

Report to Planning Committee

Application Number: 2020/0250

Appeal Ref: APP/N3020/W/20/3259515 - approval of reserved matters application 2020/0250 (under outline permission 2016/0987)

Site Address: Land at the Former Riding Stables, Lambley, Nottinghamshire, NG4 4PN

Application description: Redevelopment of existing stable buildings to provide 1no. dwelling.

Case Officer: Claire Turton

The appeal was re-considered by the Planning Inspectorate (PI) with an original appeal decision made having been quashed at the High Court on the grounds that the PI did not accurately considered the matters under consideration through the reserved matters process, rather they considered the principle of development too.

The revised appeal was subject of an informal hearing and the appeal was **dismissed**. By way of background, condition 4 on the original outline permission restricted the dwelling to a floor area of not more 240m². The application submitted was for a dwelling of 240m²; however, it also proposed the retention of some existing structures on site.

The Inspector considered that through the retention of the outbuildings, which would have changed their use through the reserved matters application, with a change of use being development that requires planning permission, **and** erection of the dwelling, this resulted in a combined floor area over and above the 240m² permissible by the aforementioned condition attached to the outline. The Inspector concluded, therefore, that the reserved matters application did not comply with the condition and that the appeal should be dismissed.

Furthermore, an **application for costs** was made by the appellant against the Council on the grounds that the Council had acted 'unreasonably' in refusing the application and not clearly substantiated whether or not the proposal was contrary to condition 4. The Inspector noted that the reason for refusal did not specifically make reference to a conflict with condition 4; however, he noted that through the appeal process the Council had been clear in that it believed the proposal was in conflict with the condition. As a result the application for costs was **dismissed** too.

Recommendation: To note the information.