

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th September 2007
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APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION

Purpose

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin.

Summaries

Mr J Sheridan – Variation of condition to allow increased size of dayroom – Plot 10 Setchell Drove, Cottenham – Appeal allowed.

2. This application was considered by the DCCC Committee in July 2006 when it was resolved that permission should not be granted to allow an existing oversized dayroom to remain. The main issues before the inspector were the effect of the development on the character and appearance of the countryside and whether there were any material considerations to outweigh this harm.
3. The dayroom is for the benefit for Mrs E Sheridan, who is an Irish traveller and who is severely disabled.
4. The dayroom was the subject of an unsuccessful appeal in 2000. The current appeal inspector concurred with his colleague that "the retention of the larger appeal building would cause serious harm to the openness of the surroundings. This would be harmful to the environmental qualities and character of the countryside and conflict with criterion (7) of Local Plan Policy HG23".
5. Mrs Sheridan's son has serious mental health problems. She has become paralysed following a car accident when her daughter was killed and which left another son seriously injured. Taking account of Mrs Sheridan's lack of mobility and the extent of care required, the inspector was satisfied that the dayroom is necessary to provide for her reasonable care. While this care could be provided in a mobile home, the family does not have the finances to purchase a larger home of that sort.
6. There were, therefore, exceptional circumstances that justified the grant of planning permission. In doing so, the inspector acknowledged that the building would be used for overnight sleeping and would therefore go beyond a dayroom. The appeal was allowed subject to a condition that the use of the building shall be limited to use by Mr and Mrs James Sheridan and their resident dependants so long as the accommodation is required by Mrs E Sheridan. When this requirement ceases the building shall either be removed or altered in accordance with enforcement notice E353J issued on 9 June 1999.