

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

7 July 2010

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)

---

### **APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION**

#### **Purpose**

1. To inform members of current and outstanding appeals and to highlight recent appeal decisions of interest.

#### **Summaries of recent decisions**

##### **Mr Robert Smith – Retention of mobile home for occupation by one gypsy family – West Side Farm, Cuckoo Lane, Rampton – Appeal allowed (temporary - 3 years)**

2. This application was to occupy a plot of land to the south west of Rampton. Planning permission was refused on the grounds that the site was not in a sustainable location. The inspector weighed this against the general need for accommodation to meet the needs of gypsies and the personal circumstances of the appellant.
3. The appellant was agreed to be a gypsy and has until recently been living at Moor Drove, Histon following a successful appeal in 2008. The site was previously occupied by a mobile home granted on a temporary basis in order for an agricultural need to be assessed.
4. The inspector noted the development plan does not contain policies directly aimed at meeting provision for gypsies. The emerging Gypsy and Traveller SPD could only be given little weight because of the stage it has reached and was therefore of limited significance. He saw that Rampton is a small village with few services but that the Minor Rural centres of Cottenham and Willingham were nearby. Together they provide a full range of facilities. While only three buses a day serve Rampton, the inspector considered that cycling and even walking were feasible options to get to surrounding settlements. While this location would increase the use of the private car, government advice is that a realistic approach has to be taken about the likely alternatives to the car in accessing local services.
5. Sustainability is not just about accessibility and it was accepted that in other respects, the proposal complied with other sustainability criteria. As such, the extent of the harm in sustainability terms is limited.
6. As has previously been demonstrated on appeal, the Council will not achieve the required RSS provision of new sites by 2011. There is therefore a shortage of pitches at both regional and district level and this was a material consideration that supports the appeal.
7. The inspector acknowledged that the appellant already has an approved pitch, which is still available to him. The appellant's personal and business needs centre on the

keeping and breeding of horses. While the site at Moor Drove was previously considered suitable for domestic needs, the inspector was persuaded that the site at Rampton with its stables and good quality paddocks was a more appropriate alternative. The inspector accepted that Council's argument that the site at Rampton may be desirable, but this did not make it essential. However, the superior facilities were a consideration weighing in favour of the proposal.

8. The appeal was therefore allowed and planning permission granted for the stationing of up to two caravans for a period of three years to be occupied only by gypsies and travellers and specifically by the appellant and his family.

**Annington Developments Ltd. – Erection of 8 no. dwellings – Land opposite 71-74 Magdalene Close, Longstanton – Appeal dismissed**

9. The Planning Committee refused this application on the grounds that the proposal would result in an unacceptable loss of an informal open space and kick about area, without a clear indication of suitable alternative provision.
10. Although the appellant argued that the site is nothing more than an overspill car park, the inspector was satisfied that a significant proportion of it is grassland, which is well maintained, available, readily accessible and used by the local community as part of an area of informal open space. While the use of the land for car parking limits its value as an area of informal open space, the inspector was also satisfied that there is unlikely to be a surplus of open space in the village. In deciding the outcome of the appeal, it was necessary to judge the proposal against the criteria in Policy SF/9, which seeks to protect existing areas in recreational use. This was irrespective of the fact that the appellant had completed a unilateral undertaking providing for new play equipment and maintenance of two adjoining areas of open space.
11. In assessing the criteria in Policy SF/9, the inspector found that an equivalent or larger area would not replace the area of land. Neither would the new recreation provision outweigh the loss of the existing provision. There was not an excess of provision in either quantitative or qualitative terms and thus there was conflict with Policy SF/9.
12. The inspector therefore concluded that the proposal would result in a significant loss of the amount of informal playspace that is presently available. This would result in significant harm to the amenities of the area.