

## PLANNING COMMITTEE – 20 APRIL 2023

### Appendix B: Appeals Determined (between 27 February 2023 – 03 April 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/01721/TPO	Little Dower House Station Road Bleasby NG14 7FX	Undertake works to Sycamore protected by TPO 66 G1 Sectionally dismantle to ground level	Delegated Officer	Not Applicable	Appeal Dismissed	28th February 2023
21/02660/FUL	Land Adjacent Hunters Lodge Main Street Kirton Newark On Trent NG22 9LP	Erection of 1 No. dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	30th March 2023
22/01125/FUL	Field Reference 5850 Ricket Lane Blidworth	Erection of a timber building to store agricultural machinery (retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/01302/HOUSE	62 Nelson Road Balderton Nottinghamshire NG24 3EL	Proposed first floor extension to existing single storey extension to side of property.	Delegated Officer	Not Applicable	Appeal Dismissed	8th March 2023
22/01423/FUL	Ringstead 48 Kirklington Road Bilsthorpe NG22 8SS	Erect double garage with apartment at first floor level.	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/00120/FULM	Land Adjacent Willowdene 9 Beckingham Road Coddington Newark On Trent NG24 2QS	New hay and equipment/machinery store.	Delegated Officer	Not Applicable	Appeal Dismissed	30th March 2023
22/01984/HOUSE	96 Caythorpe Road Caythorpe Nottinghamshire NG14 7EB	Timber framed and clad double garage (Part retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	23rd March 2023

## Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
22/02430/FUL	Land off Sand Lane, Spalford	Provision of two new Live/work Dwellings including a separate building containing detached work spaces and under cover parking	<p>The application was determined under delegated by Officers on 23 February 2023. The application was recommended and determined to be refused, with two reasons for refusal set out. In the issuing of the decision, due to an administrative error, the template for grant planning permission was chosen by mistake. This therefore has resulted in planning permission having been granted, with reasons for refusal, as opposed to conditions attached to the permission.</p> <p>This was raised to the Council's attention by the applicants. Once a decision is issued, it is not possible to amend it i.e. we cannot withdraw the incorrect decision notice and reissue with a refusal planning permission template.</p> <p>Following legal advice, the Council is seeking to have this decision quashed with the Chairman of Planning Committee acting as Claimant on the basis the decision is clearly an error. Papers are currently with the Court. In anticipation of the Court quashing the decision, the matter will be reconsidered by Officers in due course.</p>
20/02420/S73M	Kilvington, Newark on Trent, NG13 9PD	Application to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439)	<p>As previously reported to Members: In summary, the Council declined to accept this application as it considered the removal of the 2 conditions (relating to occupation) would enable the development to be occupied/used as permanent dwellings as opposed to holiday homes as was originally granted under the 2014 permission, notwithstanding the description of the development which includes '<i>Development of 34 self-catering holiday units...</i>'</p> <p>The Council's decision was appealed and the Planning Inspectorate agreed with the LPA and the appeal was not determined. The appellants commenced judicial proceedings against the Inspector's (Secretary of State) decision to not entertain the appeal.</p> <p>Update - The High Court issued its decision in December 2022 (Reid v Secretary of State for Levelling Up Housing &amp; Communities; Newark &amp; Sherwood District Council [2022] EWHC 3116 (Admin) where it determined the Inspector should have entertained the appeal. The removal of the conditions would not change the description of the development and therefore the Inspector should have considered the appeal. The [judicial] appeal therefore succeeded.</p> <p>The appeal is back with the Planning Inspectorate for determination on the merits of the proposal. The Inspector will consider all matters presented to him/her at the outset of this appeal by the Council and interested parties in early 2022.</p>

### Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

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