

**RECENT APPEAL DECISIONS TO THE END OF OCTOBER 2010**

**Application Ref: S09/2569/FULL PWM**  
**Planning Inspectorate No: APP/E2530/A/10/2130357/NWF**

Appeal Type: **Written Evidence**

Appellant:	R Terrill & R Repton
Proposal:	Change of use of agricultural land to domestic garden (C3)
Site:	Church Farm, 7, Church Lane, Great Gonerby, Grantham, NG318JU

Appeal Decision – Date:	Appeal dismissed - 18 October 2010
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**SUMMARY**

This application was refused under delegated powers as it was considered to be an excessive and inappropriate encroachment into open countryside which would be visually intrusive and have a detrimental urbanising impact on the rural appearance and character of the area.

The Inspector generally agreed with this assessment, although he considered the proposal's impact from long distance public vantage points would be minimal. The appeal was **dismissed**.

No application for costs was made by either party.

**Application Ref: S10/0590/OUT PWM**  
**Planning Inspectorate No: APP/E2530/A/10/2129353/WF**

Appeal Type: **Written Evidence**

Appellant:	Mr R Johnson
Proposal:	Erection of dwelling
Site:	Adjacent 1 The Avenue, Grantham, NG317PP

Appeal Decision – Date:	Appeal dismissed - 18 October 2010
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**SUMMARY**

This application was refused under delegated powers as it was considered:

1. to be not in keeping with the form and character of the surrounding development
2. detrimental to the residential amenities of the occupiers of the adjacent property through overlooking and dominance of outlook
3. that it would lead to an increase in on street parking which would create interference to the safety and free flow of traffic in The Avenue. (This reason was added at the request of the County Highways Authority.)

The Inspector generally agreed with reasons 1 & 2 of the officer assessment, although he disagreed with the highways reason, considering that the proposal would have little impact on parking and traffic flow in this lightly trafficked road. The appeal was **dismissed**.

No application for costs was made by either party.

**Application Ref: S10/0502/HSH PJM**  
**Planning Inspectorate No: APP/E2530/A/10/2130403/NWF**

Appeal Type: **Written Evidence**

Appellant:	Mr Alan James
Proposal:	Single storey rear extensions
Site:	The Old Barn & Lofts Cottage, Cleveland Farm, Main Street, Claypole, NG23 5BA

Appeal Decision – Date:	Appeal allowed with conditions - 06 October 2010
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**SUMMARY**

To be done at a later date

**Application Ref: S10/0012/FULL KJC**  
**Planning Inspectorate No: APP/E2530/A/10/2129200/NWF**

Appeal Type: **Informal Hearing**

Appellant:	Miss Helen Broadhurst, David Wilson Homes North Midlands
Proposal:	Erection of 5 dwellings with associated infrastructure
Site:	Land at Former Colsterworth Industrial Estate, Bridge End, Colsterworth

Appeal Decision – Date:	Appeal allowed with conditions - 04 October 2010
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**SUMMARY**

Members may recall that the above application was refused against officer recommendation on 12 April 2010.

The appeal was allowed with conditions. The inspector considered the main issues to be (i) whether there is still any demand for a commercial use of the site, and (ii) whether the proposal would represent a sustainable form of development.

His concluded that it had been reasonably demonstrated that there is insufficient demand for the commercial use of the site with alternative land being available nearby. Further, the site is not seen to be commercially viable from a retail perspective and there is nothing to suggest that this will change in the future.

The proposal would result in the residential development of a brown field site within easy walking distance to the local services of Colsterworth would be in accordance with the broad aims of Government guidance on sustainability given in PPS1, PPS3 and PPG13.

**Award of Costs**

The Inspector considered that the Council did not provide substantive evidence to support its view that the proposal would be contrary to the sustainable objectives set out in national guidance. Whilst it would clearly been preferred to have an employment/commercial use of the site it was not demonstrated how this would be a more sustainable form of development so as to justify the reason for refusal one.

With regard to the second reason for refusal, the inspector agreed that the onus is on the applicant to adequately demonstrate that there was no demand for a commercial use on the site and that the Council's judgement was not an unreasonable one based on the information that accompanied the application.

Accordingly, the inspector considers that the Council acted unreasonable in relation to the first reason for refusal and awards a partial award of costs relating to the costs incurred in responding to this reason.