

<b>Report To:</b>	PLANNING COMMITTEE	<b>Date:</b>	20 June 2017
<b>Heading:</b>	PLANNING APPEAL DECISIONS		
<b>Portfolio Holder:</b>	DEPUTY LEADER – PLACE AND ECONOMIC GROWTH		
<b>Ward/s:</b>	JACKSDALE, HUCKNALL SOUTH WARD		
<b>Key Decision:</b>	NO		
<b>Subject To Call-In:</b>	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

**Planning Application E/2016/00001**

**Site** – Land North of Selston Road Jacksdale, Nottingham, NG16 5HL

**Breach of Planning Control** – (i) The making of a material change of use of the land from agricultural/forestry use to a commercial use for the keeping of ponies and the stationing of a caravan used for residential purposes. (ii) The construction of a wooden field shelter and the construction of a wooden shed. (iii) The formation of a hard standing. (iv) the construction of a palisade fence in excess of 1 metre in height adjacent to the highway

**Appeal Decision** – Enforcement Notice Upheld.

An informal hearing was held in respect of this appeal lodged against the Council serving an enforcement notice. The Inspector considered each part of the works individually and that all the breaches of planning control identified in the enforcement notice comprise inappropriate development in the Green Belt. In addition he considered they harm the openness of the Green Belt and the character and appearance of the site and the surrounding area. He concluded that the harm to the Green Belt is more than substantial and considered that the information supplied by the applicant at the hearing did not amount to very special circumstances.

A cost application made by the Council was not agreed.

The appellant has until 5 September 2017 to comply with the enforcement notice.

### **Planning Application V/2015/0759 and Listed Building Consent Application V/2015/0760**

**Site:** Forge Mill, Mill Lane, Bestwood Village, Nottingham, NG6 8SW

**Proposal:** Internal and external renovation of a former mill building to create offices, café, restaurant, worship area, factory workshop, with recreation areas and a 3 person manager's apartment

**Appeal decisions – Dismissed and costs refused.**

These appeals relate to a refusal of planning permission and Listed Building Consent which were decided by the Planning Committee. The Council's concerns on the planning application related to the mix of different uses not being in keeping with the residential locality, with varying activities, hours of operation and comings and goings. These combined uses would result in a detrimental impact upon residential amenity and public safety. It was also considered that the car park, access ramp, metal staircase and heat source pumps are located in the Green Belt and amounted to inappropriate development which adversely affect the purposes of the Green Belt and its openness. In respect of the Listed Building Consent the Council's concerns were that the alterations and additions to the building were not justified as sustainable and that a viable use had not been secured thereby the proposals were not consistent with the building's conservation.

The Inspector found on the planning application that the car park would amount to inappropriate development in the Green Belt resulting in a loss of openness and an impact on its purpose. He however considered the access ramp, metal staircase and heat source pumps not to be disproportionate additions to the building and therefore did not amount to inappropriate development in the Green Belt. In respect of the proposed uses he concluded that there would not be significant harm caused to the living conditions of nearby residents with regard to disturbance and public safety or significant harm to highway safety.

In respect of the Listed Building the Inspector considered the internal alterations would result in an unacceptable degree of subdivision of the second floor and attic contrary to the open plan form of the building and the inclusion of roof lights to be particularly incongruent and unnecessary. These changes therefore represent poor design and an unsatisfactory restoration of the building. The use of uPVC windows was also considered to be highly incongruent. In respect of the other external alterations and additions including the carpark he concluded these would not lead to an incongruent or inappropriate alterations subject to conditions controlling the finished appearance.

The Inspector further noted the fall-back position with the partially implemented scheme which has the benefit of planning permission and Listed Building Consent and could be completed but this did not alter the concern he had with the changes he identified as being failing to preserve the special historic interest of the Grade II Listed Building.

The Inspector concluded that the Council had legitimate concerns that could not otherwise have been resolved as such the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred.

**Corporate Plan:**

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

**Legal:**

Legal issues relating to the 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:**

No implications.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Human Resources/Equality and Diversity:**

No implications

**Other Implications:**

None

**Reason(s) for Urgency (if applicable):**

N/A

**Background Papers**

None

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**SERVICE DIRECTOR – PLACE AND COMMUNITIES**