

<b>Report To:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>6 December 2023</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING</b>
<b>Ward/s:</b>	<b>GREENWOOD &amp; SUMMIT, HUTHWAITE &amp; BRIERLEY, UNDERWOOD</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **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

#### **Greenwood & Summit**

<b>Planning Application Site</b>	Enforcement 96 Southwell Lane, Kirkby in Ashfield, NG17 8EZ
<b>Proposal</b>	The siting of an unauthorised building (“the caravan”)
<b>Appeal Decision</b>	Appeal Allowed and Enforcement Notice is Quashed

The Council had served an enforcement notice in respect of operational development. The Inspector concluded that although it is a relatively large caravan, it does not have a significant level of permanence and is only attached to the ground through its own weight. It was determined that

the development is not a building and does not constitute operational development requiring planning permission. Therefore the appeal was allowed and the enforcement notice is quashed.

**Planning Application** V/2022/0664  
**Site** 96 Southwell Lane, Kirkby in Ashfield, NG17 8EZ  
**Proposal** Static caravan to be kept in the side garden of property. Caravan to be used as future accommodation  
**Appeal Decision** Appeal Dismissed

This appeal and the enforcement appeal above were linked when considered by the Inspector. The Inspector stated that although it has been determined that the operational development which is the subject of the enforcement notice does not constitute development requiring planning permission it is not within their remit to consider the legalities of the planning appeal and whether the proposal requires planning permission.

On this basis the Inspector considered that the application for a use of land would be harmful to the character and appearance of the area and considered that due to the degree of harm found, additional landscaping or other measures would not serve as adequate mitigation and refused planning permission. It should be noted here that although the inspector refuse the planning permission it does not mean a new enforcement notice in respect of a use would succeed since the use is ancillary to the dwelling and there has been no material change in the use of the site officers will continue to monitor this site.

### **Huthwaite & Brierley**

**Planning Application** Enforcement  
**Site** Land adjacent to Woodend Public House, Chesterfield Road, Huthwaite, NG17 2QL  
**Proposal** Without planning permission, the material change of use of the land from agricultural use to residential use.  
**Appeal Decision** Appeal Dismissed and the notice upheld (but, pursuant to Appeal B)

The Inspector concluded that although the development is potentially acceptable in its own right, it appeared to be unfinished and might require further development of utility blocks or dayrooms on some pitches to facilitate the living arrangements of the occupiers. This would not be compatible with also allowing the planning appeal therefore the appeal was dismissed and upheld the enforcement notice.

**Planning Application** V/2022/0391  
**Site** Land adjacent to Woodend Public House, Chesterfield Road, Huthwaite, NG17 2QL  
**Proposal** Change of use from paddock to residential for static caravans and associated parking of touring caravans and domestic vehicles for use by one family group, plus utility block.  
**Appeal Decision** Appeal Allowed

This appeal and the enforcement appeal above were linked when considered by the Inspector. The Inspector concluded that the proposal was consistent with the development plan for the area, at least in so far as the development plan remains consistent with national policy. It was found not to conflict with policy HG9 of the Ashfield Local Plan Review (2002) and noted that whilst there is some limited harm to the openness of the countryside the appeal site is not away from a settlement and is in a location supported by the Planning Policy for Traveller Sites. It therefore does not dominate the nearest settled community. The Inspector found that it is well and spaciouly planned

and capable of being landscaped in a way that is positive to the environment and to the health of the occupants of the site including play areas for children.

The Inspector therefore granted planning permission subject to conditions but upheld the enforcement notice. If the conditions are therefore not complied with, the enforcement notice will take effect. However if the conditions are complied with then the planning permission overrides the enforcement notice.

### **Underwood**

**Planning Application** V/2022/0864  
**Site** Land to the rear of 26 Main Road and fronting Smeath Road, Underwood, Nottinghamshire, NG16 5GF  
**Proposal** Detached bungalow  
**Appeal Decision** Appeal Dismissed

The Inspector concluded that the proposal when viewed from the road would appear cramped within its plot, at odds with the pattern of development and would cause demonstratable harm to the character and appearance of the area.

**Planning Application** V/2022/0147  
**Site** Land adjacent Church Lane, Underwood, NG16 5HD  
**Proposal** Application for outline planning permission with all matters reserved for a maximum of 4 dwellings  
**Appeal Decision** Appeal Dismissed

The Inspector concluded that the scheme had significant benefits however there was insufficient information submitted to fully assess the effects of the proposed development upon protected species, notably grass snakes and dismissed the appeal.

### **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:**

<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

**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**

N/A

**Reason(s) for Exemption**

N/A

**Background Papers**

None

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