

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 5th July 2023 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Rob Hiney-Saunders, Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait and Carol Wood.

Officers:- Sarah Kay (Interim Head of Development Management), Jenny Owen (Chartered Legal Executive) and Hannah Douthwaite (Governance and Civic Officer).

PL8 – 23/24. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Lisa Powell.

PL9 – 23/24. URGENT ITEM OF BUSINESS

As set out in the Supplementary Update report, since the publication of the agenda, the Planning Inspectorate had notified the Council of a planning appeal relating to Willow Tree Family Farm, Langwith Road, Shirebrook (application number 22/00333/FUL).

At the Planning Committee held on 21st December 2022, this application had been refused contrary to officer recommendations.

The Appeal was to be heard via written representations and the start date was the 28th June 2023.

The timetable for the submission of the Council's appeal questionnaire and case was set by the Planning Inspectorate as follows:

5th July 2023 – completion / submission of the appeal questionnaire and notification to all interested parties.

2nd August 2023 – submission of the Council's statement of case.

16th August 2023 – submission of any final comments.

Given the tight timescale this meeting was the only one scheduled before the deadline for the submission of the Council's statement of case. It was therefore requested that Members delegate authority to the Interim Head of Planning Development to produce the wording for the documentation in order to meet the deadlines set by the Planning Inspectorate.

Members agreed that as some new Councillors were not on the Planning Committee at the time the application was heard, the final wording should be signed off by the Chair and Vice Chair of the Committee.

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Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith

RESOLVED that the final wording for the Council's statement of case be produced by the Interim Head of Development Management in consultation with the Chair and Vice Chair prior to submission.

(Interim Head of Development Management)

PL10 – 23/24. **DECLARATIONS OF INTEREST**

Councillor John Ritchie advised the meeting that he had been previously contacted directly by the applicant, therefore, he would take no part in discussing the application but would remain in the meeting.

PL11 – 23/24. **MINUTES – 7th JUNE 2023**

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie

RESOLVED that the Minutes of a Planning Committee held on 7th June 2023 be approved as a correct record.

PL12 – 23/24. **23/00210/FUL - RETENTION OF STATIC CARAVAN FOR RESIDENTIAL PURPOSES AND INSTALLATION OF TIMBER CLADDING - HORSE AND HOUND FARM MANSFIELD ROAD, SCARCLIFFE, S44 6SU**

Committee considered a detailed report in relation to the above application.

The application had been referred to Planning Committee by Councillor John Ritchie on the basis that it was being made retrospectively, and he wanted the planning considerations for this specific case (development in the open countryside / sustainable development) to be discussed at committee level.

The Supplementary Update report noted two corrections to the main report being;

*The recommendation is to refuse the application because the site is within the open countryside and the proposal does not meet the requirements of Local Plan Policies SS9 (Development in the Countryside,) LC7 (Agricultural, Forestry and Other Occupational Dwellings in the Countryside) and **SS1** (Sustainable Development).*

The speed limit on Mansfield Road was 50mph and not 60mph.

The proposed site location was set slightly lower than the road and formed part of a larger grass field, rising very slightly to the east, with a mature hedge along the northern site boundary.

Previous planning permission had been granted in 2021, to change the use of the site from agricultural to equestrian. It was also noted that the access to the site was substandard in terms of visibility.

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The application was seeking permission for the siting of a three-bedroom, static caravan to be occupied as a dwelling. The location of the caravan was proposed to be sited in the northwest corner of the site, adjacent to Mansfield Road.

Derbyshire County Council Highways had submitted concerns relating to the severely restricted visibility when emerging from the site, and the increase in vehicular movement in and out due to the remote location. Overall, the highways department recommended that the application be refused.

The site was outside the development envelope for Scarcliffe within an area of open countryside where new development was restricted by the requirements of Policy SS9 of the Local Plan for Bolsover District. The Officer recommendation as detailed in the report, was for the application to be refused.

Danielle Hobson (applicant) attended the meeting and spoke for the application.

Members were reminded that the issue of the applicant's personal circumstances and financial position should not be considered as this was not a material planning consideration.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith.
RESOLVED that the application be REFUSED for the following reasons:

1. The site is outside the development envelope for Scarcliffe within an area of open countryside where new development is restricted by the requirements of Policy SS9 of the Local Plan for Bolsover District. This policy states that development in the countryside will only be granted where it meets one of a number of criteria. The proposal is not considered to fall within any of the criteria set out in this policy and as such the proposal is contrary to the requirements of Policy SS9 of the Local Plan.
2. Policy LC7 of the Local Plan for Bolsover District makes allowance for new dwellings in the countryside based on the essential needs of agriculture, forestry or other rural business provided the proposal meets a number of criteria. In this instance, the use of the site is restricted by condition on the original planning permission to be for a personal use only and no trade or business to be carried out from the site. As such the use of the site is not for a rural business requiring a functional need for a dwelling and the proposal would therefore not comply with the requirements of Policy LC7 of the Local Plan.
3. The site is outside the development envelope in an area of open countryside which does not have accessible links to the nearest village, Scarcliffe. There is no footpath along Mansfield Road and as such walking along Mansfield Road which is subject to a 50mph speed limit, to the village would be considered dangerous. In addition, Scarcliffe is identified as a small rural village in the settlement hierarchy as it is not considered to be a sustainable location. The site is adjacent to bus stops but there are only two bus routes which include Scarcliffe, one runs every two hours and one every hour giving access to Sheffield, Mansfield or Shirebrook. The location of the site is therefore not considered to be sustainable for new residential development and any future occupiers would be wholly dependent on the use of a car. On this basis the proposal would be considered to represent unsustainable development which is contrary to the requirements of Policy SS1 of the Local Plan for Bolsover District.

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4. The proposed development would lead to the intensification in use of an existing substandard access to Mansfield Road, where emerging visibility is severely restricted due to the proximity of the boundary hedge thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway, contrary to the requirements of Policy SC3 of the Local Plan for Bolsover District.

Statement of Decision Process

The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

The meeting concluded at 10:24 hours.