

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/1909/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 3 houses and garages (Delegated Refusal)	Dismissed 01/02/2006
S/2533/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 2 houses and garages (Delegated Refusal)	Dismissed 01/02/2006
S/0917/05/O	Mr & Mrs G Cole 66 Cambridge Road Great Shelford 4 dwellings following demolition of existing dwelling (Delegated Refusal)	Dismissed 01/02/2006

2. Summaries of recent decisions of interest

Miss Joanna Gordon Clark – Use of land as residential caravan sites – Former Orchard land – Water Lane, Smithy Fen, Cottenham - Appeal dismissed

1. This was an appeal against an enforcement notice requiring the use of the land to cease, for the caravans/mobile homes and ancillary development to be removed and the land to be restored to its condition before the breach of control took place. The landowner made the appeal following trespass by others. It was made on the grounds that the steps required were excessive and the time for compliance was too short. The appeal was heard by way of written representations.
2. It was claimed that the notice was invalid because more than one breach of control had been identified and the notice also required the land to be restored to its condition before the change of use had taken place. The appellant also questioned the fairness of a notice on her as landowner, rather than as a contravener. The inspector found nothing wrong in the Council's approach.
3. The inspector found that to remedy the breach of planning control and the harm to amenity, that all of the unauthorised development should be removed from the site. The appellant's concern was that she would have to bear the cost herself and within a limited timescale. The inspector acknowledged this fact in concluding "... I urge the Council to adopt a sympathetic

attitude to the appellant's plight and to defray the costs of a situation that was not of her making ... (but) that is as far as I am able to go". The decision how to seek compliance remains with the Council. The Council had already conceded that the land need not be returned to an orchard, but to the condition it was in immediately prior to serving the enforcement notice.

4. The period for compliance was also tied in to that for enforcement appeals at Pine View and Victoria View. Taking those decisions into account, the inspector confirmed that the use of the land should not be extended beyond three months. This was as the Council had requested. However, the period for removal of drains, septic tanks and other services, accesses, hardstandings and restoration of the land was extended from three to twelve months.
5. The decision therefore means that the unauthorised occupation of the land should cease on or before 14th March 2006 and the remedial works completed on or before 14th December 2006.

3. Appeals received

Ref. No.	Details	Date
S/1581/04/F	MPM Properties and Huntingdonshire Housing Partnership Livanos House & Abberley House, Granhams Road Great Shelford Residential development through new build development and residential conversion of Livanos House (98 No. units in total to include 29 affordable units), new means of access, new internal access roads and footways, public open space, hard and soft landscaping and other ancillary elements at Livanos House/ Abberley House. (Non-determination)	05/01/2006
S/1485/05/F	Camping & Caravan Club 19 Cabbage Moor Great Shelford Change of use to allow for the siting of 15 static caravans (Delegated Refusal)	12/01/2006
S/1263/05/F	W & J Carter Adj 24 Mill Lane Bassingbourn-cum-Kneesworth House (Delegated Refusal)	17/01/2006
S/1514/04/O	Mr & Mrs R Rutherford Adj & R/o 34 Fen End Willingham Dwelling (Delegated Refusal)	19/01/2006

S/2022/05/O	Mr & Mrs A Bouland 2 Cuckoo Lane Rampton Erection of bungalow to replace existing mobile home (Officer Recommendation to Refuse)	23/01/2006
S/1878/05/F	Bovis Homes Ltd Land off Kay Hitch Way and Chivers Way Histon erection of 46 sheltered retirement apartments (Delegated Refusal)	25/01/2006
S/2087/05/F	Dr & Mrs P O'Donovan 74 High Street West Wrating Conservatory, extension and alterations (Delegated Refusal)	30/01/2006
S/2148/05/LB	Dr & Mrs P O'Donovan 74 High Street West Wrating Internal & external alterations and conversion of former coach house, stable and loft stores to residential use with new cellar, adjacent workshop and first floor study. Conservatory extension and new entrance doorway. Internal changes to provide internal window to kitchen and access at first floor to new bathroom. (Delegated Refusal)	30/01/2006
S/1879/05/F	Park Hill Homes Ltd R/o 16,18,20 Cambridge Road Sawston 2 houses (Officer Recommendation to Approve)	01/02/2006
S/2040/05/F	Mr David Frost & Mr Derek Frost Meadow View off High Street Fen Ditton Dwelling (Officer Recommendation to Approve)	02/02/2006
S/0689/05/F	E W Pepper Ltd Bury Lane Fruit Farm Meldreth Change of Use of Land from Agricultural to Storage and Display of External Paving Materials and Erection of 2 Buildings for Use as showroom and studio (Delegated Refusal)	02/02/2006

S/0568/05/F	J Clements R/o Clements Hardware Store, 136 High Street Cottenham Conversion of engineering workshop into bungalow (Officer Recommendation to Refuse)	08/02/2006
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4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 5th April 2006

Ref. No.	Details	Date/Time/Venue
S/2316/04/F	CMA Ltd Manor Farm Business Park Shingay Alterations and conversion of buildings to live/work dwelling (mixed uses classes C3 & B1) (Hearing)	08/03/2006 Monkfield Room 10.00am
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 (Local Inquiry Reconvened)	10/03/2006 Swansley Room 10.00am
E503	Mr R Worboys & Mr R Wood Poplar Farm, off Poplar Farm Close Bassingbourn Enforcement against change of use from agriculture to storage of building and road making materials and depot for ground engineering business (Local Inquiry)	14/03/2006 Swansley Room 10.00am
S/1470/04/F	Mr W Willett Adj Appletree Close, Histon Road Cottenham Use of land as extension to mobile home park (no increase in numbers) incorporating landscape belt (Hearing)	21/03/2006 Swansley Room 10.00am

5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
E501	Mr P Denny Unit 135 Cambridge Road Milton Enforcement against change of use from warehouse/storage to use for retail sales and associated showroom	Withdrawn 19/01/2006

E511	Mr R Kennedy & Ms C Romeyer 2 Manor Farm Barns Litlington Enforcement against change of use of land to garden land and retention of garden room (retrospective application)	Withdrawn 26/01/2006
S/2128/04/F	David Charles Ltd Bluebell Wood Caravan Site, Ely Road Landbeach Redevelopment of mobile home park to provide 16 retirement mobile units and excavation of amenity lake	Withdrawn 06/02/2006
E506E	Michael Hegarty Plot 11 Orchard View, Smithy Fen Cottenham Enforcement of removal of caravans, sheds other ancillary structures and hard standings	Withdrawn 07/02/2006

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

Ref. No.	Details	Date
S/6258/04/RM	MCA Developments Land South of Great Cambourne Cambourne Alterations in land form (dispersion of soil from building works.) (Local Inquiry)	09/05/2006 Confirmed
S/1663/04/F	Cambridge Wind Farm Ltd Land South West of Huntingdon Road (A14) Boxworth Wind farm comprising 16 wind turbines, anemometry mast, substation and associated infrastructure (Local Inquiry)	17/10/2006 Confirmed To sit for 12 days