

## 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/1058/03/F	Mr & Mrs Sherwood R/o 117 High Street <u>Melbourn</u> Erection of a dwelling & double garage (Delegated Refusal)	Dismissed 18/08/2004
S/2033/03/F	Mr & Mrs Flitton Adj 39 Church Street <u>Thriplow</u> Bungalow (Delegated Refusal)	Dismissed 19/08/2004
S/2256/03/F	R Adlington Wood View, Potton End <u>Eltisley</u> Temporary Structure above garage (retrospective) (Delegated Refusal)	Dismissed 19/08/2004
S/2042/03/F	Mr & Mrs Heron Byron Lodge, 3 Royston Road <u>Harston</u> Extension (Delegated Refusal)	Allowed 19/08/2004
S/1539/03/F	Mr & Mrs Heron Byron Lodge, 3 Royston Road <u>Harston</u> Extension (Officer Recommendation to Approve)	Allowed 19/08/2004
S/1647/03/F	Mr R Shipsey & Ms J List Croxley House, Royston Road <u>Litlington</u> Extension to dwelling & erection of triple garage (Delegated Refusal)	Allowed 23/08/2004

S/2141/03/F	Mr & Mrs Willis 2B Church Road <u>Teversham</u> Outbuilding providing swimming pool, changing rooms and ancillary facilities for private use (Officer Recommendation to Refuse)	Dismissed 24/08/2004
S/1879/03/O	Vision Homes Cinques Road <u>Gamlingay</u> Residential development (Delegated Refusal)	Dismissed 31/08/2004
S/2204/03/F	Mr J Tilley The Old Fire Engine Shed, High Street <u>Sawston</u> Conversion of former fire engine shed to offices (Delegated Refusal)	Dismissed 01/09/2004
S/2257/03/F	Mr G Cadoo 6 & 8 St Michaels Lane <u>Longstanton</u> Dwelling (Delegated Refusal)	Dismissed 07/09/2004
S/1528/03/F	Mr I Harvey 36 Dubbs Knoll Road <u>Guilden Morden</u> Appeal against condition 2 of approval requiring approval of sample materials (Officer Recommendation to Approve)	Dismissed 07/09/2004

## **2. Summaries Of Recent Decisions Of Interest**

Mr J. Biddall- Change of Use of Land to Travelling Showpeople's Quarters (11 Plots)- Kneesworth Road, Meldreth- Appeal Allowed

This appeal was dealt with by way of a public inquiry. The vice chairman of Meldreth Parish Council attended and gave evidence.

The Inspector considered the main issue of this appeal to be whether the development would harm the character and appearance of the area, having regard to its countryside location, other uses in the immediate area and the material considerations advanced in this case.

The site is situated outside the defined framework boundary of Meldreth on the northern side of Kneesworth Road. It is a rectangular piece of overgrown land that is surrounded on three sides by mature hedges. In the south eastern corner there is a blocked up access to Kneesworth Road. Agricultural land lies to the north. Five Acres is a travelling showpeople's site that is situated to the east. The disused County Council owned traveller's site lies directly opposite Five Acres.

The only harm identified by the Council with regards to the proposed development was the resultant undesirable concentration of such sites in the area that would cumulatively have a significant adverse affect upon the rural character and appearance of the area.

The Inspector agreed with both the Council and the appellant that the appeal site is visually dominated by the existing permitted travelling showpeople's site to the west, as there is no screening along the common boundary between the two sites. The cumulative impact of the concentration of three sites for similar uses was therefore considered negligible as the existing site had already changed the character of the area and that it had resulted in potential sites for similar uses on both sides of the road.

The appeal site was considered to be much better screened in comparison to the existing site at Five Acres that is set at a slightly higher level and visible for long distances from Kneesworth Road. The Inspector concluded that additional landscaping to improve the depth of the existing planting, fill the gaps and provide year round screening would ensure that the proposed use does not have a significant visual impact upon the surrounding countryside.

The Council conceded that there was a general unmet need within the district for sites for travelling showpeople. The appellant and a member of the Showmen's Guild of Great Britain produced evidence to show that there is little prospect of finding suitable alternative sites within London and the South East and that the number of sites is falling, partly as a result of the compulsory purchase of sites.

The Inspector took into consideration the specific needs and current circumstances of the appellant on his current site at South Ockenden in Essex. There are legal problems relating to an ongoing dispute over the ownership of land and evidence was produced to show that the safety and security of the family are severely compromised and that the appellant's wife has health problems as a result of living on that site. He also acknowledged that although the appellant was not born in the area, he has worked most of his life in London and the South East including East Anglia and nearby towns such as Cambridge and Royston.

The Inspector concluded by stating that there was an undisputed need for sites for travelling showpeople. He was satisfied that the appellant had demonstrated that he has a need a site and that this particular site was reasonably well located to enable him to continue to exercise a travelling lifestyle for the purpose of making and seeking his livelihood.

The appeal was allowed subject to conditions. These included a limitation on the occupation of the site to members of the Showmen's Guild of Great Britain, a restriction on the number of plots and caravans allowed on each plot, and details of hard and soft landscaping, boundary treatment, foul and surface water drainage, the layout of the site and the vehicular access to Kneesworth Road.

*Comment: The inspector was clearly influenced by Member's decision to approve the Five Acres site back in November 2002. This site was found to be significantly more prominent in the landscape than the Biddall site.*

### **Mr H Price- Enforcement Against Change of Use of Land to Residential Caravan Site (8 Plots) and Ancillary Development- Primrose Meadow, Cow Lane, Rampton - Appeal Allowed**

The Inspector considered the main determining factors in the outcome of this appeal to be whether the development harms the rural character and appearance of the area, whether the development is detrimental to highway safety and whether the development is well located for access to schools, shops and other local services.

The site lies in the open countryside outside the Rampton village framework. The site is screened on all four sides by mature trees and hedges and is surrounded by small hedged fields to the north and south and a large open arable fields to the east and beyond the small fields.

The Council accepted that the appellant and others living on the site are of gypsy status for planning purposes and that the Price family had lived within the district for the past 50 years. The Inspector acknowledged that the appellant had recently moved from a site with planning permission in the nearby village of Cottenham as a result of an influx of Irish gypsies. These people did not mix well with the English gypsies and had therefore made the appellant's living conditions "intolerable" through anti-social activities.

In contrast, there was considerable support from the local community in Rampton at the Inquiry.

The site is located 650 metres from Rampton and around 3-4 km from the nearby villages of Willingham and Cottenham. Although Rampton has a limited range of amenities, the larger villages close by are considered readily accessible by walking, cycling or driving. Whilst the Inspector conceded that most journeys would be made by car, he decided that as the occupants of the site were all family, they would share lifts and combine journeys. The site was therefore said to be located within reasonable distances of local services and facilities with regard to both convenience and sustainability issues.

The Inspector considered that the site retains much of its rural character as the hedges and trees around the perimeter of the site provide an effective screen that gives the appearance of a copse. Whilst some caravans may be visible in winter, the dense screening limits both long distance views from the surrounding area and close range public views from Cow Lane. The Inspector concluded by stating that it would be difficult to find a site that has more potential than the appeal site to be assimilated into its surroundings by landscaping.

Cow Lane is a single width, long, straight track with good visibility. From a traffic survey carried out by a local resident and the Inspectors own observations on site, he found that it was a very lightly trafficked road. He respected the Council's view that passing bays would harm the character and appearance of the area but considered that the use was acceptable in highway terms as there would only be a limited number of occasions where vehicles would have to pass each other safely. Passing bays were therefore not required.

The Inspector considered that the Council's objection regarding the use of septic tanks was unsubstantiated. There was no evidence to suggest that this method of disposal was not working adequately and if that were the case, it would be the responsibility of other authorities to resolve the matter. This matter together with other outstanding drainage matters could therefore be controlled by condition.

The appeal was allowed subject to conditions. These included a personal condition limiting the occupancy of the site to Mr Hope Price, his immediate family and their dependents and only when they are exercising a travelling lifestyle as a gypsy, a restriction on the number of plots, the prohibition of any trade or business, the removal of permitted development rights with regards to external lighting and details of landscaping and drainage.

*Comment: As with the Biddall decision, this is a well-screened site. The impact of the caravans is very limited. While the family's circumstances were taken into account, the appeal was largely allowed because of the suitability of the site.*

## **Mr & Mrs Bryce-Smith- Extension- Home Farm, 10 High Street, Shepreth- Appeal Dismissed**

### **Mr & Mrs Bryce-Smith- Alterations: Removal of Window/ Wall to Create Doorway for Access to New Extension- Home Farm, 10 High Street, Shepreth- Appeal Dismissed**

The Inspector considered the main issue of these appeals to be whether the extension would harm the special architectural and historic interest of Home Farm and whether the extension would adversely affect the character and appearance of the Shepreth conservation area.

Home Farm is a detached, mediaeval style, thatched cottage that is a Grade II listed building. It is a three bay building that was built in the 16<sup>th</sup> century and extended in the 17<sup>th</sup> century. It is set well back from the High Street in a secluded position behind fairly large mature gardens.

The Inspector considered that the replacement of the existing window and wall with a doorway to provide a link to the new extension would not significantly harm the fabric of the cottage. The current window did not form part of the original design and has been subsequently inserted. The proposed doorway would use the same opening with little structural change.

The appellants had a genuine need for more accommodation. There was support from a local councillor and the Council was prepared to grant a small extension as a matter of principle. However, the proposed extension was found to be substantial and its relationship with the cottage would be unsympathetic. It would detract from the appearance of the cottage. This would also result in harm to the overall character of the conservation area.

### **3. Appeals received**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/0579/04/F	Mr and Mrs Payne Land R/O 59 Fowlmere Road <u>Foxton</u> Dwelling (Delegated Refusal)	13/08/2004
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End <u>Steeple Morden</u> Extension (Delegated Refusal)	13/08/2004
S/0628/04/LB	Mr and Mrs Noyes 22 North Brook End <u>Steeple Morden</u> Internal and external alterations including conversion of bathroom to utility room and two ground floor bedrooms (Delegated Refusal)	13/08/2004

S/0740/04/F	Optima (Cambridge) Ltd. The Bury, Newmarket Road <u>Stow-cum-Quy</u> Retention and conversion of unauthorised office extension to garden machinery store (Delegated Refusal)	16/08/2004
S/0797/04/F	Mr S Godsell 110 Watermead <u>Bar Hill</u> Extensions and change of use (Officer Recommendation to Refuse)	20/08/2004
S/0891/04/A	Greene King Pub Company The Blue Lion Public House, Horningsea Road <u>Fen Ditton</u> Signs (Officer Recommendation Part Approval/Part Refusal)	25/08/2004
E490	Mr A Carter 33 High Street <u>Waterbeach</u> Enforcement of removal of fence	25/08/2004
S/6248/04/RM	MCA Developments Ltd. Plot GC13, Jeavons Lane <u>Cambourne</u> 54 Dwellings (Delegated Refusal)	27/08/2004
S/1278/04/F	Mr T Mason Former Q8 Petrol Filling Station, Cambridge Road <u>Croxton</u> Change of use to hand car wash and security fencing Non-Determination/Officer Recommendation to Approve)	31/08/2004
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) <u>Toft</u> Erection of B1 offices (Officer Recommendation to Refuse)	03/09/2004
S/1008/04/LB	Mr & Mrs Gadian The Old Vicarage, 7 May Street <u>Great &amp; Little Chishill</u> Alterations/removal of section of wall, removal of open verandah and replacement by lean to conservatory (Delegated Refusal)	13/09/2004

S/1009/04/F Mr & Mrs Gadian 13/09/2004  
 The Old Vicarage, 7 May Street,  
Great & Little Chishill  
 Conservatory  
 (Delegated Refusal)

**4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3<sup>rd</sup> November 2004**

Ref. No.	Details	Date/Time/Venue
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 Ground floor Room 10.00am

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

Ref. No.	Details	Date
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
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)	18/11/2004 Confirmed
EP246A	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Enforcement of removal of mobile home (Local Inquiry)	18/11/2004 Confirmed
E461C	Mr P O'Brien Land off Water Lane <u>Cottenham</u> Enforcement against change of use to residential caravan site (Local Inquiry Resumed)	23/11/2004 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 Resumed)	23/11/2004 Confirmed
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <u>Cottenham</u> Caravan & day room (Local Inquiry Resumed)	23/11/2004 Confirmed



9 Appeals	Plots 7-16 Pineview Smithy Fen <u>Cottenham</u> Siting of travelers caravan and day room (Local Inquiry Resumed)	23/11/2004 Confirmed
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane <u>Waterbeach</u> 8 Houses (Informal Hearing)	30/11/2004 Confirmed
S/2194/03/F	Mr C Taylor 45 Spring Lane <u>Bassingbourn</u> Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Informal Hearing)	11/01/2005 Confirmed
E473A	Optima (Cambridge ) Ltd The Bury, Newmarket Road <u>Stow-cum-Quy</u> Enforcement against erection of flat roofed extension to existing office building (Informal Hearing)	18/01/2005 Offered/
S/0740/04/F	Optima (Cambridge) Ltd. The Bury, Newmarket Road <u>Stow-cum-Quy</u> Retention and conversion of unauthorised office extension to garden machinery store (Informal Hearing)	18/01/2005 Offered/
S/0019/04/F	Mr P Mansfield 29 Worcester Avenue <u>Hardwick</u> Change of use of land to garden land & extension to dwelling (Informal Hearing)	08/03/2005 Offered/Accepted
S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill <u>Weston Colville</u> Erection of house and garage and carport for existing dwelling (Informal Hearing)	09/03/2005 Confirmed

S/0466/04/F

Mr & Mrs North  
Clopton Lodge, The Cinques  
Gamlingay

10/05/2005  
Offered/Accepted

Appeal against condition 2 of permission - personal occupancy  
condition and removal thereafter  
(Local Inquiry)