

Planning Committee – 10th August 2023

Appendix B: Appeals Determined (17th June 2023 and 24th July 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00049/ENFB	Plots 9 and 10 Field Reference Number 1271 New Lane Blidworth	Without planning permission, operational development on the Land comprising of the construction of a stables, field shelter and store, marked X and Y on the attached Location Plan and identified within plan 1. Plot 9 Stable and field shelter with an approximate footprint of 24m2 and pitch height of 2.6m Plot 10 Stable building and store with approximate footprint of 33m2 and pitch height of 2.6m. Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses, equestrian.			Split Decision 1. The appeal is allowed insofar as it relates to a material change of use 2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development	23rd June 2023
22/00052/ENFB	Field Reference Number 6815 New Lane Blidworth	Without planning permission, "development" consisting of the erection of unauthorised timber stables, as shown in Figure 1, and the material change of use of the land for the keeping of horses.			Split Decision 1. The appeal is dismissed insofar as it relates to operational development 2. The appeal is allowed insofar as it relates to a material change of use	23rd June 2023

21/02633/FULM	Plot 2 Cross Lane Blidworth	Change of use to equestrian use, retention of field shelter and formation of new access track (retrospective)	Delegated Officer	Not Applicable	Split Decision 1. The appeal is dismissed insofar as it relates to operational development 2. The appeal is allowed insofar as it relates to a material change of use	23rd June 2023
21/02620/FULM	Plots 4, 5 and 8 New Lane Blidworth	Change of use of land to equestrian, retention of associated field shelters/hay store/stables and formation of new access tracks (retrospective)	Delegated Officer	Not Applicable	Split Decision 1. The appeal is dismissed, and the enforcement notice is upheld insofar as it relates to operational development 2. . The appeal is allowed insofar as it relates to a material change of use	23rd June 2023
21/02621/FULM	Plot 11 New Lane Blidworth	Change of use of land to equestrian and retention of associated stables (retrospective)	Delegated Officer	Not Applicable	Split Decision 1. The appeal is dismissed insofar as it relates to operational development 2. The appeal is allowed insofar as it relates to a material change of use	23rd June 2023
21/02638/FULM	Plots 9 and 10 New lane Blidworth	Change of use to equestrian use, retention of stables and field shelter and formation of new access track (retrospective)	Delegated officer	Not applicable	Split Decision 1. The appeal is allowed insofar as it relates to a material change of use 2. The appeal is refused insofar as it relates to operational development	23rd June 2023

21/02663/FULM	Plots 3 and 15 New lane Blidworth	Change of use of land to equestrian use and formation of new access tracks to both plots. New shelter and retention of open fronted field shelter to plot 3 (part retrospective)	Delegated officer	Not applicable	Split decision 1. The appeal is dismissed insofar as it relates to operational development use 2. The appeal is allowed insofar as it relates to a material change of use	23rd June 2023
22/02194/HOUSE	Hawthorn House Bilthorpe Road Eakring NG22 0DG	Proposed extension to garage. Replacement of existing garage doors (retrospective).	Delegated Officer	Not Applicable	Split Decision 1. The appeal is dismissed insofar as it relates to the proposed 'cart shed' style extension to existing garage. 2. The appeal is allowed insofar as it relates to the existing garage doors	29th June 2023
22/00575/FULM	Plot 1 New Lane Blidworth	Change of use of paddock to equestrian use, erection of stable block, provision of hard standing, formation of new access to highway and parking area (part-retrospective)	Delegated Officer	Not Applicable	Split Decision 1. The appeal is allowed insofar as it relates to the material change of use 2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development including siting of shipping containers	23rd June 2023

22/00055/ENFB	<p>Land on the Corner of New Lane and Cross Lane Field Reference Number 7909 Blidworth</p> <p>(Also known as: Plot 1 New Lane Blidworth)</p>	<p>Without planning permission, development consisting of the material change of use of land from agriculture to the use for equestrian proposes and operational development consisting of the erection of a stables building (as shown within photographs 1 and 2 and identified with an X on the site plan and aerial photograph) and the installation of shipping containers (as shown within photographs 1, 2 and 3 and identified with a Y and Z on the site plan and aerial photograph).</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development including siting of shipping containers</p>	23rd June 2023
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22/00054/ENFB	<p>Plot 2 New Lane Blidworth</p>	<p>Without planning permission, operational development on the Land comprising of the construction of an open field shelter and store (marked X on the attached Location Plan and identified within photograph 1). Open field shelter and store with an approximate 41m2 and pitch height of 2.8m. Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development</p>	23rd June 2023
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22/00050/ENFB	Plots 4, 5 And 8 Field Ref No 6446 Cross Lane Blidworth	<p>Without planning permission, operational development on the Land comprising of the construction of timber stables and hay store buildings (marked X and Z on the attached Location Plan and identified within photograph 1 and 2) and field shelter (marked W on the attached Location Plan and identified within photograph 3).</p> <p>Plot 4 Two stable blocks (marked Z on the Location Plan) each with an approximate footprint of 40m² and pitch heights of around 2.85m.</p> <p>Plot 4 Hay store (marked X on the Location Plan) approximate footprint of 34m² and pitch height of around 3.17m.</p> <p>Plot 8 Field shelter (marked W on the Location Plan) approximate footprint of 27m² and pitch height of around 2.91m.</p> <p>Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development</p>	23rd June 2023
22/00048/ENFB	Paddock 11 Field Reference 4444 New Lane Blidworth	<p>Without planning permission, operational development on the Land comprising of the construction of a timber stable building (marked X on the attached Location Plan and identified within photograph 1).</p> <p>Stable block with an approximate 40m² and pitch height of 2.8m.</p> <p>Without planning permission, development comprising of the material change of use of the Land from agricultural use to the keeping of horses (equestrian).</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal under ground (a) is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development</p>	23rd June 2023

22/00239/ENFB	Plot 12 New Lane Blidworth	<p>Without planning permission, operational development on the Land comprising of the construction of a timber stables building (marked X on the attached Location Plan and identified within Photograph 1).</p> <p>Timber stables building</p> <p>Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>	Delegated Officer	Not Applicable	<p>Variation to Decision</p> <p>1. The enforcement notice is varied by the deletion of '84 days' in section 6(1) and the substitution instead of '180 days' and by the deletion of '140 days' in section 6(2) and the substitution instead of '210 days'.</p> <p>Unlike the other similar planning enforcement appeals, the appellant did not appeal under ground (a) that planning permission should be granted for the breach of planning</p>	23rd June 2023
22/00053/ENFB	Plots 3 And 15 Cross Lane Blidworth	<p>Without planning permission, "development" consisting of the erection of unauthorised timber stables, as shown in Figure 1, and the material change of use of the land for the keeping of horses</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development</p>	23rd June 2023
21/02663/FULM	Plots 3 And 15 New Lane Blidworth	<p>Change of use of land to equestrian use and formation of new access tracks to both Plots. New shelter and retention of open fronted field shelter to Plot 3 (part retrospective)</p>	Delegated Officer	Not Applicable	<p>Split Decision</p> <p>1. The appeal is allowed insofar as it relates to the material change of use</p> <p>2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to operational development</p>	23rd June 2023

20/00108/ENF	Site Adjacent 'The Old Grain Store' Old Epperstone Road Lowdham	Without planning permission, development consisting of: A. The material change of use of the land, outlined in red and highlighted Blue on plan B, from agriculture to the production of wood fuel, along with the positioning on the land of equipment, machinery and materials associated with the material change of use including, but not limited to: i. Biomass boiler (photo1); ii. Log splitter (photo 2); iii. Wood drying kiln.	Delegated Officer	Not Applicable	Appeal Dismissed	6th July 2023
20/00108/ENF	Site Adjacent 'The Old Grain Store' Old Epperstone Road Lowdham	Without planning permission, operational development consisting of: A. The creation of an earth bund, outlined in yellow on the aerial photograph as part of this notice. B. The creation of a structure by the placing of two shipping containers connected by a canopy roof and concrete floor (as shown within photographs 1 and 2) and outlined in Blue on the aerial photograph as part of this notice. C. The creation of a log drying kiln. D. The creation of concrete walls to form a clamp as shown within photograph 3 and concrete walls adjoining the biomass boiler, both outlined in Red on the aerial photograph as part of this notice.	Delegated Officer	Not Applicable	Appeal Dismissed	6th July 2023
22/00925/FUL	Land Adjacent Ivydene Main Street Weston	Erection of 5 bed dwelling and garage block (resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd July 2023

23/00151/ADV	Lincolnshire Co-operative Ltd Stanton Avenue Bilsthorpe Newark On Trent NG22 8GL	2no. illuminated fascia signs and 1 No. illuminated totem sign.	Delegated Officer	Not Applicable	Appeal Not Determined Out of time	14th July 2023
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Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
22/02430/FUL	Land of Sand Lane, Spalford	Provision of two new Live/work Dwellings including a separate building containing detached work spaces and under cover parking	Following the grant of planning permission by the Council in error on 23 February 2023, a judicial review of the decision was brought about by, the then, Planning Committee Chairman Mr Roger Blaney seeking to quash the decision. The Council did not object to the Order and the decision was quashed on the 20th June 2023 by the High Court. The Council will reconsider the application and a decision made in due course.

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 quoting the relevant application number.

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