

Report To:	PLANNING COMMITTEE
Date:	6 MARCH 2024
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	ANNESLEY & KIRKBY WOODHOUSE, KIRKBY CROSS & PORTLAND, SKEGBY, STANTON HILL & TEVERSAL, SUTTON CENTRAL & NEW CROSS
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	V/2023/0262
Site	2 Main Road, Kirkby in Ashfield, NG179EZ
Proposal	Conversion and extension of detached garage to form 1 No. dwelling
Appeal Decision	Appeal Dismissed

The Inspector agreed the proposal would result in a cramped form of development and result in an overdevelopment of the site which would look at odds with development in the area. It would also

lack adequate private amenity space and it had not been demonstrated that safe access was possible. It was therefore concluded that the proposal would conflict with the policies in the local plan and the requirements of the NPPF and the appeal was dismissed.

Kirkby Cross and Portland

Complaint Reference HIH/2021/0001 (High Hedge Complaint)
Site 36 Church Hill, Kirkby in Ashfield, NG17 8LJ
Appeal Decision Appeal Allowed

The Inspector concluded that the hedge at 36 Church Hill was of such a height that it was having an adverse effect on light entering the garden space of 32 Church Hill, and that it was also obstructing the properties outlook. The Inspector considered it was unreasonable of the Council to conclude that the hedge was not affecting the reasonable enjoyment of no. 32's garden. The Inspector subsequently served a remedial notice requiring the hedge to be reduced to 8m in height initially and then not to exceed 8.5m in height at any time thereafter when measured from the base of the stems.

Skegby

Planning Application V/2023/0054
Site Land adjacent 113 Beck Lane, Sutton in Ashfield, NG17 3AH
Proposal The erection of up to 9no dwellings with associated new private access (means of access submitted, all other matters reserved).
Appeal Decision Appeal Allowed

The Inspector considered this side of Beck Lane had changed to an Urban rather than a rural character and appearance, that these 9 properties would amount to the infilling of a gap between two residential areas and would not adversely affect character or openness of the area. He also considered the hedges and trees on the site and concluded they were unremarkable and of very limited merit not suitable for a TPO but could be retained withing a scheme. A number of conditions were included which mitigated the concerns.

Stanton Hill and Teversal

Planning Application V/2023/0143
Site Whiteborough Farm, Chesterfield Road, Huthwaite, NG17 2QJ
Proposal Access track, hardstanding and temporary change of use of agricultural land for storage use
Appeal Decision Appeal Dismissed

The Inspector considered that the proposed development did not amount to appropriate development in the countryside, and that the containers would be out of keeping with the countryside's agricultural character, relating poorly with the surrounding form and landscape, resulting in a visual impact. While the access track and hardstanding were considered to be more aligned with the agricultural use, these would still be prominent and stark when viewed against the surrounding grassland. It was also not demonstrated that the access track provides a safe and suitable access. The Inspector also found that the proposal would have a harmful effect on nature conservation, with particular regard to the site's designation as a Local Wildlife Site.

Planning Application V/2022/0002
Site Plot adj. 99 Wild Hill, Teversal, Stanton Hill, NG17 3JE

Proposal	Erection of two no. new two-storey dwellings with single garage and two parking bays
Appeal Decision	Appeal Dismissed
Cost Application	Refused (both for and against the Council)

The Inspector agreed with the Council that the findings contained within the Preliminary Ecology Appraisal required further survey work to be carried out in regard to protected species, and the failure of the appellant to provide these meant that an informed decision about the effect of the proposal on protected species could not be made, and whether any harm could be appropriately mitigated. The Inspector also shared concerns with the Council that the submitted Tree Report was insufficient and conflicted with the Preliminary Ecology Appraisal and considered again that they were unable to conclude that the proposal could be accommodated without causing harm to trees and woodlands, and whether any harm identified could be mitigated.

Two applications for costs were submitted; one on behalf of the Council against the appellant, and the other on behalf of the appellant against the Council. The Inspector considered that neither party had acted unreasonably and an award of costs to either party was not appropriate in this instance.

Sutton Central and New Cross

Planning Application	V/2023/0394
Site	82 Outram Street, Sutton in Ashfield, NG17 4BG
Proposal	Flat within roofspace at second floor level
Appeal Decision	Appeal Allowed

The Inspector acknowledged the Council's supplementary design guidance in respect of roof extensions and agreed with the Council that the dormer window would add bulk to the existing extension. However, the Inspector concluded that the proposed dormer window had been designed to be as small as possible and would not dominate or unduly affect the character and appearance of the existing building and would not appear out of keeping with surrounding development.

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	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

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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