
16. HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeal has been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
ENF 13/0040 3156666	Enforcement Notice regarding: 1. Without planning permission, the erection of a building 2. Without planning permission, engineering operations comprising the excavation of material from the Building footprint and bank to its rear and the incorporation of the excavated material into an existing slope the intended use of which appears to be a turning circle to facilitate the use of the Building on land adjacent to Swallow Cottage, Pilhough Road, Congreave	Written Representations	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 APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.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/0416/0325 3152338	Deposit of spoil at Swallow Cottage, Pilhough	Written Representations	Allowed with conditions	Delegated

The Inspector felt that the proposal complied with Policy CC3 of the Authority's Core Strategy Development Plan and represented a more sustainable solution overall than transferring the soil off-site with the significant number of lorry movements that would incur. The Inspector noted the Authority's comments in relation to Policy CC3 and in particular its insistence that 'on site' must mean the exact application site. However the Inspector found this to be an excessively rigid and unreasonable interpretation of the policy. In any event the red-line boundaries for both the garage and spoil applications encompass the wider site and therefore in that regard the soil is not being deposited off-site. Compliance with Policy CC3 does not however obviate the requirement for the development to accord with the overall aims of paragraph 115 of the Framework or the provisions of the development plan in terms of landscape protection. The Inspector's view is that once the works are complete and the hedge reinstated along the driveway edge, the spoil would be barely perceptible from public viewpoints in the area. The resulting gradient would closely respect the general lay of the land to the north of the appeal site which in turn reflects the typical character described in the LCA, therefore little evidence to support the Authority's view that it would be a large and obtrusive land-form.

NP/DDD/1215/1167 3152332	Erection of Domestic Garage and Store at Swallow Cottage, Pilhough	Written Representations	Dismissed	Committee
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The Inspector states that the 2012 permission is incapable of being implemented as the original building has been demolished and therefore has assessed the scheme on the basis of a new building in light of the plans and supporting information submitted by the Appellant. The Inspector found the building to be a substantial structure that would be physically and visually divorced from other buildings in the vicinity and in an elevated position. The building would be readily apparent from the woodland path to the rear of the site particularly in the winter months. It would also be prominent in views from Pilhough Lane to the north and the four-way junction. The Inspector also concurred with the Authority that the building would also be visible in more distant views although not in a manner that could reasonably be described as prominent. The Inspector concluded that the development would impose a significant mass of discordant built development upon the landscape where none currently exists. It would thus have a significant adverse effect on the character and appearance of the area of the PDNP and would conflict with Policies LC4 and LH4 of the LP and Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and the Framework. Collectively these seek to ensure that development proposals secure the statutory aims of the PDNP, and respect, conserve and enhance all valued characteristics of the site and buildings with particular reference to the effect of the proposal on the character and setting of buildings, and the landscape within which they sit.

NP/DDD/1014/1045 3053101	Demolition of existing factory building and the subsequent construction of a total of 26 dwellings including 4 'affordable' and conversion of former factory buildings to 2 dwellings at Dove Dairy, Stonewell Lane, Hartington	Hearing	Allowed, planning permission granted with conditions	Committee
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The Inspector stated that the level of attendance at the hearing sessions and the views expressed during them highlighted the importance of this site, and proposals for it, to people in the locality. The appeal scheme would enable the remediation of a derelict site that is very prominent and discordant in the National Park landscape that includes Hartington and its heritage assets. Redeveloping the former factory would enhance the character and appearance of Hartington and the National Park. It would enable an identified need for affordable housing in this area to be addressed in part. Developing elsewhere would not meet that need, or the need to remediate a derelict site that through its scale and form detracts from the landscape and scenic beauty of the National Park. The redeveloped site would enhance the landscape and associated recreational opportunities in the National Park. It would contribute to the local economy, and provide social and environmental benefits. For these reasons the appeal scheme complies with CS policy GSP1, GPS2, GPS3, HC1, L1, DS1 and CC5, LP Policies LC4, LC5 and LC22, and the relevant parts of the Framework. In this case, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits that the appeal scheme would provide. For these reasons, exceptional circumstances in the public interest exist to justify the development proposed. No considerations have been found to outweigh the identified compliance with development plan and Framework policy.

4. **RECOMMENDATION:**

That the report be received.