

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd October 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

Terence Day – Use of site for storage of building materials, construction of building, siting of two steel storage containers and parking of caravan – Land at Quarry Lane, Haslingfield – Appeal against enforcement notice allowed in part.

2. This appeal was made solely on the ground that the alleged development did not require planning permission. It was considered by way of a hearing and was attended by both the parish clerk and local residents who gave evidence about the history of the site.
3. From the evidence given by all the parties, it was established that, at present, Mr Day's use of the land for storage purposes is little different than that which previously subsisted, albeit that the present use is less intensive. The inspector acknowledged resident's concerns that the site might become a builders yard, but concluded that any such use is not the same as a storage use and would be likely to require planning permission.
4. In the circumstances, the inspector was satisfied that the authorised use of the site is for storage purposes (Class B8). The storage of building materials and the parking of the caravan used as a store are consistent with the authorised use and to this extent the appeal was allowed.
5. The inspector agreed with the Council that the siting of the storage containers is not a use of land but had amounted to operational development for which planning permission was required. Similarly, the inspector was satisfied that the works carried out to the former building on the site have resulted in a new building larger than its predecessor. The appeal in respect of these matters was therefore dismissed.
6. The appellant is required to remove the containers from the land and demolish that part of the building, which does not form the original structure to which it is attached. These works must be undertaken by 30 November 2007, although this would not prevent the appellant from submitting a retrospective planning application in the meantime to retain them.

Comment: This decision makes it clear that any attempt to use the site as a builders yard would require planning permission and it could therefore be subject to further enforcement action if this was considered expedient.

Harrod Associates – Erection of an office building following demolition of existing building – 7 St Peter’s Street, Duxford – Appeal allowed

10. The main issue in this case, was whether the development would preserve or enhance the character or appearance of the conservation area. There is a single-storey flat roof brick built structure on site at present, which lies at the heart of the settlement close to several listed buildings. It occupies a prominent position in the street scene. The proposed building would be of modern design, taller and with an asymmetrical roof.
11. The Council had argued that while the existing building does not enhance the area, neither does it cause any harm. The inspector disagreed. She considered it is of little architectural merit and detracts from the visual quality of the area. She found that the design and materials of the replacement building would reflect that of other properties in the conservation area, some of which have asymmetrical roofs. The new building would be a modern interpretation of existing buildings and would not appear out of keeping. While it would catch the eye, its set back from the edge of the pavement would reduce its impact.
12. The proposal would therefore preserve and enhance the character and appearance of the conservation area. Planning permission was granted subject to conditions regarding sample colour finishes; the fitting of obscure glass to a rear mezzanine window to prevent overlooking; and a restriction on working hours for the use of power operated machinery during the period of construction.