belt by reason of inappropriateness, loss of openness and, to a lesser extent, encroachment into the countryside. There would be no harm to the character and appearance of the surroundings, the Green Belt harm nevertheless carries substantial weight against the proposal.</p> <p>It was agreed that there is no adopted policy relating to the allocation of gypsy sites, either to meet the current unmet need or any future requirement. The Inspector considered that there is currently a policy vacuum at local level, no allocated sites and no identified 5 year supply of sites to meet future needs. Furthermore no available, authorised sites existed within the Borough to which the appellant and his extended family could move if they were forced to leave the appeal site. Moreover there was no suggestion that there are any alternative sites available in neighbouring boroughs. There is a waiting list for space on all public sites in Essex and no evident vacancies on private sites. The Inspector concluded that although unmet need, policy failure and lack of alternative sites are material considerations that carry significant weight, they were not, even when considered together, sufficient to outweigh the harm identified to the Green Belt and therefore cannot amount to the very special circumstances needed to justify a grant of planning permission.</p>

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				Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	<p>However, when personal circumstances are taken into account, the situation changed. The best interests of the children represented a powerful argument for allowing the families to stay on the site. Also, if subject to a temporary consent, the harm to the Green Belt would be limited to the timescale of the permission and there would be more time given to allow the Council to adopt its Local Plan policies for gypsies and travellers. There is a realistic prospect that sites will be allocated within the next few years and it may well be that the appeal site will be included.</p> <p>The Inspector concluded that a decision that should most properly be taken through the plan making process and is the reason and considered that a permanent permission that would, in effect, take the site out of the Green Belt, and was not appropriate at this time. Nevertheless, when taken together with the health and educational needs of the families, the other material considerations set out above are, in the Inspectors opinion, sufficient to outweigh the harm to the Green Belt and amount to the very special circumstances needed to justify a personal, temporary permission</p>
<p>P1434.14 44 Chestnut Avenue (Land R/O) Hornchurch <i>New 2 bedroom dwelling house</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its siting, height, bulk and mass, represent an overdevelopment of the site and appear as an unacceptably dominant and visually intrusive feature in the rear garden setting, and as a cramped and incongruous addition to the streetscene due to its relationship	<p>Allowed with Conditions</p> <p>The Inspector found that the proposal would make good use of the available space and its built form would be in keeping with the character of the area and integrate satisfactorily with its surroundings. The new dwelling although compact would be generally</p>

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				<p>with neighbouring properties, and is considered to be harmful to the appearance of the surrounding area contrary to Policy CP17, DC2, DC3, and DC61 of the LDF Core Strategy and Development Control Policies DPD, Residential Design SPD 2010, Residential Extensions & Alterations SPD 2011 and Policies 3.4, 3.5, and 7.4 of the London Plan 2011.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>consistent with the character and appearance of the street scene..</p> <p>On this issue of the planning obligation, the Inspector considered that the Council's policy and guidance on planning obligations was out of date. The absence of a mechanism to secure a planning obligation towards infrastructure costs arising from the proposal did not justify its refusal.</p>
<p>P1116.14 44 Herbert Road Emerson Park Hornchurch <i>Erection of a 2-storey, 5-bed detached dwelling house with separate double garage and formation of a new driveway with access onto Fairlawns Close</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature harmful to the character of the surrounding area and streetscene of this part of Emerson Park, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD. The proposed development would, by reason of its position, bulk, massing and proximity to neighbouring properties, form a visually intrusive and over dominant feature resulting in a detrimental impact on outlook and a serious and adverse effect on the living conditions of adjacent occupiers by way of overlooking and invasion of privacy,</p>	<p style="text-align: center;">Dismissed</p> <p>On the first two main issues, the Inspector disagreed with the Council reasons for refusal and found firstly; that the proposed development, including the removal of trees, would have no materially detrimental effect on the character or appearance of the surrounding area. Secondly, the proposed dwelling would have no materially detrimental effect on the living conditions of neighbouring occupiers in Channing Close and Beverley Close with respect to privacy and outlook.</p> <p>On the third issue, the appellant did not dispute the need for a financial contribution towards education however there was no completed s106 obligation before the Inspector. The Council did not provide</p>

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				<p>contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The tree and shrub clearance necessary to enable the proposed development would detract from the character of the site and would have an adverse impact on the visual amenity and quality of the area by reason of loss of trees, contrary to the provisions of Policy DC60 of the LDF Core Strategy and Development Control Policies DPD and the Protection of Trees During Development SPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>specific evidence of any proposed projects or cited any schools close to the appeal site that are to be expanded and relied on evidence set out in the Draft Commissioning Plan for Education Provision 2015/16 - 2019-20. The Inspector concluded from the evidence that there is a shortage of secondary places in schools that would serve the proposed development and expansion of schools in this area is planned. The contribution would therefore meet the second test set out in Regulation 122 of the CIL Regulations which requires that the obligation is directly related to the development. Furthermore the proposal is a large family dwelling and would place greater than average demands on education provision. Therefore the contribution would meet the third test set out in Regulation 122 which requires it to be fairly and reasonably related in scale and kind to the development.</p> <p>In conclusion the absence of harm did not outweigh the harm identified with respect to the absence of provision for infrastructure for education</p>
<p>P1265.14 33 Platford Green (Land Adj) Hornchurch <i>Erection of 3No five-bedroom detached houses</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of the number and scale of the dwellings proposed, appear cramped and out of keeping with the surrounding residential area such that it would be materially harmful to the streetscene and the residential character of the area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the</p>	<p>Allowed with Conditions</p> <p>The Inspector found the scheme acceptable as regards density, design, siting, scale and public / private space around the buildings; and that it was acceptable on this site having regard to its immediate and wider context. On the second issue, the Council's Highway officers had no objection to the proposal and the provision of two spaces per dwelling</p>

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				<p>National Planning Policy Framework. The proposed layout would not provide sufficient space to meet the reasonable living conditions of future occupiers of the five-bed dwellings proposed for the parking and manoeuvring of their vehicles to the detriment of their amenities and those of adjoining occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>accorded with the relevant standards. Although there would be an element of conflict between one of the parking spaces for one of the houses and the turning area it was unlikely that the number of vehicles using this part of the drive to turn would be in the numbers to cause a problem. Finally the appellant completed a planning obligation in the form of a Unilateral Undertaking which addressed the third reason for refusal.</p> <p>An application for an award of costs was refused as the Inspector found that the Council did not behave unreasonably in seeking a contribution for education provision.</p>
<p>P1378.14 50 Purbeck Road Hornchurch <i>Retention of an existing one-bedroom duplex flat</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Committee</p>	<p>The proposed development would, by reason of the lack of direct access to the amenity space from the upper floor flat and the overlooked nature of the amenity area make inadequate amenity space provision on the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the</p>	<p>Allowed with Conditions</p> <p>The Inspector concluded that the addition of one dwelling in the form implemented did not make a material difference to what might ordinarily be perceived as the 'character' of Purbeck Road. Furthermore the development does not comprise inadequate living conditions for occupiers as regards amenity area and floor-space. There are no parking controls within Purbeck Road and with no evidence of parking demand from non-residential users in the locality it would appear that there is little if any parking stress. The additional one bedroom flat has not had a 'severe' effect justifying a dismissal of the</p>

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				<p>detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of the number of units on the site and resultant cramped living accommodation, uncharacteristic tight layout of the amenity area and insufficient parking, result in an excessively dense over-development of the site to the detriment of the character of the surrounding area and the amenity of future occupiers contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposal would provide accommodation which is below the Mayoral minimum size standard. It is considered that the limited floorspace would result in a substandard level of living space for the occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and Policy 3.5 and Table 3.3 of The London Plan.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>appeal on the basis of harm to highway safety. Finally the appellant completed a planning obligation in the form of a Unilateral Undertaking which addressed the final reason for refusal.</p>

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<p>Y0045.15 138 Wingletye Lane Hornchurch <i>Single storey rear extension with an overall depth of 6m from the original rear wall of the dwelling house, a maximum height of 4m and an eaves height of 3m</i></p>	<p>Written Reps</p>	<p>Refuse Prior Approval</p>	<p>Delegated</p>	<p>The Council consider that the impact of the proposed development at no. 138 Wingletye Lane by reason of its excessive scale, bulk and mass would have an unacceptable impact on the amenity/outlook of the adjoining premises at no. 136 Wingletye Lane and would represent an obtrusive and overbearing feature in the rear garden environment.</p>	<p style="text-align: center;">Dismissed</p> <p>Two issues arise from this appeal. Firstly the evidence submitted indicated that the appellant received no written notification, or indeed any other notification, of the Council's decision until she received the letter on 31 March 2015 and therefore outside the 42 day timeframe to determine such applications. As such, the Council failed to meet the requirements set out in conditions set out in the relevant legislation</p> <p>However Building Control records concerning works to the property prior to the submission of the prior approval application stated that a rear extension was being constructed at the appeal site. The appellant stated that these works involved the replacement of retaining walls and the laying of a patio, together with steps and a slope to the garden. The Inspector observed that brick footings had been put in place in the approximate position of the intended rear extension and concluded on the balance of probability that the works were however consistent with the Council's view that the erection of a rear extension had commenced. Prior approval cannot be granted in respect of works that have already commenced.</p>
<p>P1528.14 11 Ryder Gardens Rainham <i>Variation of condition 8 of Application P0574.09 - to increase the number of</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development, by reason of the over intensification of the day nursery use in a limited sized building, would result in unacceptable levels of noise and disturbance materially harmful to neighbours' amenity and contrary to</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council and found that increasing the maximum number of children allowed on the site would have a harmful effect on the living conditions of neighbouring residents.</p>

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<i>children on the premises from 12 to 13</i>				Policy DC61 of the Core Strategy and Development Control Policies DPD. The development, by reason of the levels of vehicular activity associated with the use would result in unacceptable levels of noise and disturbance, materially harmful to nearby residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.	
A0019.15 59 High Street Romford <i>Installation of 1 Illuminated digital advertisement display unit (ADU)</i>	Written Reps	Refuse	Delegated	The proposed sign would, by reason of its illumination, frequently changing imagery and siting in relation to the London Road roundabout being part of the pan London Strategic Road Network, result in a risk of motorist distraction, creating an unacceptable increase in tasking for drivers, resulting in adverse highway safety issues, contrary to Policy DC33 of the LDF Development Control Policies DPD.	Dismissed The Inspector agreed with the Council and found that proposed advert would result in specific and unacceptable harm to public safety
M0003.15 Rossall Close (Adopted Highway) Hornchurch <i>15m "Elara" Dual Stack (shared) streetpole housing 3No Telfonica antennas and 3No Vodafone antennas in a shrouded enclosure c/w 2No 300mm transmission dishes mounted externally. The ground based radio equipment will be housed in 2No equipment</i>	Written Reps	Refuse Prior Approval	Delegated	The proposed telecommunications mast and equipment cabinets would, by reason of their siting, height and appearance, appear as a dominant and visually intrusive feature in the street scene, harmful to the visual amenities of the area contrary to Policies DC61 and DC64 of the LDF Core Strategy.	Allowed with Conditions The Inspector found that the proposal would not be harmful to highway safety or living conditions. The proposed equipment cabinets would not be unacceptably intrusive or detract from the character or appearance of the area. However the pole element of the scheme would be an intrusive structure that would detract to a limited extent from the character and appearance of the area. Based on the evidence provided, the Inspector found no reason to conclude that a more suitable site than that proposed would reasonably be available. In summary the limited harm caused would be outweighed by the public

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<i>cabinets with an adjacent electricity meter cabinet</i>					benefit arising from the improvement of the telecommunications infrastructure.
<p>P0451.15 14 Balgores Square Romford <i>New block paved driveway (hardstanding) - Retrospective</i></p>	Written Reps	Refuse	Delegated	<p>The hard-standing would, by reason of its lack of soft landscaping, design and appearance, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC61 and DC68 of the LDF Development Control Policies Development Plan Document as well as the provisions of PPS5 Planning for the Historic Environment.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that proposed development would have a harmful impact on the character and appearance of the site and the Conservation Area. It would fail to preserve or enhance the Conservation Area's character or appearance</p>
<p>P0077.15 20 Great Nelmes Chase Hornchurch <i>Sub Division of property to form a seperate 2 bedroom duplex by removing part of roof. Provision of flank dormers and a hipped roof to the donor property. Conversion of garage to habitable space to the new unit.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the narrow width and small size of the new plot, be out of character with the surrounding area and harmful to the appearance of the Emerson Park streetscene contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD. The layout and depth of the amenity space for the new dwelling would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD. In the absence of a legal agreement to secure contributions towards the</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the conclusions of the Council on issues of character and appearance and living conditions. It was not necessary to consider the failure of the appellant to submit a Planning Obligation given the findings on the main issues.</p>

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				demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p>M0020.14 St Leonard's Way and Hornchurch Road (Junction at) Hornchurch</p> <p><i>15m "Elara" Dual Stack (Shared) Streetpole, housing 3No Telefonica antennas and 3No Vodafone antennas in a shrouded enclosure c/w 2No 300mm transmission dishes mounted externally. The ground based radio equipment will be housed in 2No. equipment cabinets with an adjacent electricity meter cabinet</i></p>	Written Reps	Refuse Prior Approval	Delegated	The proposed telecommunications mast and equipment cabinets would, by reason of their siting, height and appearance, appear as a dominant and visually intrusive feature in the street scene, harmful to the visual amenities of the area contrary to Policies DC61 and DC64 of the LDF Core Strategy.	<p style="text-align: center;">Dismissed</p> <p>The proposal would detract from the character and appearance of the area and would be harmful to the significance of the St Leonard's Conservation Area and the significance of its setting.</p>
<p>P0267.15 23 Tempest Way Rainham</p> <p><i>Proposed single / double storey rear extension and reconfiguration of internal layout to provide 2 x 1 bedroom maisonettes.</i></p>	Written Reps	Approved with Agreement	Committee	<p>The proposed development would, by reason of the size and disposition of proposed amenity space, provide insufficient outdoor amenity space to the detriment of the amenity of future occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>By reason of the particularly limited depth of the adjoining rear gardens to</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>On the issue of amenity space, The Inspector found that whilst they would be smaller than that which is typical of the area, they would, nevertheless, provide a sufficient quantity of amenity space relative to the size of the units proposed</p> <p>On the second issue, the Inspector concluded that the proposal would not materially harm</p>

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				<p>the South of the site, the proposed extension would, by reason of its bulk and position, appear overbearing from neighbouring properties and gardens harmful to amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>the living conditions of no 25, no 21 or other neighbouring properties with regard to privacy or outlook or noise or disturbance.</p> <p>On the final issue the Inspector concluded that the benefits of providing an additional dwelling in a sustainable location would outweigh the minimal harm of the proposal on the provision of education facilities</p>
<p>P0582.14 2-6 Hamilton Drive Romford <i>The demolition of the existing pair of semi detached 3 bedroom houses (2 and 4 Hamilton Drive), and the garages for No 4 and the garage for No 6 and the erection of 3 No 4 Bedroom family houses and 6 No self contained flats (4 x 2 Bedroom and 2 x 1 Bedroom) with secure off street car parking for 9 cars and associated private gardens / amenity / terracing.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed apartment block would, by reason of its prominent rear garden location, height, bulk and mass, appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting which would be harmful to the open appearance of the surrounding area and to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its design, appearance and prominent location, form an incongruous and incompatible feature within the streetscene that will not be in keeping with the appearance of the surrounding dwellings resulting in a detrimental and harmful impact on the character of surrounding area contrary to Policy DC61 of the LDF Core Strategy and</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council regarding on the main issues as these conclusions represented compelling reasons for dismissing the appeal.</p>

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				<p>Development Control Policies DPD.</p> <p>The proposed development would, by reason of its layout, result in an unsatisfactory relationship between the proposed dwellings, the site boundary and their setting within the plot leading to a cramped over-development of the site and an inadequate provision of private amenity space to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the roof terraces and their position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to contrary to Policy DC33 of the Local Development Framework Development Plan Document.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and</p>	

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				Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<p>A0027.15 309 Hornchurch Road Hornchurch <i>Advertising Billboard</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its size, design, appearance and location, appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.	<p>Allowed with Conditions</p> <p>The Inspector found that the proposal would be seen in the context of the commercial character of its immediate surroundings. It would appear neither incongruous nor prominent and would not harm the area's visual amenity.</p>
<p>P0429.15 44 Acacia Gardens (Land Adj) Cranham Upminster <i>Replacement of existing 4No Stables and construction of a new stable block</i></p>	Written Reps	Refuse	Delegated	The site lies within an area identified in the Core Strategy and Development Control Policies Development Plan Document and Proposals Map as Metropolitan Green Belt. The proposed development would, by reason of its scale and bulk, materially detract from the open character and appearance of the Green Belt. Such development should only be permitted where it is clearly demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that would be caused to the Green Belt and any other harm that would arise. No 'very special circumstances' have been demonstrated in this case that are sufficient to outweigh this harm. As a consequence the proposal would be contrary to the guidance in the National Planning Policy Framework and Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.	<p>Dismissed</p> <p>The Inspector agreed with the Councils conclusions on whether the proposal represented inappropriate development in the Green Belt, loss of openness in the Green Belt and its impact on neighbouring living conditions. It was found that it would not have a significantly harmful effect on the character and appearance of the area</p> <p>An application for costs against the Council was refused</p>

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				<p>The proposed development by reason of its proximity to residential properties in Acacia Gardens, would be likely to result in material harm to the amenities of occupiers of these properties by reason of the noise and general disturbance that would arise from activities associated with the proposed stables. These impacts would be contrary to Policies DC22 and DC61 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework.</p>	
<p>P0972.14 16 & 18 Prospect Road and Land to rear of Hornchurch <i>Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings - Outline.</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal would result in the demolition of 2 x halves of semi-detached properties where the occupiers of the remaining halves are single housebound vulnerable elderly people with medical conditions. Given the particular characteristics of the occupiers of the retained halves in this case, there are significant concerns that the demolition stage of the proposal would cause unacceptable levels of stress to those occupiers through noise, dust, vibration, mental anguish, uncertainty and loss of quiet enjoyment of their home. Whether conditions or other legislation could adequately address the concerns has been carefully considered, but in this case it is considered that the particular vulnerability of the existing occupiers means that the concerns cannot be overcome. The proposal would seriously impinge upon the Human</p>	<p>Allowed with Conditions</p> <p>It was recognised that the proposal has the potential to interfere with the living conditions of present and future occupiers of both neighbouring properties, through noise, dust, vibration and general disturbance to the enjoyment of their homes. The Inspector found that the protection of neighbouring amenity during the construction period would be safeguarded by the appropriately worded conditions and a construction method statement and other legislation such as the Party Wall Act</p> <p>Allowing the appeal therefore would not have a disproportionate effect on the neighbouring occupiers. The proposed development would not be unacceptably harmful to their living conditions. As such, the interference with the occupiers' peaceful enjoyment of their property is proportionate and struck a fair balance in compliance with the requirements</p>

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				<p>Rights of the occupiers of the adjoining properties (in particular Articles 1 and 8 of the Human Rights Act 1998) and is therefore considered unacceptable. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>of Article 1 of the First Protocol of the HRA legislation.</p> <p>On the planning obligations issue, the Inspector considered that the Council's policy DC72 and the relevant SPD was out of date. The absence of a mechanism to secure a planning obligation towards the claimed infrastructure costs arising from the appeal application did not justify its refusal.</p> <p>An application for an award of costs was allowed in part and related to the costs of challenging the decision in relation to the planning obligation</p>
<p>P0235.15 1b Sunnyside Gardens Upminster <i>Change of use of single storey building from A2 (office) use to A4 (drinking establishment) use</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety given the proximity of the site to the junction of Sunnyside Gardens with St Marys Lane and to the detriment of residential amenity through additional vehicular movement and on-street parking contrary to Policies DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Framework DPD. The proposed development would, by reason of its location in close proximity to residential properties be likely to give rise to a significant adverse impacts from noise and general disturbance, including pedestrian and vehicle activity associated with the development, to the material detriment of the amenity of local</p>	<p>Allowed with Conditions</p> <p>The two main issues are the effect of the change of use of the premises on (a) the living conditions of existing occupiers, with particular regard to noise and disturbance and (b) highway safety.</p> <p>On the first issue, the Council was concerned that there would be issues related to customers gathering outside of the premises to smoke or from customers on their way into or out of the premises. The Inspector accepted that there may be some noise and disturbance generated in this way but noted that the premises is small in size, located on the edge of the town centre and is in close proximity to a busy petrol filling station and road (St Marys Lane). There was no evidence that a significant level of noise would be transmitted from the building and appropriate</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Framework DPD.</p>	<p>conditions could address matters relating to noise issues.</p> <p>On the highways issue and the shortfall of parking spaces, the Inspector noted that the combination of the site location and access to public transport alongside the availability of on street parking lead to the conclusion that, overall, the development could be accessed without the need to use a car and should future customers chose to use a car there would not be a significant increase in on street parking pressure that would lead to a highway safety issue.</p> <p>An application for an award of costs against the Council was refused.</p>
<p>P1415.14 63 Benets Road (land adj) Hornchurch <i>New two storey detached dwelling to be built on garden site to east of 63 Benets Road.</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Delegated</p>		<p>Allowed with Conditions</p> <p>The sole issue was whether the proposed development would make adequate provision towards education in the borough. It was noted that other Inspectors had found obligations to be necessary in recent appeal decisions relating to residential development in the borough. However the Inspector did not consider them to be readily comparable with the appeal proposal.</p> <p>The Council did not provide specific evidence of any proposed projects or cited any schools close to the appeal site that are to be expanded and relied on evidence set out in the Draft Commissioning Plan for Education Provision 2015/16 - 2019-20. The Inspector found the contribution required would fail to</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					meet the second test set out in Regulation 122 of the 2010 CIL Regulations which requires that the obligation is directly related to the development.
<p>P0531.15 5 Macdonald Avenue Hornchurch <i>Garage conversion, two storey side extension, single and first floor rear extensions and front porch</i></p>	Written Reps	Refuse	Delegated	<p>The proposed side extension would, by reason of its position on the boundary with the public highway, bulk, mass and unsightly parapet wall detail, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed first floor rear extension would, by reason of its width and highly visible position close to the boundary with the public highway, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposal would have a harmful effect on the character and appearance of the streetscene</p>
<p>P0532.15 21 Melville Road Rainham <i>Erection of a two bedroom detached house.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision for the donor property, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and is thereby contrary to Policy DC2 and DC33 of the Core Strategy and Development Control</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council's findings on all of the four main issues</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Policies DPD.</p> <p>The proposed development would, by reason of its design, including the narrowness of the property and the overhang of the first floor, result in an incongruous form of development having an unacceptable impact on the street scene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The flank of the proposed house, by reason of its depth and height in relation to the neighbouring property, would cause an unacceptable loss of outlook and light to a window of a habitable room of 17 Melville Road to the detriment of the amenity of residents of that property and contrary to Policy DC61 of the Development Control Policies Development Plan Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p>P1578.14 The Paddocks Moor Hall Farm Aveley Essex <i>Importation of suitable reclamation materials to re-restore uneven land caused by differential</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal would result in additional lorry movements to and from the A1306, which already experiences the consequences of high levels of lorry movements due to the on-going works to create the golf course which include the poor state of the road and highway</p>	<p>Allowed with Conditions</p> <p>The Inspector noted that Council's concern, which was not supported by its planning or highway officers, related to the increase in the number of heavy goods vehicles (HGVs) using the section of the A1306 between Rainham and Wennington. It was considered</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>settlement from past landfilling.</i>				safety concerns. As a result, the proposal would be detrimental to highway safety, contrary to Policy DC32 of the Havering Local Development Framework.	that this would exacerbate existing problems on the A1306 in respect of mud being tracked onto the road. The evidence before the Inspector did not definitively link the complaints about the road to the existing operation of the site access. Whilst it was accepted that the proposal would result in the increased usage of that access by HGV's, the Inspector noted that the Council's highway officer was satisfied that the imposition of an appropriate condition requiring enhanced vehicle cleaning facilities would be sufficient to address mud deposition. The Inspector found no reason to disagree with that assessment or why such a condition would not be appropriate in this case.
P0660.15 7 Hill Rise Upminster <i>Proposed single storey side/rear extension and loft conversion</i>	Written Reps	Refuse	Delegated	The proposed side extension and loft conversion/roof alteration including rear dormer window would, by reason of its excessive scale, bulk, mass and design, appear as an unacceptably dominant and visually intrusive feature to the property, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> The Inspector considered that the rear dormer window would not have a significantly harmful effect. However the proposed side/rear extension would add considerably to the bulk and mass of the host property. The discordant design would harm the symmetry of the pair and the character and appearance of the area.
P0720.15 68A Harlow Road Rainham <i>Proposed dropped kerb & alterations to front garden</i>	Written Reps	Refuse	Delegated	The proposed hard standing area to provide off street parking, would, by reason of its close proximity to the ground floor neighbouring window at no.68, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and concluded that there would be unreasonable noise and disturbance arising from the development which would harm the living conditions of the ground floor flat

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P0846.15 29 Swanbourne Drive Hornchurch <i>Proposed single storey front extension and replacement of existing flat roof with pitched roof.</i></p>	Written Reps	Refuse	Delegated	The proposed front extension would by reason of its excessive depth, bulk and mass form an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector considered that the proposal would have a limited impact on the host property and on the symmetry of the semi-detached pair and concluded that it would not harm the character and appearance of the area.
<p>P0919.15 5 Melstock Avenue Upminster <i>Proposed two storey rear extension plus alterations to convert garage to habitable room.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its flat roof, height, bulk and unique design, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council on the main issue which was the effect of the proposed rear extension on the character and appearance of the host dwelling and the surrounding area.
<p>P0734.15 9 Rockchase Gardens Hornchurch <i>Erection of a two storey side extension, together with the extension of hardstanding to the front of the property to create additional parking space</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its bulk and mass and close proximity to the common boundary of the site with Nos.11&13 Rockchase	<p style="text-align: center;">Allowed with Conditions</p> The Inspector recognised that the side extension would conflict with specific guidance criteria set out in the SPD, but noted that this document also advises that each case will be treated on its own merits. It was concluded that as the extension would be positioned to the rear of a large garage, it would not appear unduly dominant or significantly erode the space in the street scene. Furthermore the Inspector considered that there would be an acceptable separation

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Gardens detract from the characteristic openness and appearance of the street scene and the Emerson Park Policy Area, contrary to Policies DC61 and DC69 of the Core Strategy and Development Control Policies Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document.	distance from the proposed extension with the rear of properties in Rockchase Gardens which would not be dissimilar to the relationship between some other properties in the surrounding area. The Council did not object to the extension of hardstanding to the front of the property to create additional parking
<p>P1092.15 8 Oxford Avenue Hornchurch <i>Construction of a double storey side extension, single storey rear extension, single storey front extension, second floor dormers and reconfiguration of internal layout.</i></p>	Written Reps	Refuse	Delegated	The proposals involving the construction of a substantial side extension to this prominent corner property, would, by reason of its close proximity to the flank boundary, bulk and mass detract from the open and spacious character of the street and appear as an unacceptably dominant and visually intrusive feature in the streetscene and harmful to the appearance of the surrounding area. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector considered that the single storey element of the appeal proposal to the side of the two-storey element would not unbalance the two pairs of semi-detached properties that the appeal house forms part of; nor would it have an adverse effect on the character of the area. The Council raised no objections to other elements of the scheme, including the dormers.</p>
<p>P1071.15 29 Berther Road Hornchurch <i>Alteration of existing window.</i></p>	Written Reps	Refuse	Delegated	The proposed development would poorly relate to the design and appearance of this property and by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council and found that the proposal would appear overly dominant, visually intrusive and poorly related to the appeal property and similar neighbouring properties</p>
<p>P0915.15 46 Nelmes Crescent Hornchurch <i>Proposed single storey</i></p>	Written Reps	Refuse	Delegated	The boundary wall would, by reason of its bulk, scale, mass and design, unacceptably harm the character of the streetscene and more widely as a	<p style="text-align: center;">Part Allowed/Part refused</p> <p>The appeal is dismissed insofar as it concerns the front and side boundary wall, railing and gate as they are significantly</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>rear extension to form w.c. and front and side boundary wall, railing and gate (restrospective).</i>				consequence, the Emerson Park Policy Area. It therefore conflicts with the aims of Policy DC61 of the Councils LDF Core Strategy and Development Control Policies DPD and 'Residential Extensions and Alterations' SPD. It furthermore conflicts with the National Planning Policy Framework to secure high quality design that maintains or enhances the character and appearance of the local area.	greater than most boundary treatments found in the vicinity and are in a particularly prominent corner location. The Council has raised no objections to the rear infill extension which the Inspector found to be a highly subordinate feature
P1114.15 21 Chiltern Gardens Hornchurch <i>A proposed loft conversion with both front and rear dormers</i>	Written Reps	Refuse	Delegated	The proposed gabling of the roof, by reason of its combined bulk and mass and the use of inappropriate grey cladding to the gable flank and the front and rear dormers, would appear as an unacceptably dominant and visually intrusive feature in the roof of this property, unbalancing its appearance and detracting from the character and appearance of the street scene. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	Dismissed The Inspector concluded that the proposal would unacceptably unbalance the appearance of the pair of semis and be out of keeping with the general form of development in the locality, with the enlarged roof appearing overly dominant and visually intrusive.
P0688.15 Emerson Park Court Billet Lane Hornchurch <i>Outline planning permission for the construction of three additional flats and associated car parking.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to	Dismissed The Inspector agreed with the Council in regard to the impact of additional storey on the character and appearance of the area. The Inspector was not satisfied the obligation sought was either necessary or directly related to the impacts of the development but this did not outweigh the findings on the impact of the proposal on character and appearance.

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	

TOTAL PLANNING = **32**

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/177/13/UP Tyas Stud Farm St. Marys Lane Upminster</p>	<p>Local Inquiry</p>				<p>Part Allowed/Part refused</p> <p>The breach of planning control as alleged in the notice is (a) operational development involving the importation of soil and the laying of hard surfacing on the Land (the Development) and (b) the material change of use of the Land to residential use through; the stationing of mobile homes and touring caravans on the Land for residential purposes; and the parking of vehicles and open storage. On this Appeal, the main issue concerned grounds (d) and (f): whether there are areas of hardstanding on the site that are immune from enforcement action through the passage of time meaning that the requirement to remove the hard standing in its entirety is consequently excessive and, on ground (g), whether the time for compliance is reasonable</p> <p>At the Inquiry it was confirmed by the Council that an access track was immune from enforcement action. Following further discussion it was also agreed by the Council that the development that it was seeking to have removed relates to a membrane that has been placed on the site, over which imported material has been laid to form the hard surface. The Council and the appellant were content that the enforcement notice should be amended to require only the removal of the membrane and the material above it and not to any hard standing remaining below the membrane. The appeal on grounds (d) and (f) succeeded to this extent.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/177/13/UP Tyas Stud Farm St. Marys Lane Upminster	Local Inquiry				<p style="text-align: center;">Part Allowed/Part refused</p> The appeal was partly allowed on ground (d) only in respect of the operational development in allegation (a) and it is directed that the enforcement notice be varied. Subject to these variations the enforcement notice is upheld

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/432/10/RW Connect Waste Management UK Ltd Denver Industrial Estate Ferry Lane Rainham</p>	<p>Written Repls</p>				<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal was allowed subject to the enforcement notice being corrected in the terms set out in the Decision. The appellant raised a number of matters concerning the wording and content of the enforcement notice, and claimed that the notice was invalid. The Inspector disagreed and concluded that the notice was not invalid.</p> <p>The appellant appealed on ground (a); that planning permission should be granted for the breach alleged in the notice. In regard to the effect of the use on the Council's planning policies in respect of waste management; the Inspector found that whilst there may not be a need for a new site of this nature, and whilst it may be preferable to site a more specialist type of waste facility on this industrial estate, the development needed to be considered as an extension to an existing site that has existed for a considerable time period in accordance with an Environmental Permit. The Inspector concluded that the use did not materially harm or prejudices the Council's planning policies in respect of waste management.</p> <p>On the issue of character and appearance, the surrounding area is mixed with a variety of industrial and storage uses. The Inspector accepted that the boundary fencing is not particularly attractive, but considered it to be functional as it substantially screens the site. Crucially it screens the stockpiles of waste from public viewpoints and provided such stockpiles are kept below a height of 5m;</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/432/10/RW Connect Waste Management UK Ltd Denver Industrial Estate Ferry Lane Rainham</p>	<p>Written Reps</p>				<p>Allowed with Conditions which could be dealt with by the imposition of planning conditions, the use would not cause material harm to either the character or the appearance of the surrounding area. The Council's concerns about the location of stockpiles within the site could also be overcome through the imposition of suitable conditions. Finally the Inspector found that the continuation of the use would not lead to any decrease in safety for users of the surrounding road network.</p> <p>The appeal on ground (a) succeeded and planning permission was granted and grounds (f) and (g) were not required to be considered further.</p>

TOTAL ENF = **2**

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		32			
Total Enf =		2			
Appeals Decided =		40			
Appeals Withdrawn or Invalid =		6			
Total =		34			
	Dismissed		Allowed		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	2	5.88%	
Written Reps	17	50.00%	15	44.12%	