

Report To:	Planning Committee
Date:	23 September 2022
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING
Ward/s:	ANNESLEY AND KIRKBY WOODHOUSE, HUCKNALL SOUTH, JACKSDALE AND WESTWOOD, KINGSWAY, SELSTON
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

Detailed Information

Planning Application – Appeal Decisions

Annesley and Kirkby Woodhouse

Planning Application Site Proposal

V/2021/0437

Wesleyan Church 156a Forest Road

The widening of the front door way of the building and part removal of the front wall to enable vehicle access into the building.

Appeal Decision Appeal dismissed

The Inspector conclude that due to its unsympathetic design, the proposal would lead to significant harm to the character and appearance of the building and the streetscape which would also lead to great harm to the significance of this non-designated heritage asset. Also due to the nature of vehicle movements arising from the proposed parking and access, the proposal would lead to significant harm to highway safety.

Planning Application V/2021/0437
Site Grives Farm, The Granary, Lindleys Lane, Kirkby in Ashfield
Proposal Install replacement windows and doors

Appeal Decision Appeal dismissed

This appeal was in respect of a former stone barn converted to residential in 2005. The proposal was to replace the wooden windows with UPVC and doors with UPVC composite doors and aluminium bifold doors. The Inspector considered these changes to modern materials would fail to relate to the historic character which is strongly derived from the variation in colour and texture of traditional materials and would cause harm to the significance of the non-designated heritage asset.

Hucknall South

Planning Application V/2021/0461
Site Hucknall Day Nursery Nottingham Road Hucknall
Proposal Appeal challenging Condition 5 which restricted the day nursery to provide care for a maximum of 100 children

Appeal Decision Appeal Allowed

This appeal was lodged against a condition imposed on an application to erect a timber framed and clad classroom on land at the back of the existing nursery. The reason the condition was imposed was to ensure the site had sufficient car parking capacity and to protect the amenities of neighbouring residents.

The Inspector accepted there was no evidence that the council was aware the applicant sought to increase the maximum number of children to 110, it was apparently contained in a presentation to neighbours which discussed an increase of 24 children. The Inspector went on to consider the increase in the maximum by 10 children and although no evidence of parking use patterns was submitted there was also no evidence of a parking or highway safety problem on the lower number of child places so the conclusion was that there would be no harm. In respect of impact on neighbours there was only one objection to the proposal and the conclusion was 10 extra children is unlikely to cause an unacceptable level of additional noise and disturbance taking into account the layout of the buildings.

Jacksdale and Westwood

Planning Application Enforcement
Site 249 Alfreton Road, Pye Bridge, Selston
Proposal Change of use to a mixed use residential and commercial

Appeal Decision Appeal dismissed enforcement notice upheld.

This appeal was a public Inquiry which lasted over 4 days the Inspector considered evidence, given on oath, in respect of a commercial use at a residential property which included

- Coach and mini-bus parking and dispatch.
- The storage of commercial vehicles in association with the coach and mini-bus parking and dispatch business.
- The storage of scrap vehicles and vehicle parts.
- The siting of 2 portable buildings and 2 lorry bodies used for commercial storage.
- The creation of a hard standing/surfacing to facilitate the commercial use.

The inspector concluded that the uses were not lawful, were development for which planning permission was required and considered the planning merits of the coach and mini bus dispatch use but concluded the harm to the Green Belt, the impact on the character and appearance of the appeal site and the area in the vicinity and the impact on residential amenities was so great that planning permission was refused. The time for compliance with the enforcement notice was extended from 4 months to 6 months and is required to be complied with by the 11 October 2022. Assurances have been given by the appellant that he is working to ensure compliance with the notice.

Kingsway

Planning Application V/2021/0287
Site Half Moon Farm, Kingsway, Kirkby in Ashfield
Proposal Construction of 4 bedroom Dwelling

Appeal Decision Appeal dismissed

The Inspector concluded that the proposed dwelling would result in harm to the openness of the Green Belt both spatially and visually. It would therefore conflict with the purposes of Green Belt policy to keep land permanently open.

Selston

Planning Application V/2021/0400
Site The Dogs Paws
Proposal Removal of conditions restricting outside tables and chairs and use of the rear outside area.

Appeal Decision Appeal dismissed costs not awarded to appellant

The Inspector considered the site to have a close-knit relationship with adjacent dwellings and although a noise impact assessment had been submitted with the application this was not appropriate because the noise characteristics are different. The conclusion was that it would not be possible to use planning conditions (fencing or other means) to effectively mitigate harm arising from noise and disturbance in this location.

The appellant sought costs from the council, the inspector concluded that the council had not acted unreasonably in its determination of the application.

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	Costs awarded against the Council
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk: N/A

Risk	Mitigation
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

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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