

Report To:	Planning Committee	Date:	20th September 2018
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	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 Decision.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Planning Application - V/2017/0066

Site – Felley Alpacas, Felley Mill Lane South, Underwood

Proposal – Application for the erection of an agricultural dwelling and provision of package waste water treatment plant.

Appeal Decision – Allowed and partial award of costs

The Inspector confirmed that the proposal constitutes inappropriate development in the Green Belt, reducing its openness, and is therefore harmful and should only be approved if very special circumstances exist which may outweigh the harm. He assessed however that the impact upon the character and appearance of the Green Belt would be modest and capable of being addressed by way of landscaping measures and that view corridors towards Underwood Church would not be harmed.

He was persuaded that the financial tests support a sound ongoing business and that the functional need for a dwelling for a full time worker should be met on the site rather than by accommodation close by in Underwood, as suggested by the Council and in so doing, concluded that the essential need for a rural worker to live on the site clearly outweighs the harm to the Green Belt.

Accordingly, the appeal was allowed, subject to conditions including restriction of occupants to rural workers; provision of landscape scheme; and removal of permitted development rights.

Cost Award

The Inspector took the view that it was unreasonable for the Council to maintain the view that accommodation within nearby Underwood would fulfil the essential functional need for a full time worker, contrary to the opinion of the Inspector in the 2008 appeal decision on a temporary mobile caravan.

The Inspector therefore awards costs limited to that incurred in responding to the Council’s case in part that it would be possible for the applicant to live off-site in Underwood and be within sufficient proximity to care for his stock.

No claim has yet been received from the appellant in this respect.

Planning Application – X/2017/0049

Site – The Barn, Land at the Triangle, Felley Mill Lane South, Underwood, Nottinghamshire NG16 5GS

Proposal – Prior approval for a proposed change of use from agricultural to dwelling.

Appeal Decision – Allowed

A previous appeal was dismissed at this site for the same proposals - on the basis the site was being for the stabling of horses, which did not fall within the definition of Agriculture within the Town and Country Planning Act (1990). On this occasion, the applicant had submitted a sworn affidavit stating that whilst horses were grazed on the land between 2008 – 2016 – these were on the land for grazing purposes only, and were not housed in the stables, nor fed any hay whilst on the site. The Inspector gave the documents due weight in accordance with their legal standing and considered that, on the balance of probabilities, the site was solely used for an agricultural use as part of an established agricultural unit on 20 March 2013.

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
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General Fund – Revenue Budget	The award of costs, details of which have not been received can be met from the Planning Appeals 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:

No implications

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

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