South Cambridgeshire District Council

27 July 2021

Report to: South Cambridgeshire District Council Planning Committee

Lead Officer: Director of the Greater Cambridge Planning Service.

21/01633/CL2PD– Comberton (24 West Street, Comberton, CB23 7DS)

Proposal: Certificate of lawfulness under section 192 for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.

Applicant: Mr Alistair Funge

Key considerations:

- It appears to the Local Planning Authority that the proposed works comply with Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Date of Member site visit: N/A

Is it a Departure Application?: No

Decision due by: 07.06.2021

Application brought to Committee because: Applicant is a staff member of South Cambridgeshire District Council.

Presenting officer: Charlotte Spencer

Executive Summary

1. The applications is brought to Committee because the applicant is a staff member South Cambridgeshire District Council.

2. It appears to the Local Planning Authority that the proposed works comply with Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant planning history

3. 20/04600/HFUL: Erection of 3 bay cart lodge style garage with room above. Withdrawn 15.06.2021

Consultation

4. Parish Council:
   Having a caravan within a residential curtilage is permitted, however, if in place one would expect it to confirm with the guidance for outbuildings. The outline of the caravan does not comply with this.
   2 metre high gate and boundary fence would be part of a fence, wall or gate that forms a boundary with a neighbouring listed building and so planning permission is required. The boundary would have a material impact on the conservation area.
   If a caravan was sited at the location it would be likely to affect the setting of the listed building.
   Regret no public comment has been allowed for this application.
   Request that no certificate be granted for the current submission.

5. Conservation:
   No material conservation issues with the concrete base

6. Officer Comments:
   The application is seeking confirmation of whether or not the proposal is permitted development. Material planning considerations cannot be assessed.

The site and its surroundings

7. The application relates to a two storey, detached dwelling house located to the North of West Street. The render and tile dwelling is set back from the road by over 17 metres of hardstanding and soft landscaping.

8. The site lies within the Comberton Development Framework and Conservation Area. It is adjacent to Grade II Listed Buildings at Nos.14 and 18 West Street.

9. The site itself is not a Listed Building nor is it located within a World Heritage Site or AONB. Permitted development rights for the property have not been removed.

The proposal

10. The application is seeking a certificate of lawfulness under section 192 for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.

11. During the determination process the applicant has amended the site plan to show a soakaway.

Planning assessment

12. The application is seeking the Certificate on the grounds that the proposed works would comply with the provisions of Schedule 2, Part 1, Class F and

Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

13. A caravan/mobile home is considered as an article of movable personal property and so there are no planning laws preventing one being kept within the curtilage of a dwelling house if it is incidental. It is noted that if the caravan would be used as a separate dwelling house a change of use application would be required. Officers are content that the caravan would be used as incidental to the dwelling house. The applicant is advised that if it is used as a separate residential unit then they would be at risk of enforcement action.

14. The new hedge does not require permission.

15. The submitted plans confirm that:
    a. The hard surface would be situated on land between a wall forming the principal elevation of the dwelling house and a highway;
    b. The area of the ground covered by the hard surface would exceed 5 metres and;
        i. The gravel would be permeable and;
        ii. Provision is made to direct run off water from the concrete base to a porous area
    c. The height of the gate would not exceed 2 metres above ground level and is over 3 metres from the public highway;
    d. It would not involve development within the curtilage of, or to a means of enclosure surrounding, a listed building

Recommendation

16. That a Certificate of Lawfulness be granted under Section 192 of the Town and Country Planning Act 1990 (as amended) for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.

Conditions

It appears to the Local Planning Authority that the proposed works comply with Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

First Schedule: Certificate of lawfulness under section 192 for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.

Second Schedule: 24 West Street, Comberton, CB23 7DS as identified outlined in RED on the location plan attached to this Certificate.