

REPORT TO: Planning Committee
LEAD OFFICER: Planning and new Communities Director

4 June 2014

Appeals against Planning Decisions and Enforcement Action

Purpose

- To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as 23 May 2014. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

Ref.no	Details	Decision	Decision Date
S/0825/13/FL	Mr P Pickering Alwyn Park Over Road Willingham Change of Use to Gypsy and Traveller site,3 pitches	Allowed	16/04/14
Mr A Free	Land at Kings Cottages,Clayhithe Road Horningsea Outline application for single dwelling	Dismissed	14/04/14
Mrs K O'Brien	OrchardDrive/ Water Lane Smithy Fen Cottenham	Part Dismissed/ Part Allowed	02/05/14

Appeals received

Ref. no.	Details	Decision	Received
S/2432/13/FL	Mr & Mrs D Jacklin Clare Cottage Main Street Caldecote Dwelling and Outbuildings	Refused	16/04/14
PLAENF.1110	Mr R Crotty 146 Cambridge Road Wimpole		28/04/14
S/2647/13/FL	Mrs Corinee Brown 4 Shelford Road WHittlesford Two Storey Extension,	Refused	6/5/2014

	new porch & new entrance gates		
S/2088/13/FL	Mrs T McAteer Land rear of the Shack Little Heath Gamlingay Change of Use to dog agility training	Granted subject to condition no 4	06/05/14
S/2639/13/FL	Mr & Mrs Smith 10 Cinqes Road Gamlingay Dwelling	Refused	13/05/14
S/0439/12/F	Eversheds Land at Highfield Farm Royston Road Litlington Wind Farm	Refused	20/05/14
S/1850/12/FL	Mr I Ford Carters Farm House Main Street Shudy Camps Conversion, alteration and extension	Refused	22/05/14
S/2308/12/LBL	Mr I Ford Carters Farm House Main Street Shudy Camps Conversion, alteration and extension	Refused	22/05/14

Local Inquiry and Informal Hearing dates offered or confirmed in the next few months.

4.

Ref. no.	Name	Address	Hearing
S/0571/13/FL	Mr Hodson	Chear Fen Farm Long Drove Cottenham	Hearing Confirmed 03/06/14
S/1237/13/FL	Ms D Beaver	Haden Way Willingham	Hearing Confirmed 24/06/14
S/0691/13/FL	Mr A Hartwig	Ryders Farm 35 Middlewatch Swavesey	Hearing 20/08/14- 21/08/14 Offered
PLAENF.638	Mr P Fox	56&56A Park Lane Fen Drayton	Hearing 9 September 2014 Confirmed

5. Summaries of recent decisions

Mr P Pickering – Change of use of land to provide 3 gypsy pitches – Alwyn Park, Over Road, Willingham – Appeal Allowed. Costs awarded against the Council

1. Planning Committee refused this application on the grounds that a further site in or close to Willingham village would cause unacceptable pressures on village services and facilities and that the loss of an established touring caravan park as a vital part of the rural economy was undesirable. The appeal was heard by way of written representations.
2. The inspector noted that Willingham is a minor rural centre and is recognised by the Council as being one of the more sustainable settlements in the District. The village has a population of around 4,000 and a dwelling stock of some 1,700 homes. The scale of the proposal would respect and not dominate the nearest settled community, taking account of the small number of pitches and their location and allowing for the existing traveller sites on the eastern side of the village. The village has a wide range of services and facilities. There is no empirical or specific evidence from the local planning authority, the Parish Council or the service providers to show that the school or health facilities are under pressure. Planning obligations have been secured through a section 106 agreement for financial contributions to be made towards improvements to open space and community hall provision in the village.
3. The Council had argued that the relatively secluded location of the site would not assist in easing tensions and improving integration between the settled and travelling community in the village. However, the inspector concluded that the site is well placed for residents of the pitches to access the facilities in the village and the proposed footway to Haden Way would improve accessibility. The location strikes an appropriate balance in relation to the built-up area of the village and the open countryside. Also, the pitches are part of a site that has settled housing and provision for camping and caravanning for tourist purposes, thereby reducing any sense of isolation.
4. The proposal therefore complies with local plan policies and Planning Policy for Traveller Sites (PPTS) in that it is located near to a settlement, is of an appropriate small scale and would not place undue pressure on the local infrastructure. Officers note that this view is consistent with other appeal decisions for gypsy sites in Willingham where previous inspectors have come to the same conclusion.
5. The LDF identifies a significant demand for tourist accommodation by reason of the proximity of Cambridge and surrounding attractions. A key objective is to support the growth of the tourism industry in the District whilst ensuring new facilities do not have an adverse impact on the built and natural environment. Therefore the focus for new accommodation is the larger villages, where there is access to public transport and local services. However, although the Council rely on Policy ET/10 in the reason for refusal, the inspector found that the policy does not refer specifically to camping and caravan sites or to protecting such forms of accommodation. The location of the site in the countryside, rather than the defined village framework, also reduces the weight to be attached to the Council's argument that the tourist facility is consistent with encouraging accommodation in rural centres, such as

Willingham. There was no evidence from the Council to illustrate the role of the holiday caravan site in the supply of such accommodation in the District or to indicate its role in supporting the rural economy. To the contrary, the Appellant's evidence suggested there is no shortage of caravan and camping sites in the Cambridge area.

6. An appeal decision in 2008, concerning the provision of park homes at Alwyn Park, noted that demand had declined for touring caravans and over-winter storage because of competition and a change in the nature of tourism. That Inspector found no obvious indication the site was operational. The Appellant's case remained that demand has declined, with only a small number of visitors in caravans and tents in the summer months. However, there is no intention to discontinue the holiday caravan use. The current proposal would occupy only part (about 25%) of the overall area. In view of the layout of the site as a whole, the inclusion of pitches for traveller occupation would not necessarily be incompatible with the continuation of the tourist use. There was therefore no material conflict with plan policies in this respect.
7. The inspector also addressed the question of need for sites. The Council's case was that the assessed need for traveller sites in the District to 2021 has been exceeded through the grant of planning permissions since 2011. However, the inspector noted there is waiting list for the two existing public sites and there are sites with temporary or an expired temporary permission. In a recent appeal, the inspector had concluded that there was a clear need for additional traveller accommodation in South Cambridgeshire and that the assessed need was likely to have been under-estimated. As such, the unfulfilled need in the District for traveller sites supports the proposal. Furthermore, in accordance with the PPTS sites are intended to provide for any travellers and not just those with local connections. Even if the identified need has been satisfied, it is appropriate to assess the proposal on its merits, consistent with advice in paragraph 10 of the PPTS.
8. The appeal was allowed subject to conditions including restricting the use of the site to gypsies as defined in PPTS; limiting the number of pitches to three, restricting the number of caravans; limiting commercial activity on the site, landscaping; and provision of a footpath link to Haden Way. A section 106 agreement providing contributions to open space, indoor community provision and refuse receptacles was also secured.
9. In response to the appellant's application for costs, the inspector found that there was a lack of demonstrable evidence from health and education service providers that undue pressure is being placed on village services. The Council's statement had therefore attempted to argue that the focus of concern in this case is the effect on the ability to create mixed and socially inclusive communities and to promote peaceful and integrated coexistence between travellers and the local community. This distinguished this case from the capacity and physical domination arguments presented in earlier successful appeals. Nonetheless, the inspector found that the reason for refusing the proposal was not clarified or adequately explained. The Council should have been aware of the need for more specific evidence as a result of an appeal decision dated 26 June 2012 for a traveller site in Willingham. It had therefore failed to produce evidence to substantiate the first reason for refusal.

10. The second reason for refusal was based on the established use of the site as a touring caravan site. The Council had been unable to support the reason for refusal and to explain what it saw as the important role of the site within the context of overall provision of caravan and camping sites in the District.
11. I conclude that the Council has failed to produce evidence to substantiate each reason for refusal. Therefore unreasonable behaviour resulting in unnecessary expense has been demonstrated and a full award of costs was justified.

Background Papers: the following background papers were used in the preparation of this report: None

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