
10. 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/0521/0593 3283171	Proposed two-storey and single storey extensions to side. Single storey extension to rear of Brookfield, Brookfield Lane, Bakewell	Householder	Delegated
NP/DDD/0321/0308 3282054	Proposed alterations and extension to dwelling at East View, Coombs Road, Bakewell	Householder	Delegated
NP/DDD/0421/0407 3282110	Proposed single storey porch extension at Clough View House Main Road, Wensley	Householder	Delegated
NP/DDD/0221/0197 3282831	Conversion of garage to kitchen construction of single storey rear extension and enlargement of existing structural opening to side extension at Tower Cottage, Moorfield, Glossop	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 APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.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/1120/1044 3271933	Change of use to touring caravan site with 10 pitches and erection of shower/toilet block at Ballidon Moor Farm, Brassington, Matlock	Written Representations	Dismissed	Delegated

The Inspector considered that the development would create an unnecessary form in the landscape, and that the siting of large vehicles, caravans and a new building in this location would cause ruinous damage to the field by harmfully altering the established character of the land.

Moreover, the Inspector felt that only minor public benefits would accrue from the development and that these would not outweigh the harm to the setting of the listed buildings adjacent to the proposal.

The appeal was dismissed.

ENF 15/0057 3215789	Without planning permission, engineering operations consisting of the laying of geotextile matting and wooden log rafts on the land to form a track on Land at Mickleden Edge, Midhope Moor, Bradfield	Public Inquiry	Dismissed – Enf Notice upheld with a variation	Delegated
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The Inspector considered that the track, when laid was an obvious alien feature, due to its bright green appearance. Although, over time there had been grass growth through the mesh and in places heather had become established so making the track less evident in places, it was still identifiable along most of its route as a linear contrast with the surrounding vegetation, and there were many stretches where the mesh itself, though more muted in colour, remained clearly distinguishable.

The Inspector noted on the site visit that the mesh was already showing significant signs of deterioration in places and would need renewal or repairing, which would be significant and adverse in both landscape and visual terms detracting from its scenic beauty and remoteness, so any renewal works would increase the harmful visual impact. The Inspector considered that the log rafts did not have such a negative impact as they blended reasonably well with the taller rushy vegetation around them.

The Appeal was dismissed and the Enforcement Notice upheld subject to a variation to 5b of the Notice to simply “require the removal of the geotextile matting, the wooden log ‘rafts’ and other materials used in the construction of the track from the land”.

NP/DDD/0221/0142 3277083	Alterations and extension to existing dwelling comprising demolition of single storey utility spaces, garage with loft space and carport to be replaced with a three storey extension to create lower ground entrance level, and replacement conservatory at Norton House, Station Road, Bakewell	Householder	Dismissed	Delegated
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The Inspector considered that the development would harm the character and appearance of the host building and would create an unbalanced arrangement of the building and harm its form. The development would also be contrary to policies GSP1 and GSP3 of the Core Strategy as well as DMC3 and DMH7 of the Development Management policies. The appeal was dismissed.

NP/SM/0920/0866 3277266	First floor extension to house at Rouster Farm, Swythamley	Householder	Dismissed	Delegated
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The Inspector considered that the development would add a significant mass to one side of the north façade which would alter the proportions of the building making it appear unbalanced

and disproportionate. The development would also conflict with the Development Plan taken as a whole. The appeal was dismissed.

NP/DDD/1220/1217 3277313	Erection of an affordable local needs dwelling, works of hard and soft landscaping and other works incidental to the proposals on Land at Litton Dale, Litton	Written Representations	Dismissed	Committee
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The Inspector considered that the character of the appeal site was derived from its rural appearance and inherently open and undeveloped character. The field therefore contributes positively to both the rural setting of the village and open landscape character of the area. As such the proposal would lead to a significant urban incursion into a part of the field that would detract from its inherent undeveloped character. This would be compounded by inevitable domestication such as an established curtilage, garden paraphernalia and off-street parking.

The Inspector considered that there was no substantive evidence to demonstrate that there was a need for an affordable dwelling in this location. Moreover, the size of the dwelling was too big for the applicant's current situation and that a dwelling to meet their existing needs would have been more appropriate, with an option to extend should their circumstances change in the future. The appeal was dismissed.

NP/DDD/1020/0941 3277640	New build dwelling to satisfy a local need at Town End Farm, Main Street, Chelmorton	Written Representations	Dismissed	Committee
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In the case the Inspector considered that there was a lack of evidence for a 3 bedroomed dwelling and as such the size of proposed dwelling did not address the evidenced need in accordance with policy DMH1.

The Inspector placed weight on the potential for archaeological interest at the site and that this could not be mitigated by condition. It is therefore necessary to determine the potential extent, and importance of archaeological interest within the site and what the effect of the proposed development would be, prior to determination.

The Inspector considered that although the development was acceptable in relation to highway safety, it was not consistent with the local needs policy for affordable homes due to its excessive size, and did not outweigh the potential harmful impact to the archaeological interests on the site.

The appeal was therefore dismissed.

4. **RECOMMENDATION:**

To note the report.