

Appendix 1: Planning Appeal Decisions Period January 2024 – June 2024

Appeal Ref: APP/R1010/D/23/3327757 The Granary, Stony Houghton, Derbyshire NG19 8UH

The planning application was for a single storey extension to the rear of the existing dwelling. The existing dwelling is a converted barn within the Conservation Area. The application was refused.

Main Issues

The main issue in this case was:

- The effect of the proposed development on the character and appearance of Stony Houghton Conservation Area and The Granary, which is a non-designated heritage asset (NDHA.)

Conclusion

The Inspector acknowledged that The Granary formed part of a converted, former agricultural building, with a plan form and shape typical of the Conservation Area and it formed part of the rural agricultural character of the Conservation Area.

The Inspector considered that at present the careful residential conversion of the agricultural building, of which The Granary forms a part, had retained much of its agrarian character. The proposed single storey extension would be a clear residential addition which would overtly domesticate the building and harmfully erode its agricultural character and appearance. This harm would be readily visible in the open views of the building from adjacent public footpaths and as a result, the proposal would have a detrimental adverse effect on the character and appearance of the building and the Conservation Area as a whole.

The Inspector considered that the harm caused by the proposed development to the significance of Stony Houghton Conservation Area would be less than substantial. In such circumstances, the harm that would be caused should be weighed against the public benefits of the proposal. In relation to NDHAs, such as The Granary, a balanced judgment was required having regard to the scale of any harm and the significance of the heritage asset. The Inspector attached considerable importance and weight to the harm that would be caused to the significance of Stony Houghton Conservation Area and attached limited weight to the public benefits of the scheme.

The Inspector concluded is that the public benefits did not outweigh the harm that would be caused to Stony Houghton Conservation Area and that the harm and loss of significance that would be caused to The Granary as a NDHA would be material and would not be outweighed by the benefits of the proposal. The proposal would therefore harm the significance of a Conservation Area and a NDHA, contrary to policies SC2, SC16 and SC21 of the Local Plan.

The appeal was dismissed.

Recommendations

None

The decision was made in accordance with Local plan policies. The Inspector agreed with the interpretation of these policies and that the Local Plan policies relating to conversions of buildings in the countryside, development in Conservation Areas and development impacting on Non-designated heritage assets are in line with the NPPF.

APP/R1010/D/24/3340677: 30 Church Street, South Normanton, DE55 2BT

The application was for a vehicular access and hardstanding. The application was refused.

Main Issues

The main issue for consideration was the effect of the proposal on highway safety.

Conclusion

The proposal would create a vehicular crossing and parking for two vehicles at right angles to the road. Drivers would have to manoeuvre on Church Street to enter and leave the parking spaces. There would not be the possibility of drivers entering and also leaving in forward gear. The Highway Authority (HA) requires sight lines of 2.4m x 43 metres over highway land or land within the appellant's ownership for a new vehicular access to a classified road where there is a speed limit of 30mph. The sight lines at this site only extend to 15 metres in either direction.

The Inspector concluded that, the provision of off-road parking would reduce on-road parking, to the benefit of traffic flow, however, this did not overcome the concern regarding drivers having to manoeuvre on the highway to gain access to and from the proposed spaces. Therefore, the proposed development would not accord with policy ITCR11 of the Bolsover District Local Plan 2020 which, amongst other things, requires parking to be created in a safe environment, avoiding conflicts with other road users including pedestrians and cyclists.

The appeal was dismissed.

Recommendation

None

The decision was made in accordance with Local plan policies. The Inspector agreed with the interpretation of these policies and that the existing policy relating to parking and highway safety is in line with the NPPF.

Appeal Ref: APP/R1010/W/24/3338461: 67 Chatsworth Road, Cresswell, S80 4LH

The application was a retrospective application for the change of use of land from communal open space to domestic garden and the enclosure of that land with a fence.

The application was refused.

Main Issues

The main issues for consideration were the effect of the development on:

- the designated Green Space
- the character and appearance of the area
- biodiversity.

Conclusion

Green space

The Inspector agreed that the site falls within designated Green Space and hence is protected under policy ITCR6 of the adopted Local Plan for Bolsover District (LP.) The Inspector concluded that the development did not accord with policy ITCR6 of the LP in so far that it has resulted in the loss of part of an existing Green Space and no replacement facility has been provided.

In reaching this conclusion, the Inspector also gave consideration to the fact that the land was also part of a multi-user trail network as protected under policy ITCR2 of the LP. While the multi-user trail could still be used, the Inspector concluded that it was clear that prior to the breach of planning control taking place, the appeal site had a greener and more undeveloped appearance as part of the linear Green Space and provided a visually attractive connection into the countryside for leisure purposes. The Inspector considered that prior to the unauthorised development taking place, the land provided a pleasing undeveloped green buffer between the footpath and the residential development beyond. Furthermore, there was a distinctive consistency to the width of the Green Space in this location.

The Inspector concluded that prior to the breach of planning control taking place, the appeal site had distinctive public benefits as outlined above and therefore the breach of planning control is not of *'greater overall benefit to the local community'* than use of the land as Green Space and on that basis the development did not accord with policy ITCR6 of the LP.

Character and appearance of the area

The Inspector considered that prior to the breach of planning control taking place, the land was part of designated Green Space and was experienced as being integral to the undeveloped and landscaped strip alongside the footpath. The use of the land as an extended domestic garden, facilitated by way of the erection of a wooden fence, unacceptably departed from the green and undeveloped nature of the Green Space and was seen as an ad-hoc and incongruous addition which failed to maintain the otherwise mainly straight and verdant edge that prevailed to the rear boundaries of the properties on Chatsworth Road.

The Inspector concluded that the development had the effect of urbanising what was otherwise a green space between housing areas and as such significant harm had been caused to the distinctive character and appearance of the locality. The new planting the appellant had put in was not mature and did not fully screen the imposing fencing. He therefore concluded that the development did not accord with the design, character, and appearance requirements of policies SC2 and SC3 of the LP and chapter 12 of the National Planning Policy Framework 2023 (the Framework).

Biodiversity

The Inspector considered that there was no evidence that the development had caused harm to any protected species, but trees and scrub were removed to facilitate the unauthorised development. And it is likely that this would have had some biodiversity value. The appellant has planted additional trees following the breach of planning control occurring, however, the appellant had not provided baseline biodiversity information as part of the appeal and therefore it could not be ascertained whether the landscaping undertaken was sufficient to meet the requirements of policy SC9 of the LP which requires development proposals to conserve and enhance biodiversity. As part of this process, policy SC9 requires *'adequate and proportionate information to enable a proper assessment of the implications for biodiversity'*. The Inspector considered this had not been provided as part of this appeal and concluded that the development does not accord with the

biodiversity requirements of policy SC9 of the LP.

Other Issues

The appellant considered that enclosing the land as part of an enlarged garden had improved its appearance and minimised potential anti-social and criminal activities. The Inspector gave the reduction in anti-social and criminal activities positive weight in the overall planning balance. However, CCTV had recently been installed by the appellant and this CCTV may be able to mitigate possible anti-social activity and/or by providing other deterrents such as security lights and/or additional or different landscaping within original garden land. It need not necessarily be the case that enclosing the land with a fence and using it for private domestic garden purposes was the only way of dealing with anti-social or criminal activities.

The Inspector concluded that whilst the evidence indicated that the development had to some extent mitigated the effects of some anti-social activities, this did not carry sufficient weight to outweigh the harm caused in terms of the conflict with policy ITCR6 of the LP, the significant harm caused to the character and appearance of the area, and the conflict with the biodiversity requirements of policy SC9 of the LP.

The appeal was dismissed.

Recommendation

None

The decision was made in accordance with Local plan policies. The Inspector agreed with the interpretation of these policies and that the existing policies relating to protection of allocated green spaces, multi-user trails and biodiversity are in line with the NPPF.