

14. HEAD OF LAW REPORT - PLANNING APPEALS (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/DDD/0216/0116 3157101	Section 73 application for the variation of condition 8 - hours of delivery on NP/DDD/0115/0040 at the Rutland Arms, Calver Road, Baslow, DE45 1RP	Written Representations	Delegated

2. APPEALS WITHDRAWN

There following appeals were withdrawn during this month.

15/0021 3155939 & 3155934	Material change of use of the land for a mixed use of storage and use as a haulage yard at Backdale Quarry, Hassop Avenue, Hassop	Public Inquiry	Delegated
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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/0216/0087 3153429	Conversion of workshop to residential, demolition of outbuildings, construction of extension and conservatory and construction of garage with ancillary accommodation at Warren Lodge, Bar Road, Curbar	Householder	Allowed with Conditions	Committee

The Inspector considered that the modest scale, mass and design of the proposed additions and the simple, traditional and sensitive design would sit comfortably within the site and would not detract from the character of the main property. The Inspector also felt that the proposal would not be materially harmful to the character and appearance of Warren Lodge, the surrounding landscape and the valued characteristics of the Peak District National Park. The appeal proposal would therefore conserve and enhance the area's natural beauty, wildlife and cultural heritage which are a statutory purpose of the National Park. The proposal was also in accordance with Policy L1 of the Core Strategy as well as LC4 and LH4 of the Local Plan and was in accord with the National Planning Policy Framework throughout. Taking this into account and the conditions suggested by the Authority in light of the advice given in the Planning Practice Guidance, the Inspector allowed the appeal.

NP/DDD/0915/0913 3151518	Conversion of house to form accessible holiday let accommodation at	Written Representations	Allowed with Conditions	Committee
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Smelters Cottage,
Hathersage

The Inspector felt that the proposed development would enhance the character and appearance of this part of the National Park by removing the dereliction that the current site exhibits, and restoring a building to its former form that is consistent with the vernacular of the locality. In the Inspectors view, the rebuilding of the appeal property in a design that reflects the original cottage would enhance its appearance, retain original constructional elements and put the building to a viable use that would be entirely consistent with its conservation. The proposed development would retain, rather than cause harm to, any archaeological or historic interests and these benefits outweigh the inevitable loss of the building. The Inspector did agree with the NPA that passing places on Callow Bank would be beneficial for user safety and added this as one of the planning conditions prior to the commencement of the development. The Inspector allowed the appeal with a suggested number of conditions.

NP/DDD/0715/0636 3138412	Retrospective application for extension, alteration and a garage which 'as built' differs from the approved design ref: NP/DDD/0512/0551 at Braeside, Mill Lane, Stoney Middleton	Written Representations	Dismissed	Delegated
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The Inspector agreed with the Authority that the extensions were not acceptable in terms of their scale and mass. The property was not a traditional National Park building and did not reflect the cultural heritage of the locality. The Inspector also concluded that the proposal conflicted with Core Strategy GSP3 which requires new developments to respect, conserve and enhance all valued characteristics of the site and buildings, and be appropriate to the character and appearance of the National Park. It also conflicted with Local Plan LC4 and LH4 and the National Planning Policy Framework as the proposal would have had an unacceptable overlook of the neighbouring rear garden from an elevated position therefore resulting in a loss of privacy. The Inspector therefore dismissed the appeal.

15/0083 3137597	Unauthorised two-storey extension to the northwest side of Maynestone Farm, Hayfield Road, Chinley	Public Inquiry	Dismissed	Delegated
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The Inspector considered that the appellant had not discharged the burden of proof to show, on the balance of probabilities, that the extension was substantially completed more than 4 years before enforcement action was taken, therefore it was not immune from the enforcement action. Although there was a significant body of evidence supporting the appellant's position, the limited extent of supporting documentary evidence did not add much to the appellant's case, and that what evidence was supplied appeared to have some deficiencies or inconsistencies which could not be tested. The Inspector upheld the enforcement notice and dismissed the appeal.

The Authority had made an application for an award of costs against the appellant, but the Inspector felt that there had been no unreasonable behaviour by the appellant in that they had not pursued the appeal with no reasonable hope of success; therefore the award of costs against the appellant was not made.

NP/DDD/0715/0658 3137597	Proposed agricultural unit at Town End Farm, Main Street, Chelmorton	Written Representations	Allowed with Conditions	Committee
<p>The Inspector felt that the position of the proposed building would relate reasonably well to the existing field boundaries and considered its position to be the least visually damaging and would not appear as being overly dominant when viewed in the context of the nearby dwellings. The Inspector did agree with the Authority that the building should be timber clad and that the use of such materials would be more in keeping with the character of agricultural buildings particularly within the Conservation Area and stipulated this within the conditions. The appeal was allowed.</p>				
NP/S/1015/1008 3148333	Proposed single subterranean eco house, self-build dwelling for existing local residents at The Old Vicarage, Heads Lane, Bolsterstone	Written Representations	Dismissed	Committee
<p>The Inspector considered that the proposal would cause harm to the character and appearance of the Conservation Area. It conflicted with Policies GSP1, GSP3 and L3 of the Core Strategy and LC4 and LC5 of the Local Plan, which all seek to secure the conservation and enhancement of the National Park and its cultural heritage. The proposals also failed to accord with the National Planning Policy Framework. The Inspector felt that the appeal site formed part of the transition from domestic and suburban form of development within Bolsterstone, into the rural National Park landscape beyond, and so therefore the appeal site made a positive contribution to the rural character of the area and to the significance of the Conservation Area in terms of its landscaping setting, and even with additional planting, the Inspector was not persuaded that coverage would be so dense as to negate seasonal impacts. The appeal was therefore dismissed.</p>				
NP/HPK/0216/0134 3153511	Removal of Conditions 2 & 3 on NP/HPK/1215/1180 for a proposed garage and home office at The Hermitage, Edale. S33 7ZA	Written Representations	Allowed	Delegated
<p>The Inspector felt that as the property was positioned discreetly in the corner of the site and enclosed on all sides by established trees, the use of timber cladding would not in this instance be inappropriate, and that the character and appearance of the Edale Conservation Area and Peak National Park would be preserved. The proposal was also in accord with GSP3 and L3 of the Core Strategy and LC4, LC5 and LH4 of the Local Plan. The appeal was therefore allowed.</p>				

4. **RECOMMENDATION:**

That the report be received.