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**11. 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/1016/1081 3175372	Change of Use from A2 to A3: from bank to restaurant at Bank House, Main Road, Hathersage	Written Representations	Committee

**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 APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.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/0316/0280 3156948	Removal of Condition No.3 for a new access road at Riverside Business Park, Buxton Road, Bakewell, DE45 1GS	Informal Hearing	Allowed	Committee

The Inspector felt that the condition to create a new access road as part of the granted planning permission in 2016 was unnecessary. There was no dispute on the fact that there were deficiencies with the existing accesses to the business park, but their suitability was previously found to be acceptable. Provision of 2 passing places at either end of Lumford Lane would improve the existing highway conditions, and such provision would be likely to result in a reduction in the number of times a vehicle would have to pull into private driveways to allow another vehicle to pass, thereby reducing potential conflict with other users including pedestrians and cyclists. By using suitable materials and design, the passing places would preserve the character and appearance of the conservation area and would not harm the significance or setting of nearby heritage assets. The Inspector concluded that the appeal be allowed and that the disputed condition removed from the planning permission.

The applicant had also made an application for a full award of costs against the Authority for acting unreasonably in imposing the condition which was not necessary, as it was not recommended by the Highway Authority, the Planning Officer or any statutory consultee. The Inspector considered that the Authority did act unreasonably in the appeal process, but felt that the work undertaken by the applicant in defending the appeal was a necessary part of the case, and the expense of employing consultants in this regard was not therefore wasted or unnecessary, therefore the application for an award of costs failed.

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NP/DDD/0716/0629 3170548	Retrospective planning approval for replacement shed in garden of public house at The Moon Inn, Stoney Middleton	Written Representations	Allowed	Delegated
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The Inspector considered that whilst the building was visible to users of the beer garden, it had an ancillary and subordinate appearance, and was positioned away from the historic part of the pub and did not detract from the pub building itself. The pub's contribution to the wider conservation area derived in large part from its attractive frontage on the High Street. The development would preserve the character and appearance of the Conservation Area and was in accord with GSP3 and L3 of the Core Strategy and LC4 and LC5 of the Local Plan, and was consistent with guidance in the NPPF relating to designated heritage assets. The appeal was therefore allowed.

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NP/CEC/1016/1008 3170910	Erect a wooden feather board landscaping fence within the boundary of Turnpike House, Macclesfield Road, Kettleshulme	Written Representations	Allowed	Committee
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The Inspector felt that varying Condition 2 on the Planning Permission would preserve the character and appearance of the Conservation Area, and it would accord with LC5 of the Local Plan. The variation would also be consistent with guidance in the NPPF relating to designated heritage assets. The Inspector considered that Condition 3 of the Planning Permission was not necessary in order to protect the living conditions of the occupiers of Side End Cottage with regard to the ability to maintain that property. The Planning Approval was amended to reflect the changes and the Appeal was allowed.

4. **RECOMMENDATION:**

**That the report be received.**