

Report To:	PLANNING COMMITTEE	Date:	25 JULY 2018
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	ANNESLEY AND KIRKBY WOODHOUSE, HUCKNALL SOUTH, HUCKNALL WEST, HUTHWAITE AND BRIERLEY, JACKSDALE, SELSTON, SKEGBY		
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 the recent Appeal Decisions to Members' attention.

Alternative Options Considered

N/A

Appeal Decisions

Planning Application - V/2017/0547

Site – 150 Nuncargate Road, Kirkby in Ashfield, NG17 9EQ

Proposal – 3 Dwellings and Creation of Vehicular Access with Fence and Gates

Appeal Decision – Dismissed

The application sought consent for the erection of 3 detached properties on garden land to the rear of 150 Nuncargate Road.

The Inspector agreed with a previous Inspector that a footpath running to the left of the appellant site provided a clear demarcation between the higher density development and the lower density bungalows in larger plots along Nuncargate Road. The Inspector considered that the proposed dwellings would fragment and disrupt the prevailing pattern of development. For this reason, the

Inspector concluded that the development would have a detrimental impact on the character and appearance of the surrounding locality.

Planning Application – V/2017/0660

Site – 21A Farleys Lane, Hucknall, NG15 6DY.

Proposal – One Dwelling.

Appeal Decision – Dismissed.

The Inspector considered the proposal would be an unduly prominent and intrusive feature within the street scene, thus having a harmful effect on the character of the area. Additionally it was deemed that due to the proposal's shape and scale, it would appear disproportionate and discordant within the rhythm of the street scene, where other plots are generally wider and more proportionate. As such, the proposal would not accord to design policy contained within the National Planning Policy Framework (2012).

It was recognised that the area of outdoor space meets the Council's standard for amenity space. However taking into account the proposed forms of boundary treatments, it was concluded that this would result in a gloomy and awkward area of garden space, which would be of detriment to future occupiers.

Planning Application – V/2017/0359

Site – 9 Beauvale Crescent, Hucknall, NG15 6PT.

Proposal – One bungalow.

Appeal Decision – Dismissed.

This proposal was for a bungalow on land to the rear of existing properties. The Inspector considered that the development would detract significantly from the character and appearance of the site and its surroundings and the proposal would not provide satisfactory living conditions for future occupiers, because the outlook from habitable rooms would be restricted. It would thus be in conflict with Local Plan Policies and the NPPF.

Planning Application – V/2017/0345

Site – 14-16 Back Lane, Huthwaite, Sutton in Ashfield, NG17 2LL

Proposal – Outline Application to Demolish Existing Buildings, Create New Access and Erect 3 Dwellings

Appeal Decision – Dismissed

The Council considered that the proposal would have a harmful impact on highway safety, the proposal would have a detrimental impact on the amenity of future occupiers, and the proposal would be out of keeping with the prevailing pattern of development within the area.

Whilst the Inspector concluded that the proposal would not likely have an impact on highway safety and the proposal would provide future occupiers with satisfactory living conditions, the Inspector did agree with the Council that the proposal would create a tandem development. Such a development was considered by the Inspector to be out of keeping with the immediate surrounding area, and as such, the proposal would have a harmful impact on the character and appearance of the locality.

Planning Application – V/2017/0562

Site – 48-50 Main Street, Huthwaite, Sutton in Ashfield, NG17 2LG.

Proposal – Two Dwellings.

Appeal Decision – Dismissed.

The Council considered that the site was insufficient to accommodate the originally proposed four bedroom properties. An attempt was made by the applicant/agent to address the Council's concerns and one of the bedrooms was subsequently referred to as a 'home office'.

The Inspector shared the same view as the Council, that the properties must be considered on the basis of being four bedroomed, as attaching a planning condition restricting it to three bedroom would not meet the 'six tests' identified within Paragraph 206 of the National Planning Policy Framework (2012).

As such, the Inspector considered that the dwellings failed to provide adequate levels of private outdoor amenity space to the detriment of future occupiers; and the available space failed to meet the requirements outlined within the Council's Residential Design Guide (2014) Supplementary Planning Document. It was also agreed that adequate levels of off-street parking were essential in order to avoid highway safety issues and this was due to on-street parking being in short supply in the area, in addition to existing off-street parking at a neighbouring property being displaced.

Planning Application – V/2017/0660

Site – Land at Yew Tree Farm, Main Road, Jacksdale, NG16 5HW

Proposal – Certificate of lawful use or development for the siting of a mobile home for residential use.

Appeal Decision – Allowed with Costs

The Council had contended that there were significant gaps in the appellant's evidence to demonstrate a continuous ten-year period of residential usage. The Inspector considered that a statutory declaration by the site's previous owner and evidence from the site planning history, was sufficient to demonstrate that, on the balance of probability, the appeal site had been used for the siting of a mobile home for residential purposes ten years prior to 1985. The Inspector dismissed the Council's arguments that the residential usage had been abandoned.

The Inspector awarded costs to the appellant because he considered communication and cooperation with the applicant fell short of what could be expected and the Council's case was not substantive and lacked sufficient evidence. These shortcomings amounted to unreasonable behaviour and justified an award of costs.

Planning Application – V/2017/0647

Site – Vernon Maltby Skip Hire, 7 School Road, Selston NG16 6AW

Proposal – Replacement Maintenance Building

Appeal Decision – Allowed

The Council refused the application on the basis of an adverse impact upon the living conditions of neighbouring residents and highway safety. The Inspector considered that the proposal would have some harmful effects on the outlook from neighbouring properties' gardens. However, the Inspector found no conflict with respect to noise, disturbance and highway safety. The proposal was considered to assist with a local business and to have benefits for the local economy and employment. Overall, these benefits were considered to outweigh the harm and the appeal was allowed.

Planning Application – V/2017/0299

Site – 151 Mansfield Road, Sutton in Ashfield

Proposal – display of a 48-sheet backlight

Appeal Decision – Allowed

The application sought consent for the replacement of an existing 48-sheet advertisement display with a 48-sheet backlight display.

The Inspector agreed with the Council that the site is a prominent feature when travelling east along Mansfield Road. However he considered when viewed from the east in longer views, the hoarding is seen in the context of commercial premises, other illuminated signage and a busy and well illuminated road network. The Inspector was satisfied the advertisement would not have a harmful effect on the character and appearance and therefore amenities of the surrounding area; nor would it cause harm to public safety.

Corporate Plan:

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

Legal:

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

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The award of costs, details of which have not been received can be met from the Planning Appeal Costs provision.
General Fund – Capital Programme	none
Housing Revenue Account – Revenue Budget	none
Housing Revenue Account – Capital Programme	none

Risk:

N/A

Risk	Mitigation

Human Resources:**Equalities:**

No implications

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

Report Author and Contact Officer

Mick Morley

01623 457538

m.morley@ashfield.gov.uk

Carol Cooper-Smith

INTERIM DIRECTOR – PLACE AND COMMUNITIES