

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/2199/04/F	Mrs E Eayrs Brock Cottage, 2 Brockley Road Elsworth Extension (Delegated Refusal)	Dismissed 11/10/2005
S/2198/04/LB	Mrs E Eayrs Brock Cottage, 2 Brockley Road Elsworth Internal and external alterations and two-storey extension (Delegated Refusal)	Dismissed 11/10/2005
S/2210/04/F	Mr M J Ellingham Moat Farm, Hitherford Lane Over Appeal against conditions 2,3,4 &5 of permission	Dismissed 11/10/2005
S/2252/04/O	Mr R Smart Adj The level Crossing, Over Road Swavesey Bungalow (Delegated Refusal)	Dismissed 11/10/2005
S/0043/05/F	Januarys 6 & 8 Earith Road & r/o 3 Fen End Willingham Erection of 8 dwellings following demolition of 6 & 8 Earith Road. (Delegated Refusal)	Dismissed 14/10/2005
S/2280/04/O	Mr F Oldham 88 Swaynes Lane Comberton Dwelling (Delegated Refusal)	Allowed 20/10/2005
S/0134/05/F	Mr & Mrs Cormack 2 Josiah Court Waterbeach Extension (Officer Recommendation to Approve)	Allowed 20/10/2005

S/0204/05/F	Mr & Mrs W Rankine 1 Woollards Lane Great Shelford Dwelling (Amended Design) (Officer Recommendation to Approve)	Allowed 20/10/2005
S/0285/05/F	The Crown & Punchbowl Ltd High Street Horningsea Erection of fencing for terrace and bin store. (Officer Recommendation to Refuse)	Allowed 24/10/2005
S/0462/05/F	Heddon Management 12 Pieces Lane Waterbeach Erection of 8 houses following demolition of existing bungalow (Officer Recommendation to Approve)	Dismissed 24/10/2005
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End Steeple Morden Extension (Delegated Refusal)	Dismissed 28/10/2005
S/0628/04/LB	Mr and Mrs Noyes 22 North Brook End Steeple Morden Internal and external alterations including conversion of bathroom to utility room and two ground floor bedrooms to study and garden room with pantiled and rendered extension comprising dining room with two first floor bedrooms and bathroom. (Delegated Refusal)	Dismissed 28/10/2005
S/0328/05/F	J G Christy 27 Mill Lane Arrington Removal of condition 1 of permission S/0288/89/F to allow use of annexe as separate dwelling (Delegated Refusal)	Dismissed 31/10/2005
S/0662/05/A	Countryside Properties PLC Garden Centre & Chinese Restaurant A428 Papworth Everard 2 non-illuminated signboards (Delegated Refusal)	Allowed 31/10/2005
E499	Mr F Cooke Hilltrees, Babraham Road Stapleford Removal of motor vehicles etc (Enforcement)	Dismissed 02/11/2005

S/1819/04/F	Mr M W Southern Moat Farm, East Hatley Hatley Alterations to building 4 and change of use to manufacture of foiled products (class B2) Use of buildings 1,2,3 & 5 for associated storage. Use of building 6 & 7 for personal use. (Appeal against Non-Determination)	Dismissed 10/11/2005
S/0777/05/A	Tesco Stores Ltd 15-18 Viking Way Bar Hill Signs (Delegated Refusal)	Allowed 10/11/2005
S/1109/04/F	Beaugrove Ltd. Crail, High Street Croydon Erection of two houses following demolition of existing house (Delegated Refusal)	Dismissed 17/11/2005

2. Summaries of recent decisions of interest

Mr & Mrs Cormack – Two-storey extension – 2 Josiah Court – Waterbeach - Appeal allowed

The main issue in this appeal was the impact of the extension on the living conditions for the occupiers of 1 and 3 Josiah Court. The properties are characterised by a steeply sloping mansard roof with front and rear upper floor windows with no. 3 being at right angles to the appeal site. The proposed extension would project 5.3 metres from the rear of the property with the rear roof height only slightly lower than the existing roof. There would be windows facing both neighbouring properties.

So far as privacy was concerned, the inspector was satisfied that the position of windows, the use of obscure glazing, restricted opening and high level windows and existing boundary screening would be sufficient to prevent any undue loss of privacy. Neither would the extension materially alter the amount of sunlight received by no 1 or cause undue overshadowing of no. 3. The loss of daylight received by adjoining properties would also not be materially affected.

The appeal was therefore allowed subject to conditions regarding external materials, restriction on further windows, the use of obscure glazing, high level and fixed windows where appropriate.

Mr & Mrs Rankine – Dwelling (amended design) to include two windows with obscure glass in rear of garage – 1 Woollards Lane, Gt Shelford - Appeal allowed

Planning permission had been given for the dwelling in February 2004. It had been erected with two windows in the rear of the garage. The only issue was whether there would be overlooking of 1a Spinney Drive as a result.

The two windows are close to the common boundary with no 1a. The boundary consists of a close-boarded fence with trellis on top and some tree and shrub planting. Although the garage sits on higher ground, the inspector found that the boundary features “ ... are more than sufficient to ensure that neither the neighbouring garden nor the ground floor of the dwelling at No 1a Spinney Drive is overlooked from the garage.” These conclusions were based on his own inspection from within no.1. Any possible overlooking could also be controlled through conditions.

The appeal was therefore allowed subject to conditions that the windows are glazed with obscure glass and fixed shut within two months of the decision (i.e. by 20th December 2005), that the garage only be used as living accommodation and that no further openings be inserted in the rear and side elevations of the garage.

Heddon Management – Erection of 8 dwellings – 12 Pieces Lane, Waterbeach – Appeal dismissed

This appeal concerns a site for which two previous appeals have been dismissed. The main issues in this case were the density of development, its design and layout and its impact on the amenities of neighbouring residents.

The Council had concluded that the proposed density of 30 dph was too low. This was no different, however, than in the previous appeal where such a density was considered acceptable. The appellants had also sought to address concerns related to the amount of hard surfacing and space for landscaping and this scheme was adjudged to have gone a long way towards meeting the previous inspector's conclusions.

In doing so, the present inspector agreed with the Council that the revised layout would now unacceptably affect neighbour's amenities. The design and layout of the proposed houses was found to "... be substandard and they would have an overbearing impact when viewed from the rear windows and gardens of the nearest bungalows ... (and) "... on the kitchen window of 11 Pieces Lane.

The appeal was therefore dismissed for the above reasons.

Fleet Cooke – Use of agricultural land for the storage of motor vehicles, mobile home, containers, trailer and associated materials – Land at Hill Trees, Babraham Road, Stapleford – Appeal dismissed

This was an appeal against an enforcement notice, heard by way of a public inquiry. Cllr Nightingale and a representative of the Parish Council spoke in support of the notice.

The appellant has previously used adjoining land, which was also the subject of an enforcement notice and an unsuccessful appeal. In complying with that notice, many of the vehicles and the mobile home were moved to the present site. The appellant argued that he had occupied land at Hill Trees for over ten years. As the land was all part of Hill Trees, this allowed him to lawfully occupy the appeal site. The inspector agreed with the Council that Hill Trees comprises several planning units and the appellant did not therefore have any right to occupy the present field without planning permission. As the appellant accepted he had only been on this site for about four years, the inspector concluded that the use was unlawful.

The site lies within the Green Belt and the inspector found that the development is visually intrusive and harms the openness of the Green Belt and the character and appearance of the countryside. The appellant was unable to put forward any very special circumstances to justify granting planning permission.

The compliance period is two months. The appellant is therefore required to remove all of the motor vehicles, mobile home etc on or before 2nd January 2006.

M W Southern – Alterations to building and change of use to the manufacture of foiled products (building 4), associated storage (buildings 1, 2, 3 and 5) and personal domestic use (buildings 6 and 7) - Moat Farm, East Hatley – Appeal part allowed, part dismissed

This appeal concerned a cluster of former agricultural buildings behind the appellants house and others along the main road into the village. The main issue was the effect on the living conditions of neighbouring residents.

The buildings already have permission for light industrial purposes under class B1. This permission has not been implemented.

The proposed use involves the storage of chemicals and the use of machinery in building 4. The Council did not raise specific objections to these aspects and the inspector saw no reason to disagree, particularly as the disposal of chemicals can be controlled under other legislation.

The Council's main argument centred on the impact of vehicle movements. The inspector accepted these would be low because of the scale of the operation and that the driveway is some way away from the neighbouring properties. However, the intended loading area would be much nearer and there would inevitably be noise and disturbance from the manoeuvring of commercial vehicles. Such noise would be alien to this quiet rural location. Moreover, the proposed route vehicles would take to this area had not been specified and this could result in vehicles coming even closer to houses. The proposed operation would unacceptably harm the living conditions of local residents.

In accordance with national policy and Local Plan Policy ES6, the inspector considered whether appropriate conditions could be imposed to address his concerns. He was not persuaded that the use could be restricted to as applied for, as the use was not particularly specific. He did not consider it would be possible to ensure that the small scale nature of the business could be secured. He also concluded that a B1 use would have less impact and that a return to agricultural use need not have a greater effect than the proposed use.

There was nothing to suggest that the workforce would live locally or that the use would reduce reliance on the private car. This would not be a sustainable use of the buildings.

The proposed means of access was considered acceptable in terms of highway safety and the consequent loss of hedge would not harm the countryside. Nonetheless, the use of buildings 1 – 5 for commercial use was unacceptable and this part of the appeal was therefore dismissed.

No objections were raised to the residential use of the two barns in connection with the existing dwelling house. These are furthest from neighbouring properties and the inspector saw no reason to oppose this part of the appeal. The Council had also raised no objections.

3. Appeals received

Ref. No.	Details	Date
S/1520/05/F	Warmwell Homes Ltd 14 Green End Comberton Dwelling (Officer Recommendation to Approve)	13/10/2005
S/0754/05/F	The Land Partnership Ltd 53 Cottenham Road Histon Erection of 7 houses and garage for existing dwelling (Delegated Refusal)	14/10/2005

S/0958/05/F	Hogger Homes Ltd Adj. 17 Gog Magog Way Stapleford Dwelling (Officer Recommendation to Approve)	18/10/2005
S/0909/05/F	Hutchison 3G UK Ltd Land at Solopark, Station Road (adj. A11) Pampisford 17.5m high telecommunications mast & associated development (Delegated Refusal)	19/10/2005
S/6300/05/F	Mr R Hume Site of garage at 13 Willow Lane Cambourne House (Delegated Refusal)	20/10/2005
S/0645/05/O	Mr & Mrs J Hedges R/o 34 Rampton Road Cottenham Erection of bungalow & garage (Delegated Refusal)	25/10/2005
S/1484/05/O	Ms T A Hanson Adj 4 Portway Melbourn Dwelling (Delegated Refusal)	25/10/2005
S/1249/05/F	Mr P Rai White House Farm. Cambridge Road Melbourn Wall (Retrospective Application) (Officer Recommendation to Refuse)	26/10/2005
S/0420/05/F	Mr & Mrs Lauterpacht Old Webbs, 44 West Green Barrington Extension (Delegated Refusal)	26/10/2005
S/0419/05/LB	Mr & Mrs Lauterpacht Old Webbs, 44 West Green Barrington Internal and external alterations (Delegated Refusal)	26/10/2005
S/0938/05/F	Mr & Mrs Harrison Weathercock Barn, Little Linton Farm Barns Linton Extension (Delegated Refusal)	02/11/2005

S/0937/05/LB	Mr & Mrs Harrison Weathercock Barn, Little Linton Farm Barns Linton Extension and external alterations. (Delegated Refusal)	02/11/2005
S/0931/05/F	Mr & Mrs Minett 48 High Street Great Shelford Extensions including conversion of garage into annexe (Delegated Refusal)	03/11/2005
S/0930/05/LB	Mr & Mrs Minett 48 High Street Great Shelford Internal and external alterations and extensions to garage and store to create annexe with conservatory linked to carport. (Delegated Refusal)	03/11/2005
S/0576/05/LB	St Andrews Bureau The Old Well, 55-59 Station Road Stow-cum-Quy Alterations and extension for gazebo containing hot tub with attached fence and timber decking (retrospective). (Delegated Refusal)	08/11/2005
S/0577/05/F	St Andrews Bureau The Old Well 55-59 Station Road Stow-cum-Quy Gazebo, fence & decking (retrospective application). (Delegated Refusal)	08/11/2005
S/0856/05/F	Mr & Mrs J McGiven Green Hedge Farm, Gog Magog Way Stapleford Change of use of land from agricultural to garden land. (Delegated Refusal)	10/11/2005
S/0321/05/O	Unwins Properties Ltd Land north of Impington Lane Impington Residential Development (Delegated Refusal)	17/11/2005
S/2460/03/F	Mr & Mrs L Holmes 5 Middle Street Thriplow Extensions and Garage/Store (Officer Recommendation to Refuse)	17/11/2005

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4th January 2006

None

5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/1640/04/F	Camstead Ltd 137 Cambridge Road Great Shelford Erection of 7 flats and cycle bin stores following demolition of existing dwelling	Withdrawn By Appellant 20/10/2005
S/0931/05/F	Mr & Mrs Minett 48 High Street Great Shelford Extensions including conversion of garage into annexe	Withdrawn By Appellant 11/11/2005
S/0930/05/LB	Mr & Mrs Minett 48 High Street Great Shelford Internal and external alterations and extensions to garage and store to create annexe with conservatory linked to carport.	Withdrawn By Appellant 11/11/2005

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

Ref. No.	Details	Date
S/1909/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 3 houses and garages	10/01/2006 Confirmed
S/2533/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 2 houses and garages	10/01/2006 Confirmed
S/0917/05/O	Mr & Mrs G Cole 66 Cambridge Road Great Shelford 4 dwellings following demolition of existing dwelling	10/01/2006 Confirmed
S/2505/04/F	Mr & Mrs A Brown Schole Road Willingham Siting of 2 gypsy caravans (retrospective) utility block and mobile medical unit for disabled person	07/02/2006 Confirmed
S/6258/04/RM	MCA Developments Land South of Great Cambourne Alterations in land form (dispersion of soil from building works.)	09/05/2006 Confirmed