



MAP SCALE 1: 1250
CREATED DATE: 03/02/2021

COMMITTEE DATE 17/03/2021 **WARD** Huthwaite and Brierley

APP REF V/2020/0647

APPLICANT Mr John Price

PROPOSAL Change of Use From Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road

LOCATION Land Rear of 22A, Back Lane, Huthwaite, Sutton in Ashfield, Nottinghamshire, NG17 2LL

WEB-LINK <https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z>

BACKGROUND PAPERS A, C, D & K

App Registered: 07/10/2020

Expiry Date: 01/12/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Hollis on the grounds of visual and residential amenity.

The Application

This is an application that seeks planning consent for the change of use of land to the rear of 22a Back Lane for domestic purposes. The change of use will include the construction of a detached garage building for the storage of a domestic vehicle, the construction of a wooden chicken coop, an area of hard surfacing for outdoor domestic vehicle storage, and the creation of a grassed recreation area. The site would be used in association with an established traveller site off Back Lane, Huthwaite.

Consultations

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

2x Letters of objection/concern has been received from local residents raising the following:

- Increased noise disturbance
- Increased traffic generation within the area

- Public footpath will be impacted
- Public footpath already tarmacked
- Site will be used for commercial purposes
- Caravans are parked on the land in question and are being occupied
- Impact on property values

Nottinghamshire County Council Highways:

The proposal is for the storage of domestic vehicles which already utilise the access driveway/access and therefore there will be no intensification of the access. No objections to the proposed development are raised.

Nottinghamshire County Council Rights of Way:

Whilst Sutton in Ashfield Footpath 120 runs adjacent to the application site, the footpath would remain unaffected by the proposal. As such the Rights of Way team have no objections. Request an informative be attached to any approval.

Nottinghamshire Wildlife Trust:

No comments to make on the application.

Natural England:

No comments to make on the application.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019

Part 2 – Achieving Sustainable Development

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development

ST2 – Main Urban Area

Supplementary Planning Documents

Residential Extensions Design Guide 2014

Relevant Planning History

V2020/0243

Details: Change of use from derelict land to domestic with vehicle storage shed, chicken coup, grassed recreation area and hard standing for vehicle storage.

Decision: Refusal

Adjacent site

V/2016/0742

Details: Change of Use of Land to use as Residential Caravan Site for Two Gypsy Families, Including the Erection of Amenity Building

Decision: Refused - Allowed on appeal

V/2019/0520

Details: Shower block

Decision: Conditional Consent

V/2019/0521

Details: Application to Vary Condition 3 and 6 of Planning Permission V/2016/0742 Approved by Planning Appeal APP/W3005/C/17/3172500 - to Allow 4 Residential Static Caravans and 4 Touring Caravans and 6 - Revised Site Layout

Decision: Conditional Consent

V/2020/0545

Details: Amenity Block

Decision: Refusal

V/2020/0796

Details: Amenity Block

Decision: Pending

Comment:

The application site is located within the main urban area of Sutton in Ashfield, and comprises of a parcel of land to the west of two established traveller plots off Back Lane, Huthwaite. Prior to its clearance, the application site was heavily overgrown and derelict, and now comprises of an area of temporary hardstanding as well as a steel garage building.

Sited to the east of the site are two established traveller plots, whilst to the north and west of the site is existing residential development on Rowan Croft. Adjacent to the south of the site is the access driveway, which also forms Sutton footpath no. 120, which links Chesterfield Road with Back Lane. Beyond the access and footpath is further residential development sited on Back Lane and Chesterfield Road.

As part of the proposal, a brick built garage building is proposed to be constructed. The garage building is proposed to be utilised for the storage of a domestic vehicle and other domestic paraphernalia. A timber and wire chicken coop is also proposed to be sited within the site. An area of hardstanding is to be formed to allow for the parking of domestic vehicles, as well as the formation of a grassed recreational space.

Permission has previously been refused under planning reference V/2020/0243 for the change of use of the land to domestic, the erection of a steel storage shed and the siting of a storage container to be used as a chicken coop, and the provision of

hardstanding and grassed recreational space. This application was refused on the grounds that the steel storage shed and storage container appeared incongruous and uncharacteristic within the surrounding residential development.

This application seeks to overcome the previous reason for refusal, through the construction of a brick and tile garage building and the provision of wooden chicken coop.

The main issues to consider as part of this proposal is the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

Visual Amenity:

Part 12 – Achieving Well Designed Places of the NPPF 2019, stipulates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, and are sympathetic to local character, including the surrounding built environment.

The proposed garage building will measure approximately 7m in width and 6m in length, and will have an overall height of just under 4m. The garage building is proposed to be constructed from red facing bricks and grey roof tiles and will be sited to the south-west of the site, adjacent to the public footpath. The size and scale of the proposed garage building, along with the proposed construction materials, would not appear dissimilar to domestic outbuildings found within the curtilage of domestic properties on Rowan Croft and Chesterfield Road. The garage building would subsequently be in keeping with the surrounding residential setting.

In regards to the chicken coop, this is proposed to be of a timber and wire construction and will measure approximately 1.8m in height and will measure 2.5m in width by 2.5m in length. The coop will be sited along the sites northern boundary. A chicken coop of this size and construction is not an unusual form of development found within a domestic setting, and therefore it will not appear incongruous with the surrounding residential area.

It is considered that the use of the site for the storage of domestic vehicles only, which would include the laying of hardstanding, and the creation and use of an area of grassed land for domestic purposes would be unlikely to give rise to any significant impact on the visual amenity of the area.

It is subsequently considered that the proposal is representative of development that would typically found within a domestic setting, and the proposal will as such no give rise to any detriment to the character and appearance of the locality.

Residential Amenity:

It is considered that due to the siting, size and scale of the proposed garage building and chicken coop, that the proposed built development would not give rise to any detrimental massing, overshadowing or overlooking impact on nearby residents.

Comments have been received from a local resident raising concerns that the proposed change of use of the land for domestic purposes would give rise to increased noise disturbance.

Although it is acknowledged that the application site has remained unused until recently, the site would be used in association with two existing traveller pitches to the east of the site at 22a Back Lane, and would only be used by those residents. Furthermore, the proposed garage building, hard standing and grassed recreational space are to be used for domestic purposes only, and therefore any noise generated from the use of the site would not be dissimilar to noise emanated from any other domestic premises within the surrounding area. A condition requiring the proposed development to be used for domestic purposes only would be attached to any approval notice.

Highway Safety/Public Right of Way:

Although the access to the site is via an unadopted driveway, the access does comprise of a public right of way, known as Sutton in Ashfield Footpath 120. Whilst the vehicular access presently extends approximately 60m along the footpath from Back Lane, as part of this proposal, the access will be required to be extended a further 40m (approx.) in length to provide suitable vehicular access to the application site.

Concerns have been raised by local residents in regards to the safety of pedestrians using the footpath, as well as concerns regarding increased vehicular movements on the access track and within the surrounding area as a result of the proposal.

Information submitted with the application states that all vehicles stored on the land would be for domestic purposes only, in association with the two existing traveller pitches to the east of the site. The applicant has confirmed that there is to be no commercial vehicles stored at the site.

Based on the information submitted, the Highways Authority have confirmed that they have no objection to the proposal, whilst the County Council Rights of Way team have also confirmed that they have no objections to the proposal on the proviso that the access is hard surfaced in a bound material and appropriate drainage is provided to prevent unregulated surface water. These requirements would be secured by way of condition as part of any approval of the scheme.

Given that the vehicles proposed to be stored on the site are already utilising the access track, it is considered that the proposal would not result in any increase in vehicular traffic within the vicinity of the site. Further, as the track would measure approximately 4m in width, it is considered that there would be sufficient space for vehicles and pedestrians utilising the access track/public footpath to safely pass.

Conclusion:

The use of the land for domestic purposes would be used in association with two established traveller pitches to the east of the application site. Given the siting and

size of the proposed development, it is considered that the proposal will not give rise to any significant impact upon the appearance on the street scene, nor will it give rise to any undue impact on the amenity of nearby residents by virtue of increased noise disturbance.

In addition to the above, the proposal will also not result in any detriment to the adjacent driveway or public footpath, and will not give rise to any impact upon highway safety within the vicinity of the site.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below.

The Authority are aware that the applicant has a protected characteristic under the Equality Act 2010. The Authority understand the relevant requirements of the Equality Act 2010 and conclude that the applicant is in no way being treated unfairly based on their protected characteristic, namely their race, during the consideration of this application.

Recommendation: Full Application – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan Scale 1:1250, Received 01/10/20; Proposed Block Plan Scale 1:500, Received 01/10/20; Proposed Elevations and Floor Plans, Drawing No. MW/JP.02, Received 06/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The development hereby permitted shall be carried on only by the following and their resident dependants: Mr Jim and Mrs Florie Price, Mr John and Mrs Eva Price, Mr Amos and Mrs Geraldine Price and Miss Tina Price.**
- 4. The garage building and use of the site hereby permitted, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, those named in Condition 3.**
- 5. No building, structure or vehicle on the land shall be inhabited at any time.**
- 6. No commercial activities shall take place on the land at any time, including external storage of any kind (unless associated with the**

construction of the permitted garage building and chicken coop) and the burning of materials.

- 7. When the site ceases to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all vehicles, buildings and structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.**
- 8. No sheds, amenity/utility buildings or structures other than those hereby shown on the approved drawing (Block Plan, received 01/10/20) shall be erected on the site at any time.**
- 9. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site and no more than four vehicles, including caravans, shall be stationed, stored or parked on the site at any one time, including in the garage space.**
- 10. All areas for parking, storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not part of the public right of way and the use of such areas must not interfere with the use of the public right of way.**
- 11. No part of the development hereby permitted shall be brought into use until the access driveway is surfaced in a hard-bound material (not loose gravel). The surfaced access driveway shall then be maintained in such hard-bound material for the life of the development.**
- 12. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the access driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

3. To define the terms of the permission, for the avoidance of doubt.
4. To define the terms of the permission, for the avoidance of doubt.
5. To ensure that the development takes place as envisaged by the Local Planning Authority, in the interests of amenity.
6. To safeguard the amenities of residents living in the vicinity of the application site.
7. To safeguard the amenities of residents living in the vicinity of the application site.
8. To safeguard the amenities of residents living in the vicinity of the application site.
9. In the interests of highway safety and to define the terms of the permission for the avoidance of doubt.
10. In the interests of highway safety.
11. In the interests of highway safety.
12. In the interests of highway safety.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The construction of the development should not affect, or obstruct in anyway Sutton in Ashfield Footpath Number 120, unless subject to appropriate diversions or closure orders. Any required path closure or diversion application should be made via consultation with Nottingham County Council. In addition to this, the safety of the public using the footpath should be observed at all times.
3. The applicant is advised that the existing boundary hedge/tree line directly bordering the development/boundary is the responsibility of the owner of the land. The land owner is responsible for the maintenance of

the boundary, including ensuring that the hedge/tree line is cut back so as not to interfere with the right of way.