

Report To:	Planning Committee
Date:	23 October 2024
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	Huthwaite and Brierley, Kirkby Cross and Portland, Stanton Hill and Teversal
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

Huthwaite and Brierley

Planning Application V/2022/0087

Site Garage court and allotments off Lime Avenue, Huthwaite

Proposal Outline application with all matters reserved for residential development

Appeal Decision Appeal Dismissed. Costs application against the council dismissed

The Inspector concluded that the absence of sufficient information means that potentially significant harm to protected species cannot be ruled out. However, the Inspector

disagreed with the Council and resolved that the proposal would be capable of providing safe site access and egress and would not cause harm to highway safety. The Inspector could not be certain that the contributions sought in respect of education, public open space, public realm, biodiversity and the monitoring fee would be necessary to make the development acceptable. He did however find that obligations in respect of affordable housing and bus stop improvements would be necessary to make to development acceptable in planning terms. Overall, the Inspector concluded that the identified harms represent adverse effects that would significantly and demonstrably outweigh the identified benefits of the proposal.

Kirkby Cross and Portland

Planning Application V/2023/0484
Site 19 Church Street, Kirkby, NG17 8LA
Proposal Development of single storey bungalow
Appeal Decision Appeal Dismissed

This appeal followed previous decisions which proposed the development of this site and were also refused. In this case the Inspector agreed with the Council that the siting of the bungalow and the loss of the stone wall on the frontage would erode the sense of enclosure along the street scene and appear as a harmful addition which would be detrimental to the Kirkby Conservation area and was therefore contrary to policy and because it would fail to preserve or enhance the character or appearance of the Conservation area it would not meet the statutory requirements of the Act. The proposed access was also considered to be unsafe due to the conflict with an adjacent access and limited visibility.

Stanton Hill and Teversal

Planning Application V/2023/0716
Site 124 – 183 Wild Hill, Teversal NG17 3JE
Proposal 3 Dwellings
Appeal Decision Appeal Dismissed

This decision followed a previous decision to refuse permission for 9 dwellings on a wider site, the Inspector agree with the Council that a gap of 175 metres is not small and could not be classed as infill housing, and that the proposal would cause harm to the character and appearance of the area and openness of the countryside. He also agreed that the site is not in a sustainable location and that the access in close proximity to a T junction would also not be safe.

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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