



## Appeal Decision

Site visit made on 2 July 2019

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2019**

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**Appeal Ref: APP/W3005/W/19/3223980**

**22 Grange Farm Close, Sutton in Ashfield NG17 1NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Harvey against the decision of Ashfield District Council.
  - The application Ref V/2018/0577, dated 24 August 2018, was refused by notice dated 12 October 2018.
  - The development proposed is change of use of land to Garden and erection of fencing.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have substituted the description of development given in the application form for that used by the Council in the decision notice. This summarises the development more succinctly than the general background narrative presented in the application

### Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal site is part of a landscaped area that separates the residential area from the Calladine Business Park to the south.
  5. The evidence provided by the Council appears to demonstrate that the landscaped area formed a key aspect of the development to construct the business park in 1992.
  6. The appeal site measures approximately 90m and would be enclosed into the garden area of the host dwellings. The appellant's statement notes that the trees on the site would be retained, although I note that they are not protected by a Tree Preservation Order.
  7. I find that the buffer area provides a strong character to the locality, and clearly delineates between the residential and industrial areas and on my site visit, I noted that it appears to be well used by local residents, especially dog walkers.
  8. From the evidence in front of me, it would appear that the existing dwelling has a level of private amenity space that is consistent with the requirements of the Residential Design Guide (2014).
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9. Policy ST1 of the Ashfield Local Plan Review (2002) (the LP) states that development will be permitted where it does not adversely affect the character and quality of the environment, or conflict with an adjoining or nearby land use.
10. I find that the intrusion into the buffer zone would be contrary to that policy, and the increased level of private amenity space, which would be a private benefit to the appellant, would not outweigh the harm that would be caused to the character of the area by extending into the landscaped area.
11. As a result, I find that the proposals are contrary to Policy ST1 of the LP, and the environmental aims of the National Planning Policy Framework.

### **Other Matters**

12. It has been brought to my attention that No 18 Grange Farm Close has recently gained planning permission for a similar change of use to the appeal proposals following an enforcement investigation.
13. I have taken this decision into consideration, but I am not bound by previous decisions of the Council, and I have determined this appeal on its own merits.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. I find that the limited benefits of the scheme do not outweigh the harm it would have in respect of the loss of character to the landscaped, buffered area that separates the residential and industrial areas of the locality.

### **Conclusion**

15. For the reasons above, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR