

13. **PLANNING APPEALS – HEAD OF LAW REPORT (A.1536/AMC)**

1 **APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/HPK/1015/0997 3144521	Lawful Development Certificate - Existing use in respect of the conversion of a residential outbuilding, known as "The Coach House" to form an additional self-contained dwelling at The Coach House, High Peak House, Chapel-en-le-Frith, SK23 0PU	Inquiry	Delegated

2 **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3 **APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0615/0606 3136775	Erection of lambing shed at Thornbridge Hall, Ashford-in-the-Water, Bakewell, DE45 1NZ	Written Representations	Dismissed	Delegated
15/0047 (Enf) 3128691	Use of land for clay pigeon shooting without planning permission on land to the west of A624 Hayfield to Glossop Road	Written Representations	Dismissed	Committee

The Inspector noted that since the appeal was submitted the planning committee had resolved to approve the planning application subject to a section 106 agreement, which was currently being negotiated. As the compliance period will begin again from the date of that decision, it will give the appellant well into the summer to make arrangements for suppliers to remove the equipment from the site and it more than adequately allow for any pre bookings to be honoured. It should also be ample time for a section 106 agreement to be agreed with the Authority. However, should that prove not to be the case, the Authority have the power, under section 173A (1) (b) of the amended 1990 Act, to extend the Appeal Decision: APP/M9496/C/15/3128691 compliance period themselves, if they see fit. Whilst this is entirely a matter for the Authority's discretion, it

would be open to the appellants to ask for a further short extension of time, should that prove necessary. Therefore the Inspector was not satisfied there was a good reason to extend the compliance period further and considered the 6 months given was sufficient to meet the requirements of the notice and dismissed the appeal.

14/0177 (Enf) 3022952	Appeal against Enforcement Notice regarding making a material change of use of the land to a mixed use and without planning permission, carrying out building operations comprising the extension and alterations to the roof, installation of solar panels to the outbuilding and installation of door to the building on the land at Flash Bar Stores, Quarnford, Buxton	Written Representations	Allowed with condition	Delegated
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The Inspector felt the appeal should succeed on ground (a) and planning permission granted. He added that a condition restricting occupancy to a person employed in the business was necessary to ensure that the accommodation served the needs of an established rural enterprise and cannot be sold on the open market as an independent dwelling. The enforcement notice was quashed.

12/0064 (Enf) 3133214	Appeal against Enforcement Notice re erection of a field shelter for horses in breach of planning control on land off Cliff Lane, Curbar, Calver S32 3WD	Written Representations	Dismissed and Notice upheld with variation to the period for compliance	Delegated
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In deciding whether the moveable shelter required planning permission as a building, the Inspector referred to the Woolley Valley case (R (Save Wooley Valley Action Group Ltd) v Bath and North East Somerset Council [2012]) in which the High Court held that the ability to move structures around in a field did not remove the significance of their presence in planning terms. Although he concluded that the shelter breached planning control regulations, the Inspector accepted that the appellants had not deliberately flouted planning procedures and extended the period for compliance with the Enforcement Notice from 3 months to 9 months.

4 **RECOMMENDATION:**

That the report be received.