

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

1. APPEALS LODGED

There have been no new appeals lodged during this month.

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 APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.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/0717/0693 3184389	Erection of 15m climbable monopole to support 3 telecommunications antennae which together with the installation of 2 dishes and 4 ground based equipment will provide 2G, 3G and 4G mobile electronic communication services at Bradwell Sports Club, Stretfield Road, Bradwell	Written Representations	Dismissed	Delegated

The Inspector considered that the proposed mast would be a highly incongruous feature in the landscape and would cause significant harm to the character and appearance of the surroundings and the landscaping of the National Park. It would also be contrary to L1 and GSP3 of the Core Strategy as well as LU5 of the Local Plan. Although the proposal would bring a number of benefits regarding improved telecommunication coverage to residents, visitors and local businesses, they did not outweigh the significant harm which would result from the siting of the mast in this location in the National Park. The appeal was therefore dismissed.

NP/DDD/0517/0517 3184842	To vary a condition imposed on Planning Permission on the erection of a replacement conservatory to the rear of the property at South Croft, Church Lane, Monyash	Written Representations	Dismissed	Delegated
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The Inspector considered that changing the conservatory material from wooden to Upvc would result in a significantly less sympathetic appearance that would harm the traditional character of the property. The development would also fail to preserve the character and appearance of the conservation area, and would be contrary to LC4, LC5 and LH4 of the Local Plan and would be at odds with the statutory purposes of the National Park designation, which include conserving and enhancing its natural beauty, wildlife and cultural heritage. The appeal was dismissed.

ENF 13/0146 3161980	Enforcement regarding material change of use of the land to a use for storage, handling and processing of wood on Land adjacent to the North of Brown Lane, Flash, Quarnford	Written Representations	Allowed in part. Enf. Notice upheld with variations	Delegated
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Although the appeal has been allowed in part (and the notice varied) this relates only to the restoration requirements and the periods for compliance. On the restoration requirements, the inspector concluded these go beyond what is necessary to remedy the breach. The notice as varied retains a requirement to “restore the ground to the condition prior to the breach taking place.” In all other respects the notice, as issued, has been upheld.

NP/SM/1216/1201 3182690	Change of use of land to a seasonal caravan and camping site and change of use of an outbuilding for mixed use at Wallbrook House, Higg Lane, Longnor, SK17 0LJ	Written Representations	Dismissed	Committee
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The Inspector felt that although the proposed development would provide some benefits to the local rural economy, it would also be prominent in the landscape given the location of the site and the nature of its surrounding open countryside, and would represent a substantial visual intrusion in the rural landscape of this part of the National Park. Although screen planting had been proposed, it was felt that it would not be sufficient to provide a robust screen to the site as a whole. There was also concern that the development would have the potential to cause harm to the living conditions of the local resident by virtue of noise and disturbance, and it would also have the potential to cause disturbance to the population of wading birds in the surrounding fields, and to other birds. The appeal was dismissed.

NP/DDD/0517/0458 3187283	Proposed domestic garage and store at Swallow Cottage, Pilhough Lane, Rowsley	Householder	Dismissed	Committee
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The Inspector considered that the scale and design of the proposed building would resemble that of a commercial building rather than a domestic garage, and it could not reasonably be described as being subservient to the main dwelling. The visual harm would be very noticeable from certain vantage points and the building would be seen to dominate an otherwise attractive landscape. The effect would harm the character and appearance of the local area, and would fail to conserve or enhance the natural beauty of the Peak District National Park. The appeal was therefore dismissed.

4. **RECOMMENDATION:**

That the report be received.