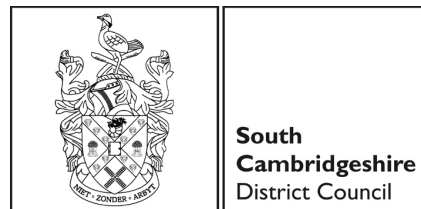


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15 December 2005

To: Chairman – Councillor Dr JPR Orme  
Vice-Chairman – Councillor NIC Wright  
All Members of the Development and Conservation Control Committee

Dear Councillor

You are invited to attend the next meeting of **DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE**, which will be held in the **COUNCIL CHAMBER** at South Cambridgeshire Hall on **WEDNESDAY, 4 JANUARY 2006** at **10.00 a.m.**

Yours faithfully  
**GJ HARLOCK**  
Finance and Resources Director

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## AGENDA

*Members should declare any interests immediately prior to the relevant item on the agenda.*

*Should Members wish to declare an interest in an item discussed after they have left the meeting, and wish also that that declaration be recorded in the Minutes, they should make their declarations clear to the Committee. (Members need only declare an interest in circumstances where there is an item on the agenda that may cause a conflict of interest.)*

	<b>PAGES</b>
<b>PROCEDURAL ITEMS</b>	
1. <b>APOLOGIES</b>	
<b>PLANNING APPLICATIONS</b>	
2. <b>S/2135/05/F - IMPINGTON</b>	<b>1 - 4</b>
3. <b>S/1860/05/F- LINTON</b>	<b>5 - 10</b>
4. <b>S/1846/04/F - LONGSTANTON</b>	<b>11 - 28</b>
5. <b>S/1984/05/F - ORWELL</b>	<b>29 - 32</b>
6. <b>S/1888/05/LB - NEWTON</b>	<b>33 - 36</b>
7. <b>S/2204/05/O - GREAT SHELFORD</b>	<b>37 - 40</b>
8. <b>S/2187/05/F - LANDBEACH</b>	<b>41 - 46</b>
9. <b>S/2109/05/F - WILLINGHAM</b>	<b>47 - 50</b>

10.	<b>S/2076/05/F - WEST WICKHAM</b>	<b>51 - 54</b>
11.	<b>S/2132/05/F - WEST WICKHAM</b>	<b>55 - 58</b>
12.	<b>S/2050/05/F - COTON</b>	<b>59 - 70</b>
13.	<b>S/2119/05/F - OAKINGTON</b>	<b>71 - 74</b>
14.	<b>S/2227/04/F - COTTENHAM</b>	<b>75 - 82</b>
15.	<b>S/2037/04/F - COTTENHAM</b>	<b>83 - 90</b>
16.	<b>S/1144/05/F - COTTENHAM</b>	<b>91 - 100</b>
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18.	<b>S/1963/05/F - FULBOURN</b>	<b>109 - 112</b>
	<b>APPEALS AND ENFORCEMENT</b>	
19.	<b>APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION</b>	<b>113 - 122</b>
20.	<b>ENFORCEMENT ACTION PROGRESS - INDEX</b>	<b>123 - 156</b>
	<b>INFORMATION ITEM</b>	
21.	<b>TRAVELLERS' HOUSING NEEDS SURVEY - FINDINGS</b>	<b>157 - 168</b>
	<b>CONFIDENTIAL ITEM</b>	
	Agenda Item 23 is a late item not on the agenda originally published. The Chairman has agreed to admit it to the agenda on the ground of its urgency.	
22.	<b>EXCLUSION OF PRESS AND PUBLIC</b> The Development and Conservation Control Committee is requested to consider the exclusion of the Press and public during the consideration of the following item number 23 in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph nos. 3, 4 and 12 of Part 1 of Schedule 12A of the Act.	
23.	<b>TRAVELLERS' HOMELESSNESS APPLICATIONS - PINE VIEW, COTTENHAM</b>	<b>169 - 178</b>

### **EXCLUSION OF PRESS AND PUBLIC**

The following statement must be proposed, seconded and voted upon. The officer presenting to report will provide the paragraph number(s).

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number ..... in accordance with Section 100(A) (4) of the Local Government

Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph ..... of Part 1 of Schedule 12A of the Act.”

**PLEASE NOTE!**

Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Planning Director.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2135/05/F - Impington  
Removal of Occupancy Condition  
(Condition 11 of Planning Permission S/0256/03/F)  
Mereway Farm, Milton Road, for Walker Commercial Ltd**

**Recommendation: Refusal  
Date for Determination: 4<sup>th</sup> January 2006**

**Site and Proposal**

1. Mereway Farm lies midway between Milton and Impington on the road which links the A10, past the Householder Waste Tip, through to Impington Village College. The farm, consisting of 6 large timber clad poultry houses with a total area of 6,112m<sup>2</sup>, and 264m<sup>2</sup> offices, lies on the south side of Milton Road, immediately adjacent to Mereway, a Roman road, now a bridleway. There is a bungalow at the entrance.
2. Consent has been granted to change the use of the poultry buildings (the use has now ceased) to B8/storage, with occupation of the bungalow linked to the site owner and/or connected with one of the future companies on site. (See HISTORY below).
3. This full application, received 9th November 2005, seeks the removal of this condition.

**Planning History**

4. Consent was granted for the initial complex in the early 1970's with a subsequent consent in the mid 1980's for another poultry building and extension to the others.
5. In 1973 consent was granted for the bungalow on site - an agricultural occupancy condition was imposed.
6. In 1996 consent for a further 7 poultry buildings was refused and dismissed on appeal. At the October 2003 Committee (Item 11) consent was granted to demolish the middle two poultry houses, plus the offices, and the conversion of the four remaining for storage and distribution - Class B8. The occupancy condition of the bungalow was varied to read:-

“The existing bungalow on the frontage of the site shall only be occupied by a person or persons employed by the site's owner and/or connected with one of the companies on site.”

**Planning Policy**

7. **Policy HG17** of the South Cambridgeshire Local Plan 2004 states that an agricultural occupancy condition will only be released where it can be demonstrated that the dwelling is no longer required on the unit. Even then, the Council will require the property to be properly advertised, at a price to reflect the restrictive condition, for a period of twelve months.

8. **Policy GB2** defines what is appropriate development in the Green Belt and this includes essential buildings for agriculture.

### **Consultation**

**Impington Parish Council** "Approves" the application.

### **Representation - Neighbours**

9. None received.

### **Representations - Applicants**

1. PPS 7, "Sustainable Development in Rural Areas", supports the re-use of appropriately located and suitably constricted buildings in the countryside where this would meet sustainable development objectives.
2. Circular 11/95 "The use of Conditions in Planning Permission" - conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
  - a) **Reasonableness.** Is the condition reasonable as it is unduly restrictive? Paragraph 35 states that ".....it should not be imposed if the restriction effectively nullifies the benefit of the permission. If a permission could only be granted subject to conditions that are likely to be unreasonable, then it will be necessary to refuse permission altogether. Paragraph 36 - no condition should place a severe limitation on the freedom of owners to dispose of their property.
  - b) **Occupancy.** Planning deals with land use, not the identity of the occupier. Conditions should only be used where there are special grounds for doing so. If residential use is acceptable, restrictive conditions would create a distinction between new houses and others not subject to the same restrictions of occupancy. Conditions tying occupation of a dwelling to a separate building should be avoided unless it is on a site where permission would not normally be granted. To ensure that it is not sold off for general use it may be acceptable to tie the occupation of the new property to the existing business.
  - c) **Justification.** None has been put forward to support the condition; the condition is unduly onerous. If there was no demand for the bungalow it would remain vacant and therefore wasteful of resources. Although it is outside the village there would be no harm to the removal of the condition.

### **Planning Comments – Key Issues**

10. The basic issue in respect of this application is whether or not it complies with the aims of Circular 11/95 "Conditions".
11. Dwellings in the countryside are rarely granted consent, - the usual approvals are those essential for agricultural purposes and an appropriate occupancy condition is imposed - as was done in 1973 when the bungalow was approved. As they are only consented in certain circumstances, so they are only removed if it has been proven that there is no further requirement for an agricultural property. This is by way of a twelve month advertising campaign.

12. This was not carried out by the previous owner, nor the current applicants.
13. However, at the time of the application to change the use of the buildings to B8/storage, it was recognised that, with the change in regulations effectively stopping battery hens in the year 2011, there would unlikely to be anyone willing to take over the premises for a continuing agricultural use. With the proximity of the bungalow to the access into the site it was considered inappropriate to have a dwelling in such a position unrelated to the use to the rear.
14. The applicants claim that the condition restricts their freedom to let or dispose of it and may restrict the availability of Building Society finance.
15. As the permitted change of use has not yet taken place, the occupation of the bungalow is still restricted to agriculture. Presumably with this restriction, and that imposed on the B8/storage use, the reduced value of the bungalow was reflected in the purchase price.
16. In the circumstances, I have no option but to recommend Refusal.

### **Recommendation**

17. Refusal.
  1. Consent for the bungalow as granted in 1973 in the Green Belt was accepted as being appropriate so long as it was subject to an agricultural occupancy condition. At the time of the application to change the use of the poultry buildings to B8/storage (ref S/0256/03/F) no marketing of the property, as required by Policy HG17 of the South Cambridgeshire Local Plan 2004 had taken place to ascertain whether or not it would be appropriate to remove it. **This condition remains extant.**
  2. In any case, and in light of the change to the Regulations regarding the keeping of poultry in cages, the Local Planning Authority considered that the interest in the site for further agricultural use would be limited. With the need to retain control over the occupancy of the bungalow, in light of the agricultural condition being extant, and because of its poor relationship to the access road into the site, shared by both, it is considered essential that the two uses are linked to each other. This relationship is such that the amenities of the dwelling would be significantly harmed by the use of the access. It follows, therefore, that occupation of the bungalow as a separate unit from the rest of the site would be unacceptable due to the conflict between the uses.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref:

**Contact Officer:** Jem Belcham - Area Planning Officer  
Telephone: (01954) 713252

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1860/05/F- Linton**  
**Erection of Dwelling & Garage & Erection of Replacement Garage for Existing Dwelling at Land Adj. 22 Crossways for Mr & Mrs J Chamberlain**

**Recommendation: Approval**  
**Date for Determination: 24<sup>th</sup> November 2005**

**Site and Proposal**

1. The application site is a 0.23 acres/0.095 hectare plot of land located to the rear of, and formerly part of the garden area to No 7 Bakers Lane. The site is adjacent to a public footpath which runs along the western side boundary, and a side garden area of No 22 Crossways. To the west is No 22 Crossways, a bungalow with an existing double garage to the front elevation. The sitting out area and garden of 22 Crossways are to the south of the property. No 22 Crossways has 2 bedroom windows and a porch to the north elevation, and a side door and 2 windows serving utility and kitchen facing the application site. To the east of the site is Barhams, Bakers Lane, a single storey dwelling set approximately 6m from the application site. Barhams has a kitchen window, front door, study room window and a high-level studio/bedroom window facing the site. The land rises up towards a Listed Building, Tosca Cottage, to the north. The rear garden of Tosca Cottage is long and has a number of mature trees and fencing on the rear boundary.
2. The full application, registered on 29<sup>th</sup> September 2005, proposes the erection of a 7m high four-bedroom red brick, black board and plain tile dwelling and a double garage at the south end of the site. The existing garage at No 22 would be demolished to form an access from Crossways leading to the new dwelling across the public footpath. A replacement garage for No 22 would be located in the side garden. A Pine tree and two Cypress trees are on the west boundary of the site and they would need to be removed to accommodate the access and the new dwelling.
3. Amended plans date stamped 17<sup>th</sup> November 2005 have been submitted showing the visibility splays, a site section with existing and proposed levels and changes to the windows.
4. The proposed development represents a density of 10.5 dwellings per hectare.

**Planning History**

5. **SC/0597/68/O** – planning permission for 2 dwellings and garages at land rear of Bakers Lane (including Barhams, Nos 7 and 8 Bakers Lane and the application site of the current proposal), was refused.

### Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design which responds to the local character of the built environment for all new development.
7. **Policy P7/6** of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
8. **Policy SE2** of the South Cambridgeshire Local Plan 2004 identifies Linton as a Rural Growth Settlement and states, in part, that residential developments will be permitted on unallocated land within village frameworks providing the development would be sensitive to the character of the village, local features of landscape and ecological importance and the amenities of neighbours.
9. **Policy SE8** of the Local Plan 2004 outlines the presumption in favour of residential developments within village frameworks.
10. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
11. **Policy EN 28** of the Local Plan aims to protect the setting, well-being and attractiveness of Listed Buildings.

### Consultation

12. **Linton Parish Council** recommends refusal and makes the following comments:

Councillors continue to have concerns regarding the lack of information of the roof height in respect to the neighbouring properties; councillors request that Listed Buildings Officer visit the site to ensure that the proposed dwelling does not dominate Tosca Cottage; John Cooper, the Area Right of Way Officer be consulted over the footpath which crosses the access point; councillors request that visibility splays should be provided along with a commuted sum for the footpath to be tarmaced and re-iterate their concerns that a condition be attached to any consent to ensure hedges are kept at their present height.
13. **Conservation Manager** considers that the proposed development will not impact on the adjacent listed building due to the fall in ground level, coupled with the mature trees along the site boundary and the length of the garden to the listed building. He does comment, however, that the design could be a more modest proposal with less first floor accommodation. Having considered that the velux windows to the bedroom and bathroom in the rear elevation of the new dwelling facing Tosca Cottage will be above the line of the fencing and the close proximity to the boundary, these windows will need to be fixed and obscure glazed to prevent overlooking. Permitted development rights should be removed to ensure no further extensions to the structure.
14. **The Chief Environmental Health Officer** raises no objection in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions restricting hours of use of power operated machinery be applied to any planning consent.

15. **Trees and Landscape Officer** raises objections although notes that the developer wishes to cross the public footpath. As such, the following comments are made:
16. **County Council's Definitive Map Officer** raises no objections although notes that the developer wishes to cross the public footpath. As such, the following comments are made:
- Adequate visibility should be provided on both sides of the public footpath to enable safe crossing of the right-of-way by vehicles;
  - The public footpath must be clearly delineated from the access and there must be some restriction on the land to ensure that vehicles crossing the right of way stop for pedestrians;
  - Pedestrians using the public footpath would have right of way over the vehicles using the access; and
  - The County Council requires that the developers tarmac the footpath to improve conditions for members of the public and this should be discussed with the Area Rights of Way Officer before works commence.
17. **Ramblers Association** comments that
- Speed-humps should be placed at the exit from the site where it meets the path;
  - Warning notices should be fixed on the footpath to alert pedestrians;
  - The surface of the footpath should not be unduly disturbed by increased traffic during building work;
  - No materials should be stored/dumped on the right of way; and
  - Any footpath signs should not be affected during building work.

### **Representations**

18. Residents at Barhams, Bakers Lane object to the revised proposal on the following grounds:
- Loss of residential amenity interests;
  - French doors and window on the eastern block look directly to study/office, entrance and kitchen/utility/dining area;
  - The outlook of Barhams will be dominated by the 6-7m high dwelling and 5m high garage and that the distance between the edge of the new dwelling to Barhams is only 2m;
  - The proposal is out of character with properties in Bakers Lane, Horseheath Road and Crossways;
  - Loss of property value; and
  - Safety issues on using the public footpath with an access for cars going to/ from the application site.

### **Planning Comments – Key Issues**

19. The key issues in relation to this application are the amenity of neighbours; the impact on the wider setting of the listed building, the affect of the development on the character of the area, and access to the new dwelling across the public footpath.

#### ***The amenity of neighbours***

20. The ground level to the north of the proposed dwelling would be reduced from 100.617 ODN to 99.450m ODN and the finished floor level would be 99.60m ODN.

Due to the cut around the rear of the site to create a platform for the new dwelling and the fall in ground level for the garage, the proposed dwelling and garage are not considered to seriously harm the amenities of Barhams, Bakers Lane, through being unduly overbearing in terms of its mass when viewed from the kitchen/dining, study windows and the high-level studio/bedroom window in the front elevation. Amended plans have been submitted to delete the first floor windows in the east, south and north elevations to ensure that only a high-level velux serving a landing would face Barhams and ground floor patio doors in the south elevation of the east gable block would look down the garden of the new dwelling. I do not consider that the proposal would result in any serious overlooking of Barhams. I consider that the proposal is acceptable in terms of the residential amenities of Tosca Cottage through overlooking subject to the imposition of conditions relating to the rooflights in the north elevation.

***The impact on the setting of the Listed Building***

21. A cross section has been provided with the amended plans that sets out the relative levels for the new dwelling and garage in comparison with the existing ground level. This illustrates that the new dwelling would be set lower than the existing ground level. The Conservation Manager considers that the proposal will have no adverse impact on the setting of the adjacent Listed Building.

***Character and appearance of the area***

22. The properties in the locality are a mix of designs and sizes. The proposed dwelling would be 6.5-7m high to the ridge and 2.5m high to the eaves and with a length of 17.2m of the west gable and 9m of the east gable, I do not consider that the proposed development would detract from the character and appearance of the area. Given that the new dwelling will be set on a lower ground level and a first floor dormer window in the west elevation has been deleted in the amended plans, it is my opinion that the proposal will not be detrimental to the street scene when viewed from the public footpath and Crossways.

***Access to the new dwelling across the public footpath***

23. Adequate visibility on both sides of the public footpath has been shown on the amended plans. The vehicle-pedestrian visibility provided is considered acceptable (this can be secured by condition) and the County Council's Definitive Map Officer has no objections to the proposal. I do not consider that the use of this access across the public footpath would materially harm the safety of users of the public footpath. Informatives could be added to any consent to cover the concerns of the Definitive Map Officer and Ramblers Association.

***Other Matters***

24. The loss of property value is not a material planning consideration. Concerns have been expressed by the Parish Council about the retention of the existing hedge height but I do not consider that imposing a condition to retain the hedge height is justifiable in order to safeguard the character of the area or to protect the privacy of the residents of adjoining properties.

**Recommendation**

25. Approval, as amended by plans 05020-02B, 05020-03A (level added), 05020-03A (splay lines indicated), 05020-04 date stamped 17<sup>th</sup> November 2005, subject to conditions:
1. Standard Condition A – Time limited permission, 3 years. (RC A)
  2. SC 51 – Landscaping (RC 51)

3. SC 52 – Implementation of landscaping (RC 52)
4. SC 60 – Details of boundary treatment (RC 60)
5. SC 5 – the materials to be used for the external walls and roof (RC 5ai & aii)
6. No further windows, doors, openings, of any kind shall be inserted at first floor level in all elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning authority in that behalf. (RC 22).
7. The first floor velux windows in the north elevation of the building, hereby permitted, shall be permanently fixed and maintained with obscured glass. (Reason – To safeguard the privacy of occupiers of the adjoining property, No.28 Tosca Cottage, Horseheath Road.)
8. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents.)
9. The vehicular access shall remain ungated. (RC – In the interests of highway safety.)
10. Visibility splays as shown on plan 05020-03A (splay lines indicated) shall be provided and thereafter maintained. (Reason - In the interests of highway safety.)
11. The finished floor level of the dwelling hereby permitted shall be 99.600m ODN as shown on 05020-03A (level added). (Reason – To ensure that the heights of the buildings are well related to ground levels and is not obtrusive.)

### Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**Policy P1/3** (Sustainable Design in Built Development)  
**Policy P7/6** (Historic Built Environment)
  - **South Cambridgeshire Local Plan 2004:**  
**Policy SE2** (List of Rural Growth Settlements)  
**Policy SE8** (Resident Development within the Village Frameworks);  
**Policy HG10** (Housing Design); and  
**Policy EN28** (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: residential amenity interests, impact upon the character and appearance of the area, impact on the setting of the Listed Building and impact upon the public footpath.

**General**

1. During construction, there shall be no bonfires or burning waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.
2. Pedestrians using the public footpath would have right of way over the vehicles using the access and vehicles crossing the right of way must stop for pedestrians.
3. The County Council requires that the developers tarmac the footpath to improve conditions for members of the public. This should be discussed with the Area Rights of Way Officer, John cooper (tel: 01223 718401) before works commence.
4. There must be no encroachment onto the width of the public footpath, which has a legally recorded width of 4ft.
5. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s.137 of the Highways Act 1980 to obstruct a public right of way). If the developers feel that the safety of the public will be compromised by the development they must seek to temporarily divert or stop up the public footpath by contacting Gary Wesley, Streetworks Coordinator at 01354 753814.
6. No alteration to the surface of the footpath is permitted without the consent of the County Council. It is an offence to damage the surface of a public right of way under S1 of the Criminal Damage Act 1971. If the applicants intend to run services under the footpath they must contact Gary Wesley of the County Council to organise the temporary closure/diversion of the public footpath.
7. The public footpath crossing the site shall be retained on its existing alignment and delineated from the access. The applicant is advised to erect warning notices to alert pedestrians of traffic crossing the footpath.

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- File references: S/1860/05/F and SC/0597/68/O

**Contact Officer:** Emily Ip – Planning Assistant  
Telephone: (01954) 713250

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1846/04/F - Longstanton  
Balancing Pond and Scheme of Ditch Widening to Serve Approved Residential and  
Commercial Development, Land West of Longstanton for Persimmon Homes (East  
Midlands) Ltd**

**Recommendation: Approval  
Date for Determination: 2<sup>nd</sup> December 2004**

**Introduction**

1. At the 2<sup>nd</sup> February 2005 meeting of this Committee, Members were minded to approve the application. The relevant minute is as follows:

“**Delegated Approval**, for the reasons set out in the report from the Director of Development Services, subject to the prior completion of a Section 106 Legal Agreement securing the payment of a commuted sum (the extent of which to be determined by the Land Drainage Advisory Group) to the Council to cover the increased maintenance costs along the award drain as a result of the proposed development, and to the Conditions referred to in the report presented to the Committee on **3<sup>rd</sup> November 2004 (item 45 refers).**”

A copy of the agenda report is attached at Appendix 1.

2. The recommended conditions referred to in the report to Committee on 3<sup>rd</sup> November 2004 were:

- “1. Standard Condition A - Time limited permission (Reason - A);
2. Prior to development commencing, details of means to provide long term management and maintenance of the Balancing Pond shall be submitted to and agreed by the Local Planning Authority in consultation with the Environment Agency and Middle Level Commissioners. (Rc - To ensure that the balancing pond continues to serve its purpose of flood attenuation in perpetuity.)
3. Sc52 - Implementation of landscaping (Rc 52);
4. Subsequent to works commencing, monthly position updates shall be provided in writing to the Local Planning Authority concerning the ecological mitigation measures to be achieved in the Balancing Pond and Ditch, in accordance with the submitted schemes of mitigation; (Rc - In order to inform the Local Planning Authority of the progress of the ecological mitigation work.)
5. No development shall commence until a scheme for the provision of a programme of archaeological investigation has been submitted to and

approved by the Local Planning Authority. The scheme shall be carried out in the approved form. (Rc 66)”

A copy of this agenda report is attached at Appendix 2.

3. On 14<sup>th</sup> October 2005 the Council’s Land Drainage Advisory Group considered a report upon the Balancing Pond at Home Farm. It recommended that the Portfolio Holder:

“Agree the adoption of the maintenance of the Balancing Pond at Home Farm, Longstanton by the Council on the payment of a commuted sum to be agreed.”

A copy of the agenda report is attached at Appendix 3.

4. Following the recommendation made by the Group, the Environmental Health Portfolio Holder agreed:

“the adoption of the maintenance of the Balancing Pond at Home Farm, Longstanton by the Council on the payment of a commuted sum to be agreed.”

5. Two contributions were agreed with Persimmon Homes Limited; the first for Pond and Control Structures and the second for Drain and Ditch Works.
6. The Planning Permission was dated 11<sup>th</sup> November 2005.

***Application for Judicial Review***

7. Marrons Solicitors, acting for Peter Stroude, who owns the land which is the subject of the “impugned” planning permission, has written by letter dated 29<sup>th</sup> November 2005 requesting that the Council consents to an order quashing that decision notice.

8. The grounds upon which Marrons rely are:

“a) On 11<sup>th</sup> November 2005 the Director purported to issue the Planning Permission notwithstanding a Section 106 legal agreement had not been completed securing the payment of a commuted sum to cover maintenance costs, and without the imposition of Conditions 2 and 5 as set out in the report presented to Committee on 3<sup>rd</sup> November 2004.

b) Accordingly the issue of the planning permission by the Director fell clearly outside the terms of his delegated authority and was thus unlawful; furthermore,

c) The Claimant had a legitimate expectation that any planning permission issued by the Council would be in accordance with the resolution of the Development and Conservation Control Committee dated 2<sup>nd</sup> February 2005 and therefore subject to the limitations and restrictions specified therein.”

***Advice from Head of Legal Services***

9. The Head of Legal Services has advised that the Council should consent to the quashing of the planning permission dated 11<sup>th</sup> November 2005 and that the Committee be satisfied that the land drainage payments can be achieved by alternative mechanism to a Section 106 Agreement.



***The Section 106 Agreement***

10. The Head of Legal Services advised that a Section 106 Agreement could not be completed because Persimmon Homes Ltd did not own the land, which is the subject of the planning application.
11. Instead terms of agreement between Persimmon and the Council, for the Council to act as Persimmon's (and its successors in title) agent in maintaining, repairing and renewing the Balancing Pond and surface water drainage system were set out in correspondence between the Head of Legal Services and Persimmon's Company Solicitor.
12. The purpose of a Section 106 Agreement was to secure the payment of a commuted sum to cover the increased maintenance costs along the award drain (Longstanton Brook) and to cover maintenance of the Balancing Pond.
13. The first contribution for Drain and Ditch works is expected to be paid in full before the date of this Committee meeting.
14. The second contribution for Pond and Control Structures will be paid once the Council's Drainage Manager is satisfied that the Pond and Associated Works has been completed in accordance with approved plans.

***Planning Conditions 2 and 5***

15. The requirement of recommended Condition 2 of the 3<sup>rd</sup> November 2004 report (see Para 2 above) has been achieved as a result of the Council resolving to adopt the maintenance of the Pond and associated structures and to accept the commuted sums to cover that maintenance and the increased cost of maintenance along the award drain. The mechanism for the payment of such agreed sums has been put in place by the Head of Legal Services.
16. Recommended Condition 5 concerned archaeology. On 21<sup>st</sup> October 2005 the applicant submitted to the County Council an archaeological evaluation report at Longstanton Balancing Pond. On 4<sup>th</sup> November 2005 the County Archaeology Office advised me that no further steps of mitigation works were required in advance of construction for this development. Further, on receipt of the report, it would be recommended that the archaeology condition be discharged. A letter, dated 5<sup>th</sup> December 2005, has subsequently been received to confirm that the Condition can be discharged.

Consequently the imposition of the recommended conditions were no longer necessary.

***Other Planning Conditions***

17. A landscaping implementation condition has been agreed in consultation with the Council's Drainage Manager and Ecology Officer.
18. In lieu of recommended condition 4 of the 3<sup>rd</sup> November Committee report, the Ecology Officer has recommended a revised condition to safeguard water voles and their habitat as a protected species.
19. An additional condition was imposed on the 11<sup>th</sup> November 2005 planning permission to ensure that the Balancing Pond was not constructed in phases. This accorded

with recommendations of both Environment Agency and the Middle Level Commissioners, acting on behalf of the Swavesey Internal Drainage Board.

20. Such final decisions upon whether there should be conditions on planning permission are incorporated in the Council's scheme of delegation.

**Recommendation**

21. That the Committee consents to an order quashing the planning permission dated 11<sup>th</sup> November 2005 and,
22. That delegated authority be given to officers to issue a new planning permission once the permission dated 11<sup>th</sup> November 2005 has been quashed. The new permission (as amended by drawing EO 459/65 rev E franked 10<sup>th</sup> October 2005) shall be subject to the following conditions.
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
  2. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing JBA 03/120 08A as amended by the substitution of seed mix EM3 for EMI) shall be carried out in the first planting and seeding seasons following the completion of the development; and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
(Reason - To enhance the quality of the development and to assimilate it within the area,)
  3. Prior to the creation of the balancing pond and the completion of works to the Longstanton Drain, A Water Vole Survey shall be undertaken of the Longstanton Drain within the application site in order to establish the current distribution of the species. Should water voles be found to be present then:
    - 1) A Water Vole Mitigation Scheme shall be presented to the Local Planning Authority prior to any development commencing on the balancing pond or the completion of works to the Longstanton Drain within the site.
    - 2) Subsequent to works commencing, an ecologist shall be employed by the applicant to ensure that the Water Vole Mitigation Scheme is suitably implemented. Bi-monthly position statements shall be provided to the Local Planning Authority until such time that all works associated with the development are completed.
    - 3) Following completion of the works (to both the Balancing Pond and the Longstanton Drain) a Water Vole Survey of the Longstanton Drain shall be undertaken in the next suitable survey period in order to monitor the impact of the implemented works. Should the Water Vole Mitigation Scheme be found to have been inadequate then appropriate habitat compensation measures for water voles should be

proposed in order to address any shortfalls of the Water Vole Mitigation Scheme.

- 4) Any variation from the approved Water Vole Mitigation Scheme shall be agreed in writing by the Local Planning Authority prior to being implemented.

(Reason - To minimise harm and disturbance to the water vole, a protected species and to ensure compliance with Policy EN13 of the South Cambridgeshire Local Plan 2004.)

4. The balancing pond, hereby permitted, shall not be constructed in phases and shall not be constructed other than in its entirety to provide the approved 20,000 cubic metres of storage volume specified on approved drawing EO459/65/E.

(Reason - To provide a satisfactory surface water drainage scheme for Home Farm development and to avoid exacerbating flooding downstream.)

### Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - a) Cambridgeshire and Peterborough Structure Plan 2003:  
**P6/4 - Drainage**
  - b) South Cambridgeshire Local Plan 2004:  
**CS5 - Flood Protection**  
**EN13 - Protected Species**
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: **Surface water disposal and future maintenance, ecological impact and archaeology**

### Informatives

1. The applicant is reminded of the terms of Condition 18 of the outline planning permission, reference S/0682/95/O, which relates construction of the approved surface water drainage scheme to occupation of development at Home Farm. The scheme provides for the construction of the whole system, including the whole of the Balancing Pond, from the outset, as clarified by letter dated 1<sup>st</sup> April 2004 from Persimmon to the Local Planning Authority.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref: **S/1846/04/F**

**Contact Officer:** David Rush – Development Control Quality Manager  
Telephone: (01954 713153)

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee      2<sup>nd</sup> February 2005  
**AUTHOR/S:** Director of Development Services

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**S/1846/04/F - Longstanton  
Resubmission - Balancing Pond and Scheme of Ditch Widening to serve  
Approved Residential and Commercial Development,  
Land West of Longstanton for Persimmon Homes (East Midlands) Ltd.**

**Recommendation: Approval  
Date for Determination: 2<sup>nd</sup> December 2004**

**Introduction**

1. Members considered the report attached at **Appendix 1** at the meeting of 3<sup>rd</sup> November 2004. Members resolved to defer consideration of the item and to refer the proposal to the Land Drainage Advisory Group for comment.

**Subsequent Developments**

2. The Land Drainage Advisory Group met to consider the proposal on 14<sup>th</sup> December 2004. An extract from the Minutes of the meeting are attached at **Appendix 2**. The Land Drainage Advisory Group resolved to recommend to the Development and Conservation Control Committee that the planning application be **APPROVED** subject to:
  - (a) Agreement with the Council on suitable maintenance procedures for the future; and
  - (b) Payment of a commuted sum to the Council to cover the increased maintenance costs along the award drain as a result of the proposed development, to be secured by a section 106 agreement.

The Land Drainage Advisory Group requested that the Development and Conservation Control Committee note the legal reasons preventing the Environment Agency from maintaining the balancing pond.

3. This recommendation accords in principle with my recommendation to Committee in November.

**Recommendation**

4. Subject to payment of a commuted sum to the Council to cover the increased maintenance costs along the award drain as a result of the proposed development, to be secured by a section 106 Agreement. Approve subject to the conditions as set out in my report of 3<sup>rd</sup> November 2004.

**Informatives****Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: Policy P6/4** (Drainage)
  - **South Cambridgeshire Local Plan 2004: Policy CS5** (Flood Protection)
  
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Surface Water Disposal
  - Ecological Impact
  - Highway Safety

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Agenda and Minutes of the Land Drainage Advisory Group 14<sup>th</sup> December 2004
- Planning Applications S/0682/95/O and S/1846/04/F

**Contact Officer:** Ray McMurray - Senior Planning Assistant  
Telephone: (01954) 713259

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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<b>REPORT TO:</b>	Development and Conservation Control Committee	3 <sup>rd</sup> November 2004
<b>AUTHOR/S:</b>	Director of Development Services	

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**S/1846/04/F - Longstanton  
Resubmission- Balancing Pond and Scheme of Ditch Widening to serve Approved  
Residential and Commercial Development, Land west of Longstanton for Persimmon  
Homes (East Midlands) Ltd.**

**Recommendation: Approval**

**Site and Proposal**

1. The 2.3 hectare application site lies in the countryside to the north west of Longstanton adjacent to the C191 Gravel Bridge Road. The land is at present in agricultural use. There are no significant trees affected by the proposal.
2. The full application, received 2<sup>nd</sup> September 2004, proposes the construction of a surface water balancing pond to cater for run-off from the commercial and residential development envisaged in the Illustrative Master Plan for the land west of the High Street, and included as allocated land in the Inset No.67 (Longstanton) of the South Cambridgeshire Local Plan. The application site is outside the allocated land and is north of the consented village bypass. The pond is triangular in shape, with sides of approximately 170 metres length. It is intended to have a storage volume of 20,000 cubic metres.
3. This flow-balancing pond will accommodate flows within Longstanton Brook whilst Webb's Hole Sluice is closed during periods of high water levels in the River Great Ouse System. The application includes measures to regrade the existing ditch that extends to Longstanton High Street, in accordance with the consent issued by the Environment Agency.
4. The application conforms to the approach indicated in the previously agreed 'Statement on Principles of Storm Water Drainage, Development at Home Farm, Longstanton for Persimmon Homes East Midlands Ltd'. This statement has been accepted by South Cambridgeshire District Council, the Environment Agency and the Middle Level Commissioners.
5. The application is accompanied by landscaping proposals to the balancing pond, ecology statements including a water vole survey and an archaeological evaluation.
6. I have issued a screening opinion to the effect that the application is not required to be accompanied by a formal environmental impact assessment under the relevant regulations.

**Planning History**

7. A previous application for the balancing pond was withdrawn prior to determination because it infringed upon the protected line of a Cambridge Water Company main –

**S/1379/04/F.** The current application shows the pond resited to take account of this pipeline.

8. Outline planning permission **S/0682/95/O** for the provision of B1050 bypass, 21ha housing, 6.3ha business park, 2.8ha recreation area extension and related provision was granted 16<sup>th</sup> October 2000. The application was accompanied by an Illustrative Master Plan. Condition no.9 of the consent states: *'No development shall commence until a phased scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority and no development shall take place other than in accordance with the approved scheme'*. Condition no.18 states, *'Within each phase none of the dwellings or business premises shall be occupied until the surface water drainage in accordance with details approved in accordance with condition 9 and required to serve that phase, shall have been constructed in accordance with such approved details'*. An informative attached to the permission states, *'Full details of surface water flow attenuation and associated storage areas will be required. Any designs should allow for an equivalent maximum discharge of 3 l/s/developed hectare within 1:100 year long and short duration storms being considered in terms of water volume produced'*.
9. S/1762/03/RM – 91 dwellings and ancillary works (Phase 1) approved 22.12.03
10. An appeal against refusal to vary Condition 16 of S/0682/95/O to allow the construction of more than 500 dwellings is pending. The outcome of the Public Inquiry held in October is awaited.
11. S/0845/04/RM and S/1429/04/RM: duplicate reserved matters applications for 103 dwellings on part of Phase 3 – in progress.
12. S/2069/04/RM – reserved matters application for 153 dwellings (Phase 2) following refusal of S/0696/04/RM for 200 dwellings by Members at the Development and Conservation Control Committee on 6<sup>th</sup> October 2004 – in progress.

### **Planning Policy**

13. Cambridgeshire and Peterborough Structure Plan 2003: **Policy P6/4** (Drainage): new development will be expected to avoid exacerbating flood risk locally and elsewhere by utilising water retention areas or other forms of sustainable drainage systems for the disposal of surface water run-off.
14. South Cambridgeshire Local Plan 2004: **Policy CS5** (Flood Protection) – planning permission will not be granted for development where this is likely to increase flood risk in areas downstream due to additional surface water runoff, unless it is demonstrated that the effects can be overcome by appropriate alleviation and mitigation measures, and secured by planning conditions or planning obligation providing the necessary improvements which would not damage interests of nature conservation.
15. The proposal is designed to cater for surface water runoff from land allocated for residential and commercial development in the Inset Plan 67 (Longstanton) **Policies 1, 2 and 3**.

### **Consultation**

16. **Longstanton Parish Council**- has made no recommendation on the proposal, but has commented that the scheme is adequate for Phase 1 Home Farm. For



subsequent phases, the Parish Council considers there to be a requirement to divert Longstanton Brook along the western edge of the proposed bypass.

17. **Bar Hill Parish Council** – recommends approval of the application.
18. **Over Parish Council** - makes no recommendation but comments on the prospect of more localised flooding. The Council assumes that research has been carried out that Swavesey drain will be able to cope with this increased flow.
19. **Willingham Parish Council** - makes no comment
20. **Environment Agency** – has confirmed that the works have been granted consent under the Land Drainage Act 1991, and are acceptable as part of the surface water drainage strategy for the full development of the Home Farm site. The Agency recommends that the works be completed prior to development to ensure no detriment to the local drainage regime. The Agency recommends that a suitable condition be imposed to require the provision of a management plan to ensure future maintenance of the facility.
21. **Middle Level Commissioners** – supports the application. Although the site is outside the Board's area, there are possible implications for flooding from the tributaries of Swavesey Drain. Agreement has been reached between the Commissioners, Environment Agency and the developers that the proposal relates to the current proposal for 500 houses at Home Farm, that the pond should be completed to its maximum dimensions and operational before development on Home Farm commences and not a phased construction to match the various development stages. It is essential that the developer should enter into a long-term management contract for maintenance of the balancing pond. The Commissioners state that, in the event of the appeal to increase the maximum permitted number of houses on the site succeeding, further negotiations between all parties concerning the drainage strategy would be required.
22. **Old West Internal Drainage Board** – no comments.
23. **Longstanton Residents for Dry Homes**- accepts that the proposals are sufficient to cater for Phase 1 of Home Farm, and would like approval of this application to be so restricted. With respect to future phases, LRDH wishes to be afforded the opportunity to comment on the drainage proposals of later phases of development, including stream diversion. If this is not possible, then LRDH would wish to object to the current proposal. LRDH considers that the brook should be diverted at the southern end of the B1050 bypass to flow along the western edge of the bypass, rejoining the existing brook at Home Farm. This is recommended as part of Phase 2 Home Farm, which should be a condition of any planning consent for that phase.
24. **Cambridge Water Company** – no objection to the resubmitted application. It is pleased that the pond has been off-set to avoid the line of its 12" cast iron water main.
25. **Ecology Officer** – is satisfied that the working procedures and design of the pond, and proposed planting are acceptable. He recommends a condition that the developer should provide monthly position updates to enable the Local Planning Authority to monitor the mitigation works.
26. **English Nature**- EN is satisfied that the proposed working methods for the balancing pond and ditch widening are appropriate to safeguard the presence of water voles on

this site. EN recommends that a condition be attached to any permission granted to ensure the works are implemented as proposed.

27. **County Archaeological Section** – has indicated that the Section is in discussion with the developers concerning the required extent of archaeological works. The Section recommends that a condition be attached to require the submission of a programme of archaeological investigation.
28. **Highways Agency** and **Local Highway Authority** – no comments.
29. **Council's Landscape Design Officer** has no objections.
30. **The Council's Land Drainage Manager**, commenting on the earlier withdrawn application (see Para 7 above), said:
  1. No fencing, hedging, buildings etc will be allowed within 5 metres of Council's main award drain.
  2. A maintenance contribution will be required from developers to cover enhanced maintenance to award drain for the future."

### **Representations**

31. A resident of Longstanton has written to advise that the root cause of the flooding issue in the village is the sewer network that criss-crosses the High Street. The developer should be required to improve this network, rather than the cheaper option of a pond and ditch network. He predicts more flooding in the village as a result of the Home Farm development. A second resident, who lives adjacent to Longstanton Brook, is concerned at the extra water to be diverted to the brook. The sides are of clay and liable to subsidence after dredging. The brook is not well maintained and is quickly impeded with vegetation and litter. Particularly in the village the brook will need maintenance to keep the water flowing freely. It can quickly fill up and overflow its banks.

### **Planning Comments – Key Issues**

32. The application has been brought to Members' attention in order to consider the views put forward by Longstanton Parish Council and Longstanton Residents for Dry Homes.
33. The main issue raised is whether the proposed works are sufficient to cater for the consented residential and commercial development pursuant to outline planning permission S/0682/95/O. This issue has been examined in detail by the developers, and their conclusions as set out in the 'Statement on Principles of Storm Water Drainage, Development at Home Farm, Longstanton for Persimmon Homes East Midlands Ltd (revision 1)' has received the agreement of this Council as a Drainage Authority, Environment Agency and Middle Level Commissioners.
34. The developers have pointed out that the balancing pond is intended to resolve drainage from the proposed development, which is downstream from issues identified by LRDH and local residents. They do not accept that the two issues should be linked, as none of the phases of the development will contribute to any problems upstream within Longstanton itself.

35. The statement on Principles of Storm Water Drainage makes it clear that the volume of storage available within the attenuation pond is equivalent to the maximum storm water discharge from a 100 year storm event for the whole of the Home Farm Development, arising over a period of three weeks. On that basis the Drainage Authorities have approved the scheme in compliance with condition 9 of the outline planning permission.
36. Moreover, the Environment Agency would wish to enter a Section 30 Agreement under the Anglian Water Authority Act 1977 with the landowner to ensure protection of the balancing system in perpetuity with the development.
37. The scheme does not rely on any diversion of Longstanton Brook. Permission therefore cannot be limited to Phase 1, Home Farm, only.

### **Recommendation**

38. Subject to the prior completion of the necessary agreement with the Council, as Drainage Authority, in respect of a maintenance contribution, Approve subject to:

### **Conditions of Consent**

1. Standard Condition A – Time limited permission (Reason A);
2. Prior to development commencing, details of means to provide long term management and maintenance of the balancing pond shall be submitted to and agreed by the Local Planning Authority in consultation with the Environment Agency and Middle Level Commissioners. (Rc - To ensure that the balancing pond continues to serve its purpose of flood attenuation in perpetuity.)
3. Sc52 – Implementation of landscaping (Rc52);
4. Subsequent to works commencing, monthly position updates shall be provided in writing to the Local Planning Authority concerning the ecological mitigation measures to be achieved in the balancing pond and ditch, in accordance with the submitted schemes of mitigation; (Rc In order to inform the Local Planning Authority of the progress of the ecological mitigation work.)
5. No development shall commence until a scheme for the provision of a programme of archaeological investigation has been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in its approved form. (Rc 66)

### **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: Policy P6/4** (Drainage);
  - **South Cambridgeshire Local Plan 2004: Policy CS5** (Flood Protection).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- surface water disposal
  - ecological impact
  - highway safety

**Background Papers:** the following background papers were used in the preparation of this report: Planning Applications S/0682/95/O and S/1846/04/F; Cambridgeshire and Peterborough Structure Plan 2003; and South Cambridgeshire Local Plan 2004.

**Contact Officer:** Ray McMurray – Senior Planning Assistant  
Telephone: (01954) 713259

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Land Drainage Advisory Group 14 October 2005  
**AUTHOR/S:** Chief Environmental Health Officer/Drainage Manager

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**BALANCING POND AT HOME FARM LONGSTANTON****Purpose**

1. To consider a request from the developers of the site that the Council adopt the balancing pond in perpetuity.

**Effect on Corporate Objectives**

2. Quality, Accessible Services	Adoption of the balancing pond will ensure that a high quality land drainage service is provided for the locality.
Village Life	It is vitally important that an appropriate maintenance regime is in place for the balancing pond in order to help maintain the quality of village life.
Sustainability	The proposal forms part of a sustainable drainage system for the area.
Partnership	Adoption of the pond will ensure partnership working will continue with the local developers.

**Background**

3. The Home Farm development in Longstanton consists of approximately 500 houses and a Business Park. The agreed surface water drainage strategy for the development consists of new and improved watercourses for the area and the creation of a new Balancing Pond to cater for the surface water run-off from the site.
4. At its meeting on 14 December 2004, the Land Drainage Advisory Group recommended to Development and Conservation Control Committee that the planning application for the Balancing Pond should be approved. This recommendation was subject to agreement with the Council on suitable maintenance procedures being put in place for the future.
5. Delegated approval for the Balancing Pond was given by Development and Conservation Control Committee at its February 2004 meeting and the Land Drainage Advisory Group is now being asked to approve maintenance proposals. All parties involved with the proposal wish to see a suitable maintenance regime in place so that future flooding is avoided.

**Considerations**

6. The Balancing Pond forms part of the necessary drainage infrastructure for the new development. In order to ensure its long-term viability, the Pond will require regular maintenance work to be undertaken by a suitable organisation, authority or body that will exist for the foreseeable future. The local Parish Council, County Council, Anglian Water, Environment Agency and the Swavesey Internal Drainage Board are either unable or unwilling to adopt the Pond maintenance. The only remaining possibilities are the District Council, a private company or the local landowner.

7. Maintenance will be required on an annual basis in order to cut bank vegetation and remove marginal pondweed. It is also likely that routine visits will be required to remove isolated blockages around structures. In the longer term, it may be necessary to remove silt or carry out repairs to structures. It should be noted that this is work that could be met with the Council's existing resources of both plant and staff.
8. The Environment Agency has advised that the local landowner may not be the most suitable option for maintenance as ownership may change in the future. In this case, responsibility for future maintenance is likely to become unclear with the potential for an increased risk of flooding.
9. The Parish Council, Environment Agency, Swavesey IDB and the developers are all in favour of adoption by the District Council as all consider the use of a private company to have an uncertain future.

### **Options**

10. The Development and Conservation Control Committee have sought the guidance of the Land Drainage Advisory Group as a means of conditioning the planning consent for the Balancing Pond. The Delegated approval by Committee was issued on the basis that a suitable maintenance regime would be agreed and approved by the Advisory Group.
11. The following options are therefore available to Members as a recommendation to the Portfolio Holder;
  - a. Maintenance to be carried out by the landowner
  - b. Maintenance to be carried out by a private company as determined by the developers
  - c. Maintenance to be carried out by the District Council following payment of a suitable commuted sum to cover long-term costs subject to the agreement of all parties involved

### **Financial Implications**

12. Following discussions and correspondence with the developers, the Council will be provided with a sum of approximately £100,000 to cover the maintenance of the Balancing Pond in perpetuity. These moneys will generate in the region of £5,000 per annum as revenue interest.

### **Legal Implications**

13. Upon adoption, The Council would have similar obligations to those on the adjacent award drain. These obligations are not particularly onerous and would form a natural extension of the works that are already undertaken on the award drain.

### **Staffing Implications**

14. None

### **Risk Management Implications**

15. The health and safety and financial management risks that apply to the award drains will apply to works and responsibilities on the Balancing Pond

**Consultations**

16. Local residents, Parish Council, local District Councillor, the Environment Agency and Swavesey Internal Drainage Board have all indicated a desire that the District Council should adopt the Pond. None of the above wish to see maintenance responsibilities passed on to private individuals or a private company.

**Conclusions/Summary**

17. The viability of the surface water drainage system for the Home Farm development will depend on a suitable maintenance regime for the Balancing Pond. Failure to ensure adequate maintenance will place many properties in the village of Longstanton under threat from flooding. To depend on private companies or individuals to carry out maintenance is a higher risk strategy than that involved with recognised drainage authorities. The maintenance work that adoption involves is well within the scope of the Council's land drainage workforce and the additional costs are adequately covered by the commuted sum that the developers will pay.

**Recommendations**

18. It is recommended that members advise the Environmental Health Portfolio Holder to agree to the adoption of the maintenance of the Balancing Pond by the Council on payment of a commuted sum of approximately £100,000.

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

**Contact Officer:** Patrick C Matthews – Drainage Manager  
Telephone: (01954) 713472

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1984/05/F - Orwell**  
**Extension to Clubhouse, Erection of Pro-shop with Ground Keeper's Flat and Erection of 6 Accommodation Lodges for Kentford Developments Limited**

**Recommendation: Refusal**  
**Determination Date: 12<sup>th</sup> December 2005**

**Site and Proposal**

1. The application site lies to the south of Orwell and west of Shepreth. It is an established golf course that caters for "pay and play" customers as well as club members.
2. The existing facilities include a clubhouse building, approximately 6.5m in height, that is clad in black stained timber weather boarding with a clay plain tiled roof. It provides a bar, dining area, a small reception and pro shop, toilets and changing rooms, a small store and kitchen.
3. There is a car park at the front of the building and to the west, a golf driving range and another building serving as a machinery store.
4. The full planning application, received on 17<sup>th</sup> October 2005 proposes an extension to the clubhouse building that would be approximately 10m in height, the erection of a shop with ground keeper's flat above, approximately 7.5m in height with a floor area of approximately 240m<sup>2</sup> and the erection of 6 self contained accommodation lodges, approximately 4.3m in height and with a footprint of approximately 100m<sup>2</sup> each.
5. The application includes a statement in support of the application which can be viewed as one of the background papers. It seeks essentially to explain the proposal and the design approach and to justify it in terms of need and visual impact. It also seeks to demonstrate that the proposal is in full compliance with relevant Development Plan Policies.

**Planning History**

6. The golf course was first granted planning permission in March 1991. Permission for the clubhouse and ground keeper's dwelling was subsequently granted in April 1991 (clubhouse approximately 9m in height). However these buildings were not erected. Following permission for a temporary clubhouse building, permission was granted in 1996 for a permanent clubhouse that was smaller than that approved in 1991. This is the existing building (approximately 6.5m in height).
7. Planning permission to extend the current clubhouse was granted in July 2004. The extensions do not increase the overall height of the building.

**Planning Policy**

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) states that development in the countryside will be restricted unless the proposal can be demonstrated to be essential in a particular rural location.

9. **Policy P4/1** of the Structure Plan states in part that tourism, recreation and leisure development should protect or improve the local environment and landscape. It should strengthen and diversify the local economy, particularly in Peterborough and North Cambridgeshire.
10. **Policy RT1** of the South Cambridgeshire Local Plan 2004 (the Local Plan) – Recreation and Tourism Development states in part that: the District Council will have regard to the need for such facilities and the benefits which might accrue. Proposals will be resisted which would by reason of its scale, form, design and materials, together with any associated development such as clubhouses, pavilions, and other buildings and structures would create an intrusive feature in the landscape or surrounding area.
11. **Policy RT11** of the Local Plan – Tourist-related development outside frameworks states that: “Development to provide overnight visitor accommodation, public houses and restaurants will not be permitted outside the framework of settlements except (where the site is outside the Green Belt) in the cases of modest extensions to existing facilities or the change of use/conversion of existing buildings not requiring large extensions”.

### **Consultation**

12. **Orwell Parish Council** recommends approval
13. **Local Highways Authority** - no objections – increase in traffic is likely to be modest.
14. **Chief Environmental Health Officer** - no objections
15. **Environment Agency** objects. It identifies the site as being within zones 2 and 3 of the Agency’s Indicative Floodzone mapping. The proposed development would be at risk of flooding and would increase the risk of flooding to existing property. A Flood Risk Assessment should be submitted with the application. No such assessment has been submitted and the flood risk has therefore not been considered.

### **Representations**

16. None

### **Planning Comments – Key Issues**

17. The key issues to consider in the determination of this application are:
  - The need for the development
  - The visual impact on the countryside and rural landscape
  - The risk of flooding
18. The applicant has identified that the business has grown and the existing facilities in the clubhouse are inadequate. I accept there is a need for the existing facilities to be improved and agree that an extension to the existing facilities would be justified to achieve this. However, extant planning permission exists for an extension to the clubhouse to provide additional space that does not increase the height of the existing building.
19. The proposed extension is approximately 10m high at its highest point. This, together with its overall bulk, will have a detrimental impact on the visual quality of the surrounding countryside and will be particularly visible in the landscape when viewed from the southerly approach along Malton Road.

The countryside is particularly open in this location and a building of this height and scale would be visually damaging. I am mindful of the permission granted in 1990 for a building of some 9m in height but I consider that this proposal would have even greater impact.

20. The shop and flat will replace extant permission for a ground keeper's dwelling and will be approximately 0.9m higher than that approved but I do not consider this to be a significant increase.
21. The six accommodation units will be completely self-contained. I do not consider that the information contained within the application demonstrates that these are essential to the efficient running of the golf course or necessary for the continuing viability of the business, particularly in view of its small "pay and play" nature (required by S106 on the original planning permission). I also feel these will be visually detrimental, introducing as they do some combined 600m<sup>2</sup> of floor area and residential uses into the open countryside. I accept that landscaping could help to assimilate them, particularly as they are relatively low in height, but this does not, in my view, overcome the above objections.
22. Policy RT11 allows for a modest extension of existing facilities for tourist related developments in the countryside. I do not consider the residential units to be modest when taken together and I do not consider them to be an extension of the existing facilities since they will introduce a new facility, namely overnight self-contained accommodation.
23. The application has not been accompanied by a Flood Risk Assessment and flood risk has not therefore been considered. No planning permission can be considered in advance of such a consideration.

## **Recommendation**

Refusal for the following reasons:

1. The proposed extension to the clubhouse, by reason of its height and bulk, will have a detrimental impact on the visual quality of the surrounding countryside and the open green character of the rural landscape, particularly when viewed looking south from Malton Road. As such the proposal is contrary to Policies RT1 and EN1 of the South Cambridgeshire Local Plan 2004.
2. The introduction into the golf course of the proposed self contained residential units has not been demonstrated to be essential in this rural location, they will represent intrusive features in the landscape and do not amount to a modest extension of the existing facilities. As such the proposal is contrary to Policies RT1, RT11 and EN1 of the South Cambridgeshire Local Plan 2004 and Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003.
3. The planning application is not accompanied by a Flood Risk Assessment. The proposal is premature in advance of the consideration of such an assessment.

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Files reference: S/1984/05/F (including applicants supporting statements) and S/1166/04/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1888/05/LB - Newton****Alterations to Front Porch Including Removal of Thatch and Re-roofing with Natural Quarried slate at 82 Whittlesford Road, For Newton Farms**

**Recommendation: Approval**  
**Date for Determination: 29<sup>th</sup> November 2005**

Listed Building

The applicant is a member of the Council.

**Site and Proposal**

1. The site is a grade II listed two storey detached dwelling, dated 1852. The building is constructed of clay lump and coated with rough cast render. It has a longstraw thatch roof and a thatched, central gable porch. The property occupies a narrow garden and faces north onto the street. It is accessed by a short path from Whittlesford Road, consequently the front elevation and porch are both prominent in the streetscene.
2. The property includes modern 20<sup>th</sup> century windows and to the western gable is a single storey lean-to addition, dating from the same period. The thatched porch is clearly in poor condition and projects through the projecting thatched eaves of the main thatched roof.
3. The application submitted on 4<sup>th</sup> October 2005 is to remove the thatch to the porch and replace it with natural slate.

**Planning History**

4. There is no relevant planning history relating to this property.

**Planning Policy**

5. **Policy EN23** of the 2004 Local Plan states that the Council will use its planning powers to preserve the character of the roofs of listed buildings which are of traditional materials.
6. Paragraph 10.59 of **Policy EN20** of the 2004 Local Plan states that the repair, renovation or alteration of historic buildings must not destroy the evidence of a building's historical development by unnecessary change.
7. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires development to protect and enhance the quality and distinctiveness of the historic environment.

### **Consultation**

8. **Newton Parish Council** recommends approval but stated that:  
“The Council has not reached a consensus on this application. One view is that the main façade of this listed building should be maintained. Another view is that it is a relatively minor change and not material”

### **Representations**

9. None received.

### **Planning Comments – Key Issues**

10. The proposal is to alter part of the main elevation of this listed building. In considering such proposals the authority is required to both consider the impact on the historic building (which in this instance comprises a loss of historic material and a change to the character and appearance of the cottage) and the reasons why these works are “desirable or necessary”. No justification or evidence has been submitted to support this proposal and enable appropriate consideration to be given to this proposal.
11. It is evident that the porch is contemporary to the building, but there is no evidence to determine whether it was originally thatched and none has been provided.
12. However, the relatively squat angle of the pitch of its roof, at approximately 42 degrees, may suggest that it was not originally thatched. This angle of pitch would be better suited for a contrasting thatch, such as reed, which is not considered to be appropriate to this longstraw thatched property.
13. Similarly the thatched porch includes some rather unfortunate details. The thatched porch cuts through the eaves to the main roof, resulting in rainwater being channelled from the main roof onto the porch, no doubt contributing to its poor condition. It should be noted that while there are many examples of thatched porch structures, these usually conform to the necessity to have simple detailing, avoiding channels where possible and steep pitches.
14. Given the date of the property, it is considered at least possible that the porch was originally constructed to have a roof material that was other than thatch, although in the absence of any clear evidence this must remain speculation. The proposal to alter the roof material to slate will enable the porch to be lowered and be located underneath an uninterrupted eaves line of the main roof, potentially restoring the simplicity and appropriate detailing of the main roof.
15. The change to a slate roof is, therefore, neither considered to be historically inaccurate nor to detract from the character or appearance of this property and is consequently recommended for approval.

### **Recommendation**

16. It is recommended that the application is approved subject to the following conditions:
  1. Standard Condition A – Time limited permission (Reason A) – 3 years.

2. Before work commences, arrangements shall be made by the applicant to enable the Local Planning Authority's Conservation Officer to meet the owner and/or agent and contractor on site to discuss the conditions of this consent and the manner of the works.  
(Reason – For the avoidance of doubt and to ensure the proper control of works.)
3. A sample of the proposed roof slates shall be provided on site for the prior written approval of the Local Planning Authority.  
(Reason – To ensure the use of roofing material appropriate to this listed building.)

### **Reasons for Approval**

1. Although the proposal will involve the alteration to the listed building it is considered that the change to the porch roof will not significantly detract from the historic character of the building and will resolve a practical problem. The development is, therefore, considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: P7/6**  
(Historic Built Environment);
  - **South Cambridgeshire Local Plan 2004: EN23** (Roofs)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Visual impact on the locality

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire & Peterborough Structure Plan 2003
- Planning File Ref: S/1888/05/LB

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2204/05/O – Great Shelford**  
**Erection of House Including Part Demolition of Existing House at 2 Mingle Lane**  
**for S L Nightingale**

**Recommendation: Refusal**  
**Date for Determination: 12<sup>th</sup> January 2006**

**Site and Proposal**

1. The application site is a 0.09 hectare plot of land sited to the rear of Nos. 2 and 4 Mingle Lane. The site forms part of the garden area to No. 2 Mingle Lane, a two storey brick/render and tile dwelling, and comprises a number of mature trees. To the south of the site are the rear gardens of dwellings within Leeway Avenue whilst to the west are properties within Hinton Way. The site is approximately 1.8 metres lower than the garden land of No.3 Leeway Avenue which lies directly to the south.
2. The outline application, submitted on 17<sup>th</sup> November 2005, seeks consent for the erection of a house on the site. The means of access to the site forms part of the application with details of siting, design and landscaping reserved for further consideration. The proposed access would be on the west side of the existing dwelling. In order to accommodate the access, a lean-to car port on the west side of the house and part of the existing dwelling would need to be demolished and the west side wall rebuilt. This would provide a 4m wide access, increasing to 4.5m to the rear of the house. Rebuilding the end wall would rectify a structural problem with the existing building. A conservatory sited to the rear of the dwelling would also be demolished as part of the proposal. The access would then continue for approximately 70 metres along the rear/east boundaries of dwellings in Hinton Way. The submitted plan indicates that 2 metre high fencing and hedging would be provided along both sides of the access. The density of the development equates to 11 dwellings/hectare.

**Planning History**

3. **S/1013/05/O** – Members may recall that, following a site visit, an outline application to erect a dwelling on this site was refused at Committee in October 2005 (Agenda Item 10) for the following reasons:
  1. “By virtue of the length and position of the access and the resultant loss of trees along the boundary with properties in Hinton Way, the proposed development would detract from the character of the area. The proposal is therefore contrary to Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/3, which requires all new development to respond to the local character of the built environment; and South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the character of the village, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not be out of character with the pattern of development in the vicinity.

2. The use of the access by residents of and visitors to the proposed dwelling would result in an unacceptable level of noise and disturbance to the occupiers of neighbouring properties, and the occupiers of No.2 Mingle Lane in particular. The proposal is thereby contrary to South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the amenities of neighbours, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not result in noise and disturbance to existing residential properties through the use of its access.”

### **Planning Policy**

4. Great Shelford is identified within **Policy SE2** of the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where estates, groups of dwellings and infilling are acceptable subject to development being sympathetic to the character and amenities of the locality.
5. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - a. Result in overbearing, overlooking or overshadowing of existing residential properties;
  - b. Result in noise and disturbance to existing residential properties through the use of its access;
  - c. Result in highway dangers through the use of its access;
  - d. Be out of character with the pattern of development in the vicinity.
6. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.

### **Consultations**

8. The comments of **Great Shelford Parish Council** will be reported verbally at the Committee meeting.
9. **The Trees and Landscape Officer** has not commented on the current application but raised no objections to the previous proposal stating that it would be possible to accommodate a dwelling on the site subject to the footprint size being constrained by the requirements of BS:5837:1991.
10. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery during the construction period being attached to any consent in order to minimise noise disturbance to neighbours.

### **Representations**

11. Objections have been raised from Nos. 2, 4, 4a, 6 and 12 Hinton Way, and No.4 Mingle Lane. The main points raised are:
  - a. The application does not differ significantly from that refused earlier this year and, hence, does not appear to address the reasons for refusal;

- b. The erection of a fence and hedging along the access will not overcome the reasons of refusal relating to the unacceptable level of noise and disturbance to occupiers of properties in Hinton Way and No.2 Mingle Lane itself;
  - c. The access would result in extensive tree felling along the boundaries of houses in Hinton Way, whilst trees would need to be removed to accommodate a dwelling on the site;
  - d. Backland development would be out of keeping with the character of the area;
  - e. Any dwelling on this site would overlook rear gardens and windows of up to 20 adjoining properties;
  - f. The proposed development would destroy the outlook from adjoining properties;
  - g. The position of the access road along the rear gardens of properties in Hinton Way would result in an increased security risk to the occupiers of these properties;
  - h. A boundary wall or fence tall enough to overcome security problems would result in harm to the outlook from adjacent properties;
  - i. It is difficult to make specific comments until further details have been submitted;
  - j. An investigation into whether the site would need to be levelled and whether suitable drainage can be achieved should be carried out.
12. A letter has also been received from the occupier of No.10 Hinton Way who raises no objections in principle subject to no first floor windows being inserted in the reconstructed end wall of the existing property and to the driveway being constructed of a material such as tarmac to reduce noise disturbance.

#### **Planning Comments – Key Issues**

13. The key issue to consider in the determination of this application relates to whether the current proposal has overcome the reasons for refusal set out in the previous application reference S/1013/05/O.
14. The only differences between the previous and current applications are:
- a. The current proposal has clarified that the rebuilding of the end wall of the existing house and removal of the existing conservatory form part of the application. The previous application only specified the removal of the car port.
  - b. A more detailed access plan has now been submitted showing that a 2 metre high fence and hedging would be erected along the east and west side boundaries of the access, where it bounds No.2 Mingle Lane and properties in Hinton Way respectively.
15. The rebuilding of the end wall would result in a maximum increase of around 200mm in the width of the access where it runs alongside the house whilst the demolition of the conservatory would enable the access to be increased in width to 4.5 metres for the length of the garden. This would provide sufficient width to erect a fence and hedging along both sides of the access. However, the access is still the same length and in the same position as previously proposed and would still compromise the trees along the

boundary with properties in Hinton Way. As such, I consider that this revised application has failed to overcome the first reason for refusal relating to the harmful impact of the development upon the character of the area.

16. With regards to the second reason of refusal, it is considered that erecting a 2 metre high fence and hedge along both sides of the access would not be sufficient to overcome the problems of noise and disturbance to occupiers of adjoining properties in Hinton Way and of No.2 Mingle Lane itself. Had Members considered, when discussing the previous application, that the harm from the access could be overcome by erecting a fence, this could not have formed part of the reason for refusal given that such a measure could be covered by a condition of any planning consent.
17. In summary, in light of the decision made by Committee Members on the previous application, it is difficult to see how the minor changes and additional information set out in the current application overcome the previous reasons for refusal.

### **Recommendation**

18. Refusal:
  1. By virtue of the length and position of the access and the resultant loss of trees along the boundary with properties in Hinton Way, the proposed development would detract from the character of the area. The proposal is therefore contrary to Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/3, which requires all new development to respond to the local character of the built environment; and South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the character of the village, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not be out of character with the pattern of development in the vicinity.
  2. The use of the access by residents of and visitors to the proposed dwelling would result in an unacceptable level of noise and disturbance to the occupiers of neighbouring properties, and the occupiers of No.2 Mingle Lane in particular. The proposal is thereby contrary to South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the amenities of neighbours, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not result in noise and disturbance to existing residential properties through the use of its access.

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003;
- South Cambridgeshire Local Plan 2004;
- Planning application references: S/1013/05/O and S/2204/05/O.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2187/05/F - Landbeach**  
**Retention and extension of shed to form stables at paddock land r/o 43a High Street  
for B. York**

**Recommendation: Approval/Delegated Approval**  
**Date for Determination: 10<sup>th</sup> January 2006**

**Conservation Area****Site and Proposal**

1. The site is a former paddock, lying to the rear of nos. 45 - 53 High Street that front the High Street and is on the edge of the village of Landbeach, outside of the village framework and within the Green Belt. The Conservation Area ends along the western boundary of the site. It is generally flat with a vehicular access from off Banworth Lane, which is an unadopted road that ends at the site.
2. The eastern site boundary adjoins fields beyond the site. A field hedge including a number of trees marks this boundary and provides a pleasant green edge to the village when viewed from the closest public vantage points on Waterbeach Road and the A10. The southern boundary does not benefit from this screening. To the north of the site is a treed area at the end of Banworth Lane, which separates the site from bungalows at Matthew Parker Close. The countryside beyond is characterised by open fields up to the A10. To the south of the site further paddocks are found, with post and rail fences such that an open, rural character is maintained up to the village edge in this area.
3. This full planning application, received on the 15<sup>th</sup> November 2005 seeks permission to retain and extend a store building that has been erected close to the access off Banworth Lane. The building is subject to enforcement action under which the building is to be removed. This measures 7.50 metres (length) by 4.85 metres (width). The building is 3.1 metres high to the ridge. The application proposes to increase the building in length to 10.0 metres for use as stables. The land will be returned to use as a paddock, with a fence separating it from the garden.

**Planning History**

4. **S/0445/04/F** – A retrospective application for the change of use of paddock to residential garden associated with 43a High Street and the erection of mower and tractor store was refused by Committee at the July 2005 Committee, following a site visit by Members. An enforcement notice was subsequently served requiring garden structures; including the store that is the subject of this application, to be removed, fences to be reduced to 2.0 metres in height, and the land to be returned to its former condition. An appeal against the refusal was dismissed and the enforcement notice upheld.

### **Planning Policy**

5. **Policy SE9 ‘Village Edges’** of the South Cambridgeshire Local Plan 2004 (‘The Local Plan’) requires development on the edge of villages to be sympathetically designed and landscaped to minimise the impact upon the countryside and to ensure that harmony with the prevailing landscape character is achieved.
6. The site is located within the Green Belt. **Planning Policy Guidance Note 2 (Green Belts), Policy P9/2a** of the Cambridgeshire and Peterborough Structure Plan 2003, (‘Structure Plan’) and **Policy GB2** of the Local Plan seek to restrict inappropriate forms of development within the Green Belt. The siting of buildings providing essential facilities for outdoor recreation are considered appropriate providing the character and openness of the Green Belt is not adversely affected.
7. **Policy GB5 ‘Recreational Role of the Green Belt’** of the Local Plan sets out the Council’s approach to proposals for outdoor recreation where large numbers of participants or spectators may result. Such proposals will not be supported.
8. **Policy RT1 ‘Recreation and Tourism Development’** of the Local Plan sets out criteria against which proposals for recreational development will be considered.
9. **Policy P1/2 ‘Environmental Restrictions on Development’** of the Structure Plan seeks to restrict development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Structure Plan states that a high standard of design and sustainability should be adopted for all new forms of development.

### **Consultations**

11. **Landbeach Parish Council** objects to the proposal and recommends refusal. It is of the opinion that the conversion of the store into stables conflicts with the enforcement notice, which should have been complied with in a three-month period. It should not be asked to give a ruling on a building that should have been removed as a result of the Planning Inspector’s decision. Any comment would be a contradiction of the appeal decision that should have been enforced.
12. **Old West Internal Drainage Board** has no objection from a drainage point of view.
13. The **Environment Agency** has no objection to the proposed development but makes comments, which should be added as informatives if permission is granted.

### **Representations**

14. No representations have been received. However the consultation period does not expire until 20<sup>th</sup> December 2005. Any representations received will be reported verbally at Committee.

### **Planning Comments – Key Issues**

15. The retention and extension of this garden building that is the subject of enforcement action has been raised as the key issue in determining this planning application. The

planning application itself must be considered as development in the countryside and Green Belt.

***Enforcement Action***

16. The building is subject to enforcement action and should have been removed by 30<sup>th</sup> September 2005. This has not been complied with but is not a reason in itself to refuse the proposal to retain it. The application must be considered on its planning merits.
17. The issue with approving the application would be the effect on the extant enforcement notice. Issuing a decision approving the application does not prevent the Council from taking legal action, however it would potentially affect the expediency of such action. Details have been sought from the applicant to confirm that the building is capable of conversion and written details are to be submitted as to the time frame required by the applicant in which to implement the permission, if granted, and how long the works to convert the building would take. If approved, the applicant would have three years in which to implement the planning permission. This would be in clear contradiction to the extant enforcement notice; therefore, the applicant would have to be advised that a period of longer than six months to implement and complete the works is unlikely to be viewed favourably. If not completed the matter would be referred back to the Legal Department to consider evidence in relation to prosecution.
18. The benefit of this approach is that the applicant would have a standard planning permission in terms of the 3-year time limit and as such would be unable to apply to vary the condition. In addition, as he has already appealed the extant enforcement notice he is unable to make a further appeal. In my view it would be reasonable to postpone legal action for up to six months if this application is approved.

***Green Belt***

19. In considering the appeal against refusal of the change of use of the paddock to garden land and the erection of the garden store, the Inspector noted "...the building is...not required in relation to any agricultural use and is solely required in connection with the use of the land as a garden. In my view the building is a clear encroachment into the Green Belt and there is no justification for its retention" (para. 10).
20. The site has a history of use as a paddock and had stables sited on it previously. The use of the land, which is well related to the village, for keeping horses is not contrary to countryside or Green Belt policy. The retention of the building for use as stables is not an inappropriate development within the Green Belt, as defined by policy GB2 of the Local Plan. The building is suitable for conversion into stables and the building, being modest for the purpose, will not materially alter the character or appearance of the Green Belt.
21. Amended details have been requested in order to clearly set out how the building is to be altered, as the submitted plan does not, for example, show individual stalls; which it is reasonable to expect if the building is to be used for stabling horses.

### Recommendation

22. Subject to the receipt of amended drawings detailing the layout of the building as stables, delegated powers are sought to approve the application, subject to:
- a) Written confirmation by the applicant of the time frame in which the permission is to be implemented if granted and how long the works will take;
  - b) The conditions and informatives set out below.
    1. Standard Condition A – Time limited permission (Reason A);
    2. Sc5a – Details of materials for external walls and roofs (Rc5a(ii) + and in accordance with the requirements of Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003);
    3. The stables, hereby approved, shall not be used other than for purposes incidental to the enjoyment of occupiers of the dwelling at 43a High Street, Landbeach and no business or trade, including a commercial livery, or public events shall be carried out from the premises. (Reason - To safeguard the openness of the Green Belt within which informal recreation is permitted and to safeguard the amenities of the adjacent properties in accordance with Policies GB5 and RT1 of the South Cambridgeshire Local Plan 2004);
    4. No external lighting shall be installed on the application site unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To protect the amenities of the surrounding residential properties and to avoid excessive intrusion within the surrounding Green Belt in accordance with policies RT1, GB2 and GB5 of the South Cambridgeshire Local Plan 2004).

### Informatives

1. The applicant is reminded that enforcement notice ref. E484 is extant. The Local Planning Authority retains its right to take legal action in respect of any part of the enforcement notice that has not been complied with. The applicant has stated in writing that it is intended to undertake the works of conversion, hereby approved, by *(insert date)*.
2. The applicant is reminded that development in association with the stable hereby approved, such as ménages and hardstandings will require planning permission.
3. *As recommended by the Environment Agency.*

### Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:** P1/2 'Environmental Restrictions on Development', P1/3 'Sustainable design in built development', P9/2a 'Green Belt' and P7/6 'Historic Built Environment';
  - **South Cambridgeshire Local Plan 2004:** SE9 'Village Edges', GB2 'Green Belt – General Principles', GB5 'Recreational Role of the Green Belt', and RT1 'Recreation and Tourism Development'.



2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Impact on the Green Belt
  - Drainage
  - Pollution Control

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/0445/04/F and S/2187/05/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2109/05/F - Willingham**  
**Extension and Conversion of Former Bank Premises into 2 Flats at 13 High Street**  
**for M. S. Dosanjh**

**Recommendation: Approval**  
**Date for Determination: 2<sup>nd</sup> January 2006**

**Site and Proposal**

1. This application, received on 4<sup>th</sup> November 2005, proposes the extension and conversion of part of the former Barclays Bank building into two flats.
2. The property, the subject of this planning application, is currently vacant and for sale. The detached rendered building was formerly the Barclays Bank. An ATM cash machine has been retained in the front elevation, which is to remain for another 13 years. To the north is a detached house and to the south the village post office, together with residential accommodation.
3. The site lies within the village framework for Willingham. No other specific designations apply.

**Planning History**

4. **S/0812/03/F** - Conversion of part of building into two flats. This application was approved at Committee on 4<sup>th</sup> June 2003.

**Planning Policy****Cambridgeshire and Peterborough Structure Plan 2003**

5. Structure Plan **Policy P1/3** on Sustainable Design in Built Environment explains that a high standard of design and sustainability for all new development will be required which creates compact forms of development through the promotion of higher densities, with managed access for the private car.

**South Cambridgeshire Local Plan 2004**

6. Local Plan **Policy SE8** explains that there will be a general presumption in favour of residential development within village frameworks.
7. **Policy HG12** states that planning permission for the extension and alteration of dwellings will not be permitted where:
  - a) The design and use of materials would not be in keeping with local characteristics.

- b) The proposal would seriously harm the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would adversely affect surrounding properties by virtue of its design, layout, location or materials.
- c) There would be an unacceptable loss of off-street parking or garden space within the curtilage.
- d) There would be an unacceptable visual impact upon the street scene.
- e) Boundary treatment would provide an unacceptable standard of privacy and visual amenity.

### **Consultations**

8. **Willingham Parish Council** recommends refusal of the application, on the grounds of inadequate parking for two flats:

“There is barely room to place two cars as well as maintaining wheelchair access to the cash point machine; backing either in or out of such spaces on to the High Street would be dangerous, and there is no room for any turning space on the forecourt.”

9. **Local Highways Authority** comments that:

“Due to the cash machine within the building the subject of this application and adjacent post office, this part of High Street is subject to considerable amount of on-street parking. If only two parking spaces are provided for two residential units, it is inevitable that additional vehicles associated with each of the flats will park on the street. Clearly this would be a most unsatisfactory situation and should be resisted. It is my view that the conversion should be limited to one small residential unit, so that such unit can have the two available parking spaces. If your authority is minded to approve the scheme as submitted please ensure that an access note (dropped kerbing is required to provide the vehicular access) is sent out with any decision notice.”

### **Representations**

10. None received.

### **Planning Comments - Key Issues**

*Previous approval on the application site*

11. The June 2003 planning permission approved the conversion of the property into two flats (see Paragraph 4 above).
12. It was considered that the conversion of the former bank into two small flats whilst retaining the cash machine was acceptable in principle, since it would make good use of a building that would otherwise stand empty.
13. The only contentious issue was the provision of two car parking spaces without turning facilities onto the High Street. The previous plans showed sufficient space for wheelchair users to access the cash machine, but a condition was attached to ensure the erection of a barrier between the parking area and the pedestrian access to the cash machine.

14. There were concerns from the Parish Council over the parking arrangements on the grounds that there was very limited space and cars could not leave in forward gear.
15. This application was taken to Committee with a recommendation for approval which was subsequently accepted by Members. The consent remains extant.

*The current application*

16. The current application seeks alterations to the previously approved scheme. These include the addition of a front porch/lobby and a rear ground floor extension to create a bedroom. The increase in footprint of the building is approximately 17 square metres.
17. There is still adequate access retained to reach the ATM cash machine, and there are to be two car parking spaces to the front of the property (as already approved in the previous application).
18. Additional information has now been supplied by the applicants in regard to the proposed surfacing for the access to the ATM and parking area (important, given the proximity of the residential accommodation). Revised drawings show a paved path to the ATM and block paving for the two parking bays.

*Conclusions*

19. As the principle of residential development at this location has already been established, and since there have been no changes in planning policy or local circumstances since the last approval, this application should only be assessed in terms of the effect of the rear extension and front porch.
20. It is considered that there would be no significant harm caused to either of the adjoining properties by the proposed additions to number 13 High Street and that the design of the extension is acceptable.

**Recommendation**

21. Approve, subject to conditions
  1. Standard Condition A - Time limited permission (Reason A).
  2. Sc5a - Details of materials for external walls and roofs (Rc5aii).
  3. Sc5f - Details of materials to be used for hard surfaced areas within the site including the driveway and car parking areas.  
(Reason - To minimise disturbance to adjoining residents).
  4. Before development commences details of a barrier to be erected between the parking area and the pedestrian access to the ATM machine shall be submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved plans before either one of the flats, hereby approved, is occupied.  
(Reason - To ensure pedestrian access to the ATM machine is maintained at all times).
  5. Before development commences details of the vehicular access to the property to include dropped kerbing shall be submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out in

accordance with the approved plans before either one of the flats, hereby approved, is occupied.  
(Reason - To ensure that vehicles can access the site in a satisfactory and safe manner).

**Informatives**

**Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/3** (Sustainable design in built development);
  - **South Cambridgeshire Local Plan 2004:**  
**SE8** (Village Frameworks)  
**HG12** (Extensions and Alterations to Dwellings within Frameworks)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Highway safety

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File References S/0812/03/F and S/2109/05/F

**Contact Officer:** Area Team 3

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2076/05/F – West Wickham  
House – Land Adj 98 High Street for Mr & Mrs T Waddington**

**Recommendation: Approval  
Date for Determination – 28<sup>th</sup> December 2005**

**Site and Proposal**

1. The application site is a 0.04 hectare (11 metres wide x 40 metres deep) plot of land located on the south side of the High Street. The site forms part of the garden area/curtilage to No. 98 High Street, a two storey semi-detached render and slate dwelling located to the west of the plot, although the house and adjacent plot are under separate ownership. Directly to the east of the site is a 4-5 metre wide strip of orchard land beyond which lies a brick bungalow. A conifer hedge bounds the plot along its front and eastern side boundaries.
2. The full application, submitted on 2<sup>nd</sup> November 2005, seeks to erect a detached two storey 3-bedroom house on the site. The dwelling would be a render and slate property comprising bay window and false dormer features on the front and a 5 metre deep single storey wing to the rear. There is an existing vehicular access that would be used to gain access to the site and to provide parking for both the existing and proposed dwelling.

**Planning History**

3. **S/1961/02/F** – Planning permission granted on 16<sup>th</sup> January 2003 for the erection of a dwelling on this site subject to a condition requiring the parking to be provided in accordance with the plan and thereafter maintained. The permission remains extant.

**Planning Policy**

4. West Wickham is identified within **Policy SE5** of the South Cambridgeshire Local Plan 2004 as an Infill-Only village. In such locations, Policy SE5 states that residential development will be restricted to no more than two dwellings comprising (amongst others) the redevelopment of an existing residential curtilage providing the site does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.
5. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.

### Consultation

6. **West Wickham Parish Council** objects to the application stating:  
  
“ The house is too large for size of plot and residents either side are concerned about being overlooked and the density.”
7. **The Chief Environmental Health Officer** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that a condition restricting hours of use of power operated machinery be applied to any planning consent.

### Representations

8. A letter of objection has been received from No.98 High Street. The main concerns raised are:
  - a. The dwelling would substantially reduce the light to the back and side of the dwelling, affecting the lounge, bathroom and upstairs landing;
  - b. The proposal would devalue No.98 as it would not be possible to extend without harming the amenities of the new dwelling;
  - c. The proposal would reduce privacy to the back and side of No.98 due to the new layout of windows and door at the side.

### Planning Comments – Key Issues

9. The key issues to consider in the determination of this application relate to:
  - a. The impact of the dwelling upon the character of the street scene;
  - b. The impact upon the amenities of adjoining residents; and
  - c. Highway safety.
10. The dwelling approved under planning reference S1961/02/F was virtually identical in size and position to the property proposed in the current application. The only differences between the previous and current applications are:
  - a. The previously approved integral garage has been replaced with a kitchen/breakfast room;
  - b. Alterations have been made to the ground floor layout and windows/doors added and/or repositioned;
  - c. ‘Gablets’ have been added to the front elevation roof line above bedroom windows;
  - d. The materials have been changed from brick to render;
  - e. The front wall has been pulled back by 300mm making the ground floor footprint smaller than that approved.
11. With regards to the impact of the development upon the street scene, the proposed dwelling is virtually identical in its size and siting to the approved scheme. The only significant design difference between the approved and current schemes relates to the introduction of two ‘gablets’ on the front of the dwelling. Officers initially had some reservations about these features as the majority of dwellings on this side of the street have very simple rooflines. However, the applicant’s agent has submitted evidence demonstrating that there is a huge variety in the design of dwellings in the immediate vicinity of the site, with several properties on the opposite side of the street having dormer windows and a recently erected property on the same side of the road



incorporating a forward projecting gable. Although deleting the proposed features would be desirable, I am satisfied that they would not result in significant and demonstrable harm to the character of the area and, on balance, I therefore consider the revised design to be acceptable. The use of render rather than brick is also considered to be acceptable as there are rendered properties in the immediate vicinity of the site.

12. The impact of the development upon the outlook from/light to No.98 High Street is no greater than the approved scheme given that there is no change to the height and siting of the property. Additional windows are proposed in the west side elevation but these are all at ground floor level and would therefore not overlook No. 98. There is also a first floor bathroom window in this side elevation but the approved scheme also had a bathroom window in an identical position.
13. The current application seeks to replace the previously proposed integral garage with habitable accommodation which conflicts with a condition of the previous consent that required the retention of on-site parking. However, there would still be sufficient space for three cars to park in front of the dwelling and the loss of the space in the garage would not result in highway safety problems.

### **Recommendation**

14. Approval
  1. Standard Condition A – Time limited permission (Reason A);
  2. Sc5a – Details of materials for external walls and roof (Rc5a(ii));
  3. The permanent space to be reserved on the site for parking shall be provided before the dwelling, hereby permitted, is occupied and thereafter maintained. (Reason – In the interests of highway safety);
  4. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26);

### **Informatives**

#### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
P1/3 (Sustainable design in built development)
  - **South Cambridgeshire Local Plan 2004:**  
SE5 (Development in infill villages)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity;
  - Visual impact on the locality

**General**

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File Reference S/2076/05/F

**Contact Officer:** Lorraine Casey – Senior Planning Assistant  
Telephone: (01954) 713251

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2132/05/F – West Wickham**  
**Conversion of Outbuilding into Annexe at Bottle Hall for Mr & Mrs N Robinson**

**Recommendation: Approval**  
**Date for Determination: 3<sup>rd</sup> January 2006**

**Site and Proposal**

1. Bottle Hall is a two storey render and slate dwelling located in open countryside between the villages of Balsham to the north-west and West Wickham to the south-east. Within the substantial garden area to the west of the dwelling is a single storey timber and pantile outbuilding constructed approximately two years ago.
2. The full application, submitted on 8<sup>th</sup> November 2005, seeks to convert the outbuilding into an annexe. The annexe would be occupied by Mr Robinson's father, who is presently living in the main house but would prefer the independence and space afforded by a self-contained unit. Internally, the annexe would comprise a single en-suite bedroom, kitchen and living room. Three windows would be added to the west side elevation of the outbuilding and a new entrance door and decking added to the eastern side. The existing vehicular access and parking areas would be shared between the main dwelling and the proposed annexe.

**Planning History**

3. **S/0724/95/O** – Outline application for a dwelling on the garden land on the west side of Bottle Hall refused and subsequently dismissed at appeal.
4. **S/0479/99/F** – Application for extension, garage and vehicular access approved.
5. **S/1379/01/F** – Application for extensions to the dwelling approved.

**Planning Policy**

6. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 resists development in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
7. South Cambridgeshire Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not be permitted.
8. **Policy HG13** of the Local Plan 2004 states that, outside village frameworks, extensions to dwellings will be permitted where:
  - a. The proposed development would not create a separate dwelling or be capable of separation from the existing dwelling;
  - b. The extension does not exceed the height of the original dwelling;

- c. The extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling;
- d. The proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling on its surroundings;

### **Consultations**

9. **West Wickham Parish Council** recommends refusal (split vote 3-1). No further comments are made.

### **Representations**

10. None

### **Planning Comments – Key Issues**

11. The key issues to consider in the determination of this application are:
- a. The principle of using the barn as an annexe;
  - b. Whether the proposal would harm the character and appearance of the countryside;
  - c. Whether the proposal would result in an unacceptable volume of additions to the original dwelling.
12. The existing dwelling has already been extended by more than 50% and the creation of additional habitable accommodation through the conversion of the outbuilding to an annexe, would, in principle, be contrary to this policy. However, the proposal should be considered against the two key aims of Policy HG13 which are, firstly, to maintain small units of accommodation in the countryside and, secondly, to protect the character of the countryside. With respect to the first aim of the policy, the existing dwelling is a large family property and the proposal would not result in the loss of a small or medium sized dwelling. In this respect, therefore, I consider the principle of providing additional accommodation to be acceptable.
13. Turning next to the visual impact of the development, given that the outbuilding exists and minimal changes are proposed to its external appearance, its use as an annexe would not harm the character or openness of the countryside.
14. To summarise, the principle of converting the outbuilding to form an annexe is considered to be acceptable in principle given that the proposal would not compromise the aims of Policy HG13 of the Local Plan. Any approval for an annexe should be subject to a Section 106 Legal Agreement to ensure that it is occupied in association with the main dwelling at Bottle Hall (ie – by a family member) and is not separated off and occupied as a separate dwelling, which would be contrary to Policy SE8 of the Local Plan.
15. The outbuilding was constructed approximately two years ago as a workshop and, on the basis that it was to be used for purposes incidental to the main house, did not require planning permission. I understand that the applicant used the building for his hobby of upholstery and then wanted to extend the use to offer training courses in upholstery. He was advised by this Authority that such a use would require planning permission but that Officers would be unlikely to support such an application as it would be contrary to planning policy. If consent is granted to use the outbuilding as an annexe, there is an existing building on the east side of the dwelling that the applicants may convert to form a private domestic workshop.

**Recommendation**

16. Subject to the prior signing of a Section 106 Agreement to ensure the annexe is occupied by a family member in association with the main dwelling, Bottle Hall, and not let out or sold as a separate unit of accommodation, Approve.
  1. Standard Condition A (Reason - A)

**Informatives**

**Reasons for approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - a) Cambridgeshire and Peterborough Structure Plan 2003:  
**P1/2** (Environmental Restrictions on Development).
  - b) South Cambridgeshire Local Plan 2004:  
**HG13** (Extensions to Dwellings in the Countryside).

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning application ref: S/2132/05/F

**Contact Officer:** Lorraine Casey – Senior Planning Assistant  
Telephone: (01954) 713251

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2050/05/F - Coton  
Erection of 19 Affordable Dwellings, Land off Silverdale Close  
for Granta Housing Society**

**Recommendation: Delegated Approval  
Determination Date: 25<sup>th</sup> January 2006 – (Major Application)**

Members of Committee will visit the site on Tuesday 3<sup>rd</sup> January 2006.

**Site and Proposal**

1. The application site lies to the south west of the village and is a 0.64 hectare piece of agricultural land lying adjacent to, but outside of, the Coton village framework, within the countryside and within the Cambridge Green Belt.
2. To the north is housing along Whitwell Way including two dwellings that sit behind those fronting Whitwell Way which are the closest to the site in this direction. To the east lies a development of 12 affordable houses that are also adjacent but outside of the village framework and in the Green Belt.
3. To the west is a treed area and to the south the land is open.
4. Between the site and the housing at Whitwell way is a strip of land along the northern edge of the site. It is understood that underground services exist which would require this land to remain open and un-planted.
5. The full application, submitted on 26<sup>th</sup> October 2005 seeks to erect 19 affordable dwellings on the site. The proposed mix of dwellings is as follows:
  - a) 9 x 2-bedroom houses (3 pairs of semi-detached and 1 terrace of 3)
  - b) 4 x 3-bedroom houses (2 pairs of semi-detached)
  - c) 6 x bungalows including 1 x disabled person's bungalow (3 pairs of semi-detached)
6. Vehicular access to the site would be via the existing affordable housing scheme to the east.
7. There are no public footpaths on or close to the site.

**Planning History**

8. Planning permission for residential development on a larger site, including the application site but extending eastwards to the rear garden boundaries of Silverdale Avenue and extending south to the Bin Brook was refused in 1959, 1972 and 1973.
9. The scheme of 12 affordable dwellings to the east of the site was approved in March 1998 (ref. **S/1425/97/F**)

## Planning Policy

10. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) states that development in the countryside will be restricted unless the proposal can be demonstrated to be essential in a particular rural location.
11. **Policy P1/3** of the Structure Plan states that a high standard of design and sustainability will be required for all new development which minimises the need to travel and reduces car dependency. In addition development is expected to provide a sense of place which responds to the local character of the built environment and takes account of community requirements by including a mix of housing opportunities and designing for the needs of all sections of the community.
12. **Policies P5/4 and P5/5** of the Structure Plan encourages housing which meets, amongst others, affordable housing needs.
13. **Policy P9/2a** of the Structure Plan refers to the Green Belt and, amongst other criteria, the need to maintain and enhance the quality of the setting of Cambridge. It states that development will be limited to uses appropriate to a rural area.
14. **Policy GB2** of the South Cambridgeshire 2004 Local Plan states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as 'inappropriate' unless it comprises, amongst others, affordable housing in accordance with the 'exceptions policy' (Policy HG8) where no suitable sites are available outside the Green Belt.
15. **Paragraph 3.13** states: "Dwellings will not normally be permitted in the Green Belt. Exceptionally, where there is an identified need for affordable housing (defined at Policy HG7) and where the District Council is satisfied that no other suitable sites exist, Green Belt sites may be used subject to other policies in the Local Plan..."
16. **Policy HG7** of the Local Plan, amongst other criteria, defines what 'affordable housing' is, when it is required, who qualifies for it and what is meant by 'housing need'.
17. **Policy HG8** of the Local Plan states that, as an exception to the normal operation of the policies of the Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages providing the following criteria are all met:
  - a) The proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in Policy HG7;
  - b) The number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need;
  - c) The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village;
  - d) The development does not damage the character of the village or the rural landscape.
18. **Paragraph 4.22** states "PPG2 (Planning Policy Guidance) 'Green Belts' states that limited affordable housing may be appropriate within the Green Belt. However, given the nature of the Cambridge Green Belt, which is relatively small in extent, and the need to avoid prejudicing other strategic and local policies, the District Council will implement this policy with caution. Before planning permission is granted for such development, the District Council will have to be assured that no alternative



appropriate sites can be found for the scale and type of development proposed and that the scheme fulfils all the criteria set out in the Council's policies, including those relating to the impact of new development on local surroundings”.

19. **Policy HG10** of the Local Plan states that “Residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs.

The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency. The District Council will support the preparation of Village Design Statements to secure these aims”.

## **Consultation**

20. **Coton Parish Council**

Makes no recommendation. It comments:

“The PC has given a no recommendation for this application, this was with a majority of one in a vote, but there were many concerns raised and comments are as follows:

1. There are no pavements. There will be 19 new dwellings each with two car parking spaces. The Parish Council met with Granta to discuss the original plans early in the year and informed them then that it was felt there should be pavements but they have completely ignored this in the present plans. Could not the houses be set back slightly to allow pavements? The road should be a strict no parking zone if it is to be as narrow as it seems.
2. The new development will lead to an increase in traffic through the village and especially Whitwell Way/Silverdale Avenue, where there is already a dangerous situation caused by parking problems.
3. There is concern that the road to the south of the plan leading to the special bungalow will at some stage lead to an even larger development into the Green Belt especially as the farmer who owns the land, can now it seems, not access his remaining land.
4. In the South Cambs Local Plan 19.09 it stipulates ‘sewage treatment within Coton has very limited spare capacity and may require upgrading to accept flow from any proposed development’ since this came out, permission has already been granted for 8 new houses in the village.
5. It is felt as has always been said that there should be more bungalows included in this development, not necessarily only for the elderly.
6. The Parish Council would like to see a copy of the housing survey results which showed there is a need for more housing in Coton”.

21. **Environment Agency**

“Large site, ambiguous surface water proposals. Recommend a Flood Risk Assessment be requested”

22. **Chief Environmental Health Officer**

No objections but expresses concern that problems could arise during the construction period from noise and suggests that a condition be applied to any planning consent to restrict the hours of use of power operated machinery during the

construction period. In addition he requires that prior to the development commencing an investigation of the site shall be undertaken to establish the nature and extent of any contamination of the site and any remedial works necessary to deal with contamination.

23. **Local Highways Authority**

"I have no objection to the use of a shared surface access way arrangement as shown.

However, the interface between the existing carriageway/footways of Silverdale Close and the new public domain should comprise a 2.0m deep ramp/rumble strip.

The footways of Silverdale Close should extend past the ramp/rumble strip for a min distance of 1.8m.

This requirement will clearly require the alignment of the new domain and / or the alignment of the existing footway of Silverdale Close to be altered.

I look forward to receiving an amended layout plan addressing the above issue in due course".

24. **The Police Architectural Liaison Officer**

"Other than to recommend street lighting for the main road through the development I have no comment to make"

25. **Cambridgeshire Fire and Rescue Service**

Requests that adequate provision be made for fire hydrants.

26. **Ecology Officer**

Comments are awaited

27. **Landscape Design Officer**

Comments are awaited

28. **Commercial Director**

Comments are awaited

29. **Housing Development Manager**

"The proposals meet the needs of the village. There have been consultations with local residents and the Parish Council, who are in support of this scheme. Most of the existing residents will transfer over to Granta when the scheme is completed. As the scheme also incorporates bungalows for older residents it will ensure continuity for Coton residents who want to stay in the village. The other family size units will ensure a balanced sustainable community".

30. **Land Drainage Manager**

Comments are awaited

31. **Affordable Housing Panel**

Met on 14<sup>th</sup> December 2005 (after preparation of this report). Its comments will be reported verbally.

**Representations**

32. Six letters of objection have been received from the occupiers of Nos. 3, 91a, 91b and Harvest View, Whitwell Way. The points of objection are summarised below:

33. Insufficient justification for developing on this Green Belt site. Other sites should be developed instead. This proposal represents sprawl into the Green Belt that will detract from the village environment.
34. This development is intended to house the occupants of the Airey Houses while they are developed which demonstrates that it is not the case that no other sites are available. Even if there is further need there are other alternatives which are not Green Belt such as:
  - a) The green facing the Airey Houses on Silverdale Avenue
  - b) Vacant land between the school and the timber yard on Whitwell Way
  - c) Existing vacant and derelict houses in the village
  - d) Part of the Recreation Ground which is underutilised
35. Although these sites may not be willingly offered for sale Compulsory Purchase Powers should be used. Preservation of the Green Belt should be the overriding priority.
36. Will the development be timed appropriately with the redevelopment of the Airey houses so that disruption to elderly residents' lives is kept to an absolute minimum?
37. Development will exacerbate already serious traffic problems in Whitwell Way especially in relation to the close proximity of the school.
38. This development may lead to a further development of the field. Given the likelihood of further development on this site an Environmental Impact Assessment should be undertaken. The design should not include scope for further expansion.
39. Drainage issues – gardens in Whitwell Way are generally waterlogged after heavy rain.
40. The concentration of low cost housing runs counter to the Government's aim of achieving a better social mix and ensuring communities are inclusive.
41. Design and materials are out of keeping and will negatively impact on the surroundings and Green Belt. The development is too tightly packed.
42. The lack of footpaths and narrowness of road will be a danger to pedestrians especially to the elderly and children who will learn that it is ok to play in the road.
43. The mix does not include enough bungalows – especially important as the population of Coton is aging as younger people are unable to afford houses here. There is also no wardened housing – the village has none of this.
44. The only access to the field to the south if the development is allowed would be through the site. Parked cars will make it difficult for the farmer and his machinery to gain access.
45. The plans contained within the application do not show the two houses set back from Whitwell Way.
46. Windows that face north in the rear of dwellings will overlook the rear of the two houses set back from Whitwell Way, 91a and 91b

**Planning Comments – Key Issues**

47. The key issues to consider in the determination of this application are:
- a) The need for the development
  - b) The impact on the Cambridge Green Belt and alternative sites.
  - c) The Impact of the development on the character and visual quality of the area.
  - d) The layout of the scheme including highways and landscaping
  - e) Residential amenity

***The need for the development***

48. The site lies outside but adjoining the Coton village framework and within the countryside and Green Belt. The erection of housing on such sites contravenes general planning policies relating to development in the countryside and Green Belt. However, this proposal has been put forward in response to a defined local need for low-cost housing (as confirmed by this Authority's Development Manager) and therefore needs to be considered in terms of the rural exceptions policy for housing (HG8 of the Local Plan).

49. All 19 dwellings on the site would be affordable and this would be secured through a Section 106 Legal Agreement required by condition. This Council's Development Manager has confirmed that the number, size, design, mix and tenure of the properties proposed is appropriate to the extent of the identified local need.

***The impact on the Cambridge Green Belt and alternative sites***

50. This proposal is appropriate in the Green Belt provided no suitable sites are available outside of the Green Belt, as stated in Policy GB2 of the Local Plan.
51. I am not aware of any sites within the village that could accommodate the numbers of affordable homes that have been identified as being required in the most current local needs survey. There are two areas of land outside of the village that are not within the Green Belt. However I do not believe that these are either available, can be properly accessed or would be capable of accommodating the numbers of dwellings identified in the needs survey or that they are necessarily suitable sites for housing development. I have written to the applicants asking them to address the issue of alternative sites. Their comments will be reported verbally at the meeting.
52. The issue of alternative sites was also considered during the development of the 12 affordable houses to the east of the site. The findings, at that time, were that there were no suitable alternative sites available. The following is an extract from the report to Planning Committee at that time:

“The Parish Council has been active over a number of years in the search to find an affordable housing site. However none of the land outside the Green Belt has been found to be suitable. In particular the land to the rear of the Public House on the Cambridge Road is difficult to access, as is the former sewage plant site off Brookfield Road. The land adjacent to the School (i.e. north of Whitwell Way) was looked at but discounted due to its prominence on rising ground”.

53. Local residents have suggested alternative sites which are listed above. The first of these is a green area within the village that fronts houses in Silverdale Avenue. Apart from providing an important area of open space this area of land could not accommodate the number of dwellings that are needed. In addition it is faced by dwellings on its four sides and it is difficult to see how it could be developed to provide a satisfactory level of residential amenity.

54. The second site mentioned is vacant land between the school and the timber yard on Whitwell Way. Whilst this site is both outside the village and outside of the Green Belt I do not consider it suitable due to the adjoining land uses and not of sufficient size to accommodate the number of dwellings required.
55. The third site mentioned is existing derelict and vacant housing within the village. It is difficult to see how these could be secured as affordable housing and in any case I am not aware that there are sufficient of these to meet the identified need. Even with the redevelopment of the existing Airey houses and the development of this proposal it is unlikely that the housing need will be met. I therefore cannot see the need being met in this way.
56. The fourth site mentioned is the recreation ground which is large for a village of this size. However, this lies within the Green Belt and is not therefore necessarily of any more merit than the proposal, provided that this proposal is acceptable in every other respect.
57. The impact of the proposal on the openness of the Green Belt is such that this parcel of open land will be lost to it. However the loss should be balanced against the need for affordable housing and having regard to the location of the site which has existing housing on two of its flanks. In this respect it is a logical extension of existing housing and, apart from the obvious loss of the openness of the site, will not unduly impact on the openness of the surrounding land.

***Impact on the character and visual quality of the area***

58. Policy HG8 of the Local Plan requires affordable housing schemes to be well related to, rather than isolated from, the built up part of the village. The proposed site lies directly adjacent to the village framework and adjacent to an existing development of affordable housing. It does not extend any further west than dwellings along Whitwell Way nor any further south than the existing affordable housing. There is already planting on the western boundary and the development includes scope for additional planting along this boundary. To the south the land is open and I am concerned that the 3m shown for landscaping will be insufficient to help soften the new houses and help assimilate them into the rural surroundings. I have written to the applicants requesting that they increase this area to at least 5m to enable more substantial planting. I have not yet received a written response but in a telephone conversation the applicants have expressed their willingness to provide this – Members will be updated at the meeting.

***General layout issues***

59. The scheme incorporates a good mix of 2 and 3 bedroom houses and bungalows which, as stated above, has been drawn up following discussions with this Authority's Development Manager, in response to local need. The relationship between the dwellings in terms of window-window distances and privacy of amenity areas is acceptable. The proposal is not required in policy to meet the minimum standard of 30 dwellings/hectare as an exception site but nevertheless the density of the scheme does in fact equate to 30 dwellings/hectare which is in keeping with the character of the area particularly the affordable housing to the east.
60. The layout road is some 6m in width and does not include the provision of footpaths. This has been heavily criticised by local residents but is not considered to pose any dangers by the Highways Authority. I have no reason to disagree with it and I am aware of similar housing schemes that have worked successfully. I note the Local Highways Authority has requested amendments to the scheme (detailed above). I have written to the applicants requesting they address these points. Members will be updated verbally at the committee meeting.

61. The site provides two car parking spaces per dwelling (with the exception of the single space for the disabled bungalow) which conforms to the Local Plan car parking standards. The planting area shown proposed for the middle of the site could be used for additional visitor parking if necessary but it would be to the visual detriment of the overall layout to lose this green area.
62. Other issues of ecology and space for refuse vehicles have yet to be established following outstanding consultation responses.
63. With regard to highway safety, I note that this is a strong local concern due to additional vehicle movements within the village and in particular along Whitwell Way and in relation to vehicular movements within the site. I note however, that the Local Highways Authority is not objecting. I am not aware of any issues that would lead me to disagree with its view.

***Residential amenity***

64. I note that in all of the objections received from neighbours the only concern with regard to residential amenity is potential overlooking to the rear of Nos. 91a and 91b. I consider that the distance between the rear of new properties and the rear of both 91a and 91b, approximately 37-41m, is sufficient to ensure that adequate levels of privacy are maintained. In addition there is a good degree of planting, including trees, on the rear boundaries of these properties which will help to ensure privacy further.
65. Additional planting is proposed along the eastern edge of the site to help ensure that the existing affordable houses are not adversely affected. No first floor windows are proposed in the eastern elevation of plot 1 and plot 19 is a bungalow.
66. Within the development, as stated above, there is a good level of privacy for future occupiers of dwellings, however it will be important to ensure that no further windows are inserted into some of the first floor elevations and the bathroom windows are obscure glazed. This can be controlled by conditions.

***Other issues:***

***Drainage***

67. I have written requesting a Flood Risk Assessment. When this is received I will request the Environment Agency consider it. If this can be achieved in advance of the meeting, Members will be updated verbally. I have also written to Anglian Water requesting assurance that the existing sewerage infrastructure will be adequate to accommodate the additional dwellings. Again its response will be reported verbally.

***Open space***

68. The proposal does not exceed the threshold of 21 dwellings referred to in Local Plan Policy RT2 and there is therefore no requirement to provide public open space.

***Airey housing scheme***

69. This proposal is being considered entirely separately to the proposals to redevelop the existing Airey houses. It may be fortuitous if this scheme were to assist residents of the existing housing but that is not part of the consideration of this proposal. It is unlikely that together both schemes will exceed the level of housing need in the village.

***Environmental Impact Assessment***

70. The proposal has been screened. It is the formal opinion of the Local Planning Authority that this development does not require an EIA.

**Concentration – social mix**

71. I would prefer to see better integration of affordable homes with market dwellings, however, the constraints of the village are such that I do not believe this can be achieved. In order to meet the housing need, therefore, exception sites are necessary.

**Further development**

72. The access layout would allow for future expansion of the site to the south. I would have concerns about the impact of such a proposal on the visual quality of the surroundings but this would be a matter for consideration at a later date if such a proposal were suggested. It should not affect the consideration of this proposal.

**Design and materials**

73. I do not find the design to be unacceptable. The elevations are relatively simple as is the general form of the dwellings. I consider this to be appropriate in the surroundings. Consideration of materials can be a condition of any permission granted.

**Recommendation**

Delegated Approval subject to a revised layout plan showing additional land for planting on the southern boundary, the submission and satisfactory outcome of consideration of a Flood Risk Assessment, an amended layout plan addressing Local Highways Authorities comments and subject to the following conditions and any arising from the outstanding consultations and subject to those further consultations:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which would not have been acted upon.)
2. No development shall begin until a binding undertaking prepared in accordance with the requirements of Section 106 of the Town and Country Planning Act 1990 for the provision of 100% affordable housing shall have been entered into with the Local Planning Authority; the affordable housing shall be provided in accordance with the approved scheme. (Reason - To ensure the provision of affordable housing in accordance with Policies HG7 and HG8 of the Local Plan 2004). (Reason – To ensure the provision of affordable housing in perpetuity for qualifying persons only. The proposal would otherwise be contrary to the Development Plan without the overriding identified need for affordable housing in this location in accordance with Policies HG7 and HG8 of the South Cambridgeshire Local Plan 2004).
3. No development shall commence until details of the materials to be used for the external walls and roofs of the buildings and all hard surfaces within the site have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure that visually the development accords with neighbouring buildings and is not incongruous in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To enhance the quality of the development and to assimilate it within the area in

accordance with the requirements of Policies HG7, HG8, HG10 and EN5 of the South Cambridgeshire Local Plan 2004).

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policies HG7, HG8, HG10 and EN5 of the South Cambridgeshire Local Plan 2004).
6. Details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the work completed in accordance with the approved details before the buildings are occupied or the development is completed, whichever is the sooner. (Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
7. The first floor windows in the elevations, detailed below, of the buildings, hereby permitted, shall be fitted and permanently maintained with obscured glass.
  - North – plots 11 and 13
  - East – plots 1 and 15
  - South – plots 9 and 12
  - West – plots 2 and 14(Reason – To safeguard the privacy of occupiers of adjoining properties and to ensure an adequate level of privacy throughout the development in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
8. No further windows, doors or openings of any kind shall be inserted in the first floor elevations, detailed below, of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
  - North – plots 11 and 13
  - East – plots 1 and 3
  - South – plots 9 and 12
  - West – plots 2 and 4(Reason – To safeguard the privacy of occupiers of adjoining properties and to ensure an adequate level of privacy throughout the development in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
9. Prior to the commencement of development a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.  
(Reason – To secure the provision of fire hydrants for the benefit of future occupiers of the development hereby permitted).
10. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on



Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.

(Reason - To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction).

11. No development shall commence until details of the surface water and foul water drainage have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure satisfactory drainage of the site and the satisfactory disposal of foul sewage from the site in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
12. No development of the proposed sheds shall commence until details of these sheds have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure that visually the development accords with neighbouring buildings and is not incongruous in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
13. No development shall commence until a plan, showing details of the areas to be used for necessary refuse storage has been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure that visually the development accords with neighbouring buildings and is not incongruous in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
14. The development shall not be occupied until space has been laid out within the site (in accordance with plan no. 11524 06 Rev B attached hereto) for 2 cars to be parked for each dwelling on plots 1-5 and 7-19 inclusive and for one car to be parked on plot 6, and those areas shall not thereafter be used for any purpose other than the parking of vehicles. (Reason - To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles.)
15. Notwithstanding the provisions of Regulations 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
  - i) PART 1, (Development within the curtilage of a dwellinghouse, classes A, B, C and E).
  - ii) PART 2, (Minor operations), Classes A (erection of gates, walls or fences) (Reason - To safeguard the character of the area and retain affordable housing in accordance with the requirements of Policies HG7, HG8 and HG10 of the South Cambridgeshire Local Plan 2004).
16. Prior to any development commencing an investigation of the site shall be undertaken to establish the nature and extent of any contamination of the site and any remedial works to deal with contamination. This shall initially consist of a desktop study, which will include details of the site history, development of a site conceptual model, and a preliminary qualitative risk assessment. If any likelihood of contamination is indicated by the initial study then a further detailed site assessment shall be carried out which shall include intrusive investigations and which shall fully characterise the nature, extent and severity of contamination. Recommendations for a remediation strategy and post-remediation validation testing should be included. Remedial work should be carried out before development commences. The work shall be carried out in accordance with the approved details. Any variation to the above shall be agreed in writing with the Local Planning Authority before work is undertaken. Copies of all

reports should be submitted to and approved in writing by the Local Planning Authority. (Reason – To ensure the future occupiers of the development are not adversely affected by land contamination)

## **Informatives**

Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

Environment Agency Standing Advice

## **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

**South Cambridgeshire Local Plan 2004:** GB2, HG7, HG8, HG10

**Cambridgeshire and Peterborough Structure Plan 2003:** - P1/2, P1/3, P5/4, P5/5, P9/2a

2. The development is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:

- Residential amenity
- Justification and need/availability of alternative sites.
- Impact on character and appearance of the village, countryside and Green Belt
- Impact on openness of Cambridge Green Belt.
- Highway safety

**Background Papers:** the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Files reference S/2050/05/F and S/1425/97/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2119/05/F - Oakington**  
**Change of Use From Agricultural Buildings and Land to General Industrial (Class B2)**  
**at Slate Hall, Huntingdon Road**  
**for Welney Farms Ltd.**

**Recommendation: Refusal**  
**Date for Determination: 31<sup>st</sup> December 2005**

Members will visit this site on Tuesday 3<sup>rd</sup> January 2006.

**Site and Proposal**

1. Slate Hall is a farm located on the northeastern side of Huntingdon Road (the A14) and accessed off Dry Drayton Road, which runs along the southeastern side of the farm. It is in an isolated position and is clearly visible within the flat, open landscape. It comprises of 219 hectares (540 acres) of farmland including a complex of buildings, yards and two farmhouses. There is also a mobile office on site, which has temporary planning permission until 31<sup>st</sup> December 2005. The application site includes areas of land beyond the original farm complex which have been cleared for use as hardstandings on which to park vehicles in relation to the various business operations. This has resulted in a grassed bund southeast of the site.
2. The farm business first diversified ten years ago when a road haulage business was established. Since that time the haulage business has ceased and the business has further diversified into commercial vehicle repair and maintenance, and breakdown recovery.
3. One building on site is let to Dawn Engineering, an engineering company. A further barn has been retained as a grain store and remains in agricultural use.
4. This full planning application proposes to change the use of buildings and land within and adjacent to the farm complex for general industrial use (class B2). Parts of the application site already benefit from planning permission for B2 use, however these are included in order to consolidate the permissions for the site. It has been submitted in conjunction with a planning application to the County Council for the processing of end of life vehicles by the removal of recyclable elements, or End of Life Vehicles (ELV) processing, as this is a waste operation. The application is accompanied by landscaping proposals, which include tree belts to the southeast, northeast and northwest boundaries.

**Planning History**

5. **S/1573/00/F** gave retrospective planning permission for a part change of use of an agricultural building and two areas of land to commercial haulage (B8 use class), with temporary permission for a mobile office.

6. **S/2160/01/0F** gave planning permission for a change of use of an agricultural building and two areas of land for B2 general industrial use.

#### **Planning Policy**

7. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 (Structure Plan) states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
8. **Policy P2/6 'Rural Economy'** of the Structure Plan permits small-scale employment development in rural areas where it contributes towards one or more of the objectives set out, including when it would enable farm or rural diversification when appropriate to the rural area; or enable the re-use of existing buildings.
9. **Policy EM10 'Conversions of Rural Buildings and Future Extensions'** of the South Cambridgeshire Local Plan (Local Plan), allows the change of use of rural buildings outside of village frameworks where the use will not materially change the existing character or impact of the building, safe and satisfactory vehicular access with car parking and turning within the site can be provided and the scale and frequency of traffic generated can be accommodated within the road system without undue adverse effects. In paragraph 5.49 of the supporting text it states that 'incidental uses such as car parking and storage should be accommodated within the group of buildings or on well-related land where landscaping can reduce the visual impact of the new use'.
10. **Policy TP1 'Planning for More Sustainable Travel'** of the Local Plan seeks to promote sustainable travel and as such planning permission will only be granted where small-scale increases in travel demands will result, unless satisfactory measures to increase accessibility are included.
11. **Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas'** supports the re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development subject to amongst others, the potential impact on the countryside, landscape and wildlife and specific local economic and social needs and opportunities.

#### **Consultations**

12. **Oakington Parish Council** recommends approval.
13. **Old West Internal Drainage Board** has no comment from a drainage point of view.
14. The **Local Highways Authority** has no objection in principle to the proposal, however the existing access requires improvements to the width, kerb radii and vehicle-to-vehicle visibility splays. A suitable layout plan should be obtained indicating these.
15. **Cambridgeshire Fire and Rescue Service** is of the opinion that additional water supplies for firefighting are required. An existing tank is located on site, which is suitable and sufficient providing it is suitability signed 'Emergency Water for Fire

Brigade Use'. An annual service check should be carried out to ensure the tank is in satisfactory working condition and signage remains legible. Access to the tank should remain unobstructed at all times. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 17.

16. The **Environment Agency** has commented informally that the access is within an area of high flood risk and a Flood Risk Assessment is required. Without one it would object to the proposals. It would also need to see details of pollution control measures, foul and surface water drainage; however these could be conditioned. Formal comments are awaited and will be reported verbally to the Committee.

### **Representations**

17. No representations have been received.

### **Planning Comments – Key Issues**

18. Clearly, the principle of an industrial use from this site has been established with the granting of earlier permissions for change of use of buildings and certain areas of the site. The key issue in considering these proposals is the impact on the countryside.

### ***Countryside***

19. The significant encroachment of the site beyond the original farm complex has materially altered its character and increased its impact upon the countryside. This is due to the intensive level of activities on site and far exceeds what is reasonable in terms of farm diversification. Officer's noted while on site, the knock-on impact of the expansion, as farm equipment is now being stored in the field to the northwest, rather than within the farm complex.
20. The cessation of the haulage business has seen improvements in the overall level of visible activity from the site, in that there are now relatively few high-sided vehicles parked on site.
21. The proposals do include significant landscaping to the northwest and southeast of the site, however these are not sufficient to justify the expansion that has been undertaken and will not overcome the visual harm caused by the level of use now sought.
22. Certain engineering operations, involving a bund and hardstandings, have been erected since 1998 in breach of planning control. These works do not appear to have been necessary to implement the permissions referred to in Paragraphs 5 and 6 above. These works have not been included within the current application, which relates solely to the change of use of land and buildings.

**Recommendation**

- A. This application seeks permission for significant expansion of the site with resultant harm to the countryside and is recommended for refusal for the reason set out below.
1. The change of use of land outside the main farm complex has resulted in a significant encroachment of the site's commercial activities into the countryside with unacceptable impact on the character and appearance of the surrounding area, being conspicuous within the open landscape. As such, the use of the land for general industrial (class B2) purposes is contrary to policies P1/2 'Environmental Restrictions on Development' and P2/6 'Rural Economy' of the Cambridgeshire and Peterborough Structure Plan, adopted 2003 and EM10 'Conversions of Rural Buildings and Future Extensions' of the South Cambridgeshire Local Plan, adopted 2004.
- B. In addition that authorisation be given to instigate formal enforcement action to secure the cessation of unauthorised uses of land and the removal of unauthorised structures and hardstandings within a period of 6 months of the Notices coming into effect. If the Notices are not complied with within the specified period, that prosecution proceedings be authorised subject to a reconsideration of material circumstances at that time.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning files refs. S/2119/05/F, S/2160/01/F and S/1573/00/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2227/04/F - Cottenham**  
**Siting of two gypsy caravans (retrospective application) at land off Water Lane,  
for Mr & Mrs J. O'Brien**

**Recommendation: Refusal**  
**Date for Determination: 27/12/04**

**Site and Proposal**

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drove joins Lockspit Hall Drove to the west and this road meets Twenty Pence Road, the B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drove over a watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drove provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries.
2. The application site itself is a rectangular plot with an approximately 14 metre frontage and a depth of 28 metres.

**Planning History**

3. The site is in an area where there are a number of existing traveller sites some of which have the benefit of planning permission while others are unauthorised. Smithy Fen is part of the countryside to the north-east of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved gypsy caravan sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drove. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
4. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.
5. Most of the northern sector of gypsy occupation, plots 2-12 Setchel Drove and 'Park Lane', Setchel Drove and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot gypsy caravan site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7<sup>th</sup> December he also dismissed 6 appeals on land at Victoria View. Other land within

the rectangle, including land to the rear of the approved 2-12 Setchel Drove plots, is occupied by gypsies without planning permission.

6. The site formed part of a larger area that was refused planning permission for use of a yard for the repair and maintenance of agricultural machinery under application **S/0928/90/F** in 1990.

### **Planning Policy**

The relevant Development Plan comprises the approved **Cambridgeshire & Peterborough Structure Plan 2003** and the adopted **South Cambridgeshire Local Plan 2004**:

7. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including travellers and gypsies.
8. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.
10. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
11. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area
12. **Policy HG23** is a specific policy concerned with caravan sites for gypsies and travelling show-people. It indicates that proposals for caravans for gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria relevant to this application are as follows:
  - (1) The site is reasonably located for schools, shops and other local services.
  - (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
  - (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
  - (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
  - (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.



- (6) The use would not detract from convenient, safe and enjoyable use of a public right of way.
13. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.
14. Also relevant are **Circular 1/94 - Gypsy Sites and Planning**, **Circular 18/94 - Gypsy Sites Policy and Unauthorised Camping**, the draft circular - **Planning for Gypsy and Traveller Sites Consultation Paper December 2004**, **PPG3 Housing** and **PPS7 Sustainable Development in Rural Areas**. A letter issued by the DETR reminded all local planning authorities that compliance with the guidance in Circular 1/94 is essential to fulfilling the Government's objective that gypsies should seek to provide their own accommodation and may also wish to consider whether the absence of gypsy site provision may prejudice successful enforcement action against unauthorised encampments or give rise to grounds for appeal against the refusal of an application for a new site.

### **Consultation**

15. **Cottenham Parish Council** strongly opposes this application on the following grounds:
1. There are currently 48 approved gypsy caravan pitches at this location. This Council considers that Cottenham has already more than discharged its acknowledged responsibility to provide sites for travellers. Based on SCDC's latest Tax Base figures the Parish represents 4.2% of the properties in South Cambridgeshire, but, because of the piecemeal expansion of this site that has been allowed in the past, it now accommodates 15% of the approved traveller sites in the whole district. This load is clearly disproportionate and unreasonable and therefore further expansion is strongly opposed.
  2. There was a dramatic increase in the number of Traveller caravans in this locality in 2003. At times the total on the site has been more than twice allowed by planning permissions. Nearly all of this was unauthorised and subject to Planning Enforcement action, which although enforced, action has still failed to be taken against them by SCDC. This Council would object strongly to any further approvals being granted until the outcome of all the currently ongoing enforcement actions are concluded and a rational plan has been established for the whole site rather than the piecemeal approach as in the past.
  3. On the 11<sup>th</sup> March 2005 Appeals made for land off Water Lane, Cottenham, CB4 8PT were dismissed by the Office of the Deputy Prime Minister. The Secretary of State agreed with the Inspector that the site at Smithy Fen had a potential for an estimated 130 plots if land between the current lawful areas is occupied. The recommended site size, as per the Deputy Prime Minister's Office, is 20 plots per site. This Council has constantly opposed the expansion of this site based on this recommendation. The Secretary of State also agreed with the Inspector with regard to the effect that further development at Smithy Fen would have on the rural character and appearance and landscape, in 'that each plot would have an adverse impact on the rural character and appearance of the area'. The Secretary of State further stated that 'the appeals proposals conflict with the development plan, in particular with criteria

in LP Policy HG23'. In addition he stated 'that the proposals would have an adverse impact on the rural character and appearance of the Fenland landscape ... the proposals would also fail to protect the amenities of the local residents and enjoyment of public rights of way and give rise to problems of highway safety'. The Secretary of State also agreed with the Inspector 'that allowing the appeals would create a precedent for further development within the rectangle at Smithy Fen, with the eventual effect being further loss of open land, a much higher level of occupation, and the consequent additional traffic, and a detrimental impact on highway safety and amenity of residents'.

4. Unlike what would happen with other developments there appears to have been little or no co-ordination between the Planning Authority and those responsible for service provision (e.g. health, sanitation, education, policing). The additional load on these services from the travelling community already exceeds the capacity of village resources and further demand cannot be accommodated, indeed demand should be reduced.

Taking the above into account Cottenham Parish Council is unable to support this application and would strongly urge SCDC not to issue planning permission.

16. **Cottenham Village Design Group**

Despite the approved development, the area has retained its essentially rural character with locally distinctive open views of fen edge landscape. The cumulative effect of additions to the open landscape would seriously threaten the character of this landscape. Development in this area does not conform to essentially nuclear settlement pattern established within the parish and are likely to be poorly integrated with the village and its facilities. The caravans and mobile homes do not meet the Design Statement requirements in respect of design and locally distinctive building forms and materials.

17. **Environment Agency**

No objections, advisory comments only.

18. **Chief Environmental Health Officer**

Considered proposals in respect of noise & environmental pollution & concluded that there's no significant impact

19. **Old West Internal Drainage Board**

The Board's surface water receiving system has no residual capacity to accept increased rates of run-off from new developments. SCDC needs to be satisfied that soakaways are an effective means of surface water disposal in this heavy clay area

**Representations**

20. Advertised in Cambridge Evening News 16/11/04:

10 Letters of objection in which the following comments were made:

- a) Retrospective applications should not be countenanced
- b) Although there are no objections in principle to Traveller sites further sites cannot be supported by the village's infrastructure e.g. primary school & doctor's surgery are already operating at full capacity
- c) Sites will not meet identified local need

- d) Increased litter & fly tipping correlates with the increase in numbers of Travellers' sites
  - e) Scale of development exceeds the optimal size for Traveller sites of 10-15 plots (20 absolute maximum) as supported by the Gypsy Council
  - f) Loss of rural character due to scale of development & light pollution
  - g) Increasing traffic & its speed discourage use of local roads & bridleways
  - h) Associated commercial activity leads to road being blocked
21. Cottenham Residents Association has raised the following objections:
- a) Those applying have done so in full knowledge that what they propose is unlawful
  - b) Scale exceeds Government guidelines on the scale of such development
  - c) Drove roads inadequate for the scale of development proposed
  - d) Fly tipping & litter
  - e) Obstruction of the highways
  - f) Harassment and noise pollution
  - g) Health issues relating to defecation in public areas
  - h) Highway safety issues relating to speed of traffic
  - i) Danger to horse riders from traffic
22. The Association's letter is accompanied by a petition in the name of the Smithy Fen Residents Association supported by 450 signatories
23. One letter of support has been submitted by Friends, Families, and Travellers Advice & Information Unit. It comments that:
- a) There is a desperate need for such sites
  - b) The cost of this shortage is immense both in financial and human terms
  - c) The lack of authorised sites results in travellers having the highest infant mortality and illiteracy rates, lowest life expectancy and educational achievement
  - d) As a distinct ethnic minority in the Race Relations Act 2000, an assessment of racial impact must be carried out on all policy that may effect them
  - e) Their needs are rarely considered properly when policies on homelessness, planning, housing and community are drawn up

**Personal Circumstances**

24. There are two adults living on the site with 3 children two of whom attend a local primary school. One of the children has bowel problems and severe asthma and visits his GP twice a month, and hospital one every three months.

**Planning Comments – Key Issues**

25. The key issues are conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, impact on the amenities of existing residents, concentration of sites, sustainability and highway safety

***Countryside Policies***

26. There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.

***Conformity with Gypsy Policy (HG23)***

27. The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. “effect on the rural character and appearance of the surroundings”.
28. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
29. Smithy Fen has “a historic atmosphere”. It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
30. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy
31. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
32. ***Precedent*** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable

conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.

33. The 'Smith' judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.

***Personal circumstances***

34. The relevant personal circumstances of the occupants of Water Lane include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Water Lane would bring clear and substantial benefits to the persons concerned. However, the benefits are not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen.

Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Pine View includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be material. The personal circumstances of the occupants of Water Lane are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

***Alternative sites***

35. There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.

***Human Rights***

36. On balance, dismissal of the appeals would not have a disproportionate effect on the appellants in terms of their human rights.

***Need for enforcement***

37. Without such action, the breach with its concomitant harm to the countryside will continue.

***Compliance with enforcement notices***

38. A compliance period of 12 months is appropriate given that the children are attending school locally and the medical treatment one of them receives. It would give the occupants time to make other arrangements.

**Recommendation**

- A. Refusal on the following grounds:

1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The creation of an additional caravan site at Water Lane

further consolidates the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the site has a significant adverse effect on the rural character and appearance of the area in that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the "Pine View" appeal decision in March 2005 and the "Victoria View" appeal decision in December 2005. The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and HG23(3), (4) and EN1 of the South Cambridgeshire Local Plan 2004.

2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently four other applications or deemed applications for planning permission in respect of adjoining and nearby plots. Approval of this application would create a precedent that planning permission should be granted for all five plots and other plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development.
  3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen.
- B. In addition that authorisation be given to instigate formal enforcement action to secure the removal of mobile home, caravans, day room and hardstandings and to secure the cessation of the unauthorised uses of land within 12 months of the notices coming into effect. If the Notices are not complied with within the specified period, that prosecutions be authorised subject to a reconsideration of material circumstances at that time.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File Reference S/2227/04/F

**Contact Officer:** G H Jones – Deputy Development Services Director  
Telephone: (01954) 713151

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2037/04/F - Cottenham**  
**Siting of Travellers' Mobile Home and Caravan (Retrospective Application)**  
**at 17 Pine View, for Mrs M. Gammell**

**Recommendation: Refusal**  
**Date for Determination: No fee submitted and hence no date**

**Site and Proposal**

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drove joins Lockspit Hall Drove to the west and this road meets Twenty Pence Road, the B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drove over a watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drove provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries. The application site itself is a rectangular plot with a 10 metre frontage and a depth of 20 metres.

**Planning History**

2. The site is in an area where there are a number of existing traveller sites some of which have the benefit of planning permission while others are unauthorised. Smithy Fen is part of the countryside to the north-east of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved gypsy caravan sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drove. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
3. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.
4. Most of the northern sector of gypsy occupation, plots 2-12 Setchel Drove and 'Park Lane', Setchel Drove and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot gypsy caravan site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7th December he also dismissed 6 appeals on land at Victoria View. Other land within the rectangle, including land to the rear of the approved 2-12 Setchel Drove plots, is occupied by gypsies without planning permission.

5. The site formed part of a larger area that was refused planning permission for 4 caravans under application **S/1569/04/F** in 2004, and is the subject of the Secretary of State's decision to dismiss the subsequent appeal.

### **Planning Policy**

6. The relevant Development Plan comprises the approved **Cambridgeshire & Peterborough Structure Plan 2003** and the adopted **South Cambridgeshire Local Plan 2004**.
7. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including travellers and gypsies.
8. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.
10. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
11. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
12. **Policy HG23** is a specific policy concerned with caravan sites for gypsies and travelling show-people. It indicates that proposals for caravans for gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria relevant to this application are as follows:
  - (1) The site is reasonably located for schools, shops and other local services.
  - (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
  - (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
  - (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
  - (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.
  - (6) The use would not detract from convenient, safe and enjoyable use of a public right of way.



13. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.
14. Also relevant are **Circular 1/94 - Gypsy Sites and Planning, Circular 18/94 - Gypsy Sites Policy and Unauthorised Camping**, the draft circular - **Planning for Gypsy and Traveller Sites Consultation Paper December 2004, PPG3 Housing and PPS7 Sustainable Development in Rural Areas**. A letter issued by the DETR reminded all local planning authorities that compliance with the guidance in Circular 1/94 is essential to fulfilling the Government's objective that gypsies should seek to provide their own accommodation and may also wish to consider whether the absence of gypsy site provision may prejudice successful enforcement action against unauthorised encampments or give rise to grounds for appeal against the refusal of an application for a new site.

### **Consultation**

15. **Cottenham Parish Council** strongly opposes this application on the following grounds:
  1. There are currently 48 approved gypsy caravan pitches at this location. This Council considers that Cottenham has already more than discharged its acknowledged responsibility to provide sites for travellers. Based on SCDC's latest Tax Base figures the Parish represents 4.2% of the properties in South Cambridgeshire, but, because of the piecemeal expansion of this site that has been allowed in the past, it now accommodates 15% of the approved traveller sites in the whole district. This load is clearly disproportionate and unreasonable and therefore further expansion is strongly opposed.
  2. There was a dramatic increase in the number of Traveller caravans in this locality in 2003. At times the total on the site has been more than twice allowed by planning permissions. Nearly all of this was unauthorised and subject to Planning Enforcement action, which although enforced, action has still failed to be taken against them by SCDC. This Council would object strongly to any further approvals being granted until the outcome of all the currently ongoing enforcement actions are concluded and a rational plan has been established for the whole site rather than the piecemeal approach as in the past.
  3. On the 11<sup>th</sup> March 2005 Appeals made for land off Water Lane, Cottenham, CB4 8PT were dismissed by the Office of the Deputy Prime Minister. The Secretary of State agreed with the Inspector that the site at Smithy Fen had a potential for an estimated 130 plots if land between the current lawful areas is occupied. The recommended site size, as per the Deputy Prime Minister's Office, is 20 plots per site. This Council has constantly opposed the expansion of this site based on this recommendation. The Secretary of State also agreed with the Inspector with regard to the effect that further development at Smithy Fen would have on the rural character and appearance and landscape, in 'that each plot would have an adverse impact on the rural character and appearance of the area'. The Secretary of State further stated that 'the appeals proposals conflict with the development plan, in particular with criteria in LP Policy HG23'. In addition he stated 'that the proposals would have an adverse impact on the rural character and appearance of the Fenland

landscape ... the proposals would also fail to protect the amenities of the local residents and enjoyment of public rights of way and give rise to problems of highway safety'. The Secretary of State also agreed with the Inspector 'that allowing the appeals would create a precedent for further development within the rectangle at Smithy Fen, with the eventual effect being further loss of open land, a much higher level of occupation, and the consequent additional traffic, and a detrimental impact on highway safety and amenity of residents'.

4. Unlike what would happen with other developments there appears to have been little or no co-ordination between the Planning Authority and those responsible for service provision (e.g. health, sanitation, education, policing). The additional load on these services from the travelling community already exceeds the capacity of village resources and further demand cannot be accommodated, indeed demand should be reduced.

Taking the above into account Cottenham Parish Council is unable to support this application and would strongly urge SCDC not to issue planning permission.

16. **Cottenham Village Design Group**

Despite the approved development, the area has retained its essentially rural character with locally distinctive open views of fen edge landscape. The cumulative effect of additions to the open landscape would seriously threaten the character of this landscape. Development in this area does not conform to essentially nuclear settlement pattern established within the parish and are likely to be poorly integrated with the village and its facilities. The caravans and mobile homes do not meet the Design Statement requirements in respect of design and locally distinctive building forms and materials.

17. **Environment Agency**

No objections, advisory comments only

18. **Chief Environmental Health Officer**

Considered proposals in respect of noise & environmental pollution & concluded that there's no significant impact

19. **Old West Internal Drainage Board**

The Board's surface water receiving system has no residual capacity to accept increased rates of run-off from new developments. SCDC needs to be satisfied that soakaways are an effective means of surface water disposal in this heavy clay area

**Representations**

20. Advertised in Cambridge Evening News 28/10/04

12 Letters of objection in which the following comments were made:

1. Retrospective applications should not be countenanced
2. Although there are no objections in principle to Traveller sites further sites cannot be supported by the village's infrastructure e.g. primary school & doctor's surgery are already operating at full capacity
3. Sites will not meet identified local need

4. Increased litter & fly tipping correlates with the increase in numbers of Travellers' sites
  5. Scale of development exceeds the optimal size for Traveller sites of 10-15 plots (20 absolute maximum) as supported by the Gypsy Council
  6. Loss of rural character due to scale of development & light pollution
  7. Increasing traffic & its speed discourage use of local roads & bridleways
  8. Associated commercial activity leads to road being blocked
21. Cottenham Residents Association has raised the following objections:
- a) Those applying have done so in full knowledge that what they propose is unlawful
  - b) Scale exceeds Government guidelines on the scale of such development
  - c) Drove roads inadequate for the scale of development proposed
  - d) Fly tipping & litter
  - e) Obstruction of the highways
  - f) Harassment and noise pollution
  - g) Health issues relating to defecation in public areas
  - h) Highway safety issues relating to speed of traffic
  - i) Danger to horse riders from traffic

The Association's letter is accompanied by a petition in the name of the Smithy Fen Residents Association supported by 405 signatories

22. One letter of support has been submitted by Friends, Families, and Travellers Advice & Information Unit. It comments that:
- a) There is a desperate need for such sites
  - b) The cost of this shortage is immense both in financial and human terms
  - c) The lack of authorised sites results in travellers having the highest infant mortality and illiteracy rates, lowest life expectancy and educational achievement
  - d) As a distinct ethnic minority in the Race Relations Act 2000, an assessment of racial impact must be carried out on all policy that may effect them
  - e) Their needs are rarely considered properly when policies on homelessness, planning, housing and community are drawn up

#### **Personal Circumstances**

23. One adult with two children currently live on the site. The children are at Cottenham primary school and one of them suffers from asthma.

#### **Planning Comments – Key Issues**

24. The key issues are conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, impact on the amenities of existing residents, concentration of sites, sustainability and highway safety

**Countryside Policies**

25. There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.

**Conformity with Gypsy Policy (HG23)**

26. The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. “effect on the rural character and appearance of the surroundings”
27. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
28. Smithy Fen has “a historic atmosphere”. It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
29. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy
30. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
31. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.
32. The ‘Smith’ judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.

**Personal circumstances**

33. The relevant personal circumstances of the occupants of Pine View include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Pine View would bring clear and substantial benefits to the persons concerned. However, the benefits are

not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen. Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Pine View includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be material. The personal circumstances of the occupants of Pine View are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

***Alternative sites***

34. There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.

***Human Rights***

35. On balance, dismissal of the appeals would not have a disproportionate effect on the appellants in terms of their human rights.

***Need for enforcement***

36. Without such action, the breach with its concomitant harm to the countryside will continue.

***Compliance with enforcement notices***

37. A compliance period of 3 months is appropriate. It would give the occupants to make other arrangements.

**Recommendation**

**That the applicant be informed that the Council is minded to refuse their proposal for the following reasons:**

- A. Refusal on the following grounds:
1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The creation of an additional caravan site at Pine View further consolidates the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the site has a significant adverse effect on the rural character and appearance of the area in that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the "Pine View" appeal decision in March 2005 and the "Victoria View" appeal decision in December 2005. The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and HG23(3), (4) and EN1 of the South Cambridgeshire Local Plan 2004.

2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently four other applications or deemed applications for planning permission in respect of adjoining and nearby plots. Approval of this application would create a precedent that planning permission should be granted for all five plots and other plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development.
  3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen.
- B. In addition that authorisation be given to instigate formal enforcement action to secure the removal of mobile home, caravans, day room and hardstandings and to secure the cessation of the unauthorised uses of land within 3 months of the notices coming into effect. If the Notices are not complied with within the specified period, that prosecutions be authorised subject to a reconsideration of material circumstances at that time.

**NB Under the regulations, until the relevant fee is submitted, the Council cannot determine the application. Neither can the applicant appeal an enforcement notice on the grounds that planning permission should be granted.**

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File Reference S/2037/04/F

**Contact Officer:** G H Jones – Deputy Development Services Director  
Telephone: (01954) 713151

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1144/05/F - Cottenham**  
**Siting of One Mobile Home, Two Touring Caravan and One Day Room**  
**(Retrospective Application) at 10 Orchard Drive, for Mrs. N Slattery**

**Recommendation: Refusal**  
**Date for Determination: 05/08/05**

**Site and Proposal**

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drive joins Lockspit Hall Drive to the west and this road meets Twenty Pence Road, the B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drive over a watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drive provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries. The application site itself is a rectangular plot with a 14 metre frontage and a depth of 16 metres.

**Planning History**

2. The site is in an area where there are a number of existing traveller sites some of which have the benefit of planning permission while others are unauthorised. Smithy Fen is part of the countryside to the north-east of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved gypsy caravan sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drive. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
3. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.
4. Most of the northern sector of gypsy occupation, plots 2-12 Setchel Drive and 'Park Lane', Setchel Drive and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot gypsy caravan site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7<sup>th</sup> December he also dismissed 6 appeals on land at Victoria View. Other land within the rectangle, including land to the rear of the approved 2-12 Setchel Drive plots, is occupied by gypsies without planning permission.

5. The site formed part of a larger area that was refused planning permission for 4 caravans under application **S/0248/F** in 1992.

### **Planning Policy**

The relevant Development Plan comprises the approved **Cambridgeshire & Peterborough Structure Plan 2003** and the adopted **South Cambridgeshire Local Plan 2004**.

6. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including travellers and gypsies.
7. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
8. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.
9. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
10. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
11. **Policy HG23** is a specific policy concerned with caravan sites for gypsies and travelling show-people. It indicates that proposals for caravans for gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria relevant to this application are as follows:-
  - (1) The site is reasonably located for schools, shops and other local services.
  - (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
  - (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
  - (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
  - (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.
  - (9) The use would not detract from convenient, safe and enjoyable use of a public right of way.



12. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.
13. Also relevant are **Circular 1/94 - Gypsy Sites and Planning**, **Circular 18/94 - Gypsy Sites Policy and Unauthorised Camping**, the draft circular - **Planning for Gypsy and Traveller Sites Consultation Paper December 2004**, **PPG3 Housing** and **PPS7 Sustainable Development in Rural Areas**. A letter issued by the DETR reminded all local planning authorities that compliance with the guidance in Circular 1/94 is essential to fulfilling the Government's objective that gypsies should seek to provide their own accommodation and may also wish to consider whether the absence of gypsy site provision may prejudice successful enforcement action against unauthorised encampments or give rise to grounds for appeal against the refusal of an application for a new site.

### **Consultation**

14. **Cottenham Parish Council** strongly opposes this application on the following grounds:
  1. There are currently 48 approved gypsy caravan pitches at this location. This Council considers that Cottenham has already more than discharged its acknowledged responsibility to provide sites for travellers. Based on SCDC's latest Tax Base figures the Parish represents 4.2% of the properties in South Cambridgeshire, but, because of the piecemeal expansion of this site that has been allowed in the past, it now accommodates 15% of the approved traveller sites in the whole district. This load is clearly disproportionate and unreasonable and therefore further expansion is strongly opposed.
  2. There was a dramatic increase in the number of Traveller caravans in this locality in 2003. At times the total on the site has been more than twice allowed by planning permissions. Nearly all of this was unauthorised and subject to Planning Enforcement action, which although enforced, action has still failed to be taken against them by SCDC. This Council would object strongly to any further approvals being granted until the outcome of all the currently ongoing enforcement actions are concluded and a rational plan has been established for the whole site rather than the piecemeal approach as in the past.
  3. On the 11<sup>th</sup> March 2005 Appeals made for land off Water Lane, Cottenham, CB4 8PT were dismissed by the Office of the Deputy Prime Minister. The Secretary of State agreed with the Inspector that the site at Smithy Fen had a potential for an estimated 130 plots if land between the current lawful areas is occupied. The recommended site size, as per the Deputy Prime Minister's Office, is 20 plots per site. This Council has constantly opposed the expansion of this site based on this recommendation. The Secretary of State also agreed with the Inspector with regard to the effect that further development at Smithy Fen would have on the rural character and appearance and landscape, in 'that each plot would have an adverse impact on the rural character and appearance of the area'. The Secretary of State further stated that 'the appeals proposals conflict with the development plan, in particular with criteria in LP Policy HG23'. In addition he stated 'that the proposals would have an adverse impact on the rural character and appearance of the Fenland

landscape ... the proposals would also fail to protect the amenities of the local residents and enjoyment of public rights of way and give rise to problems of highway safety'. The Secretary of State also agreed with the Inspector 'that allowing the appeals would create a precedent for further development within the rectangle at Smithy Fen, with the eventual effect being further loss of open land, a much higher level of occupation, and the consequent additional traffic, and a detrimental impact on highway safety and amenity of residents'.

4. Unlike what would happen with other developments there appears to have been little or no co-ordination between the Planning Authority and those responsible for service provision (e.g. health, sanitation, education, policing). The additional load on these services from the travelling community already exceeds the capacity of village resources and further demand cannot be accommodated, indeed demand should be reduced.

Taking the above into account Cottenham Parish Council is unable to support this application and would strongly urge SCDC not to issue planning permission.

15. **Cottenham Village Design Group**

Despite the approved development, the area has retained its essentially rural character with locally distinctive open views of fen edge landscape. The cumulative effect of additions to the open landscape would seriously threaten the character of this landscape. Development in this area does not conform to essentially nuclear settlement pattern established within the parish and are likely to be poorly integrated with the village and its facilities. The caravans and mobile homes do not meet the Design Statement requirements in respect of design and locally distinctive building forms and materials.

16. **Environment Agency**

No objections, advisory comments only

17. **Chief Environmental Health Officer**

Considered proposals in respect of noise & environmental pollution & concluded that there's no significant impact

18. **Old West Internal Drainage Board**

The Board's surface water receiving system has no residual capacity to accept increased rates of run-off from new developments. SCDC needs to be satisfied that soakaways are an effective means of surface water disposal in this heavy clay area

**Representations**

19. Advertised in Cambridge Evening News 21/06/05

10 Letters of objection in which the following comments were made:

- a) Retrospective applications should not be countenanced
- b) Although there are no objections in principle to Traveller sites further sites cannot be supported by the village's infrastructure e.g. primary school & doctor's surgery are already operating at full capacity
- c) Sites will not meet identified local need

- d) Increased litter & fly tipping correlates with the increase in numbers of Travellers' sites
- e) Scale of development exceeds the optimal size for Traveller sites of 10-15 plots (20 absolute maximum) as supported by the Gypsy Council
- f) Loss of rural character due to scale of development & light pollution
- g) Increasing traffic & its speed discourage use of local roads & bridleways
- h) Associated commercial activity leads to road being blocked

20. **Cottenham Residents Association has raised the following objections:**

- a) Those applying have done so in full knowledge that what they propose is unlawful
- b) Scale exceeds Government guidelines on the scale of such development
- c) Drove roads inadequate for the scale of development proposed
- d) Fly tipping & litter
- e) Obstruction of the highways
- f) Harassment and noise pollution
- g) Health issues relating to defecation in public areas
- h) Highway safety issues relating to speed of traffic
- i) Danger to horse riders from traffic

The Association's letter is accompanied by a petition in the name of the Smithy Fen Residents Association supported by 240 signatories

21. One letter of support has been submitted by Friends, Families, and Travellers Advice & Information Unit. It comments that:

- a) There is a desperate need for such sites
- b) The cost of this shortage is immense both in financial and human terms
- c) The lack of authorised sites results in travellers having the highest infant mortality and illiteracy rates, lowest life expectancy and educational achievement
- d) As a distinct ethnic minority in the Race Relations Act 2000, an assessment of racial impact must be carried out on all policy that may effect them
- e) Their needs are rarely considered properly when policies on homelessness, planning, housing and community are drawn up

22. **Personal Circumstances**

There are 3 adults living on the site with three children under 10, two of whom attend Cottenham Primary School. All reported to be in good health with the exception of one child that has a heart complaint.

The relevant personal circumstances of the occupants of Victoria View include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Orchard Drive would bring clear and substantial benefits to the persons concerned. However, the benefits

are not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen.

Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Orchard Drive includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be material.

The personal circumstances of the occupants of Orchard Drive are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

### **Planning Comments – Key Issues**

23. The key issues are conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, impact on the amenities of existing residents, concentration of sites, sustainability and highway safety.

#### ***Countryside Policies***

24. There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.

#### ***Conformity with Gypsy Policy (HG23)***

25. The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. “effect on the rural character and appearance of the surroundings”.
26. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
27. Smithy Fen has “a historic atmosphere”. It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
17. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy

28. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
29. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.
30. The ‘Smith’ judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.

### ***Personal circumstances***

31 The relevant personal circumstances of the occupants of Victoria View include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Orchard Drive would bring clear and substantial benefits to the persons concerned. However, the benefits are not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen.

Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Orchard Drive includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be material.

The personal circumstances of the occupants of Orchard Drive are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

### ***Alternative sites***

31. There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.

### ***Human Rights***

32. On balance, dismissal of the appeals would not have a disproportionate effect on the appellants in terms of their human rights.

### ***Need for enforcement***

33. A compliance period of 3 months is appropriate. It would give the occupants to make other arrangement

***Compliance with enforcement notices***

34. A compliance period of 3 months is appropriate. It would give the occupants children to finish a school term while other arrangements were made.

**Recommendation**

A. Refusal on the following grounds:

1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The creation of an additional caravan site at Orchard Drive further consolidates the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the site has a significant adverse effect on the rural character and appearance of the area in that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the “Pine View” appeal decision in March 2005 and the “Victoria View” appeal decision in December 2005. The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and HG23(3), (4) and EN1 of the South Cambridgeshire Local Plan 2004.

2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently four other applications or deemed applications for planning permission in respect of adjoining and nearby plots. Approval of this application would create a precedent that planning permission should be granted for all five plots and other plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development.
3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen.

- B. In addition that authorisation be given to instigate formal enforcement action to secure the removal of mobile home, caravans, day room and hardstandings and to secure the cessation of the unauthorised uses of land within 3 months of the notices coming into effect. If the Notices are not complied with within the specified period, that prosecutions be authorised subject to a reconsideration of material circumstances at that time.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File Reference S/1144/05/F

**Contact Officer:** G H Jones – Deputy Development Services Director  
Telephone: (01954) 713151

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1336/05/F - Cottenham**  
**Siting of One Day Room, One Portakabin and One Touring Caravan**  
**(Retrospective Application) at 11 Orchard Drive, for M. Hegarty**

**Recommendation: Refusal**  
**Date for Determination: 31/08/05**

**Site and Proposal**

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drive joins Lockspit Hall Drive to the west and this road meets Twenty Pence Road, the B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drive over a watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drive provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries. The application site itself is a rectangular plot with a 21metre frontage and a depth of 27 metres.

**Planning History**

2. While there is no specific site history, the site is in an area where there are a number of existing traveller sites some of which have the benefit of planning permission while others are unauthorised. Smithy Fen is part of the countryside to the north-east of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved gypsy caravan sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drive. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
3. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.
4. Most of the northern sector of gypsy occupation, plots 2-12 Setchel Drive and 'Park Lane', Setchel Drive and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot gypsy caravan site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7<sup>th</sup> December he also dismissed 6 appeals on land at Victoria View. Other land within the rectangle, including land to the rear of the approved 2-12 Setchel Drive plots, is occupied by gypsies without planning permission.

### Planning Policy

5. The relevant Development Plan comprises the approved **Cambridgeshire & Peterborough Structure Plan 2003** and the adopted **South Cambridgeshire Local Plan 2004**.
6. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including travellers and gypsies.
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9. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
10. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
11. **Policy HG23** is a specific policy concerned with caravan sites for gypsies and travelling show-people. It indicates that proposals for caravans for gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria relevant to this application are as follows:-
  - (1) The site is reasonably located for schools, shops and other local services.
  - (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
  - (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
  - (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
  - (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.
  - (9) The use would not detract from convenient, safe and enjoyable use of a public right of way.
12. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the

Grange Park site where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.

13. Also relevant are **Circular 1/94 - Gypsy Sites and Planning, Circular 18/94 - Gypsy Sites Policy and Unauthorised Camping**, the draft circular - **Planning for Gypsy and Traveller Sites Consultation Paper December 2004, PPG3 Housing and PPS7 Sustainable Development in Rural Areas**. A letter issued by the DETR reminded all local planning authorities that compliance with the guidance in Circular 1/94 is essential to fulfilling the Government's objective that gypsies should seek to provide their own accommodation and may also wish to consider whether the absence of gypsy site provision may prejudice successful enforcement action against unauthorised encampments or give rise to grounds for appeal against the refusal of an application for a new site.

### **Consultation**

14. **Cottenham Parish Council** strongly opposes this application on the following grounds:
1. There are currently 48 approved gypsy caravan pitches at this location. This Council considers that Cottenham has already more than discharged its acknowledged responsibility to provide sites for travellers. Based on SCDC's latest Tax Base figures the Parish represents 4.2% of the properties in South Cambridgeshire, but, because of the piecemeal expansion of this site that has been allowed in the past, it now accommodates 15% of the approved traveller sites in the whole district. This load is clearly disproportionate and unreasonable and therefore further expansion is strongly opposed.
  2. There was a dramatic increase in the number of Traveller caravans in this locality in 2003. At times the total on the site has been more than twice allowed by planning permissions. Nearly all of this was unauthorised and subject to Planning Enforcement action, which although enforced, action has still failed to be taken against them by SCDC. This Council would object strongly to any further approvals being granted until the outcome of all the currently ongoing enforcement actions are concluded and a rational plan has been established for the whole site rather than the piecemeal approach as in the past.
  3. On the 11<sup>th</sup> March 2005 Appeals made for land off Water Lane, Cottenham, CB4 8PT were dismissed by the Office of the Deputy Prime Minister. The Secretary of State agreed with the Inspector that the site at Smithy Fen had a potential for an estimated 130 plots if land between the current lawful areas is occupied. The recommended site size, as per the Deputy Prime Minister's Office, is 20 plots per site. This Council has constantly opposed the expansion of this site based on this recommendation. The Secretary of State also agreed with the Inspector with regard to the effect that further development at Smithy Fen would have on the rural character and appearance and landscape, in 'that each plot would have an adverse impact on the rural character and appearance of the area'. The Secretary of State further stated that 'the appeals proposals conflict with the development plan, in particular with criteria in LP Policy HG23'. In addition he stated 'that the proposals would have an adverse impact on the rural character and appearance of the Fenland landscape ... the proposals would also fail to protect the amenities of the local residents and enjoyment of public rights of way and give rise to problems of highway safety'. The Secretary of State also agreed with the Inspector 'that allowing the appeals would create a precedent for further development within

the rectangle at Smithy Fen, with the eventual effect being further loss of open land, a much higher level of occupation, and the consequent additional traffic, and a detrimental impact on highway safety and amenity of residents’.

4. Unlike what would happen with other developments there appears to have been little or no co-ordination between the Planning Authority and those responsible for service provision (e.g. health, sanitation, education, policing). The additional load on these services from the travelling community already exceeds the capacity of village resources and further demand cannot be accommodated, indeed demand should be reduced.

Taking the above into account Cottenham Parish Council is unable to support this application and would strongly urge SCDC not to issue planning permission.

15. **Cottenham Village Design Group**

Despite the approved development, the area has retained its essentially rural character with locally distinctive open views of fen edge landscape. The cumulative effect of additions to the open landscape would seriously threaten the character of this landscape. Development in this area does not conform to essentially nuclear settlement pattern established within the parish and are likely to be poorly integrated with the village and its facilities. The caravans and mobile homes do not meet the Design Statement requirements in respect of design and locally distinctive building forms and materials.

16. **Environment Agency**

No objections, advisory comments only.

17. **Chief Environmental Health Officer**

Considered proposals in respect of noise & environmental pollution & concluded that there’s no significant impact.

18. **Old West Internal Drainage Board**

The Board’s surface water receiving system has no residual capacity to accept increased rates of run-off from new developments. SCDC needs to be satisfied that soakaways are an effective means of surface water disposal in this heavy clay area

**Representations**

19. Advertised in Cambridge Evening News 26/07/05

5 Letters of objection in which the following comments were made:

- a) Retrospective applications should not be countenanced.
- b) Although there are no objections in principle to Traveller sites further sites cannot be supported by the village’s infrastructure e.g. primary school & doctor’s surgery are already operating at full capacity.
- c) Sites will not meet identified local need
- d) Increased litter & fly tipping correlates with the increase in numbers of Travellers’ sites
- e) Scale of development exceeds the optimal size for Traveller sites of 10-15 plots (20 absolute maximum) as supported by the Gypsy Council

- f) Loss of rural character due to scale of development & light pollution
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20. Cottenham Residents Association has raised the following objections:

- a) Those applying have done so in full knowledge that what they propose is unlawful
- b) Scale exceeds Government guidelines on the scale of such development
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- e) Obstruction of the highways
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- h) Highway safety issues relating to speed of traffic
- i) Danger to horse riders from traffic

Their letter is accompanied by a petition in the name of the Smithy Fen Residents Association supported by 182 signatories

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- a) There is a desperate need for such sites
- b) The cost of this shortage is immense both in financial and human terms
- c) The lack of authorised sites results in travellers having the highest infant mortality and illiteracy rates, lowest life expectancy and educational achievement
- d) As a distinct ethnic minority in the Race Relations Act 2000, an assessment of racial impact must be carried out on all policy that may effect them
- e) Their needs are rarely considered properly when policies on homelessness, planning, housing and community are drawn up

#### **Personal Circumstances**

22. The applicants have a two year old child, and are all reported to be in good health. The relevant personal circumstances of the applicants include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Orchard Drive would bring clear and substantial benefits to the persons concerned. However, the benefits are not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen.

23. Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Orchard Drive includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be

material. The personal circumstances of the occupants of Orchard Drive are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

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24. The key issues are conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, impact on the amenities of existing residents, concentration of sites, sustainability and highway safety

#### ***Countryside Policies***

25. There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.

#### ***Conformity with Gypsy Policy (HG23)***

26. The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. “effect on the rural character and appearance of the surroundings”.
27. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
28. Smithy Fen has “a historic atmosphere”. It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
29. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy
30. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
31. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.

32. 'Smith' judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.

***Personal circumstances***

33. The relevant personal circumstances of the applicants include their personal need for accommodation, their wish to live together in extended family groups for care and support in accordance with Irish gypsy tradition, and access to doctors. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Orchard Drive would bring clear and substantial benefits to the persons concerned. However, the benefits are not exceptional or unusual, nor are they benefits that could only be obtained by the occupants living at Smithy Fen.

34. Furthermore, planning permissions normally run with the land and it is seldom desirable to provide otherwise. The caravan development involved at Orchard Drive includes works of a permanent nature and the particular permissions sought would not be limited in time but would enable ongoing occupation by dependents of the named individuals. In practice it must be assumed that the development would remain long after some of the personal circumstances involved have ceased to be material. The personal circumstances of the occupants of Orchard Drive are little different to the personal circumstances that can often be pleaded by applicants who want to live in the countryside near to relatives and I consider that they should not carry very much weight in the determination of this application.

***Alternative sites***

35. There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.

***Human Rights***

36. On balance, dismissal of the appeals would not have a disproportionate effect on the appellants in terms of their human rights.

***Need for enforcement***

37. Without such action, the breach with its concomitant harm to the countryside will continue

***Compliance with enforcement notices***

38. A compliance period of 3 months is appropriate. It would give the occupants to make other arrangements.

***Recommendation***

39. Refusal on the following grounds:
1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The creation of an additional caravan site at Orchard Drive further consolidates the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the site has a significant adverse effect on the rural character and appearance of the area in

that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the "Pine View" appeal decision in March 2005 and the "Victoria View" appeal decision in December 2005. The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and HG23(3), (4) and EN1 of the South Cambridgeshire Local Plan 2004.

2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently four other applications or deemed applications for planning permission in respect of adjoining and nearby plots. Approval of this application would create a precedent that planning permission should be granted for all five plots and other plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development.
3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen.
- B. In addition that authorisation be given to instigate formal enforcement action to secure the removal of mobile home, caravans, day room and hardstandings and to secure the cessation of the unauthorised uses of land within 3 months of the notices coming into effect. If the Notices are not complied with within the specified period, that prosecutions be authorised subject to a reconsideration of material circumstances at that time.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File Reference S/1336/05/F

**Contact Officer:** G H Jones – Deputy Development Services Director  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/1963/05/F - Fulbourn**  
**Erection of Grain Store, Queens Farm, Wilbraham Road for G C Lacey & Son**

**Recommendation: Refusal**  
**Date for Determination: 12<sup>th</sup> January 2005**

**Site and Proposal**

1. Queen's Farm is sited immediately to the north-east of Fulbourn, where Station Road turns into Wilbraham Road, and consists of two houses and two ranges of farm buildings. The farm totals 405ha (1,000 acres) of which 303ha (750 acres) is owned, the remainder is farmed on a full agricultural tenancy under the Agricultural Holding Act 1986.
2. Set back some 225.0m from Station Road/Wilbraham Road, is a range of various barns measuring, in total, 130.0m x 40.0m approximately. At present they are part commercial, part agricultural - see **History** below.
3. Another 220.0m to the north is another range of buildings measuring, in total, 120.0m x 30.0m approximately. This is a former Government Intervention Store rented out for grain/crop storage.
4. The full application, received 13<sup>th</sup> October 2005, proposes the erection of a fifteen, 6.0m bay grain storage building measuring 90.0m x 20.0m. It will be sited to the west of the farm road immediately to the south of the former Intervention Store. The building will have an eaves height of 6.2m and a ridge height of 9.0m. The roof and top half of the walls will be clad with profiled steel sheeting, the bottom 3.0m to be grain walling.

**History**

5. Two houses approved in mid '70's and 1997. Original barns, grain stores, workshops built in the 1950's. Turkey buildings added 1976 and 1996. The Intervention Store built 1970's with two small additions in early 1980's.
6. Following difficulties in the Turkey market, consent was granted in 2001 and 2003 to use some buildings for B1, B2 and B8 Use (light industrial, general industrial and warehousing.)
7. More recently, 2004, consent was granted to use the 1950's building for B8/storage use. Whilst this latter use has not yet commenced, the former turkey buildings are used by an engineering company.

**Policy**

- i) **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/2 - Environmental Restrictions on Development** restricts development in the countryside unless it can be demonstrated to be essential  
**P9/2a - Green Belt**
- ii) **South Cambridgeshire Local Plan 2004:**  
**GB1 and GB2 - Green Belt General Principles**  
**EN5 - The Landscaping of New Development**

**Consultations**

- 8. **Fulbourn Parish Council** 'Approves' the application.  
**The Environment Agency** has no objections subject to satisfactory soakaway drainage. Such must be proven to be viable prior to the commencement of development.

**Representations - Applicant**

- a) The 1950's grain stores are able to handle up to 25 tonnes per hour.
- b) Today, cropping equipment ie combine harvesters, can produce 40 tonnes per hour
- c) In the 1950's, a tractor and trailer could carry 3 tonnes, today it is 18 tonnes.
- d) The present buildings are too low in which to be able to tip a modern trailer or to accommodate and load a 13.0m articulated trailer and unit.
- e) Spare parts are very difficult, if not impossible, to obtain.
- f) The new building would be able to handle in excess of 100 tonnes per hour.

**Representations - Neighbours**

- 9. None received.

**Representations - Agricultural Consultants**

- 10. With the sheer size of the grain store proposed, together with the fact that the applicant had advised the Case Officer that the Intervention Store was let to another company for grain storage, it was felt necessary to seek professional advice on the actual need for this new building.
- 11. Their report states:
  - a) Cropping is currently all combinable crops, the majority being wheat and barley, with some peas and beans. Oilseed rape may be grown in the future. In addition there is some set aside land.
  - b) The existing grain store buildings are too small for modern machinery.
  - c) The Intervention Store is rented on a verbal agreement, by Vogan and Co. Ltd., who are based at Fulbourn Silo nearby. The building has a capacity of 7-8,000 tonnes.
  - d) The new building will also be used for the storage of machinery and as an agricultural workshop. Space for fertiliser storage is also required.
  - e) The building will be fitted with conveyors that move 100 tonnes of grain per hour plus a 200 h.p. fan for drying purposes.

12. The business has a requirement for grain storage being the main commodity grown on the farm. Working on a farmable area of 405ha (1,000 acres) less set-aside at 8% this leaves 372ha (920 acres) croppable, although in reality some of this area is down to Countryside Stewardship and peas and beans. Using a good wheat yield of 3.5 - 4 tonnes per acre this equates to between 3220 and 3680 tonnes of grain produced on the unit. The storage requirement for the farms own produce could be covered by a 4,000 tonne grain storage building.
13. Whilst I can see the benefit of additional modern storage on Queens Farm and also the benefits of additional income achieved by renting the existing grain store to Vogan Ltd, there is a need to balance the countryside protection policies against those encouraging farmers to deliver diverse and sustainable farming enterprises. On balance I would normally expect that any existing buildings and spare capacity be utilised prior to erecting further buildings on the farm.
14. The application refers to a 'proposed grain store' and whilst I believe this will be a predominant use Mr Lacey did infer that other current building uses will need to be relocated. I have mentioned previously that agricultural machinery and fertiliser will require storage space also the farm workshop will need to be relocated. The current design does not adequately differentiate between grain storage areas, fertiliser storage areas, and or workshop areas. In my opinion the proposed building is very long and narrow and whilst it may operate effectively as a bulk grain store, in reality with only two access doors in each gable end it will be difficult to practically use the building for everything i.e. grain storage, machinery storage, fertiliser storage and a workshop. Guidance from the Health and Safety Executive would normally not allow fertiliser to be stored in close proximity to combustible materials such as grain.
15. The proposed building measures 90m x 20m, = 3,800m<sup>2</sup>.
16. The grain walling is shown in the submitted plans to be 3m. The eaves height is 6m, talking an average storage height of 4m gives the building a cubic capacity of 7,200m<sup>3</sup>. I have deducted one bay (20m x 6m x 4m) which is 480m<sup>3</sup> from the total capacity to account for working areas, tunnels etc. This equates to a storage area of approximately 6,720m<sup>3</sup>. In terms of tonne capacity this figure is divided by 1.3 (assumed wheat) which gives storage for approximately 5,169 tonnes. When compared to the 3,220-3,680 tonnes of grain produced on the unit this figure seems excessive, especially when an existing building on the farm provides for grain storage of between 7,000-8,000 tonnes.
17. I am of the opinion that this application needs further justification in terms of the size and scale of the proposed building. I would like to see further farm planning in terms of all the buildings which are going to be necessary once the existing buildings have been converted. The size of this building solely for grain storage for Queens Farm seems excessive, especially when a grain storage structure exists which is currently rented t a third party.

### Planning Comments

18. The issue to be considered in respect of this proposal are need, size of building and position/effect on landscape.
  - i) **Need** As can be seen from the comments of the agricultural consultant, the farm could produce something in the region of 3220 to 3680 tonnes of grain which could be stored in a building of no greater than 4,000 tonne capacity.

- ii) **Size of Building** There is no argument in that the building is large, 90.0m x 20.0m x 9.0m high but, sited as proposed in an open landscape with any public views being 'long distance', its scale is substantially diminished. The nearest public view is from a public footpath to the east, between 350.0m and 400.0m away. Even if a case could be proven for the additional grain storage facility, bearing in mind its capacity could be around three times annual output, the building does not appear to have been designed for the other suggested uses - i.e. fertiliser storage, machinery storage and agricultural workshop.
- iii) **Position and Effect on Landscape** The farmland to the east is extremely open but there is a gentle rise in the land of several metres. Standing on the site of the proposed building facing towards Cherry Hinton/Cambridge, one can see the top of Fulbourn Hospital and some of the hangars at Marshalls - all the other 'middle distance' is screened by this slight rise in ground level.
19. To the east, the land falls slightly towards the watercourse, New Cut, which drains north towards Fulbourn and Little Wilbraham Fen. It is alongside this watercourse that the public footpath runs. There are traditional hedgerows, together with some trees, alongside the field boundary, which afford some screening; however additional screening would be required.
20. Whilst I am satisfied that with appropriate materials and additional landscaping, the building would not be inappropriate to this location, I am not satisfied that a need has been proven, especially with the existing storage facility on site let to a third party. Refusal is therefore recommended.

### **Recommendation**

21. Refusal
22. With current storage facilities on the farm sufficient to store its annual output of grain, no case has been put forward to justify the need for this second building. As such the proposal is contrary to Policies P1/2 and P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies GB1 and GB2 of the South Cambridgeshire Local Plan 2004.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file refs. S/0852/03/F, S/1154/04/F and S/1963/05/F

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## 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**

<b>Ref. No.</b>	<b>Details</b>	<b>Decision and Date</b>
S/2424/04/O	Mr G, Mr N & Mrs S Compton R/o 6 Westmoor Avenue <b>Sawston</b> Dwelling (Delegated Refusal)	Dismissed 24/11/2005
S/0250/05/LB	Mr & Mrs G Lister Robynet House, Green Street <b>Duxford</b> Internal and external alterations (Delegated Refusal)	Dismissed 29/11/2005
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) <b>Toft</b> Erection of B1 offices (Officer Recommendation to Refuse)	Dismissed 30/11/2005
S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) <b>Toft</b> Erection of B1 offices (Officer Recommendation to Refuse)	Dismissed 30/11/2005
E502	Mr M Walker 2 Denny End Road <b>Waterbeach</b> Construction of a garage without planning permission	Dismissed 02/12/2005
E 353	Mr P McCarthy Plot 2 & R/o plot 3, Setchel Drove Smithy Fen <b>Cottenham</b> Enforcement against change of use of site to use as a residential caravan site.	Dismissed 07/12/2005
S/1020/03/F	Mr P McCarthy R/o 2 Setchell Drove Smithy Fen <b>Cottenham</b> Siting of 2 gypsy caravans and shower block (Delegated Refusal)	Dismissed 07/12/2005

S/0761/04/F	B Gemmil, A Sheridan, E Sheridan & K Sheridan Plots 1-11 Victoria View, off Orchard Drive Smithy Fen <b>Cottenham</b> Use of land for gypsy caravan site, (11 pitches) part Retrospective (Delegated Refusal)	Dismissed 07/12/2005
S/1569/04/F	Mr M Hegerty Land off Victoria View, Smithy Fen Smithy Fen <b>Cottenham</b> Siting of 4 gypsy caravans (Delegated Refusal)	Dismissed 07/12/2005
S/1589/04/F	M Quilligan Land off Water Lane, Smithy Fen <b>Cottenham</b> Siting of 2 gypsy caravans (Delegated Refusal)	Dismissed 07/12/2005
E498	Ann Sheridan Plot 2 Victoria View, Smithy Fen <b>Cottenham</b> Enforcement against laying of hard surfacing and erection of sheds and other ancillary structures on the land and change of use for stationing of residential caravans	Dismissed 07/12/2005

## 2. Summaries of recent decisions of interest

**Mr & Mrs Patrick McCarthy, Bridget Gammell, Ann Sheridan, Elizabeth Sheridan, Kathleen Sheridan, Margaret Quilligan and Michael Hegarty – Use of land as gypsy caravan sites – Land at Victoria View and off Water Lane, Smithy Fen, Cottenham – Appeals dismissed.**

### Background

1. These 6 appeals were the subject of a public inquiry which sat for 6 days between 12<sup>th</sup> and 20<sup>th</sup> July 2005. Both main parties were represented by Counsel. Both the Parish Council (represented by Counsel) and the Cottenham Residents Association played a significant role. Six other interested parties spoke at the inquiry, including James Paice MP.
2. The appeals can be broadly split into three groups:
  - (i) A planning and enforcement appeal for one plot occupied by Mr & Mrs McCarthy (referred to as Plot 12 Victoria View). This site had already been the subject of appeals that had been allowed but which were the subject of a re-determination following a successful High Court challenge by the Council.
  - (ii) Planning and enforcement appeals for Plots 1-11 Victoria View; and
  - (iii) Two separate planning appeals for two further plots, one off Victoria View, the other at the far end of Water Lane.
3. The decision to dismiss the appeals has been made by the ODPM. The inspector appointed to hold the inquiry had also recommended that all of the appeals be dismissed.

### **Determining Issues**

4. Generally speaking, the Council's refusal of planning permission was because of conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, impact on the amenities of existing residents, concentration of sites, sustainability and highway safety. The Council sought to question whether the appellants are gypsies for the purposes of planning policy – i.e. that they travel, or have travelled to seek their livelihood, or if they have stopped travelling, that there is a realistic intention to travel in the future. The Council sought a compliance period of two and three months in the enforcement appeals.
5. It was the appellants' case at the inquiry that they were seeking personal permissions for occupation of Plots 1, 2, 4, 6, 8, 10, 11 and 12 Victoria View. No evidence was put forward in respect of Plots 3, 5, 7 and 9 and no permission was sought for these plots. Only very limited evidence was given in respect of the other two separate appeals.

### **The Case for the Appellants**

6.
  - The appellants are all Irish travellers and have gypsy status for planning purposes. The relevant High Court judgement on gypsy status (the 'Wrexham' decision) is wrong. It is incompatible with the European Convention for Human Rights. Even if only some of the appellants are found to be gypsies, all of the applications should be judged against gypsy policy (HG23), so that those with gypsy status are not prejudiced.
  - Policy HG23 is not derived from any quantitative assessment (QA) of need. This failure of the Council should weigh in favour of the proposals. A QA would have led to the true level of need being identified and land being allocated. The appellants may then have been able to find another site.
  - The allocated land at Chesterton Fen only has a limited and short-term potential..
    - Policy HG23 has been ineffective in bringing new sites forward.
    - The proposals comply with all aspects of Policy HG23.
    - The requirement to avoid a concentration of sites is incapable of proper interpretation. There is a greater concentration of sites at Chesterton Fen.
    - The location of the sites and the needs of the appellants are materially different than in the earlier Pine View appeal. Arguments about precedent do not apply in this case.
    - The general need for gypsy caravan sites and the lack of suitable provision must carry significant weight in these appeals
    - If planning permission is refused, the appellants have nowhere else to go. There are several children in need of education and many of the residents have health problems. The mutual support of extended family networks would be lost.
    - If permanent permission is not forthcoming, a temporary permission (for three years pending a needs assessment) is appropriate.
    - The compliance period is too short. In view of the difficulties in finding other sites, two years would be reasonable

### **The Case for the Council**

- 7.
- Only two of the occupants are accepted to be gypsies as statutorily defined. Their applications should therefore be judged solely against normal countryside policies.
  - The Council's policy for gypsy site provision encompasses both an allocated site (Chesterton Fen) and criteria-based policies. This goes further than many local authorities and the lack of a quantitative assessment should be seen in this context. Any such assessment could not have predicted the influx of Irish travellers to Smithy Fen. The lack of an assessment does not invalidate the criteria in Policy HG23. These criteria should not be applied liberally.
  - Because of the demand for sites, allowing these appeals will set a visual context and expectation that other sites will be approved.
  - A further concentration of sites will continue to harm the amenities of local residents whether this is actual or a perceived fear; whether taken individually or collectively, the sites harm the character and appearance of the area; and the convenient, safe and enjoyable use of Lockspit Hall Drove has been impaired.
  - The need for further gypsy sites is only relevant to two of the appellants. It is accepted that there is both a national and local shortage of gypsy sites. It is important to distinguish between "demand" and "need" for sites. In this case the occupiers have not arrived, travelled or worked together.
  - South Cambridgeshire has more gypsy caravans than any other district in the east of England and more than its fair share of caravans.
  - Chesterton Fen still provides some capacity for caravans.
  - The appellants' personal circumstances should only be given limited weight. They are not exceptional or outweigh the conflict with planning policy.
  - Refusal of planning permission is a proportionate action when considering the appellant's human rights
  - A temporary planning permission is not justified. There is no reason to think that any unmet need should be met in South Cambridgeshire. A QA may take some considerable time to complete. A temporary permission will be seen as an endorsement of continued unauthorised development at Smithy Fen.
  - The compliance periods could arguably be extended to four months to allow children to finish a school term. There was no justification for anything longer.

### **The Case for the Cottenham Residents' Association**

- 8.
- There have been previous horrendous examples of anti-social behaviour and intimidation witnessed by villagers. The Council and the Police failed to take adequate action. The CRA had evolved to restore the quality and safety of village life and to promote the integration with travellers living lawfully at Smithy Fen.
  - Unnecessary damage to the countryside. Approval would invite others to seek planning permission.
  - Loss of amenity through sheer weight of traffic. Damage to rural businesses.



- The Human Rights of local residents would be breached. Any further caravan development would be disproportionate and is not in the interest of either the settled or travelling community.
- Fear of crime is a material consideration. There is not a fear of travellers per se, but what might happen through any expansion of the site. While the appellants may be responsible in their behaviour, other family members could return with a different attitude to residents.
- The appellants have not demonstrated a need to be here. They have no long-term connection with the area. The Council should consider 'land swap'.
- A precedent would be set. The appellants made no attempt to approach the Council before occupying the site.
- Mr and Mrs McCarthy are an exception. They should not be subject to further stress.

### **The Case for Cottenham Parish Council**

9.
  - Fear of crime and anti-social behaviour should be given substantial weight. The fact that personal permissions are sought is of limited value. In this case, the appellants rely upon extended family networks at Smithy Fen and therefore must accept a degree of communal responsibility for the acts of their extended families.
  - Planning permission for just one plot will act as a precedent. There is no substantive difference between the plots at Victoria View and any other plots at Smithy Fen.
  - The unlawfulness of occupation should weaken any claim relating to personal circumstances. The educational needs are not significant. No undue disruption to health needs would be caused.
  - There are only 12 settled families at Smithy Fen, yet 48 lawful caravan sites. This is a disproportionate balance.
  - Non-compliance with Policy HG23 in respect of impact on residential amenities and highway access
10. The case for other interested persons added to, but did not raise any other issues materially different to those already listed.

### **Inspector's Conclusions**

11. **Gypsy Status.** Reliance on the 'Wrexham' decision is the correct approach. Having regard to this and the evidence presented to the inquiry, only Danny O'Rourke (grandson of Mr and Mrs McCarthy) and John Sheridan (Plot 8) are gypsies.
12. **Countryside Policies.** There is a clear breach of policies designed to protect the countryside.
13. **Conformity with Gypsy Policy (HG23).** Contrary to the claims of the appellants, the policy sets out clear, realistic criteria for gypsy sites. Neither should they be interpreted liberally. While the lack of a QA means that the local plan is deficient, it is still appropriate to attach considerable weight to Policy HG23. Neither has it been shown that the allocation at Chesterton Fen has been exhausted.

14. The possibility of crime and anti-social behaviour was shared by most of the objectors. The very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* was published the day after the inquiry closed. This held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of Victoria View.
15. The Policy does not define what amounts to a concentration of sites. In view of the 'Smith' decision, this aspect should not be relied upon. Criterion HG23(2) is satisfied.
16. Smithy Fen has "a historic atmosphere". It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the 48 plots should be resisted. Screening of development would look unnatural.
17. If it were found that all the occupants of Victoria View were gypsies, the cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy
18. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
19. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.
20. The 'Smith' judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.
21. **Personal circumstances.** The personal circumstances of the occupants are little different from those that are often pleaded. They should not carry very much weight in this case.
22. **Alternative sites.** There has been no search by the occupants for alternative sites. In respect of the two appellants who are considered to be gypsies, the availability of occupying vacant plots elsewhere at Smithy Fen was too lightly dismissed by the appellants. Nonetheless, there remains a real and serious problem in finding alternative sites.
23. There is an undisputed need for further gypsy sites. The need in South Cambridgeshire is harder to determine without a QA of need. Approval would contribute to meeting the general need for sites.
24. **The case for temporary planning permission.** As precedent was a matter where "... particularly significant weight should be given", a permanent planning permission would be inappropriate. A temporary three-year consent was also inappropriate. There is no certainty that the Council will identify sites in that time and it would give the appellants no incentive to look for another site.

25. **Human Rights.** On balance, dismissal of the appeals would not have a disproportionate effect on the appellants in terms of their human rights.
26. **Compliance with enforcement notices.** Given the large number of schoolchildren involved and the various health care problems, a compliance period of 12 months was more appropriate. It would give the occupants some reasonable opportunity of dealing with their accommodation problems, if only by making temporary arrangements until such time that a permanent solution could be found.
27. **The two separate planning appeals.** In view of the general lack of evidence by the two appellants, and the objections to the other appeals, planning permission should not be granted.
28. **Recommendations.** The planning appeals should be all dismissed. The enforcement notices should be upheld, subject to the compliance period being extended to 12 months (i.e. until 7 December 2006).

#### **The Secretary of State's decision**

28. The Secretary of State agrees with his inspector on the relative merits of and objections to the proposal. His findings appear to echo those of the inspector in most respects. He concludes that there are strong planning objections to the grant of planning permission, including temporary permission.
29. The one area of difference was the approach to gypsy status. The Secretary of State considered that this issue should take into account the change of definition as proposed in the Consultation Paper. This basically redefines gypsy status such that it cannot be lost if they wish to maintain a traditional caravan-dwelling lifestyle. On this basis, he was satisfied that all of the appellants who provided evidence for the inquiry have gypsy status. Because of their status, their personal circumstances carry more weight than given by the inspector. However, this was still not sufficient to justify planning permission.

#### **Comment**

30. Taken as a whole, the decision reflects many of the conclusions and findings in the Pine View appeal. The main differences are that the fear of crime and anti-social behaviour arising from gypsy sites and concerns regarding the concentration of sites has been overruled. This is essentially as a result of the 'Smith' case and the difficulties in demonstrating that a gypsy site is inherently likely to give rise to such problems.
31. The inspector who gave the original (and first appeal) decision at Pine Lane did not consider precedent an overriding issue. The Pine View decision countermanded this. This decision further confirms that the precedent argument is very important and reinforces arguments that any further occupation other than of lawful sites at Smithy Fen is unjustified.
32. The decision to refuse planning permission for Plot 12 (McCarthy) overturns the earlier decision allowed by an inspector. In doing so, the earlier inspector's findings on visual impact and precedent have also been overturned.
33. The Pine View occupants were given three months to comply. In this case, the evidence on behalf of the occupants was more robust; their circumstances were materially different (and particularly in the case of Mr and Mrs McCarthy, arguably more deserving). This was sufficient to justify a 12-month compliance period.

**Mr M Walker – Construction of garage without planning permission – 2 Denny End Road, Waterbeach - Enforcement Appeal dismissed**

1. Planning permission was granted in 2003 for a garage with studio over. The appellant has erected a different building, however, which is nearer to 3 Bannold Court and with a higher ridge and eaves line. The enforcement notice was issued because of undue loss of privacy, overshadowing and the overbearing effect of the building.
2. The permitted garage has a small first floor area with limited headroom. The increased height and massing of the garage has allowed for an upper floor with good headroom over much of its area. It contains a main room with sink unit and a toilet, shower room. There are two velux windows facing both adjoining properties. There is considerable scope for ancillary uses.
3. The inspector found that the potential for a loss of privacy towards no. 3 could nonetheless be mitigated through the use of conditions. Overlooking of 1a Bannold Road is not so serious to make the building unacceptable. The position of the garage is unlikely to lead to a harmful amount of overshadowing or loss of light for much of the neighbour's house and garden, although as the area most affected is the most private part of the garden, the enjoyment of the property would still be reduced.
4. The Council's case focussed mainly on the impact of the garage. The side wall of the garage has replaced a row of conifers. While the trees would have given a green outlook of some natural interest, the inspector found that the garage "... appears as an unusually large and imposing building. It towers above the fence and forms a dominating feature prominently seen from ... windows in no. 3 as well as from the patio area and most of the rear garden... (It) ... creates an unduly overbearing effect ... (and) seriously detracts from the reasonable enjoyment of the adjoining property.
5. In his defence, the appellant argued that the existing garage is little different in its impact and can still be erected. The Council accepted that it could still be erected, but that the new building was substantially nearer to no.3 and more imposing. The inspector agreed. She also commented, however, that in the event of the permitted building proceeding "... there would still be a loss of privacy primarily to no. 3 ... (and) a harmful overbearing effect at no. 3. Nonetheless, this effect would be significantly less severe than the building as erected.
6. Planning permission for the deemed application was therefore refused and the appeal dismissed. In the circumstances, the inspector accepted that the appropriate course of action is to demolish the garage, rather than simply reduce its height as the appellant had argued. The appellant has three months to demolish the garage (i.e. by 2 March 2006) and a further three months to remove the resultant materials unless the permitted garage is erected in its stead.

**3. Appeals received**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/2153/04/F	Mr R Kennedy & Ms C Romeyer 2 Manor Farm Barns, <b>Litlington</b> Change of use of land to garden land and retention of garden room (retrospective application) (Officer Recommendation to Approve)	22/11/2005

E511	Mr R Kennedy & Ms C Romeyer 2 Manor Farm Barns <b>Litlington</b> Enforcement against change of use of land to garden land and retention of garden room (retrospective application)	22/11/2005
S/1150/05/O	Mrs B Ward r/o 12 West Drive <b>Caldecote</b> Dwelling and garage (Delegated refusal)	25/11/2005
S/0857/05/F	Mr M Laverty & Mrs D Burelli Green Hedge Farm, Gog Magog Way <b>Stapleford</b> Change of use of land from agricultural to garden land (Delegated Refusal)	30/11/2005

#### 4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4<sup>th</sup> January 2006

Ref. No.	Details	Date
S/1909/04/O	Mr & Mrs Cole 66 Cambridge Road <b>Great Shelford</b> 3 houses and garages (Hearing)	10/01/2006 Monkfield Room 10.00 am
S/2533/04/O	Mr & Mrs Cole 66 Cambridge Road <b>Great Shelford</b> 2 houses and garages (Hearing)	10/01/2006 Monkfield Room 10.00 am
S/0917/05/O	Mr & Mrs G Cole 66 Cambridge Road <b>Great Shelford</b> 4 dwellings following demolition of existing dwelling (Hearing)	10/01/2006 Monkfield Room 10.00 am

#### 5. Appeals withdrawn or postponed

None

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

Ref. No.	Details	Date
S/2505/04/F	Mr & Mrs A Brown Schole Road <b>Willingham</b> Siting of 2 gypsy caravans (retrospective) utility block and mobile medical unit for disabled person (Local inquiry)	07/02/2006

E501	Mr P Denny Unit 135 Cambridge Road <b>Milton</b> Enforcement against change of use from warehouse/storage to use for retail sales and associated showroom (Local inquiry)	14/02/2006 Confirmed
S/6258/04/RM	MCA Developments Land South of Great Cambourne <b>Cambourne</b> Alterations in land form (dispersion of soil from building works.) (Local inquiry)	09/05/2006 Confirmed

**INDEX OF CURRENT ENFORCEMENT CASES**  
**4<sup>th</sup> January 2006**

Ref No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	1-3	Defendant of Plot 10 appeared before Cambridge Magistrates Court on 20 <sup>th</sup> October. Conditional Discharge for 3 years with costs awarded of £640.
34/98	Camside Farm Chesterton Fen Road MILTON	3-7	Transfer of mobile homes onto authorised site being monitored.
12/02	The Stables Chesterton Fen Road MILTON	7-9	The defendant appeared at Cambridge Magistrates Court on 5 <sup>th</sup> September. Fined £500 with cost, of £300. Mobile home removed. Remove from active list.
17/02	Land at Sandy Park Chesterton Fen Road MILTON	9-10	Currently considering options for dealing with the breach of the Enforcement Notice.
18/02	Rose and Crown Road SWAVESEY	10-12	Currently considering options for dealing with the breach of the Enforcement Notice.
8/03	Land adjacent to Setchell Drove COTTENHAM (B Land)	12-13	Failed to comply with Enforcement Notice which took effect on 11 <sup>th</sup> June 2005. Interim injunction issued 18 <sup>th</sup> July. Further hearing scheduled for 14 <sup>th</sup> February 2006.
9/03	Land adjacent to Setchell Drove COTTENHAM (G Land)	13-14	Appeal against non-determination of planning permission dismissed on 11 <sup>th</sup> March 2005. Site now subject to Enforcement Notice E459. Interim injunction issued 18 <sup>th</sup> July. Further hearing scheduled for 14 <sup>th</sup> February 2006.
10/03	Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM	14-15	Appeal dismissed. Enforcement Notice takes effect on 7 <sup>th</sup> December 2006.
15/03	Victoria View Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	15-16	Appeal dismissed. Enforcement Notice takes effect on 7 <sup>th</sup> December 2006.

Ref No	Location	See Page No for full update	Remarks
17/03	65 Wimpole Road BARTON	17	Site being monitored by Conservation.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	18	Appeal dismissed. Application being made to appeal to the High Court.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	18-19	Appeal dismissed. Enforcement Notice took effect 22 <sup>nd</sup> October 2005. Prosecution file submitted.
10/04	23 Church Street WILLINGHAM	20	Appeal dismissed. Enforcement Notice took effect 24 <sup>th</sup> November 2005. Expect matters to be resolved by January 2006.
11/04	43A High Street LANDBEACH	20	Appeal dismissed. Enforcement Notice took effect on 30 <sup>th</sup> September 2005. Planning application S/2187/05/F being considered for rejection of shed.
13/04	Scholes Road WILLINGHAM	21	Enforcement Appeal dismissed. Appeal pending for non-determination of planning application S/2505/04/F.
15/04	Land adjacent 12 The Common WEST WRATTING	21-22	File submitted to legal for issue of an Enforcement Notice.
16/04	2 Manor Farm Barns and land adjoining Cockhall Lane LITLINGTON	22	File for issue of an Enforcement Notice. Enforcement Notice issued. Enforcement Notice appealed.
18/04	The Orchard Smithy Fen COTTENHAM	22	Enforcement Notice appealed.
3/05	Land adjacent to Hilltrees Babraham Road STAPLEFORD	23	Stop and Enforcement Notices issued on 28 <sup>th</sup> February 2005. Notice takes effect 31 <sup>st</sup> March 2005. Compliance period 2 months. Enforcement Notice appealed. Appeal dismissed. Enforcement Notice takes effect 2 <sup>nd</sup> January 2006.
4/05	Poplar Farm BASSINGBOURN	23	Enforcement Notice appealed



Ref No	Location	See Page No for full update	Remarks
5/05	Unit 135 Cambridge Road MILTON	23	Enforcement Notice appealed
6/05	Threeways 2 Denny End Road WATERBEACH	23-24	Appeal dismissed. Enforcement Notice takes effect 2 <sup>nd</sup> March 2006.
7/05	Crown and Punchbowl High Street HORNINGSEA	24	Appeal allowed. Remove from active list.
8/05	1 Woollards Lane GREAT SHELFORD	24	Appeal allowed. Remove from active list.
9/05	The Warehouse Unit 2 Station Yard FULBOURN	24	No recent complaints. Remove from active list.
10/05	6A Dale Way SAWSTON	25	File submitted to Legal Office for the issue of an Enforcement Notice.
11/05	Land Adjacent to 112 Old North Road BASSINGBOURN	25	Revised planning application S/1717/05/F submitted.
12/05	17 The Maltings CAMBOURNE	25	File submitted to Legal Office for the issue of an Enforcement Notice.
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	25	Enforcement Notice appealed.
15/05	White House Farm Cambridge Road MELBOURN	26	File submitted to Legal Office for the issue of an Enforcement Notice.
16/05	2 Homers Lane Haverhill Road CASTLE CAMPS	26	Enforcement Notice issued.
17/05	Manna Ash House Common Road WESTON COLVILLE	26	Enforcement Notice issued.
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	26	In breach of extant Enforcement Notice. Evidence being obtained. Options being considered for dealing with the breach of the enforcement notice.

Ref No	Location	See Page No for full update	Remarks
4/02	86 Boxworth End SWAVESEY	26	No further complaints. Remove from active list.
18/99	Vatches Barn Comberton Road BARTON	27-28	As a result of a recent breach of the enforcement notice a further prosecution file has been submitted to Legal.
19/05	Former Plough Public House Swavesey Road FEN DRAYTON	28	File submitted to Legal Office for the issue of an Enforcement Notice.
20/05	39 Oatlands Avenue, BAR HILL	28	Enforcement Notice issued. Takes effect on 19 <sup>th</sup> December 2005. Compliance period 2 months.
21/05	Rectory Farm Landbeach Road MILTON	29	Enforcement Notice issued. Takes effect on 12 <sup>th</sup> December 2005. Compliance period 2 months.

**ENFORCEMENT ACTION**

**PROGRESS REPORT - 4<sup>th</sup> JANUARY 2006**

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>18/98</b> B/1/45/20 Mobile Home Site Setchell Drive COTTENHAM</p>	<p>A. Stationing of caravans without planning permission. B. Unauthorised building works. C. Unauthorised Engineering works.</p>	<p>Planning Committee 1<sup>st</sup> July 1998 - Item 26. Members gave delegated authority to take Enforcement Action in respect of those breaches of planning control which could not be regularised by the submission of a planning application or resolved by negotiation.</p>	<p><b>3.4.2002</b> The requirements of the Enforcement Notices in respect of over size buildings on the front part of Plots Fourwinds, 7A, 7 and 10 have not been met. Arrangements are in hand for those concerned to take part in a formal interview, and once they have taken place (or declined) prosecution files will be compiled and forwarded to the Legal Office for processing.</p> <p><b>3.7.2002</b> The owners of the oversized structures on the front land of Plot 7, 7A and 10 have been formally interviewed as to why they have not been reduced in size, and discussions are taking place to agree a way forward to ensure maximum success in any ensuing Court proceedings.</p> <p><b>2.10.2002</b> Further discussions with local Members being planned to consider a number of issues relating to development in this area.</p> <p><b>8.1.2003</b> Prosecution files submitted to Legal Office for Plots 7, 7A and 10</p> <p><b>2.4.2003</b> Planning applications S/0024/03/F and S/0025/03/F received for 7A and 10 Setchell Drive have now been refused. Case listed at Cambridge Magistrates Court 19<sup>th</sup> March 2003 for breach of Enforcement Notice. Adjourned to 9<sup>th</sup> April 2003</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>2.7.2003</b> On 9<sup>th</sup> April the owners of Plots 7, 7A and 10 appeared before Cambridge Magistrates Court. They were each fined £200 with £45 costs. An appeal was made against the refusal of planning permission for the retention of a day room on Plot 10 S/0024/03 refers but the appeal has now been withdrawn.</p> <p>The owners of Plots 7, 7A and 10 have moved off the site and Plots 7 and 10 are now occupied. Planning Contravention Notices have been issued to establish details of ownership before commencing further proceedings.</p> <p><b>1.10.2003</b> The owners of Plots 7 and 10 have been reported for being in breach of Enforcement Notices. Prosecution file being submitted to Legal Office.</p> <p>Owner of Plot 7A not identified. Enquiries continue.</p> <p><b>7.1.2004</b> Prosecution file submitted to Legal Office for Plots 7 and 10. Enquiries continue concerning Plot 7A.</p> <p><b>7.4.2004</b> Prosecution files submitted for oversize buildings on Plots 7 and 10</p> <p><b>7.7.2004</b> Cases listed at Cambridge Magistrates Court for 30<sup>th</sup> June 2004.</p> <p><b>6.10.2004</b> Cases listed for plots 7 and 10 at Cambridge Magistrates Court on 29<sup>th</sup> September 2004.</p> <p>Resolved to take Direct Action for breach of extant Enforcement Notices to the rear of plots 2 to 8 Setchel Drive.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>5.1.2005</b> Prosecution for plot 7 discontinued due to change of ownership. Prosecution for plot 10 adjourned to 6<sup>th</sup> January 2005. Legal representations being considered concerning direct action.</p> <p><b>6.4.2005</b> Prosecution adjourned for plot 10 pending outcome of planning application S/0066/05/F.</p> <p><b>6.7.2005</b> Prosecution adjourned to 5<sup>th</sup> August 2005 at Cambridge Magistrates Court. Planning application S/0066/05/F not determined.</p> <p><b>5.10 2005</b> Case adjourned to 20<sup>th</sup> October 2005</p> <p><b>4.1.2006</b> Defendant of Plot 10 appeared before Cambridge Magistrates Court on 20<sup>th</sup> October. Pleaded guilty, given Conditional Discharge for 3 years. Awarded costs of £640.</p>
<p><b>34/98</b> B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of two mobile homes for residential use.</p>	<p>Planning Committee 2<sup>nd</sup> December 1998 - Item 20</p> <p>Members authorised</p> <ol style="list-style-type: none"> <li>1. To seek an injunction.</li> <li>2. To issue an Enforcement Notice if the application for an injunction was refused.</li> <li>3. A Period of three months to comply with any Enforcement Notice issued.</li> <li>4. That in the event of failure to comply with the Notice and subject to there being no</li> </ol>	<p>The necessary information and documentation to seek an injunction is currently being processed.</p> <p>Letters of intended actions served upon contraveners, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications.</p> <p>On advice from the Legal department an Enforcement Notice was issued under reference E342 8<sup>th</sup> June 1999 requiring (a) removal of the mobile homes from the site together with ancillary works, (b) cease to use the land as a general dealers yard, (c) restore the land to its condition before the breaches of</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>material change in circumstances proceedings be taken in the Magistrates Court.</p>	<p>planning control took place, (d) use the land only for agriculture and paddock with stables as before. The Notice takes effect 15<sup>th</sup> July 1999 and has a compliance period of 6 months.</p> <p>The Enforcement Notice has been appealed. The site is also part of the general review of travellers' accommodation in the Chesterton Fen Road area.</p> <p>The outcome of the appeal against the Enforcement Notice is awaited.</p> <p>The appeal was dismissed 10<sup>th</sup> January 2000 with the compliance period being varied to 9 months (10<sup>th</sup> October 2000).</p> <p><b>5.7.2000</b> Compliance period ends 10<sup>th</sup> October 2000.</p> <p><b>4.10.2000</b> Still within the period before compliance which ends 10<sup>th</sup> October 2000.</p> <p><b>3.1.2001</b> Arrangements were made to formally interview two of the appellants 8<sup>th</sup> December 2000 at these offices, and both attended together with their Counsel and Solicitor. On the advice of their legal advisers both declined a formal interview, with their Counsel agreeing to write to our Head of Legal Services by the end of January 2001 listing those issues his clients wished to be considered in connection with any intended prosecution. Counsel indicated that the Human Rights Act 2000 would feature greatly in his submissions.</p> <p><b>2.5.2001</b> Summonses returnable to Cambridge Magistrates Court 16<sup>th</sup> May 2001 were served 18<sup>th</sup> April 2001.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>4.7.2001</b> A plea of not guilty was entered at Cambridge Magistrates Court 8<sup>th</sup> June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p><b>3.10.2001</b> A pre-trial hearing scheduled for 23<sup>rd</sup> September 2001.</p> <p><b>2.1.2002</b> The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p> <p><b>3.4.2002</b> The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p><b>3.7.2002</b> The trial has now been fixed for November. It is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p><b>2.10.2002</b> Trial still pending.</p> <p><b>8.1.2003</b> On 8<sup>th</sup> November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows:  A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines.  A Webb fined £1,000, £1,500 costs.  M Webb fined £1,000, £1,500 costs.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>A letter has been sent by the Legal Office to the defendants legal representative informing them that a further site visit will be made on 10<sup>th</sup> February 2003. If the Enforcement Notice has not been complied with consideration will be given to further prosecutions.</p> <p><b>2.4.2003</b> A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30<sup>th</sup> April 2003.</p> <p><b>2.7.2003</b> Case adjourned to 18<sup>th</sup> June 2003. A verbal update will be given.</p> <p><b>1.10.2003</b> Case adjourned to November.</p> <p><b>7.1.2004</b> On 11<sup>th</sup> November 2003 the defendants appeared before Cambridge Crown Court. They pleaded guilty and were convicted as follows: A Webb (Senior) – Conditional Discharge for 2 years. A Webb – Fined £2,500 M Webb – Fined £2,500 Costs of £3,000 were awarded. A planning application S/2285/03/F has been submitted, which if approved, would allow the defendants to move the mobile homes subject of the Enforcement Notice to the new site.</p> <p>The situation will be monitored and a timescale agreed once the planning application has been determined.</p> <p><b>7.4.2004</b> Awaiting determination of planning application S/2285/03/F.</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>12/02</b> B/1/45/72 &amp; S/1230/02/F The Stables Chesterton Fen Road MILTON</p>	<p>Unauthorised mobile home for residential use.</p>	<p>Development and Conservation Control Committee 7<sup>th</sup> August 2002. – Item 7</p> <p>Members authorised:</p> <ol style="list-style-type: none"> <li>1. The issue of an Enforcement Notice to cease using the land for the stationing of a mobile home and associated hardstanding.</li> <li>2. A compliance period of 6 months to comply with the Notice.</li> </ol>	<p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Planning application S/2285/03/F approved on 16<sup>th</sup> August 2004. Conditions have been imposed which are subject of further consultation.</p> <p><b>5.1.2005</b> Negotiations continue.</p> <p><b>6.4.2005</b> Waiting for response to meeting held on 14<sup>th</sup> March 2005.</p> <p><b>6.7.2005</b> Legal Office requested to proceed with further prosecution.</p> <p><b>5.10.200</b> Further evidence being obtained.</p> <p><b>4.1.2006</b> Development of authorised site being monitored as owners are expected to move onto the authorised site.</p> <p><b>2.10.2002</b> File submitted to Legal Department for issue of Enforcement Notice.</p> <p><b>8.1.2003</b> Enforcement Notice issued 5<sup>th</sup> September 2002 to take effect on 20<sup>th</sup> October 2002. Enforcement Notice appealed Date fixed for 8<sup>th</sup> April 2003.</p> <p><b>2.4.2003</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to reconsideration of all material factors.</p>	<p><b>2.7.2003</b> 7<sup>th</sup> May appeal dismissed. Compliance date 7<sup>th</sup> November 2003.</p> <p><b>1.10.2003</b> No change. Compliance date 7<sup>th</sup> November 2003.</p> <p><b>7.1.2004</b> Enforcement Notice not complied with therefore a prosecution file is being prepared. A planning application S/1934/0/F is currently being determined. The application seeks to retain the mobile home in connection with the use of the site as a tropical plant nursery.</p> <p><b>7.4.2004</b> Prosecution file submitted to Legal Office. An appeal against non-determination of S/1934/03/F has been listed for 7<sup>th</sup> September 2004.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Awaiting outcome of appeal heard on 7<sup>th</sup> September.</p> <p><b>5.1.2005</b> Appeal dismissed on 21<sup>st</sup> October 2004. Legal requested to proceed with prosecution for breach of enforcement notice.</p> <p><b>6.4.2005</b> Legal Office requested to proceed with prosecution for breach of Enforcement Notice.</p> <p><b>6.7.2005</b> Prosecution adjourned to 5<sup>th</sup> September at Cambridge Magistrates Court.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>17/02</b> S/1452/02/F Land at Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of mobile homes/caravans for residential use.</p>	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October. Item 11.</p> <p>Members authorised:</p> <ol style="list-style-type: none"> <li>1. To issue an Enforcement Notice (should officers consider this necessary) to cease using the land for the stationing of mobile homes and associated hardstanding areas.</li> <li>2. Should an Enforcement Notice be issued a six month compliance period.</li> <li>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to there being no material change in circumstances.</li> </ol>	<p><b>5.10.2005</b> Defendant appeared before Cambridge Magistrates Court on 5<sup>th</sup> September fined £500 with £300 costs.</p> <p><b>4.1.2006</b> Mobile home removed. Remove from active list.</p> <p><b>8.1.2003</b> Interviews with occupiers of land have commenced.</p> <p><b>2.4.2003</b> No change.</p> <p><b>2.7.2003</b> Planning application S/0903/03/F to S/0931/03/F submitted for siting of gypsy caravans. Applications currently being considered. Awaiting outcome before proceeding with investigation.</p> <p><b>1.10.2003</b> Planning applications S/0903/03/F and S/0931/03/F refused. Appeal lodged.</p> <p><b>7.1.2004</b> Inquiry listed for 9<sup>th</sup> March 2004.</p> <p><b>7.4.2004</b> Awaiting outcome of appeal.</p> <p><b>7.7.2004</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>6.10.2004</b> Appeal dismissed on 1<sup>st</sup> July 2004. Now subject to a Judicial Review. No date fixed.</p> <p><b>5.1.2005</b> Awaiting outcome of Judicial Review.</p> <p><b>6.4.2005</b> Judicial Review dismissed. Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p><b>6.7.2005</b> No change</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> No change.</p>
<p><b>18/02</b> B/1/45/88 Rose and Crown Road SWAVESEY</p>	<p>Without planning permission using agricultural land for the siting of caravans/mobile homes for residential purposes and carrying out ancillary building works including laying of drains, septic tanks, mains electricity connections, accesses and hardstandings.</p>	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30<sup>th</sup> October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued. Members authorised proceedings in the Magistrates Court against the occupiers of the land.</p>	<p><b>8.1.2003</b> The case was adjourned at Cambridge Magistrates Court on 4<sup>th</sup> December 2002 to 17<sup>th</sup> February 2003.</p> <p><b>2.4.2003</b> Appeal against Enforcement Notices withdrawn.</p> <p>Appeal against refusal of planning permission for S/1966/02/F to S/1973/02/F continues. Appeal date fixed for 30<sup>th</sup> April 2003. The compliance period for the Enforcement Notices extended to 6 months and take effect on 20<sup>th</sup> July 2003.</p> <p>Proceedings in the Magistrates Court adjourned to 16<sup>th</sup> April.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>2.7.2003</b> Appeal against planning permission dismissed on 19<sup>th</sup> May 2003. Proceeding in the Magistrates Court for breach of Stop Notice adjourned to 25<sup>th</sup> June 2003.</p> <p><b>1.10.2003</b> Challenge to Inspector's decision being made to the High Court by the owners.</p> <p>Prosecution for breach of Stop Notices adjourned pending outcome.</p> <p><b>7.1.2004</b> Appeal allowed by High Court. Case referred back to Planning Inspectorate to reconsider.</p> <p><b>7.4.2004</b> No date yet fixed for new appeal.</p> <p><b>7.7.2004</b> Public Inquiry on 16<sup>th</sup> June 2004.</p> <p><b>6.10.2004</b> Appeal dismissed on 22<sup>nd</sup> July 2004. Needs audit to be completed. Subject of a Judicial Review in relation to the issue of Stop and Enforcement Notices.</p> <p><b>5.1.2005</b> 20<sup>th</sup> October 2004 owners prosecuted for contravening Stop Notices. All were given a conditional discharge with £40 costs.</p> <p><b>6.4.2005</b> Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p><b>6.7.2005</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> No change.</p>
<p><b>8/03</b> B/1/45/20 Land between Setchell Drive and Water Lane Smithy Fen COTTENHAM (B Land)</p>	<p>Material change of use of land – forming an earth bund, laying hardcore and hardstanding</p>	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9. Stop Notice E461A issued 20<sup>th</sup> March 2003.</p> <p>Enforcement Notice E461 issued 19<sup>th</sup> March 2003 to take effect on 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>2.7.2003</b> Enforcement Notice appealed. Planning applications S/0456/03/F, S/0457/03/F, S/0871/03/F, S/0872/03/F and S/0873/03/F refused.</p> <p><b>1.10.2003</b> Enforcement appeal hearing on 14<sup>th</sup> October 2003. Stop Notice E461D and Enforcement Notice E461C issued 29<sup>th</sup> August 2003 prohibiting the use of the land for the stationing of caravans/mobile homes for residential purposes.</p> <p>Stop Notice took effect 5<sup>th</sup> September 2003. Enforcement Notice takes affect on 30<sup>th</sup> September 2003 with a 3 months compliance period.</p> <p>Site visit on 8<sup>th</sup> September 2003 confirmed that there were caravans on site in breach of the Stop Notice. Investigations commenced.</p> <p><b>7.1.2004</b> On 18<sup>th</sup> November 2003 appeal dismissed. Compliance date 18<sup>th</sup> February 2004. Appeal outstanding on Enforcement Notice E461C. Listed for hearing on 10<sup>th</sup> February 2004. There were no caravans on this site on 5<sup>th</sup> December 2003.</p> <p><b>7.4.2004</b> Appeal Inquiry pending. Date not fixed.</p> <p><b>7.7.2004</b> Appeal inquiry listed for 20<sup>th</sup> July 2004.</p> <p><b>6.10.2004</b> Appeal inquiry adjourned on 23<sup>rd</sup> July to 23 November 2004.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>9/03</b> B/1/45/20 Land between Setchell Drive and Water Lane COTTENHAM (G Land)</p>	<p>Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings</p>	<p>Delegated authority to take enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Enforcement Notice E459 issued 19<sup>th</sup> March to take effect 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Appeal dismissed 11<sup>th</sup> March 2005. Compliance date 11<sup>th</sup> June 2005.</p> <p><b>6.7.2005</b> Failed to comply with Enforcement Notice which took effect on 11<sup>th</sup> June 2005. Appropriate legal active being taken, in preparation of serving an injunction.</p> <p><b>5.10.2005</b> Interim injunction issued 18<sup>th</sup> July 2005. Further hearing scheduled for after 3<sup>rd</sup> October.</p> <p><b>4.1.2006</b> Injunctive proceedings adjourned to 14<sup>th</sup> February 2006.</p> <p><b>2.7.2003</b> Enforcement Notice appealed. Hearing on 14<sup>th</sup> October 2003. Planning application S/0377/02/F refused on 13<sup>th</sup> March 2003.</p> <p><b>1.10.2003</b> Refusal of planning permission and Enforcement Notice appealed. Hearing on 14<sup>th</sup> October 2003.</p> <p><b>7.1.2004</b> On 18<sup>th</sup> November 2003 appeal dismissed. Compliance date 18<sup>th</sup> February 2004.</p> <p><b>7.4.2004</b> Enforcement Notice not complied with. Requires further investigation. An appeal against non-determination of planning application S/2505/03/F has provisionally been arranged for 20<sup>th</sup> July.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>10/03</b> B/1/45/20 Land at Plot 2 and R/O Plot 3 Setchell Drive COTTENHAM</p>	<p>Material change of use of land as a residential caravans site ancillary provision of drains and construction of access and hardstandings</p>	<p>Delegate authority to take enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.  Stop Notice E353N issued 19<sup>th</sup> May 2003 took effect 25<sup>th</sup> May 2003. Enforcement Notice E353N issued 19<sup>th</sup> May 2003 takes effect 30<sup>th</sup> June 2003.</p>	<p><b>7.7.2004</b> Appeal inquiry listed for 20<sup>th</sup> July.</p> <p><b>6.10.2004</b> Appeal Inquiry adjourned 23<sup>rd</sup> July to 23<sup>rd</sup> November 2004.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Appeal against non-determination of planning permission dismissed on 11<sup>th</sup> March 2005. Site now subject of Enforcement Notice E459.</p> <p><b>6.7.2005</b> Appropriate legal action being taken in preparation of serving an injunction.</p> <p><b>5.10.2005</b> Interim injunction issued 18<sup>th</sup> July 2005. Further hearing scheduled for after 3<sup>rd</sup> October. Prosecution file submitted to legal for breach of enforcement notices.</p> <p><b>4.1.2006</b> On 15<sup>th</sup> November 2005 the injunctive proceedings were adjourned to 14<sup>th</sup> February 2006.</p> <p><b>2.7.2003</b> Enforcement Notice appealed. Stop Notice not complied with. Prosecution file being prepared.</p> <p><b>1.10.2003</b> Planning application S/1020/03/F refused 26<sup>th</sup> June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4<sup>th</sup> November 2003.</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>15/03</b> B/1/45/20 Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM</p>	<p>Material change of use of land as a residential caravan site.</p>	<p>Breach of Planning Enforcement Notices E353B, E353C and E353D issued 9<sup>th</sup> June 1999.</p> <p>Enforcement Notice E498 issued on 7<sup>th</sup> February 2005 requires the following:</p> <ol style="list-style-type: none"> <li>1. Cease the use of the site for the stationing of residential caravans.</li> </ol>	<p><b>7.1.2004</b> Hearing moved to 29<sup>th</sup> January 2004.</p> <p><b>7.4.2004</b> Appeal allowed. Legal to update about possible legal grounds to challenge Planning Inspector's decision.</p> <p><b>7.7.2004</b> Subject of an appeal by the Council to the High Court against the Planning Inspector's decision.</p> <p><b>6.10.2004</b> Subject to a Judicial Review. No date fixed.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Case to be re-determined by the Planning Inspectorate. Date not yet fixed for hearing.</p> <p><b>6.7.2005</b> Public inquiry listed for 12<sup>th</sup> July 2005.</p> <p><b>5.10.2005</b> Awaiting appeal decision</p> <p><b>4.1.2006</b> Appeal dismissed. Enforcement Notice takes effect 7<sup>th</sup> December 2006.</p> <p><b>1.10.2003</b> File submitted to Legal Office for breach of Enforcement Notices.</p> <p><b>7.1.2004</b> No change.</p> <p><b>7.4.2004</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>2. Remove the caravans, sheds and ancillary structures from the site.</p> <p>3. Remove the hard surfacing.</p> <p>4. Rip up and break up the ground of the site.</p> <p>5. Cease to use the access used for the purposes of accessing the site for the use of stationing residential caravans.</p>	<p><b>7.7.2004</b>            Site now known as Victoria View. Planning application S/0761/04/F currently being determined.</p> <p>Injunction issued 4<sup>th</sup> May 2004 which took effect 4<sup>th</sup> June 2004.</p> <p>Restrained further hardcore being deposited on the site and required the removal of hardcore from plots 2, 5,, 6, 9 and 10. It also restrained further caravans, mobile homes onto the site.</p> <p>A site visit on 4<sup>th</sup> June confirmed that there was a breach of the injunction committal proceedings listed at Cambridge County Court on 16<sup>th</sup> July.. Legal Officer will give an update.</p> <p><b>6.10.2004</b>            Resolved to ensure compliance by means of direct action and prosecution. Summons issued listed for hearing at Cambridge Magistrates Court on 29<sup>th</sup> September 2004.</p> <p><b>5.1.2005</b>            Subject of a Judicial Review.            Update to be given by the Legal Officer.</p> <p><b>6.4.2005</b>            Judicial review withdrawn. Enforcement Notice E498 issued on 7<sup>th</sup> February 2005. Enforcement Notice appealed. Date not yet fixed.</p> <p><b>6.7.2005</b>            Public inquiry for 12<sup>th</sup> July 2005.</p> <p><b>5.10.2005</b>            Awaiting appeal decision</p> <p><b>4.1.2006</b>            Appeal dismissed. Enforcement Notice takes effect 7<sup>th</sup> December 2006.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>17/03</b> B/1/45/8 65 Wimpole Road BARTON</p>	<p>Unauthorised work on listed building</p>	<p>Delegated authority given to prosecute for unauthorised work.</p>	<p><b>7.1.2004</b> Case listed at Cambridge Magistrates Court on 10<sup>th</sup> December 2003. Case adjournment to 17<sup>th</sup> December 2003. A verbal update will be given.</p> <p><b>7.4.2004</b> Prosecution for unauthorised work on listed building. Defendant appeared at Cambridge Magistrates Court on 28<sup>th</sup> January 2004.</p> <p>Fined £5,000 with £1,260 costs. Site being monitored by Conservation Department.</p> <p><b>7.7.2004</b> Listed Building Enforcement Notice E475 issued on 23<sup>rd</sup> March 2004 for unauthorised work. Compliance period 3 months from 23<sup>rd</sup> April 2004. Takes effect 23<sup>rd</sup> July 2004.</p> <p><b>6.10.2004</b> Prosecution file submitted to Legal Office for breaching Enforcement Notice.</p> <p><b>5.1.2005</b> Update to be given.</p> <p><b>6.4.2005</b> Further evidence being submitted to Legal Office by Conservation for prosecution case.</p> <p><b>6.7.2005</b> No change</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>19/03</b> B/1/45/51 &amp; S/2230/03/F Land adjacent to Moor Drove Cottenham Road HISTON</p>	<p>Without planning permission carrying out operational development by the laying of hardcore roadways and septic tanks on the site.</p>	<p>Delegated authority to take Stop and Enforcement action. Stop Notice E502 issued 11<sup>th</sup> December 2003 to take effect on 15<sup>th</sup> December 2003. Enforcement Notice E502 issued 11<sup>th</sup> December 2003 to take effect on 12<sup>th</sup> January 2004. Compliance period 3 months. Injunction issued 19<sup>th</sup> December 2003</p>	<p><b>7.1.2004</b> Stop and Enforcement Notices issued</p> <p><b>7.4.2004</b> Enforcement Notices and refusal of planning permission appealed. Public Inquiry arranged for 10<sup>th</sup> August.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Appeal Inquiry adjourned on 10<sup>th</sup> August to 14<sup>th</sup> December 2004.</p> <p><b>5.1.2005</b> No change.</p> <p><b>6.4.2005</b> Appeal hearing adjourned until 14<sup>th</sup> April 2005.</p> <p><b>6.7.2005</b> Awaiting appeal decision</p> <p><b>5.10.2005</b> Appeal dismissed 2<sup>nd</sup> August 2005. An appeal is being made to the High Court.</p> <p><b>4.1.2006</b> No change.</p>
<p><b>9/04</b> B/1/45/88 Land adj Cow Fen Drove SWAVESEY</p>	<p>1. Stationing of caravans for residential use without planning permission. 2. Unauthorised erection of a temporary stable.</p>	<p>Delegated Authority. Stop Notice and Enforcement Notice E485B issued 17<sup>th</sup> August 2004. Stop Notice for residential use of caravans took effect on 7<sup>th</sup> September 2004. Enforcement Notice E485A issued 17<sup>th</sup> August 2004.</p>	<p><b>6.10.2004</b> Verbal update to be given.</p> <p><b>5.1.2005</b> Enforcement Notice appealed.</p> <p><b>6.4.2005</b> Awaiting outcome of appeal.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	<p>3. Material change of use of land for breeding dogs.</p>	<p>The following to take effect on 17<sup>th</sup> September 2004:</p> <ol style="list-style-type: none"> <li>1. To cease to bring any further caravans onto the land.</li> <li>2. Not to replace any caravan removed from the land.</li> <li>3. To cease to bring any further vehicles not associated with agriculture or items ancillary thereto onto the land.</li> <li>4. Not to replace vehicles not associated with agriculture to be removed from the land.</li> <li>5. Cease the use of the land for the stationing of residential caravans.</li> <li>6. Remove all unauthorized caravans from the land and any associated work.</li> </ol> <p>The following to take place on 17<sup>th</sup> December 2004:</p> <ol style="list-style-type: none"> <li>7. Cease to use the land for the stationing of vehicles not associated with agriculture and any commercial activity concerning the breeding of dogs.</li> <li>8. Remove from the land any vehicles not connected with agriculture.</li> </ol>	<p><b>6.7.2005</b> No change.</p> <p><b>5.10.2005</b> Appeal dismissed. Compliance date for 1, 2, 3 and 4 - 22<sup>nd</sup> July 2005. 5, 6, 7 and 8 - 22<sup>nd</sup> October 2005</p> <p><b>4.1.2006</b> Prosecution file submitted to Legal Office for breach of enforcement notice.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>10/04</b> B/1/45/100 S/1477/04/F 23 Church Street WILLINGHAM</p>	<p>Material Change of Use for the supply of hot food. Unauthorised extraction flue.</p>	<p>Delegated authority to take enforcement action. The use for the supply of hot food to cease and for the extraction flue to be removed.</p>	<p><b>5.1.2005</b> File submitted to Legal Office for issue of Enforcement Notice.</p> <p><b>6.4.2005</b> Enforcement Notice appealed.</p> <p><b>6.7.2005</b> No change</p> <p><b>5.10.2005</b> Appeal dismissed. Enforcement Notice takes effect 24<sup>th</sup> November 2005</p> <p><b>4.1.2006</b> Prosecution file being prepared.</p>
<p><b>11/04</b> B/1/45/ S/0445/04/F 43A High Street LANDBEACH</p>	<p>Material Change of Use of land for residential garden land. Unauthorised structures.</p>	<p>At development and Conservation Control Committee, 7<sup>th</sup> July, Item 9, Members authorised:-</p> <p>1. The issue of an Enforcement Notice for the material change of use of the land to cease and for the unauthorised structures to be removed.</p>	<p><b>5.1.2005</b> Enforcement Notice E484 issued 28<sup>th</sup> September 2004. Compliance period 3 months to take effect 3 November 2004. Enforcement Notice appealed.</p> <p><b>6.7.2005</b> Awaiting outcome of appeal.</p> <p><b>5.10.2005</b> Appeal dismissed. Compliance date 30<sup>th</sup> September 2005.</p> <p><b>4.1.2006</b> Planning application S/2187/05 being considered for retention of shed to form stables.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>13/04</b> B/1/45/100 Land at Scholes Road WILLINGHAM</p>	<p>A. Without planning permission the stationing of two mobile homes for residential use.</p> <p>B. Unauthorised building works.</p> <p>C. Unauthorised engineering works.</p>	<p>Delegated authority given to issue Enforcement Notice and Stop Notice to:</p> <ol style="list-style-type: none"> <li>1. Remove all caravans/mobile homes and sheds from the land.</li> <li>2. Cease to use the land as a residential caravan site.</li> <li>3. Take up all drains and other services, grub up all accesses and hardstandings.</li> <li>4. Restore the land to its condition before the breach of planning control took place.</li> </ol>	<p><b>5.1.2005</b> Enforcement Notice E489A and Stop Notice E489B issued on 10<sup>th</sup> November 2004. Compliance period for Enforcement Notice, one month, to take effect on 29<sup>th</sup> December 2004. The Stop Notice takes effect on 17<sup>th</sup> November 2004.</p> <p><b>6.4.2005</b> Enforcement Notice appealed.</p> <p><b>6.7.2005</b> No change</p> <p><b>5.10.2005</b> Appeal dismissed. Appeal pending for non-determination of planning application S/2505/04/F.</p> <p><b>4.1.2006</b> Inquiry listed for 7<sup>th</sup> February 2006.</p>
<p><b>15/04</b> B/1/45/97 S/1585/04/F Land adjacent to 12 The Common WEST WRATTING</p>	<p>Unauthorised extension to Hardstanding.</p>	<p>At Development and Conservation Control Committee on 6<sup>th</sup> October 2004. Item 32 Members authorised:</p> <ol style="list-style-type: none"> <li>1. The issue of an Enforcement Notice to remove the unauthorised Hardstanding.</li> </ol>	<p><b>5.1.2005</b> Negotiations continuing with the Planning Officer regarding what area of the hardstanding could be considered as permitted development.</p> <p><b>6.4.2005</b> Planning application being submitted to resolve issue.</p> <p><b>6.7.2005</b> Planning application S/0766/05/F refused 6<sup>th</sup> June 2005. Enforcement file to be prepared.</p> <p><b>11.8.2005</b> File submitted to Legal Office for issue of an Enforcement Notice.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>5.10.2005</b> File remains with Legal Office for the issue of an Enforcement Notice.</p> <p><b>4.1.2006</b> No change.</p>
<p><b>16/04</b> B/1/45/60 S/2153/04/F 2 Manor Farm Barns and Land Adjoining Cockhall Lane LITLINGTON</p>	<p>Without planning permission the material change of use of land to garden land and the erection of a garden room.</p>	<p>At Development and Control Committee on 1<sup>st</sup> December 2004, Item 8, Members authorised:</p> <p>1. The issue of an Enforcement Notice to remove the unauthorised garden room.</p>	<p><b>5.1.2005</b> Negotiations continuing with the Planning Officer regarding the submission of further site plans, before formal enforcement action is taken.</p> <p><b>6.4.2005</b> Negotiations continue.</p> <p><b>6.7.2005</b> File submitted to Legal Office for issue of an Enforcement Notice.</p> <p><b>5.10.2005</b> No change.</p> <p><b>4.1.2006</b> Enforcement Notice E511 issued 1<sup>st</sup> November 2005 takes effect 5<sup>th</sup> December 2005 compliance period 4 months. Enforcement Notice appealed.</p>
<p><b>18/04</b> The Orchard Smithy Fen COTTENHAM</p>	<p>Stationing of Caravans without planning permission. Unauthorised engineering works.</p>	<p>Delegated authority given to take enforcement action. Enforcement Notice E495A issued on 22<sup>nd</sup> December 2004 to take effect on 30<sup>th</sup> January 2005. Compliance period 3 months.</p>	<p><b>6.4.2005</b> Enforcement Notice appealed.</p> <p><b>7.7.2005</b> No change</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> Awaiting appeal decision.</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>3/05</b> B/1/45/85 Land adjacent to Hilltrees Babraham Road STAPLEFORD</p>	<p>Unauthorised use of land for the storage of motor vehicles, caravans/mobile homes, container trailers, timber bricks, scrap metal, and other items not associated with agriculture.</p>	<p>Delegated authority given to issue an Enforcement Notice to remove the unauthorised use for storage purposes. Enforcement Notice E489 issued on 23<sup>rd</sup> February 2005 together with Stop Notice. Stop Notice took effect on 5<sup>th</sup> March 2005. Enforcement Notice takes effect on 31<sup>st</sup> March 2005. Compliance period 2 months.</p>	<p><b>6.4.2005</b> Enforcement Notice takes effect on 31<sup>st</sup> March 2005.</p> <p><b>6.7.2005</b> Enforcement Notice appealed.</p> <p><b>5.10.2005</b> No change.</p> <p><b>4.1.2006</b> Appeal dismissed, compliance date 2<sup>nd</sup> January 2006.</p>
<p><b>4/05</b> B/1/45/9 Poplar Farm Poplar Farm Drive BASSINGBOURN</p>	<p>Unauthorised Material Change of use of land - operating a road making and ground engineering business from the land</p>	<p>Delegated authority given to take enforcement Notice E503 issued 6<sup>th</sup> April 2005 to take effect on 17<sup>th</sup> May 2005. Compliance period 2 months</p>	<p><b>6.7.2005</b> Enforcement Notice appealed</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> No change.</p>
<p><b>5/05</b> Unit 135 Cambridge Road MILTON</p>	<p>Unauthorised use of part of warehouse as a showroom for retail sales</p>	<p>Delegated authority given to take enforcement action. Enforcement Notice E501 issued 6<sup>th</sup> April 2005 to take effect on 22<sup>nd</sup> May 2005. Compliance period 2 months</p>	<p><b>6.7.2005</b> Enforcement Notice appealed</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> Appeal hearing listed for 14<sup>th</sup> February 2006.</p>
<p><b>6/05</b> S/2490/04/F Threeways 2 Denny Road WATERBEACH</p>	<p>Unauthorised Garage with studio</p>	<p>Development and Conservation Control Committee - 2<sup>nd</sup> March 2005. Item 11 Members authorised. This issue of an Enforcement Notice to demolish the garage. Enforcement Notice W502 issued 6<sup>th</sup> April 2005 to take</p>	<p><b>6.7.2005</b> Enforcement Notice appealed</p> <p><b>5.10.2005</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		effect 16 <sup>th</sup> May 2005 compliance period 3 months.	<p><b>4.1.2006</b> Appeal dismissed 2<sup>nd</sup> December 2005. Enforcement Notice takes effect 2<sup>nd</sup> March 2006 in respect of the garage and 2<sup>nd</sup> June 2006 in respect of the removal of materials from the site.</p> <p><b>6.7.2005</b> Enforcement Notice appealed</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> Appeal allowed - remove from active list.</p>
<p><b>7/05</b> S/0285/05/F The Crown and Punchbowl High Street HORNINGSSEA</p>	Unauthorised fencing	Development and Conservation Control Committee - 6 <sup>th</sup> April 2005 - Item 22 Members authorised. The issue of an Enforcement Notice E503 issued 27 <sup>th</sup> April 2005. Enforcement Notice to take effect 30 <sup>th</sup> May 2005. Compliance period 3 months.	<p><b>6.7.2005</b> Enforcement Notice takes effect 30<sup>th</sup> June 2005.</p> <p><b>5.10.2005</b> Awaiting outcome of appeal against refusal of planning permission.</p> <p><b>4.1.2006</b> Appeal allowed - remove from active list.</p>
<p><b>8/05</b> S/0204/05/F 1 Woollards Lane GREAT SHELFORD</p>	Unauthorised windows in rear of garage	Development and Conservation Control Committee 6 <sup>th</sup> April 2005 - item 8. Members authorised enforcement action for the removal of two windows in the garage. Enforcement Notice E504 issued 27 <sup>th</sup> April 2005 to take effect 30 <sup>th</sup> May 2005. Compliance period one month.	<p><b>6.7.2005</b> Verbal update to be given.</p> <p><b>5.10.2005</b> Site being monitored</p> <p><b>4.1.2006</b> No recent complaints. Remove from active list.</p>
<p><b>9/05</b> B1/45/31 The Warehouse Unit 2 Station Yard FULBOURN</p>	Material changes of use of buildings for public entertainment	Delegated authority given for the issue of a Stop and Enforcement Notice for the use to cease. Stop Notice and Enforcement Notice E505 issued 1 <sup>st</sup> June 2005. Stop Notice took effect on 2 <sup>nd</sup> June and the Enforcement Notice on 30 <sup>th</sup> June 2005.	

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<b>10/05</b> S/0124/05/F 6A Dale Way SAWSTON	Unauthorised extensions to bungalow	Development and Conservation Control Committee 6 April 2005 - Item 16. Members authorised Enforcement action for unauthorised development.	<p><b>6.7.2005</b> File submitted to Legal Office for the issue of an Enforcement Notice.</p> <p><b>5.10.2005</b> No change</p> <p><b>4.1.2006</b> No change.</p>
<b>11/05</b> S/0312/05/F Land adjacent 112 Old North Road BASSINGBOURN	Unauthorised extensions to dwelling	Development and Conservation Control Committee 6 <sup>th</sup> April - Item 29. Members authorised enforcement action for unauthorised development	<p><b>6.7.2005</b> Negotiations ongoing to resolve issue.</p> <p><b>5.10.2005</b> Revised planning application S/1717/05/F submitted.</p> <p><b>4.1.2006</b> Application being determined.</p>
<b>12/05</b> S/6283/05/F 17 The Maltings CAMBOURNE	Material changes of use of building for office use	Development and Conservation Control Committee 6 <sup>th</sup> April 2005 - item 31. Members authorised enforcement action for the use to cease.	<p><b>6.7.2005</b> Awaiting issue of Decision Notice</p> <p><b>5.10.2005</b> File submitted to Legal Office for issue of Enforcement Notice.</p> <p><b>4.1.2006</b> No change.</p>
<b>13/05</b> B1/45/20 Plots 5,5a, 6, 10 & 11 Orchard Drive COTTENHAM	Stationing of Caravans without permission	Delegated authority given to take enforcement action. Enforcement Notices E506A to E506E inc. issued on 22 <sup>nd</sup> June 2005 to take effect on 31 <sup>st</sup> July 2005. Compliance period 3 months.	<p><b>5.10.2005</b> Appeal dismissed. Compliance date 30<sup>th</sup> September 2005. Enforcement Notices E506A to E506E inc. appealed.</p> <p><b>4.1.2006</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<b>15/05</b> White House Farm Cambridge Road MELBOURN	Unauthorised erection of wall adjacent to Fowlmere Road	Development and Conservation Control Committee on 3 <sup>rd</sup> August 2005 - item 19. Members authorised enforcement action to demolish wall adjacent to Fowlmere Road, or to reduce to 1 metre in height.	<b>5.10.2005</b> File submitted to Legal Office for the issue of an Enforcement Notice <b>4.1.2006</b> No change.
<b>16/05</b> B/1/45/14 2 Homers Lane Haverhill Road CASTLE CAMPS	Material changes of use of building for residential use	Delegated authority given for the issue of an Enforcement Notice for the use to cease and to remove all associated materials used in connection with the use of the building as a residential dwelling.	<b>5.10.2005</b> File submitted to Legal Office for the issue of an Enforcement Notice <b>4.1.2006</b> No change.
<b>17/05</b> B/1/45/94 S/0687/04/F Manna Ash House Common Road WESTON COLVILLE	Unauthorised erection of chimney stack which is not in accordance with approved plans.	Delegated authority given for the issue of an Enforcement Notice for the chimney stack to be demolished and rebuilt in accordance with the approved plans	<b>5.10.2005</b> File submitted to Legal Office for the issue of an Enforcement Notice <b>4.1.2006</b> Enforcement Notice E517 issued, takes effect 19 <sup>th</sup> December 2005. Compliance period 3 months.
<b>18/05</b> Land off Schole Road (known as Cadwin Lane) WILLINGHAM	Unauthorised caravans on land subject of extant enforcement notices E104 issued on 22 <sup>nd</sup> February 1991 and E104A issued on 10 <sup>th</sup> June 1991.		<b>5.10.2005</b> Information being obtained about the occupants of the site. 3 plots currently occupied. Planning application S/1653/05/F and S/1654/05/F received <b>4.1.2006</b> No change.
<b>4/02</b> 86 Boxworth End SWAVESEY	Unauthorised storage of reclaimed materials.	Planning Committee 6 <sup>th</sup> March 2002 item 4 members authorised enforcement action and prosecution in the Magistrates Court if necessary.	<b>5.10.2005</b> As a result of complaints received about the condition of the site earlier this year, a prosecution file was submitted to Legal. On 14 <sup>th</sup> July at Cambridge Magistrates Court the defendant was fined £1000 with costs of £150. The site continues to be monitored. <b>4.1.2006</b> No further complaints received. Remove from active list.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>18/99</b> B/1/45/8 Vatches Barn Comberton Road BARTON</p>	<p>Without planning permission the material change of use from one of residential to a mixed residential and office use. Vatches Barn is a Listed Building and is within a Conservation Area.</p>	<p>At Planning Committee 3<sup>rd</sup> November 1999 Members authorised: (i) Delegated authority to issue an Enforcement Notice to cease using the site in association with office use if the current level of activity continues (ii) A compliance period of three months and (iii) That proceedings in the Magistrates Court be authorised against the owner in the event of failure to comply with the Notice and subject to there being no substantial change in the circumstances.</p>	<p>The owner has indicated that the level of business activity will be reduced, and a site visit to assess the situation will be undertaken in January 2000. If the business activity is not reduced to an acceptable level, an Enforcement Notice will be issued.</p> <p>Monitoring of the site reveals that the use continues and the necessary information is being gathered for the issue of an Enforcement Notice.</p> <p><b>5.7.2000</b> To be the subject of a full agenda report to Planning Committee.</p> <p><b>4.10.2000</b> Enforcement Notice E409 issued 9<sup>th</sup> August 2000 takes effect 30<sup>th</sup> September 2000. At time of drafting no appeal lodged.</p> <p><b>3.1.2001</b> A Stop Notice issued 25<sup>th</sup> September 2000 and took effect 29<sup>th</sup> September 2000 to cease to park and store on the land vehicles not associated with the domestic residential use of the property. The monitoring of the site indicates compliance, although there is a problem in determining between vehicles associated with the residential use and the commercial activity taking place. The Enforcement Notice is now the subject of an appeal.</p> <p><b>2.5.2001</b> Site inspection took place 9<sup>th</sup> April 2001, appeal decision awaited.</p> <p><b>4.7.2001</b> As verbally reported 2<sup>nd</sup> May 2001 the appeal against the Enforcement Notice was refused 20<sup>th</sup> April 2001 the compliance period of three months remained unchanged and takes effect 20<sup>th</sup> July 2001. Whilst still within the compliance period, a letter dated 12<sup>th</sup> June 2001 has been sent to the appellant reminding him of the requirements of the Enforcement Notice and that a site visit would take place after 20<sup>th</sup> July 2001.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>3.10.2001</b> Prosecution file for non-compliance with the requirements of the Enforcement Notice to Legal department 30<sup>th</sup> August 2001. Inspection made 28<sup>th</sup> August 2001 and available information, tended to suggest the use had ceased. Since that date there is now evidence that it may be continuing/resumed and this information has been forwarded to the Legal Department.</p> <p><b>2.01.2002</b> Case adjourned to Monday 14<sup>th</sup> January 2002.</p> <p><b>3.04.2002</b> This matter was heard at Cambridge Magistrates Court 14<sup>th</sup> January 2002, when the two charges were proved, and the owner fined £2,500 with costs of £876.50p and the Company fined £2,500. Information and observations tend to confirm the unauthorised use has ceased, and I recommend that this item be removed from the active list, with the Enforcement Notice to remain.</p> <p><b>5.10.2005</b> As a result of a recent breach of the enforcement notice a further prosecution file has been submitted to Legal.</p> <p><b>4.1.2006</b> No change.</p> <p><b>4.1.2006</b> File submitted to Legal Office for the issue of an Enforcement Notice.</p>
<b>19/05</b> Former Plough Public House Swavesey Road FEN DRAYTON	Unauthorised fencing.	Delegated authority given for the issue of an Enforcement Notice for the unauthorised fencing to be removed.	
<b>20/05</b> 39 Otlands Avenue BAR HILL	Material change of use of land and unauthorised fencing.	Delegated authority given for the issue of an Enforcement Notice to cease to use the land as domestic garden land and to remove the boundary fence.  Enforcement Notice E520 issued 17 <sup>th</sup> November 2005 to take effect	<b>4.1.2006</b> No change.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>21/05</b> Rectory Farm Landbeach Road MILTON</p>	<p>Unauthorised marquee.</p>	<p>on 19<sup>th</sup> December 2005. Compliance period 2 months. Delegated authority given on 11<sup>th</sup> October 2005 to issue an Enforcement Notice for the removal of the marquee from the site. Enforcement Notice E522 issued 9<sup>th</sup> November 2005 to take effect on 12<sup>th</sup> December 2005. Compliance period 2 months.</p>	<p><b>4.1.2006</b> No change.</p>

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation  
Control Committee

4 January 2006

**AUTHOR/S:** Strategic Officer Group on Traveller Issues

**TRAVELLERS' HOUSING NEEDS SURVEY**

**Purpose**

1. The twin purposes of this report are to advise the Committee on:
  - a. emerging official guidance, to be taken into account when preparing the Council's Supplementary Guidance to the Local Development Framework (LDF) on the future provision of Traveller sites.
  - b. the provisional outcomes of the Travellers' Housing Needs Survey, carried out in partnership with other agencies in the Cambridge sub-region.

**Effect on Corporate Objectives**

2.	Quality, Accessible Services	Traveller Issues have implications for all four corporate objectives, not least 'Quality Village Life'. The Council's Policy on Traveller Issues features a commitment to "engage with Travellers and the local community in order to make available appropriate and authorised traveller sites - identifying suitable additional sites, where necessary, and accommodating the service needs of Travellers, wherever possible".
	Village Life	
	Sustainability	
	Partnership	

**Background**

3. As part of the new Local Development Framework, the Council needs to produce Supplementary Guidance on the future provision of traveller sites in the district. This needs to be informed by an assessment of Travellers' housing needs, which is itself a statutory obligation under Section 225 of the Housing Act, 2004.
4. The Government has produced draft guidance - specifying key aspects of the Needs Assessment process - and a draft Circular on "Planning for Gypsy and Travellers Sites" (also referred to in this report as 'the Planning Circular'). The Council responded with a robust and detailed constructive critique of this draft Circular last March: this can be found on the Traveller Issues pages of the Council's website under <http://www.scambs.gov.uk/Environment/TravellerIssues/lobbying.htm?showpage=-1>.
5. The LDF Supplementary Guidance has to be produced within a very tight timescale, so much so that officers need to bring to Members attention the provisional approach being taken to meet draft Government guidance, even before those official requirements have been finalised. Consultation with statutory partners on the way forward needs to take place early in the New Year, followed by wider public consultation later next Spring.

6. This report has been presented to the Cabinet because the Cabinet took on the responsibility for the Council's strategic approach to Traveller Issues in December 2004. The main points of the draft guidance are set out in paragraphs 7 – 16, while the headline provisional findings from the Traveller Housing Needs Survey can be found in paragraphs 17 – 21 and the Appendix. These findings will also help to inform a possible bid from this Council for ODPM funding in 2006-08 for new or refurbished council/housing association-run traveller sites: progress will be reported to the January Cabinet meeting.
7. At its meeting on 8 December Cabinet agreed the following recommendations:
  - a. to note the provisional findings of the Travellers Housing Needs Survey, as they relate to South Cambridgeshire, as set out in paragraph 21 and the Appendix;
  - b. to instruct officers to make the survey findings available to the Regional Housing Board and, at the same time, make the case as to why not all of the need currently found in the district should be met long-term within the South Cambridgeshire district, as set out in paragraphs 25 – 26;
  - c. to instruct officers to adopt the same approach as in (b) above in respect to the Examination in Public of the East of England Plan.
  - d. to use the results of the survey to support any future bids for capital or revenue funding for site provision.
  - e. to refer this report and the Travellers Housing Needs Survey to the Development and Conservation Control Committee, for its information.
  - f. that the survey output inform the work of the Local Development Framework (LDF) including work on finding suitable locations for sites.

#### **Overview of Official Guidance**

8. **Delays:** The official guidance, which has been emerging from the Office of the Deputy Prime Minister (ODPM), has been delayed by a number of months. The guidance takes the form of draft documents with final versions not available at the time of writing this report. (It is understood that the final version can now be expected "in the New Year"). However, it is not feasible to wait for final versions without jeopardising the LDF timetable, particularly since the ODPM has not been able to state definitely when final guidance will be issued.
9. Earlier this year, officers were keen to ensure that – despite this delay with the official guidance - both the requirements of the LDF process and the statutory requirements of the Housing Act could be met. Having sought advice on the wisdom of undertaking the project without waiting for the final official guidance, officers have received a reply from the Government Office for the East that recommended carrying on with the survey:

*“given the tight timelines you are working to, this current position on the ODPM guidance would seem to suggest that you continue with the assessment you are undertaking. I have looked at the brief you have prepared and it looks to me to be a comprehensive and thorough approach to the work.”*
10. **Objectives:** The overall intention of the legislation and subsequent regulations is set out in the draft Circular on “Planning for Gypsies and Traveller Sites”:

- a. to increase significantly the number of Gypsy and Traveller sites with planning permission in order to address under provision;
- b. to recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers; and
- c. to identify and make provision for the resultant land and accommodation requirements.

11. **Assumptions:** There are a number of explicit assumptions within the guidance, which will help to put the research and the subsequent steps in the LDF into context.

- a. **Local Connection:** The guidance specifically rejects the notion of defined local connection. The Needs Assessment guidance requires local authorities to assess the needs “of gypsies and Travellers residing in or resorting to their district.” The draft Circular on planning for Gypsy and Traveller Sites states that:

*“Local planning authorities should not refuse private applications on the grounds that they consider public provision in the area to be adequate, or because alternative accommodation is available elsewhere on the authorities’ own sites or because the applicant has no local connection.”*

- b. **Work-related locations:** The guidance makes it clear that the location of Gypsy and Travellers sites should reflect their current working patterns rather than be tied to historical work patterns. The draft Circular says:

*“There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past.”*

- c. **Travellers with Access to “Permanent Accommodation”:** The draft Needs Assessment guidance makes it clear that the needs of Travellers who occupy permanent housing for some of the year and travel at other times must be included in the needs assessment:

*“Seasonal variation in preferences and need should be identified (some Gypsies and Travellers may occupy housing at particular times of year, but have a need for transit sites whilst on the road)”*

12. **Use of the research:** The guidance issued by the Government indicates that local Travellers Housing Needs Assessments will be used to inform regional planning which, in turn, will need to be reflected in Local Development Documents (LDDs). The ODPM evidence to a Parliamentary Select Committee explained the process in the following way:

*“It is important that Gypsy and Traveller issues are considered regionally as well as locally. There often appear to be regional patterns of movement, and some local authorities fear to make provision or take a lead, as they fear others will not do their fair share.*

*The new planning system delivers this regional element. Local authorities will undertake a Housing Needs Assessment to assess the need for Gypsy and Traveller accommodation. This will be a statutory requirement on commencement of section*

225 of the Housing Act 2004 (amending section 8 of the Housing Act 1985), and will be supported by guidance to be issued in the summer of 2005.

*Regional Planning Bodies will have to make an assessment of the regional need for Gypsy and Traveller sites, based upon these Housing Needs Assessments. Strategies for meeting these needs (whether they are for transit sites, permanent residential sites or bricks and mortar housing) will have to be included in Local Housing Strategies.*

*The Regional Spatial Strategy (RSS) will, in the case of Gypsy and Traveller site provision, translate these housing strategies into pitch numbers allocated to each local authority area in that region. The RSS would normally be subject to an Examination in Public and the Secretary of State would then agree the finalised Strategy.”*

13. This Housing Needs Assessment, as part of a sub-regional project, is clearly part of that process. At present, the relevant regional documents have little real content in relation to Travellers policies. The Regional Housing Strategy 2005-10 says:

*“The Regional Housing Delivery Group will work with EERA, EEDA and the Government Office for the East of England to develop regional policies based on further research into the accommodation needs of Gypsy and Traveller communities.”*

14. The Regional Housing Board Investment Plan for the East of England 2006-8 in its Gypsies and Travellers section says:

*“A policy is being developed for inclusion within the East of England plan to provide the strategic framework for the provision of sites. The policy will reflect the RHS and provide a strategic steer for LA’s Local Development Documents as well as the wider needs of Gypsies and Travellers.”*

15. It is therefore clear that the regional dimension is still at a very early stage in its development. The draft guidance anticipates that the incorporation of Local Housing Needs Assessments into the Regional Spatial Strategy, and the subsequent allocation of pitch numbers to local authorities, will not be a purely “mechanical” task. In other words, the pitch numbers might not equal the Local Housing Needs Assessment figure. To quote the draft Planning Circular:

*“The Regional Housing Board will take a regional/sub-regional view when determining pitch requirements which will reflect local circumstances (i.e. the need determined in a particular area through the local housing assessment will not necessarily have to match its own assessed need in that area, but the overall totals for the larger region/sub-region will, in much the same way general housing allocations are agreed)”*.

16. At its meeting on 28 September 2005 the Regional Housing Board noted that not all of the authorities in the region had completed Traveller Housing Needs Surveys and that further work was needed to research needs. They therefore concluded that the identification of specific pitch number for each local authority is a “medium to long term task”.

17. **Interim arrangements:** The draft Circular anticipates that it will be some time before the RSS allocates pitch numbers and sets out the role of the Travellers Needs Surveys in the Planning process in the interim. Basically, it asserts that the results of

surveys should be one factor that is taken into account in considering planning applications. The relevant text of the draft Circular states:

*“In advance of the consideration of new local housing needs assessments at a regional level by the Regional Housing Board and subsequent incorporation into local development documents (LDDs), other means of assessment of need will be necessary.*

*The early data available from the local housing needs assessment will be one element of a range of information sources that local authorities should consider when assessing the required level of provision. Other sources of information could include a continuous assessment of incidents of unauthorised encampments, both short and longer-term, the numbers and outcomes of planning applications and appeals, levels of occupancy, plot turnover and waiting lists for public authorised sites, the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions, as well as the twice-yearly Caravan Count undertaken on behalf of ODPM.*

*Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application and to provide it as part of any appeal documentation.”*

#### **Travellers Housing Needs Survey:**

18. **Background:** Even before the Housing Act 2004 and draft guidance, the Cambridgeshire authorities agreed, early in 2004, to commission a countywide Travellers Housing Needs Survey, which would provide information both at a sub-regional level and at district council level.
19. Cambridgeshire County Council led a multi-agency consortium in preparing a brief for the work, which was put out to competitive tender. The councils involved in this joint project are; South Cambridgeshire; East Cambridgeshire; Fenland; Huntingdonshire; Cambridge City; Peterborough (unitary); King's Lynn & West Norfolk (Norfolk); Forest Heath and St. Edmundsbury (both Suffolk). The contract was awarded to Dr R Home from Anglia Polytechnic University and, in order to ensure credibility with the traveller community, a Traveller Consultant was engaged to work with the research team.
20. Progress in developing the brief for the Traveller Housing Needs Survey was reported to the Development Conservation and Control Sub-Committee last December. All Councillors were sent an update in May 2005 about the survey getting under way.
21. The external consultants have completed the research based on the best guidance available from the ODPM at the time. This report focuses on the draft Housing Needs Assessment element of the research for South Cambridgeshire. A second phase of results will follow at a later date, which will deal with other issues such as health and education and welfare.
22. **Provisional findings:** Whilst there are a few more interviews to be completed, the findings so far indicate that, in South Cambridgeshire, there is demand for a further 170 – 220 Traveller pitches over the next 5 years. These figures have been calculated on five assumptions relating to: current supply; families in unauthorised caravans; overcrowding; preferences for housing/caravans and natural population increase. A detailed explanation of these can be found in the interim findings report in the Appendix.

**Next steps:**

23. The final survey report, including the methodology, questionnaire and more region-wide information on accommodation need, health, education and welfare will be reported to Cabinet and D&3C in the New Year in line with other authorities reporting timescales. This will also pick up queries raised by Councillor Mason. Cambridgeshire County Council, as the lead authority on the project, will be arranging a news release and launch of the data around the same time.
24. In the light of the provisional findings, consultants will be commissioned to prepare the LDF Supplementary Guidance. Site identification will be a major challenge; few, if any, councils have reached this stage of the process. Accordingly, we need to retain consultants, whose first task will be to identify the relevant search criteria against which the suitability of sites can be tested. Following on from this, they will need to assess and identify those of our parishes that have the capacity to properly accommodate Traveller sites. Finally, they will help with site selection.
25. At the time of writing this report, it is not clear how the Regional Housing Board will carry out the task of bringing the regional information together. Officers will pursue this with the newly appointed ODPM Gypsy and Traveller lead officer in the Eastern Region.
26. As part of that process, officers will highlight the guidance in the draft Planning Circular which notes that pitch allocation will not necessarily be equal to the needs discovered in local surveys. In particular, there are valid reasons why some of the need for Travellers currently located in South Cambridgeshire could be legitimately met by pitch allocations in other districts.
27. Here are the main point that officers will emphasise:
  - a. Traveller families themselves are flexible about where they are located. The Needs Survey says: "No specific geographical location was preferred - more sites anywhere".
  - b. There are a large number of approved sites in South Cambridgeshire because the authority has responded positively to earlier legislative requirements and to planning applications. However, this provision has encouraged Travellers to visit the area (and relatives here) in contrast to local authorities that have not taken such a positive attitude. This places an increasing burden on finding suitable sites and becomes cumulatively more difficult. The RSS has the opportunity to redress the regional imbalance by requiring site allocation in areas that have not been constructive and positive in the past.
  - c. The burden of housing and other growth, coupled with Green Belt restrictions etc, puts available land at a premium whereas other areas in the region may well not face the same pressures.
  - d. Travellers are increasingly moving away from some traditional occupations (e.g. seasonal farm work) towards other work (e.g. trading). Having a more widespread network of site options than the current pattern - with its bias towards previous work patterns - will facilitate their options for developing new patterns of work, trading and travelling.
28. The results of the Travellers' Housing Needs Survey are reported to the Development and Conservation Control Committee, in order to comply with the draft Circular.

### **Financial Implications**

29. Whilst there are no specific implications arising from this report, Traveller Issues represent a considerable draw on the Council's resources. This needs to be placed in the context of current financial constraints and the recent service cutbacks following council tax capping. Efforts to identify approved sites for Travellers, either in this district or elsewhere in the region, could help to reduce the need for the costs of enforcement action on unauthorised sites. The findings of the Travellers' Housing Needs Survey will also help to support bids for ODPM funding to develop or maintain council/housing association-run Traveller sites.

### **Legal Implications**

30. The completion of the survey should discharge the Council's obligations under section 225 of the Housing Act 2004. The results are referred to the Development and Conservation Control Committee for its consideration to comply with the requirements of the draft Planning Circular.

### **Equal Opportunities Implications**

31. The Council has a statutory duty under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 to promote race equality and good race relations. Romany Gypsies and Irish Travellers are recognised ethnic minorities.
32. The Council's policy on Traveller Issues upholds the rights of all local residents and Travellers to live peacefully and safely, with mutual respect for the rights of others. South Cambridgeshire has more caravans on authorised private plots than anywhere else in the country. It is also in the top 10% of all districts for the number of caravans on council-run sites. The Council continues to call on the Government for a national policy on Traveller Issues, a duty on all councils to make provision for Travellers, and for sites to be kept to a reasonable size.

### **Staffing Implications**

33. The issues of future site provision and the response to current unauthorised sites in the district have implications for a wide range of Council services. A considerable amount of work has continued to take place throughout the last year in order to
- a. enforce planning controls fairly, firmly and consistently;
  - b. strengthen community relations between local households and Travellers; and
  - c. lobby for changes in planning law.
34. In the coming months. the work continues on:
- a. the next steps in following up the Traveller Housing Needs Survey;
  - b. preparations for the LDF Supplementary Guidance;
  - c. on-going planning and legal enforcement action (especially injunctions) against unauthorised traveller sites;
  - d. preparations of bids for ODPM grant funding;
  - e. updating the Council's Race Equality Scheme.

### **Risk Management Implications**

35. Traveller Issues feature prominently on the Council's corporate Risk Register. The actions listed in paragraph 32 above are aimed at managing those risks. The Council needs to implement policies on future Traveller site provision that strike an appropriate balance between the needs of all sections of the community and that recognise the Council's commitment to firm, fair and consistent planning enforcement. In addition the Council needs to ensure that it meets its statutory obligations and that the LDF requirements are followed in order to get the LDF process successfully completed.

### **Consultations**

36. The development of the brief for the Travellers Needs Survey followed draft Government guidance. At the same time, a wide range of statutory and voluntary stakeholders, including the Travellers Implementation Group (TIG), discussed the operational aspects of the project.
37. Cabinet discussed the results of the survey at its meeting on December 8, and agreed the recommendations as at paragraph 7 of this report.

### **Recommendations**

38. Members of the Development and Conservation Control Committee are asked to note the provisional findings of the Travellers Housing Needs Survey, as they relate to South Cambridgeshire, as set out in paragraph 21 and the Appendix in order to comply with the requirements of the draft Planning Circular.

### **Background Papers:**

The following background papers were used in the preparation of this report:

- a. "Planning for Gypsy and Travellers Sites - Consultation Paper", ODPM, December 2004 - available from [www.odpm.gov.uk](http://www.odpm.gov.uk).
- b. Council's response to ODPM Consultation Paper, SCDC, March 2005 – available from <http://www.scambs.gov.uk/Environment/TravellerIssues/lobbying.htm?showpage=-1>.
- c. Draft Housing Needs Assessments – Appendix: Gypsies and Travellers, ODPM - available from Mike Knight at [mike.knight@scambs.gov.uk](mailto:mike.knight@scambs.gov.uk) or Tel 01954 713377.
- d. Traveller Housing Needs Survey newsletter 2, Cambridgeshire County Council, April '05
- e. Regional Housing Strategy 2005-2010 - available from [www.eera.gov.uk](http://www.eera.gov.uk).
- f. Government Response to ODPM Select Committee report on Gypsy and Travellers Sites - available from [www.odpm.gov.uk](http://www.odpm.gov.uk)
- g. Report to the Regional Housing Board 28/9/2005 - "Single Regional Housing Pot Allocations 2006-08"-available from [www.go-east.gov.uk](http://www.go-east.gov.uk).
- h. Cabinet report on ODPM Funding for Gypsy and Traveller Sites, SCDC, November 2005.

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# Cambridge Sub-region Traveller Needs Assessment

## Interim 5-year Accommodation Needs Assessment (as at 26/11/05) South Cambridgeshire

By Dr. R.K. Home & Dr. M. Greenfields

1. This assessment is PROVISIONAL pending discussions with client on methodology and assumptions, and still awaiting the official release of ODPM guidance (now postponed yet again). We have drawn upon the methodology in the Birmingham study (Niner 2002) and emerging ODPM guidance (the latter not available for the first draft). Our assumptions are set out below, and differ somewhat from those in the first draft report (the figures in which should now be regarded as superseded). The results of the exercise are set out below in Table 1 for each district in the study area. **We would emphasize that the assumptions stated below (while consistent with emerging ODPM guidance) are yet to be discussed with the clients, which is now an absolute priority.**
2. **Caravans, families and pitches** The usually accepted measure of need is the family pitch (interpreted as the equivalent of a household in general housing forecasts), but this needs to be treated with caution. The number of caravans on a family pitch may vary (our survey found an average of 1.5, but it ranges between one and three), and the size of a caravan may vary significantly. While official count data requires a record of families as well as caravans, we regard the family data as unreliable and less robust than our survey findings. Translating the caravan counts into equivalent pitch numbers by districts has involved us making some adjustments based upon local knowledge. We also recommend that future pitch sizes on long-stay sites should be sufficient to accommodate three caravans (including one mobile home) rather than the two usually applied according to past official guidance; this may affect the estimates of pitch requirements below.

### Assumption 1: Current supply

3. The figures represent both council and private authorised accommodation, derived from schedules of sites provided by councils, supplemented by the six-monthly count returns where schedules were not available. Niner and ODPM guidance add to these supply figures estimates for unused and vacant pitches, families expressing a wish to live in housing (which assumes that such housing is available), and any programmed new provision. Niner also adjusted 'to reflect the division between residential and transit pitches'. We have cross-checked our figures against these approaches, but found minimal need to adjust our figures. For instance, given the lack of any transit provision in our study area, we have assumed full occupancy, interpreting any under-occupation in counts as temporary absence. Niner also allowed for current unused sites/pitches being brought back into use, but we have not assumed that, since we are informed that closed sites and pitches will not be re-opened. We have, however, included the proposed new emergency stopping site in Cambridge City.

### Assumption 2: Families in unauthorised caravans

4. The usually preferred measure (recognised in case law) of shortfall is unauthorised caravans (converted into pitches) as recorded in the six-monthly counts. We have applied the average (January and July figures) of the last 3 years of accounts, adjusted by our survey findings to reflect the balance between those on their own sites (the majority of unauthorised) and those on the roadside (who may or may not be seeking accommodation in the area). ODPM guidance suggests adding an estimate of those expected to arrive from elsewhere, but we find particularly problematic, especially in an area which has already experienced high in-migration in recent years, and have made no additional allowance.

**Assumption 3: Overcrowding**

5. To allow for overcrowding (which is linked to hidden or suppressed households), we have followed Niner and ODPM assumed that 10% of council pitches were over-occupied, but we have arrived at a rather higher figure (15-25%) based upon a cautious application of our survey results on caravan occupancy levels, stated preferences, and higher family sizes in the Irish Traveller caravan population. This is consistent with reducing average caravan occupancy from 3 towards 2 persons (while acknowledging cultural preferences and proportions of larger mobile homes).

**Assumption 4: Preferences for caravans/housing**

6. Niner assumed that, of Gypsies in housing, 1-5% wanted a pitch rather than a house, but our survey produced a much higher preference rate (about 39% overall, with local variations), from which we subtracted the percentage of survey respondents in caravans wanting housing to arrive at a cautious figure of 25% of housed families, derived from TES school data. (Note: Gypsies/Travellers in housing who prefer to be in caravans would represent a 'best-value' gain, since caravan sites are cheaper (about half the capital cost) than houses to build, and housing stock can be released.

**Assumption 5: Natural increase**

7. A 3% growth rate over 5 years is applied by ODPM and Niner, and we regard this as reasonable, given the demographic profile of the population. We have applied the same rate to our estimate in Table 2 of the total Gypsy/Traveller population in five years (both housed and in caravans), and have made the cautious assumption (as did Niner) that 70% of them would need long-stay caravan pitches.
8. We make certain other qualifications:
- No distinction between English Gypsies, Irish Travellers and others.
  - No split between private and public sectors.
  - No re-allocation of pitches between districts (although we make recommendations)
  - No separate estimates of long-stay and transit pitches (although, based upon our survey findings, we would propose a ratio of two long-stay to one transit pitch).

*Table 1: District Gypsy/Traveller Accommodation Needs 2005-2010 (ranked and rounded)*

	<b>South Cambridgeshire</b>	Cambridge Sub-Region Total
<b>Supply:</b> (Assumption 1)	<b>220-230</b>	529-751
<b>Demand:</b> Unauthorized families (Assumption 2)	<b>80-90</b>	293-323
<b>Demand:</b> Overcrowding (Assumption 3)	<b>45-80</b>	108-162
<b>Demand:</b> Housing transfer (Assumption 4)	<b>10-15</b>	157-212
<b>Demand:</b> Family formation 2005-2010 (Assumption 5)	<b>34-37</b>	152-167
<b>Total demand (2-5):</b>	<b>170-220</b>	710-864

9. Table 2 is our current estimate (revised from the first draft report) of the total Gypsy/Traveller population in the study area, present and projected forward 5 years at 3% per annum). We derive the housed population from TES school roll data (applying assumptions stated in the first draft report). There are substantial numbers of other housed Gypsies/Travellers (estimated about two thousand in the Fen districts), but we have limited our figures to those derived from TES data.

*Table 2. Estimated Gypsy/Traveller population in study area districts, ranked and rounded*

	<b>South Cambridgeshire</b>	Cambridge Sub-Region Total
Caravans	<b>425</b>	1535
Equivalent Families	<b>285</b>	1025
Estimated housed families	<b>20-40</b>	495-600
Estimated total population 2005	<b>1220-1300</b>	6080-6620
Total families 2010 @3%	<b>305-325</b>	1520-1655
Family formation 2005-2010	<b>49-53</b>	

### **Survey**

10. We attach the distribution of completed survey questionnaires as at 26 November. Reaching the agreed quota of 350 has been delayed by several factors: some refusals to participate in the survey (causing abortive visits), the use of part-time interviewers (justified by the need to involve Gypsy/Traveller interviewers), difficulties in reaching roadside and housed Gypsies/Travellers, and by management time diverted by client requests for additional work not included in the contract.

	<b>South Cambridgeshire</b>	Cambridge Sub-Region Total
% distribution of caravans	<b>31</b>	100
No. completed interviews	<b>69</b>	275
% distribution of interviews	<b>25</b>	99

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