
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/HPK/0120/0039 3253768	Rear two storey extension and demolition and re-build of porch at 78 Castleton Road, Hope	Householder	Delegated
NP/HPK/0120/0041 3253769	Rear two storey extension at 76 Castleton Road, Hope	Householder	Delegated
NP/HPK/0120/0035 3254950	Replace existing one storey extension with a two storey extension and a detached garage to the side at Snake Cottage, Snake Road, Bamford	Householder	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 APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.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/0819/0918 3249972	Retrospective planning permission for limestone and oak timber frame constructed porch, small decking area and shed at Charlotte Cottage, Bradwell	Householder	Part Allowed/ Part Dismissed	Delegated

The Inspector considered that the porch projected noticeably out from the side elevation and did not preserve or enhance the conservation area. The Inspector noted that the Authority had agreed that the decking area and shed was not unacceptable as the shed was of modest size, and the decking area was discretely located. The Inspector dismissed the appeal regarding the porch but allowed the appeal in connection with the shed and decking area.

NP/DDD/0819/0904 3247079	Certificate of Lawful Use or Development for siting of short-stay touring caravans, campervans and tented camping at Ashbourne Heights Holiday Park, Ashbourne Road, Fenny Bentley	Written Representations	Dismissed	Delegated
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The appeal site has an extensive planning history, including various planning permissions and Lawful Development Certificates (LDC). Plot 10 was historically in agricultural use, with occasional use for Duke of Edinburgh Award Scheme and other tented camping. Over time, the Plot became an overflow area for short-stay camping and touring caravan/camper van, pitches during the peak holiday weeks in the summer. On 13 December 2016 a LDC was issued for the use of the site on a seasonal basis from 1st March to 31st October, except for three specific areas which operate on an extended season of 1 March to 16 January, as allowed by conditions attached to planning permissions.

The use for which a certificate of lawful use or development was now sought was the siting of short-stay touring caravans, camper vans and tented camping at Plot 10 without any seasonal occupation restriction.

The main issue of the appeal was whether the refusal of the certificate of lawfulness was well-founded. This turned on whether the proposed use of Plot 10 for the siting of short-stay touring caravans, campervans and tented camping, without any seasonal occupation restriction, would be a definable change in the character of the existing lawful use, resulting in a material change of use of the application site.

The Inspector considered that the effect of the proposal would have definable change in the character of the existing lawful use resulting in a material change of use of the application site. The Inspector dismissed the appeal.

ENF 14/0583 3247079	Enforcement Notice - Noncompliance of planning condition to remove a building and restore the land back to its former state at Bottle Croft, Main Street, Chelmorton	Written Representations	Dismissed	Delegated
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The Inspector considered that the breach of condition did not begin until after February 2010 and the enforcement notice was issued within the 10 year period, so agreed with the Authority that the mobile home should have been removed from the site following completion of the building of the dwelling house, and that the land should be restored to its former state. The appeal was dismissed and the enforcement notice was upheld.

4. **RECOMMENDATION:**

To note the report.