

## APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

### TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

#### 1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/1472/03/F	W S Jack 4 St Andrews Close <u>Stapleford</u> Extension (retrospective) (Officer Recommendation to Approve)	Dismissed 26/03/2004
E 468	W S Jack 4 St Andrews Close <u>Stapleford</u> Enforcement of removal of 1st floor conservatory	Dismissed 26/03/2004
S/1167/03/F	Mr & Mrs Whitehead Adj Crewe House, Primrose Lane <u>Waterbeach</u> Conversion of garage into dwelling (Delegated Refusal)	Allowed 06/04/2004
S/0745/03/F	Mr D Coomer 41 Moorfield Road <u>Duxford</u> Extensions (Officer Recommendation to Refuse)	Dismissed 07/04/2004
S/1933/03/F	Mr & Mrs Jeffery 36 Manor Park <u>Histon</u> Conservatory (Delegated Refusal)	Dismissed 07/04/2004
S/0040/03/F	Mrs P Hedges Carefield, Button End <u>Harston</u> Siting of 2 caravans & 1 mobile unit for 1 gypsy family (Officer Recommendation to Refuse)	Allowed 07/04/2004

S/1310/03/O	Mr P Harris Adj Greenacre, Chapel Road, Weston Green <u>Weston Colville</u> House & garage (Delegated Refusal)	Allowed 13/04/2004
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## 2. Summaries of recent decisions of interest

### **Mrs P Hedges – Use of land for siting of two caravans and one mobile utility unit for one gypsy family – Carefield, Button End, Harston - Appeal allowed and planning permission granted for temporary period of three years**

The appellant moved onto this site without planning permission in July 1999. An appeal against an enforcement notice was dismissed in January 2000. Despite a compliance period of four months, the Council deferred further action in order for Mrs Hedges to have a hip operation. This operation was finally carried out in September 2002. In November 2002, the Council extended the compliance period for three more months. A planning application was submitted in December 2002 and refused in June 2003. That application was the subject of this appeal.

It was not in dispute that the site lies within the Green Belt where the development constitutes inappropriate development. The main issues were whether there are very special circumstances that clearly outweigh the harm caused by the development such that permission should be granted; and if not whether permission could be granted for a temporary period.

In assessing the actual harm to the Green Belt, the inspector first considered the effect on openness. He observed that the site is flanked on both sides by dwellings with associated boundary screening and the appeal site has a tall mature hedge and trees except at the point of access. As a consequence, the development would only be perceived at close quarters when actually passing the site frontage and even then in filtered views. While repeated incremental small-scale erosion of openness can have significant consequences over time, he concluded that the loss of openness would be relatively minor.

In terms of other Green Belt harm, there was no conflict with Structure Plan Policy, but some harm with the objectives of PPG2 with regard to countryside encroachment.

As with other recent gypsy appeals, the inspector found that there is a clear and substantial general requirement for new gypsy sites within the district, to which development plan policies are providing only a partial response.

In considering the appellant's personal circumstances, the inspector attached "considerable weight" to the need for the youngest child to continue with settled primary education. The Council had already shown "sensitivity" to Mrs Hedges' medical condition and "some weight" should be afforded to allow Mrs Hedges continuity of access to nearby medical services at least while replacement of her other hip is under review. The process of finding, securing permission for and acquiring a suitable alternative site could take considerable time.

The likely outcome of withholding permission would be a return to an itinerant lifestyle of successive short-term encampments in different locations.

The inspector also took into account the “unusual extent of local support” for the proposal. This suggested that there was an absence of harm other than in Green Belt terms.

Despite this, the inspector concluded that very special circumstances did not exist which clearly outweigh the harm to the Green Belt by way of inappropriateness, and any other harm, arising from the development. He was not prepared to grant permanent permission.

The grant of a temporary permission, however, would result in considerably less interference with the appellant’s home and family life. It would allow the completion of the primary education for the youngest child, continuity of health care, and give Mrs Hedges time, in conjunction with the Council, to make a concerted effort to find an alternative site outside the Green Belt. Such an action would be proportionate to the actual limited harm that is being caused.

Temporary permission was therefore granted for three years for Mrs Hedges, her husband and her children. A condition regarding additional planting along the roadside frontage was also imposed.

**Mr and Mrs G Whitehead – Conversion of garage to dwelling – Crewe House, Primrose Lane, Waterbeach - Appeal allowed**

This application was refused for three main reasons. These were the effect of the proposal on the character and appearance of the area; the effect on living conditions of future occupants of the dwelling in respect of privacy, traffic noise and adequacy of amenity space; and the effect on highway safety.

The garage is a relatively large building built in brick with a pitched roof. The insertion of windows and doors would, in the inspector’s opinion, have no significant effect on the character and appearance of the building. The setting of the building is relatively open and the appearance of the boundaries could be controlled by an appropriate condition.

The new dwelling would be separated from Crewe House by a paved area, boundary hedge and trees. This was found to reduce the degree of overlooking. Additional planting could be provided. The number of vehicles passing the building was likely to be low and the bedroom would be sited away from the access way. The Environmental Health Officer had raised no objections. While the amount of private amenity space would be limited, the advice in Policy HG15 (now HG10) was that schemes should avoid inflexible standards. This was a proposal for a small unit in a pleasant overall setting.

While Primrose Lane is a narrow road, the inspector considered that the additional traffic likely to be generated would be insignificant. There were points along the lane where two vehicles could pass each other and vehicle speeds are likely to be low.

The inspector also took into account the village’s good level of facilities and access to rail transport and the recommendations of the recent Housing Needs Survey by providing a one bedroom house.

Permission was granted subject to conditions regarding parking, boundary treatment and landscaping.

**3. Appeals received**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/2242/03/F	Compton & Parkinson Nil Desperandum, Fulbourn Road <u>Fulbourn</u> Extension for storage (Delegated Refusal)	22/03/2004
S/1966/02/F- S/1973/02/F	L Martin & Others Plots 1-8 Scotland Drove/Rose & Crown Road <u>Swavesey</u> Siting of mobile home and 4 caravans on each plot, together with vehicular access. (Re-determination following High Court Challenge)	23/03/2004
E472A	Martin Ragnauth Setbroad Farm, Oakington Road <u>Cottenham</u> Enforcement against unauthorised building works.	24/03/2004
E 472B	Martin Ragnauth Setbroad Farm, Oakington Road <u>Cottenham</u> Enforcement against unauthorised building works in the construction of foundations of a dwelling.	24/03/2004
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane <u>Waterbeach</u> 8 Houses (Officer Recommendation to Refuse)	01/04/2004
S/2473/03/F	F. Haslop Land Adjacent 5A High Street <u>Milton</u> Dwelling (Delegated Refusal)	05/04/2004
E502C	Mr H. Price 07/04/2004 Land at Moor Drove, Cottenham Road <u>Histon</u> Enforcement against installation of foul sewers and mains water & electricity	

S/0682/95/O	Mr P. Stroude Home Farm <u>Longstanton</u> Variation of Condition 16 of Outline Planning Consent S/0682/95/O (to allow the construction of more than 500 dwellings) (Non-Determination)	07/04/2004
E473	Optima (Cambridge) Ltd. The Bury, Newmarket Road <u>Stow-cum-Quy</u> Enforcement against unauthorised flat roofed extension to barn.	08/04/2004
S/2380/03/F	Mr & Mrs Waddington 43 North Road <u>Great Abington</u> Replacement Garage and Store with Studio Above (Delegated Refusal)	08/04/2004
S/2352/03/F	J Gordon-Smith CSP Ltd., Land South of Pampisford Road <u>Great Abington</u> Change of Use from Agriculture to Light Industrial (Class B1c) and Storage/ Warehousing (Class B8) (Delegated Refusal)	14/04/2004

**4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 2<sup>nd</sup> June 2004**

<b>Ref. No.</b>	<b>Details</b>	<b>Date/Time/Venue</b>
S/1127/03/F	J Jefford The Bungalow, Long Drove <u>Waterbeach</u> Retention of building and use as store and security office together with boundary screening to existing scrap yard. (Informal Hearing)	25/05/2004 Committee Room 2 10.00am
S/0599/03/F	Mrs E Mitcham Barn Farm, East Hatley <u>Hatley</u> Conversion of barn into dwelling and erection of garaging (Informal Hearing)	02/06/2004 Committee Room 2 10.00am

**5. Appeals withdrawn or postponed**

<b>Ref. No.</b>	<b>Details</b>	<b>Reason and Date</b>
S/0208/03/RM	Persimmon Homes (East Midlands) Ltd Land West Of <u>Longstanton</u> Erection of 97 dwellings and ancillary works	Withdrawn By Appellant

**6. Advance notification of future Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/1819/02/F	Mr G North The Bogs, The Cinques <u>Gamlingay</u> Removal of mobile home personal occupancy condition. (Local Inquiry)	08/06/2004 Confirmed
S/0455/03/F	Excelcare Etheldred House, Clay Street <u>Histon</u> Erection of nursing home (95 bed), District nurses centre, and alterations to access following demolition of existing (Informal Hearing)	15/06/2004 Confirmed
S/1966/02/F- S/1973/02/F	L Martin & Others Plots 1-8 Scotland Drove/Rose & Crown Road <u>Swavesey</u> Siting of mobile home and 4 caravans together with vehicular access. (Informal Hearing)	16/06/2004 Offered
S/6182/03/O	MCA Developments Ltd <u>Cambourne</u> Development comprising 1,744 new dwellings, primary schools, public open space and associated infrastructure. (Local Inquiry)	22/06/2004 Confirmed
S/1594/03/F	Keith Collier Engineering Ltd Unit 6, Riverview Farm, Overcote Road, <u>Over</u> Extension to workshop (Informal Hearing)	29/06/2004 Confirmed
S/1202/03/LB	Mr & Mrs Bryce-Smith Home Farm, 10 High Street <u>Shepreth</u> Extension (Informal Hearing)	30/06/2004 Confirmed

S/1203/03/F	Mr & Mrs Bryce-Smith Home Farm, 10 High Street <u>Shepreth</u> Extension (Informal Hearing)	30/06/2004 Confirmed
E 501	Mr H Price Primrose Meadow, Cow Lane <u>Rampton</u> Enforcement against use of land as residential caravan site (Local Inquiry)	06/07/2004 Confirmed
S/0780/03/F	A Duke & Sons Off New Road <u>Melbourn</u> 2 houses (Informal Hearing)	13/07/2004 Confirmed
S/0181/03/LDC	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Certificate of lawfulness for siting & use of mobile home for residential accommodation (Local Inquiry)	14/07/2004 Confirmed
EP246A	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Enforcement of removal of mobile home (Local Inquiry)	14/07/2004 Confirmed
9 Appeals	Plots 7-16 Pineview Smithy Fen <u>Cottenham</u> Siting of travellers' caravan & day room (Local Inquiry)	20/07/2004 Confirmed
E461C	Mr P O'Brien Land off Water Lane <u>Cottenham</u> Enforcement against change of use to residential caravan site (Local Inquiry)	20/07/2004 Confirmed

S/2447/02/F	Mr J Flynn 6A Orchard Drive, Smithy Fen <u>Cottenham</u> 1 Mobile Home, 1 touring caravan and day room (Local Inquiry)	20/07/2004 Confirmed
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <u>Cottenham</u> Caravan & day room (Local Inquiry)	20/07/2004 Confirmed
S/0177/03/F	Mr J Biddall Kneesworth Road <u>Meldreth</u> Change of use of land to travelling show peoples' quarters (Local Inquiry)	27/07/2004 Confirmed
S/1058/03/F	Mr & Mrs Sherwood R/o 117 High Street <u>Melbourn</u> Erection of a dwelling & double garage (Informal Hearing)	03/08/2004 Confirmed
E 502	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Operational Development (Local Inquiry)	10/08/2004 Confirmed
E 502A	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Enforcement against material change of use to storage and residential use of caravans. (Local Inquiry)	10/08/2004 Confirmed
S/1934/03/F	Mr J Crickmore The Barn, Chesterton Fen Road <u>Milton</u> Change of use to tropical plant nursery comprising erection of 3 glasshouses, general purpose shed, alteration and extensions (Local Inquiry)	07/09/2004 Confirmed



S/1559/03/F	Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) <u>Histon</u> 57 Dwellings (Informal Hearing)	03/11/2004 Confirmed
S/2624/03/F	Country Homes and Gardens Royston Garden Centre, Dunsbridge Turnpike <u>Shepreth</u> Variation of conditions 1, 2, 10, & 11 of S/1333/02 in respect of revised landscaping details (Informal Hearing)	09/11/2004 Confirmed