

10. HEAD OF LAW REPORT - PLANNING APPEALS DECEMBER 2016 – JANUARY 2017
(A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged since the last Planning Committee.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0516/0444 3160705	Replacement signage to the Bridge Inn, Calver	Commercial Appeals Service (Advertising)	Committee
NP/S/0216/0142 3160867	Retention and alteration of the building which has been erected on site as an agricultural building at Wigtwizzle Barn, Lee Road, Bolsterstone	Written Representations	Delegated
NP/DDD/0316/0280 3156948	Demolition of existing industrial units and construction of replacement employment floorspace. Improvement to access, parking and landscaping at Riverside Business Park, Buxton Road, Bakewell	Informal Hearing	Committee
NP/DDD/0716/0602	Retrospective planning permission for an agricultural building on land to the east of Taddington	Written Representations	Delegated
NP/DDD/0716/0616 3161202	Amend position of garage which was granted on application NP/DDD/1115/1094 and relocate the vehicular access to the site at The Farm, Main Street, Great Longstone	Householder	Delegated
NP/DDD/0416/0334 3162254	Replace existing shed with Mixed-Use building at The Farm, Lees Road, Stanton Lees	Written Representations	Delegated
NP/DDD/0716/0640 3161206	Listed Building Consent to erect new detached garage at The Farm, Main Street, Great Longstone	Written Representations	Delegated
NP/DDD/0716/0654 3160105	Listed Building Consent to provide a parking space and bin dwell area at Dale Cottage, The Dale, Hartington	Written Representations	Delegated
NP/DDD/0716/0637 3160095	Provision of parking space and bin dwell area at Dale Cottage, The Dale, Hartington	Written Representations	Delegated
NP/DDD/0816/0797 3163612	Erection of a two storey extension to the rear of the dwelling at 2 The Square, Church Street, Monyash	Householder	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn this month.

3. **APPEALS DECIDED**

The following appeals have been decided since the last Planning Committee.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1215/1135 3154112	12 one bedroomed flats at Deepdale Business Park, Bakewell, DE45 1GT	Informal hearing	Dismissed	Committee
<p>The Inspector felt that it was evident that the flats proposed would not be affordable housing, nor would they be restricted to occupancy by local people, therefore the proposal would have been contrary to the housing policies of the development plan. The Inspector did recognise that the site was an accessible location for housing, and that the design and scale of buildings illustrated would be unlikely to cause visual harm to the character and appearance of the surrounding landscape, however, neither of these considerations justified the harm that would be caused to the overall purposes of the National Park by the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the National Park. On the basis that the proposal would not constitute sustainable development, the appeal was dismissed.</p>				
NP/DDD/0216/0112 3160070	Section 73 application for the removal of condition 3 on NP/DDD/0311/0178 - to allow the use as a dwelling at Lyndale House, Church Street, Bradwell	Written Representations	Dismissed	Delegated
<p>The Inspector felt that the removal of Condition 3 would not result in the provision of an affordable unit for local people, nor would it be required in order to achieve the conservation or enhancement of a listed building. Removing Condition 3 would not therefore offer any conservation and/or enhancement benefits over and above the existing permission. Accordingly the proposal would therefore be in contrary to HC1 of the Core Strategy Policy and would also be contrary to paragraph 50 of the Framework, which also indicated that where the need for affordable housing is identified it should be provided. The appeal was dismissed.</p>				
NP/DDD/0516/0444 3160705	Consent to erect illuminated and non illuminated signage to the exterior building at Bridge Inn, Calver	Advertisement Consent – Written Representations	Dismissed	Committee
<p>The Inspector considered that the proposal would result in harm to the character and appearance of the conservation area and the setting of the Grade II* listed bridge itself. The colour of the signs would be particularly strident against the muted tones of the host building, and in this prominent and sensitive area would be overly dominant and intrusive and be significantly at odds with the character of the locality. The appeal was dismissed.</p>				
NP/DDD/0415/0339 3144163	Demolition of former mill buildings, associated structures and other buildings and full planning permission for hotel development with ground floor floorspace, improvements to existing site access, parking,	Informal hearing	Allowed with Conditions	Committee

landscaping and other
associate works at
Riverside Business Park,
Bakewell

The Inspector considered that although there would be an increase in traffic accessing the site, it would not intensify use to the extent that the accesses would be unsuitable or safety would be impaired, so it would not have a material adverse effect on the residential amenity of the residents of Holme Lane and Lumford. The proposal complied with the development plan as a whole and constituted sustainable development. He also concluded that the creation of two passing places along Lumford carriageway would not harm its green and rural setting and the significance of the listed building would also not be harmed. The Inspector allowed the appeal with a number of conditions.

NP/NED/0516/0377 316637	Conversion of barns to dwelling at Dalebrook Farm, Baslow Road, Eastmoor, Chesterfield, S42 7DD	Written Representations	Dismissed	Delegated
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The Inspector considered that the level of sub division would be excessive and its spatial qualities and significance would be lost. She also felt that the design would emphasise the addition of an upper floor into the structure, and would be a conspicuous addition at odds with the agricultural character of the buildings, and that the conversion would give rise to a domestic character and appearance and the agricultural character and significance of the building would be eroded, causing harm. The Inspector concluded that the development failed to preserve the character and appearance of the barns, failed to accord with GSP2, GSP3, L3 of the Core Strategy and conflicted with LC4 and LC8 of the Local Plan. For these reasons the Inspector dismissed the appeal.

NP/DDD/0116/0033 3159734	Change of use of stone outbuilding to holiday accommodation at 1 The Cross, Main Street, Great Longstone	Written Representations	Allowed with Conditions	Committee
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The Inspector felt that the proposal would not harm the living conditions of neighbouring residents through the loss of privacy or an increase in noise and disturbance. There was also no conflict with the Core Strategy Policies GSP3 or LC4 of the Local Plan, which requires particular attention be paid to impacts upon living conditions of communities, and the proposal was also in accordance with one of the core planning principles of the National Planning Policy Framework, in securing a good standard of amenity for all existing and future occupants of land and buildings. The appeal was allowed with conditions.

NP/CEC/0216/0169 3144163	Conversion of existing shippon to extend family accommodation at Pedley Fold Farm, Pedley Hill, Rainow	Written Representations	Dismissed	Delegated
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The Inspector felt that although the proposal would not be detrimental to the Rainow Conservation Area it would fail to preserve the special historic interest of the Grade II Listed Building and that the proposal would lead to highly inappropriate alterations that would result in the loss of historic fabric and the introduction of wholly inappropriate alien features, and would not be in accordance with the Development Plan. The appeal was therefore dismissed.

ENF 09/0078 3151187	Without planning permission, the material change of use of the domestic outbuilding to an unlawful use as a separate unit of	Written Representations	Allowed with conditions	Delegated
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residential
accommodation at 4
Court Lane, Ashford

On a procedural point the Inspector noted that the Enforcement Notice alleged a change of use to a separate dwelling, but the appellant argued that the use was as holiday accommodation; he dealt with the appeal on this basis. The Inspector considered that the appeal on ground (d) should fail as the appellant had not demonstrated at least 4 years continuous use. On the ground (a) appeal he considered that the change of use accords with the National Planning Policy Framework in that it is sustainable with regard to the economic, social and environmental strands of the document. The Inspector did consider that the two conditions set out by the Authority were relevant and necessary to a) restrict the use of the property to a holiday let use only to prevent the house from a traditional permanent residential dwelling and b) that the existing car park shall remain unobstructed at all times, and considered that the enforcement notice should be quashed and that planning permission should be granted for this change of use. The appeal was allowed on ground (a).

NP/DDD/0216/0116 3157101	Condition attached to planning permission re hours of delivery to and refuse collections from the shop being restricted at The Rutland Arms, Baslow	Written Representations	Allowed with conditions	Delegated
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The Inspector considered that the disputed condition was not reasonable and necessary in the interest of preventing a harmful effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. Historically the neighbouring properties would have been subject to a greater level of noise throughout the day and late into the evening when the property was used as a pubic house. However, a condition to control the hours of delivery and refuse collection proposed by the appellant based on evidence which justified the periods within which harmful noise and disturbance would not occur, was reasonable and necessary, and that such a condition would ensure that the development complied with LC4 of the Local Plan and the Framework in ensuring a good standard of amenity for all existing and future occupants of land and buildings. The Inspector allowed the appeal.

The Inspector awarded the appellant full costs to cover the expense incurred in contesting the appeal, as it should have been apparent to the Authority that the advice it was relying upon in making its decision, had not been substantiated relative to the technical evidence provided by the applicant. The Inspector considered that the Authority had acted unreasonably in preventing or delaying the development, which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. In this respect, the National Park Authority had also failed to produce evidence to substantiate a reason for refusal on appeal.

4. **THIRD PARTY APPEALS SUPPORTED BY THE PDNPA**

The following appeal has been supported by the Authority during this month:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee Delegated</u>
Derbyshire Dales DC DDDC ref: 14/00224/FUL	Construct and operate five (5) wind turbines with a maximum tip height of 100m, and ancillary development, off Manystones Lane and B5056, Griffe Grange, Grangemill	Inquiry	Dismissed	Planning Committee responding as a consultee

The appeal was against the refusal of planning permission by DDDC, with the Authority objecting and taking part in the Inquiry. The development was revised in August 2015 to reduce the number of turbines from five to three. The appeal was submitted on this basis.

The proposed turbines would be situated on the upper slopes of the Griffe Grange Valley, which is a deeply incised and heavily wooded feature containing the main A5012 linking Cromford and Buxton. The road forms the boundary of the National Park, which lies to the north. The Inspector considered that three existing wind turbines are conspicuous on the high ground along the ridge or plateau summit, east of the rock. Four other earlier turbines (Carsington Pastures) lie on the lower south facing slopes. All are around 100 metres high to the blade tip. The Inspector considered that these are particularly prominent on the skyline and that they increase the susceptibility of the area to the change that would result from the appeal scheme, in the sense that in terms of the acceptability of further development, a 'tipping point' has moved closer.

He concluded on landscape character and visual amenity that the development would significantly extend a wind farm landscape into the Griffe Grange valley which is an important, defining and valued feature of the landscape at the southern edge of the National park. The ability to perceive natural beauty in the valley and its contribution to the setting of the National Park would be harmed; the understanding and enjoyment of the special qualities of the NP would be compromised. The effect would be contrary to national policy in the NPPF and PPG and the statutory purposes of national parks.

5. **RECOMMENDATION:**

That the report be received.