

# Planning Services

## COMMITTEE REPORT

### **APPEAL UPDATE (EASINGTON AREA OFFICE)**

#### **1. APPEALS RECEIVED:**

##### **Appeal by Mr David Aimer**

**Site at Hardwick House, Hardwick Street, Horden, SR8 4JH**

**Planning Reference- PL/5/2010/0043**

An appeal has been lodged against the Council's refusal of planning permission for conversion from a single dwelling to seven separate dwelling units, with communal bathroom facilities. The application was refused on the grounds that the units proposed were likely to lead to increase in traffic generation and parking demand in the area and was also considered to be contrary to Local Plan Policy.

The appeal is to be dealt with by means of written representations, and members will be informed of the outcome in due course.

#### **Recommendation:**

That the report be noted.

---

#### **2. APPEAL DECISIONS:**

##### **Appeal by Mr D Bunton**

**Site at Beech Lodge, Mill Hill, Stockton, Castle Eden, Hartlepool, TS27 4SH**

**Planning Reference- PLAN/2008/0591**

An appeal was lodged against the Authority under Section 78 of the Town and Country Planning Act in respect of a grant of planning permission subject to conditions

The planning application was retrospective, and the condition subject to the appeal required replacement of the roof slates on site within 3 months of the date of the decision imposed. The appeal was dismissed on the grounds that the manufactured tiles have an adverse effect on the character and appearance of the host building and the Castle Eden Conservation Area and would conflict with saved policies of the Local Plan. The revised period for compliance resulting from the appeal expires on 8 October 2010.

Officers have recently agreed a suitable slate, and the works are expected to commence in the in the near future to rectify the situation.

#### **Recommendation:**

That the report be noted.

## **APPEAL UPDATE (DURHAM CITY AREA OFFICE)**

### **1. APPEALS RECEIVED:**

#### **Appeal by Mr J McNamara**

**Site at Greencroft, Lowes Barn Bank, Durham, DH1 3QJ**

An appeal has been lodged by Mr J McNamara against the Council's refusal to grant planning permission for the erection of first floor pitched roof extension to side of existing dwelling and erection of porch to front elevation at Greencroft, Lowes Barn Bank, Durham, DH1 3QJ.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

#### **Recommendation:**

That the report be noted.

---

### **2. APPEAL DECISIONS:**

#### **Appeal by Mr J Taylor**

**Site at Low Raisby Farm Cottages, Kelloe, Durham**

Appeal against the refusal to grant planning permission for the erection of an agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works at Low Raisby Farm Cottages, Kelloe

The planning application for the erection of an agricultural building to house pigs and associated development was refused 26<sup>th</sup> February 2010. The application was refused at Committee on the grounds that the proposed agricultural building, by reason of its scale and function and an anticipated associated increase in the spreading of manure on surrounding land without acceptable mitigation measures, would be likely to result in levels of odour emission detrimental to the residential amenity of those living in the vicinity.

The Inspector, in his decision, considered the separation distances between the proposed agricultural building and residential properties were such that no significant impact should occur on the amenity of residents through the emission of odours. With reference to the concern the Local Planning Authority had with regards to the smells from spreading manure, the Inspector stated such an activity does not require planning permission. Nevertheless muck spreading will occur only occasionally, and problems of smell are unlikely to persist once the muck has been ploughed in. This is a well-established part of the agricultural economy and people living in rural areas are likely to experience the smell of animal waste from time to time. The Inspector also made reference to guidance with regards to manure spreading being provided by DEFRA and that he was not aware of any evidence that Low Raisby Farm is being operated in a manner that is contrary to this guidance or in a manner that would constitute a statutory nuisance. On balance, the Inspector did not accept the Local Planning Authority's view that the proposed development would have so serious an effect on residential amenity as to justify the refusal of planning permission. As a result the appeal was allowed and planning permission granted.

In addition, an application for the award of costs was also made by the appellant, however, this was refused by the Inspector. The Inspector considered that in refusing planning permission, the Council gave undue weight to the unsubstantiated concerns of local residents. However, the Inspector concluded that as the refusal reason related to residential amenity, a material planning consideration, and the appellant had not submitted any means of mitigating the impact of muck spreading the Council had not behaved unreasonably in refusing planning permission.

**Recommendation:**

That the report be noted.

---