



## Planning Committee

15 August 2019

## Planning Appeals

### Report of the Executive Manager – Communities

<b>LOCATION</b>	63 Moor Lane Gotham Nottinghamshire NG11 0LH		
<b>APPLICATION REFERENCE</b>	18/02716/OUT		
<b>APPEAL REFERENCE</b>	APP/P3040/W/19/3224712		
<b>PROPOSAL</b>	Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission)		
<b>APPEAL DECISION</b>	Appeal Allowed	<b>DATE</b>	17th June 2019

### PLANNING OFFICERS OBSERVATIONS

The appeal related to the refusal of planning permission by the Planning Committee on the 17<sup>th</sup> January 2019. The proposal was for outline planning permission with all matters reserved, except for access, for one detached dwelling. The main issue considered by the Inspector was the effect of the development on the Green Belt.

The terms 'limited' and 'infilling' are not defined in the development plan or the Framework but were key to the Inspectors decision. The Inspector outlined that there was no defined settlement village boundary, but physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.

The appeal site is set back from Moor Lane, which forms a relatively small gap between an existing bungalow to the west and a dwelling and cattery buildings to the east. The inspector considered the site is within a clear continuum of development spreading out from the settlement and there is nothing to obviously separate the site from the rest of the settlement. The site is surrounded by built development on two sides and would not extend beyond the existing defined built extent of the settlement. The proposal would be physically and visually related to the existing settlement, and as such the development proposed would be limited infilling in a village. As such it is not therefore inappropriate development in the Green Belt.

The Inspector added that as the effect of development on openness is not expressly stated as a determinative factor in gauging inappropriateness, relating to limited infilling in villages, there is no requirement to assess the impact of the development on the openness of the Green Belt.

The Inspector therefore concluded that the appeal should be allowed subject to conditions.

**LOCATION** 40 Nottingham Road Keyworth Nottinghamshire NG12 5GT

**APPLICATION REFERENCE** 18/02213/FUL

**APPEAL REFERENCE** APP/P3040/W/19/3220908

**PROPOSAL** Replacement outbuilding and change of use to counselling and therapy business (D1).

**APPEAL DECISION** Appeal Allowed **DATE** 18th July 2019

## **PLANNING OFFICERS OBSERVATIONS**

The appeal relates to the refusal of planning permission under delegated powers on 17 January 2019. The application related to a replacement outbuilding and a change of use to counselling and therapy business at a residential property. The main issue considered is whether the proposed business would affect highway safety with regard to parking.

The Inspector clarified that there is no dispute between parties relating to the outbuilding itself or the principle of a counselling and therapy business. The property has three potential parking spaces, although this provision would be reduced by the appellant's cars leaving one space free. There has been some dispute between parties during the determination of the application regarding group sessions of up to 5 people. The Council's basis for refusal related to inadequate parking provision for up to 5 people attending a group session. The County Highway officer objected, concerned that the increased demand for on-street parking would further reduce the width of Nottingham Road and hence increase the likelihood of danger to other users. The appellant has however described her business as mainly running on a one-to-one basis.

The Inspector noted parking restrictions preventing on-street parking on Nottingham Road with a double yellow line outside the appeal property and adjacent properties. Visiting clients would be expected to obey traffic regulations and violations of this would be a matter for traffic enforcement.

The Inspector concluded that they found no substantive evidence to suggest that highway users would be significantly endangered by additional on-street parking that may arise from the proposed counselling and therapy business.

The Inspector therefore concluded that the appeal should be allowed subject to conditions.

**LOCATION** Canterbury House Barton Lane Thrumpton Nottinghamshire  
NG11 0AU

**APPLICATION REFERENCE** 19/00347/FUL

**APPEAL REFERENCE** APP/P3040/D/19/3227143

**PROPOSAL** Demolition of existing  
garage and construction of  
two storey front and two  
storey side extensions.

**APPEAL DECISION** Appeal Dismissed **DATE** 23rd July 2019

### **PLANNING OFFICERS OBSERVATIONS**

The appeal relates to the refusal of planning permission under delegated powers on 8 April 2019. The application proposed two storey front and side extensions to a dwelling. The application related to a residential barn conversion located within the Thrumpton Conservation Area and within the Green Belt. The main issues considered were whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on its openness; and whether the proposal would preserve or enhance the character of the conservation area, or whether any harm arising could be clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

The Inspector noted the calculations provide by the appellant with regard to the volume increase on the original building. Whilst the appellant's figures were disputed by the Council, the Inspector considered that irrespective of this matter, the proposed extensions would be considerably sizable and notable. It was concluded that the scale of the development would amount to inappropriate and therefore harm development in the Green Belt.

With regard to openness, the Inspector acknowledged the screened nature of the property although the proposed two storey extensions would be visible from the surrounding fields. Whilst views of the proposal would be limited, the Inspector considered that the proposal would nonetheless result in a loss of openness to the Green Belt.

The Inspector considered that the proposal would diminish the characteristics of the original farm complex and its positive contribution to the character and appearance of the conservation area. The proposal would diminish this contribution, resulting in less than substantial harm to the conservation area.

The Inspector therefore concluded that the appeal should be dismissed.