

Report To:	Planning Committee	Date:	17 June 2020
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	ANNESLEY AND KIRKBY WOODHOUSE, CENTRAL AND NEW CROSS, HUCKNALL CENTRAL, HUCKNALL NORTH, HUTHWAITE AND BRIERLEY, SUMMIT, SUTTON JUNCTION AND HARLOW WOOD AND UNDERWOOD		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Annesley and Kirkby Woodhouse

Planning Application – V/2019/0639

Site – 3 Lawns Road Kirkby in Ashfield, NG17 9JL

Proposal – Single storey extension to the front and wall

Appeal Decision – Dismissed

The inspector agreed with the Council's assessment of the development and dismissed the appeal. The Inspector stated that he felt the size and positioning of the extension meant that it would have a harmful impact on the character and appearance of the area.

Central and New Cross

Planning Application – V/2019/0496

Site – Dominos Pizza, 11-13 Station Road, Sutton in Ashfield NG17 5FF

Proposal – variation of condition to permit opening hours of 1100 to 0000 Sundays to Thursdays and 1100 to 0100 Fridays and Saturdays.

Appeal Decision – Dismissed

The Inspector agreed with the Council that that the extension of the opening hours later into the night time would have significant potential to adversely affect the living conditions of nearby residents through noise disturbance and dismissed the appeal.

Hucknall Central

Planning Application – V/2019/0020

Site – 24 Ogle Street, Hucknall, NG15 7FR

Proposal – convert existing building into two residential units including extensions and alterations

Appeal Decision – Dismissed

The Inspector agreed with the Council that the proposal would not preserve or enhance the setting of the Hucknall Conservation Area or the character and appearance of the host building. The Inspector also agreed with the Council that the development would result in harm to the living conditions of occupants of neighbouring residential properties.

Planning Application – V/2018/0734

Site – Sunbeam House, West Street, Hucknall, NG15 7BW

Proposal – Outline application with all matters reserved for the demolition of existing buildings and construction of 9 dwellings with associated access, car parking and amenity space

Appeal Decision – Allowed

Application for Costs – Refused

The Inspector concluded that a scheme for nine dwellings could come forward in the proposed location, which integrates appropriately with local character and appearance (including historic significance) given that he deemed that the site was not within the setting of the Grade II* Listed Church of St. Mary Magdalene. It was also considered that a scheme could appropriately be designed that would be acceptable in regards to the living conditions of future occupants and those nearby, and could deal adequately with local parking pressures, as raised by the LPA and Highways Authority.

In regards to the costs application, it was concluded that it was not unreasonable for the Council to express reservations with the justification for the scheme in respect of its integration with its surroundings, and to refuse permission on that basis. No action or inaction taken by the Council in this instance amounts to unreasonable behaviour resulting in unnecessary expense. An award of costs is therefore not justified.

Hucknall North

Planning Application – V/2018/0744

Site – Emperors Way, Hucknall

Proposal – 14 Two Storey Dwellings with associated parking and landscaping.

Appeal Decision – Dismissed

Application for Costs – Partial

The Inspector found that although the site was suitable for housing development, and that there would be no harm to highways safety, the proposals would harm the character and appearance of the area. This was primarily due to the extent of development preventing effective visual connectivity between the shop and urban green.

A partial award of costs was made on the grounds the Council had refused the application on highways safety grounds – without an objection from the Highways Authority and substantive justification. Costs were also awarded on the basis of the Council arguing that the scheme had been diminished in design terms from the original. Though, the Inspector did note that the applicant has not been put to large amounts of additional expense in countering the Councils position on these issues.

Huthwaite and Brierley

Planning Application – V/2019/0358

Site – Land to the rear of 5, 7 and 9 Market Place Huthwaite NG17 2LB

Proposal – Change of use of land to form secure, fenced enclosure to accommodate 15 No 20'x8' metal storage containers to be let out to general public.

Appeal Decision – Allowed

The Inspector in allowing this appeal considered the storage containers would be low in height and because there are various fences and planting outside the appeal site they would mainly be visible only from a limited number of upper floor windows to neighbouring properties. He therefore conclude that the proposed development would not be harmful to the living conditions of the occupiers of the surrounding properties. He further concluded the proposed access and parking provision within the appeal site would be adequate for the level of use proposed. It was however considered essential to impose conditions which are necessary to define the proposed use of the site, to protect the character and appearance of the site and area, and to protect the living conditions of neighbouring occupiers.

Summit

Planning Application – V/2019/0191

Site – 112 Hartley Road, Kirkby in Ashfield, NG17 8DS

Proposal – Change of use from Class C3 dwellinghouse to Class C2 residential care home for one young person

Appeal Decision – Allowed

The Inspector in allowing the appeal, considered that the issues raised by the Council and local residents, such as noise, anti-social behaviour and fear or crime exhibited by some of the young persons, are activities that could be experienced by neighbours in any residential area, regardless of whether a property is used for C3 or C2 purposes. As such, given that the development is of a small scale, the Inspector concluded that that the

proposal would not have a detrimental impact on the living conditions of local residents with regard to the aforementioned issues.

Sutton Junction and Harlow Wood

Planning Application – Enforcement & V/2018/0724

Site – Land known as former Greenhills Garden Centre, Cauldwell Road, Sutton in Ashfield, NG17 5LB

Proposal – Change of use of land for the storage of up to thirty motorhomes and retention of existing gate

Appeal Decision – Dismissed and Allowed

Enforcement Appeal – Enforcement Notice Upheld:

The Inspector, in coming to a decision to uphold the enforcement appeal, noted that the site was visible from Cauldwell Road and that vehicles stored within the site are likely to be seen from the access gate. Due to the deciduous nature of the surrounding vegetation, vehicles stored on the land are more likely to be visible during winter months, giving rise to an urbanising effect on this part of the countryside. The Inspector concluded that the storage of vehicles on the site has the potential to have a significant adverse visual effect, and the open-air storage of vehicles in this location is out-of-keeping with the rural quality of the site and area.

Planning Appeal – Planning Appeal Allowed:

The Inspector concluded that the storage of 30 motorhomes, parked in a regimented manner with additional landscaping, would be an appropriate use of the land, as any additional landscaping would help soften the appearance of the development reducing the visual impact of the parked vehicles. Whilst the Inspector agreed with the Council that the proposed wooden gates were unacceptable, he deemed that a condition requiring them to be stained would, somehow, overcome this concern. Lastly, the Inspector also deemed that the development would assist a rural business to expand and develop, despite the business being located and operating from Mansfield.

Consideration was given to legally challenging the decision because of the ambiguity between the two decisions, but it was concluded that the matters are considered to be capable of withstanding a challenge and it is doubted the outcome of the decisions would change.

Underwood

Planning Application – V/2019/0568

Site – 36 School Road Bagthorpe NG16 5HB

Proposal – change of use to holiday let above the garage.

Appeal Decision - Allowed

The Inspector conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings compared with the existing building and it would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise and disturbance, or to privacy. The use was however restricted by conditions limiting the number of occupants to two, and preventing the use of the property as a separate dwelling or by any individual person or group for more than 28 days in any calendar year.

Implications

Corporate Plan:

Reporting these decisions ensures we are open and transparent in our decision making process.

Legal:

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk: N/A

Risk	Mitigation

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

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