

---

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

### 1. **APPEALS LODGED**

There have been no new appeals have been 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 **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.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/0622/0851 3307714	Retrospective application for alterations and extension of dwelling at The Old Post Office, Main Street, Birchover	Written Representations	Allowed	Delegated

---

Retrospective permission was granted subject to conditions in August 2022. The applicant appealed against condition 2 of the permission regarding the removal and replacement of the bay window, which had to be within 6 months of permission being granted. The Inspector agreed that the replacement of the bay window would ensure the protection of the character and appearance of the surrounding area and the significance of the Conservation Area, but found that such a condition needed to be modified so as to require the timescale of the removal and replacement of the bay window to be within 12 months from the date of the appeal decision, and to be in full accordance with an approved scheme agreed by the Authority. The appeal was allowed, and condition 2 modified.

---

NP/DDD/0122/0132 3307826	Proposed additional digestate lagoon at Slipper Low Farm, Grange Mill	Written Representations	Dismissed	Delegated
-----------------------------	---	-------------------------	-----------	-----------

---

The Inspector considered that the proposed digestate lagoon would be visible from long range views and would be seen as a man-made feature in the landscape, and the deviation of the wall around the lagoon would be seen as an incongruous feature which would harm the character and appearance of the area. The appeal was dismissed.

---

ENF 19/0113 3300746	Enforcement for carrying out building operations, namely construction of timber cabin and associated structures without planning permission, formation of hard surface access and parking area and material change of use of building from agricultural to residential at The Hut, Wilshaw Bottom, Hollinsclough	Hearing	Dismissed and Enf Notice Upheld. Costs Awarded	Delegated
------------------------	--	---------	---	-----------

---

The Inspector considered that the development, which required planning permission, but which had not been granted, constituted a breach of planning control, and was not immune from enforcement action having regard to the time limits as the new planning unit commenced in 2019. The Inspector dismissed the appeal, and awarded full costs to the Authority as the Appeal was flawed and unsupported with any reliable evidence thus resulting in wasted expense for the Authority in defending the appeal.

4. **RECOMMENDATION:**

**To note the report.**