

Report To:	PLANNING COMMITTEE
Date:	19 MARCH 2025
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	
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

Hucknall North

Planning Application	V/2024/0210
Site	6 Dorothy Avenue, Hucknall, Nottingham, NG15 8DL
Proposal	Two storey extensions to side and rear and render to existing dwelling
Appeal Decision	Appeal Allowed

The Inspector considered that there was some variety in terms of the style of the windows proposed in the extension, however these were positioned on the side or rear of the building, where the visibility is reduced. They acknowledged the proposal would deviate from the

Council's Residential Extension Design Guidance Supplementary Planning Document (2014) (SPD), in respect of windows, but noted the document is for guidance purposes only. It was therefore considered the overall design would not result in harm to the character of the dwelling or area and so the inspector decided to allow the appeal.

Planning Application V/2023/0626
Site 94 Linby Road, Hucknall, Notts, NG15 7TW
Proposal Demolition of Existing Dwelling and Construction of Two New Dwellings, Plus New/Modified Accesses onto Linby Road
Appeal Decision Appeal Dismissed

The Inspector accepted that the side window of the neighbouring property served a habitable room (a bedroom), and that the development would result in a significant reduction in the level of daylight filtering through the window to the bedroom. As such the proposed development would have an unacceptable effect on the living conditions of the occupants of No.92 with particular regard to loss of light.

The Inspector considered that the development would not have an unacceptable effect on highway safety.

Huthwaite and Brierley

Planning Application V/2024/0263
Site 12 Carnarvon Road, Huthwaite, Notts, NG17 2JQ
Proposal Detached Annex
Appeal Decision Appeal Dismissed

The Inspector considered that the proposal falls significantly short of what is expected in terms of both the quantum of living space and the provision of private outdoor amenity space, and as such, it would not provide suitable living conditions for future occupiers.

In addition, the Inspector concluded that increasing demand for on-street parking within the vicinity of the site, even if only by one vehicle, would unacceptably result in consequential harm to highway safety given the existing congested context.

Greenwood & Summit

Planning Application X/2024/0008
Site 99 Vernon Road, Kirkby in Ashfield, Nottinghamshire, NG17 8ED
Proposal Application to Determine if Prior Approval is Required for a Proposed Change of Use from Commercial, Business and Service (Use Class E) to Dwellings (Use Class C3) - Conversion of a Workshop to Form Two Residential Apartments Under Class MA
Appeal Decision Appeal Dismissed

The Inspector noted that a Class MA of the prior approval process permits the change of use of a building but not for operations required to facilitate the change of use. The proposal included building operations such as the insertion of windows and a door and therefore it

would go beyond what is allowed under Class MA. The inspector therefore dismissed the appeal and did not find it necessary to consider any other matters.

Stanton Hill & Teversal

Planning Application	V/2022/0295
Site	Land North of Fackley Road, Teversal, Sutton in Ashfield, Nottinghamshire NG17 3HN
Proposal	Development of 124no. Dwellings, Access, Attenuation Basin and Associated Landscaping and Infrastructure
Appeal Decision	Appeal Allowed
Costs Decision	Costs Awarded against the Council

The Inspector acknowledged that the development would result in encroachment into open countryside, but concluded that the visual effects of the development would be localised and limited, and would not be harmful to the character or appearance of the area.

It was also concluded by the Inspector that the development would not increase flood risk elsewhere and the drainage proposals were acceptable, and they were satisfied that a sequential test for flood risk would be unnecessary.

The Inspector reviewed the financial contributions requested, and discounted contributions towards broadband and public realm.

A full award of costs was given against the Council.

Sutton Central & New Cross

Planning Application	V/2024/0265
Site	70 Outram Street, Sutton in Ashfield, Nottinghamshire, NG17 4FS
Proposal	Removal of Existing Shop Front Windows and Shutters and Replaced with Two New Windows and an Additional Single Door
Appeal Decision	Appeal Dismissed

The Inspector considered that the unauthorised changes to the shop front, when viewed as a whole, failed to exemplify good design and would have an adverse effect on the character of the street scene. It was acknowledged that Outram Street has become a problematic area with less than desirable frontages and that the Town Investment Plan 2021-2030 aims to in part address this by creating an attractive town centre through economic and urban regeneration. Finally, they noted the appellant's needs could be addressed through alternatives which would not have an adverse effect on the host building and street scene. The appeal was therefore dismissed.

Sutton Junction & Harlow Wood

Planning Application	V/2022/0629
Site	Land at Newark Road, Coxmoor Road, Sutton in Ashfield, Notts
Proposal	Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping

Appeal Decision
Costs Decision

Appeal Allowed
Costs Awarded against the Council

The Inspector acknowledged that the site is designated as countryside in the outdated development plan, but the Council cannot demonstrate a five-year housing land supply. The tilted balance in the NPPF therefore applied.

The site was considered a sustainable location with access to amenities and public transport, with proposed improvements further supporting sustainable travel. The loss of open countryside was noted but deemed to have a limited and localised impact, mitigated by landscaping. The loss of best and most versatile agricultural land was considered minimal.

Concerns about contamination from a former landfill were addressed through extensive assessments, and conditions were imposed to manage risks. The impact on the highway network, including a nearby level crossing, was considered acceptable with mitigation measures.

Section 106 obligations were largely supported.

A full award of costs was given against the Council.

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

Report Author and Contact Officer

Mick Morley

Development Team manager

mick.morley@ashfield.gov.uk

Sponsoring Executive Director

John Bennet

Executive Director – Place

john.bennet@ashfield.gov.uk