

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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<b>REPORT TO:</b>	Planning Committee	2 April 2008
<b>AUTHOR/S:</b>	Corporate Manager – Planning & Sustainable Communities	

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

#### **Purpose**

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin.

#### **Summaries**

##### **Mr & Mrs P Nisbet – Change of use of an existing barn to holiday accommodation – Land off Church Street, Little Gransden – Appeal dismissed.**

2. The main issue in this appeal was the extent to which the means of access and traffic generated by the appeal would harm the rural character of the site and its surroundings.
3. The inspector was satisfied that the site has a distinctly rural character and saw that it is accessed from a bridleway and then a track. He considered the existing bridleway is unlikely to be used by any more than a few agricultural vehicles as well as pedestrians, ramblers and horse riders. The track appears to be even less used. As such, he found that cars and other vehicles arriving at and leaving the proposed holiday accommodation would be intrusive in this quiet rural setting. The more formalised use of the access would be at odds with the informal rural character of the area and effectively extend development into the countryside. While the number of vehicles would not be great and the use occasional, this would still amount to a permanent change to the way the site is used. This would be harmful to countryside interests.
4. The appellant sought to rely upon Policy ET/10 which supports the principle of development for holiday accommodation. The inspector accepted the Council's argument that this did not override the need to protect the countryside from inappropriate development. The inspector concluded that the means of access and the traffic generated would harm the rural character of the site and the surrounding area. The proposal was therefore contrary to Policies DP/2 and DP/3.

##### **Mr L Crawford – Erection of nine apartments - 79/81 Hinton Way, Gt Shelford – Appeal dismissed**

5. This application had originally been refused for two reasons. The second of these related to the loss of the existing nursery as a key village service. This reason was not pursued at appeal following a subsequent application in which this issue was not considered sufficient to justify refusal. The main issue, therefore, was the effect of the development on the character and appearance of the street scene.

6. 79/81 Hinton Road occupies a corner location. Most dwellings are set back from the road behind leafy frontages with long rear gardens. Gaps between buildings are generous and although the scale and height of buildings vary, there is no one dominant building. The new building would be set back from the existing building line and would extend significantly into the rear garden. Because of its height, the side elevation would appear bulkier than surrounding dwellings when seen from various viewpoints. Consequently, it would have a dominant appearance in the street scene.
7. This was found to result in significant harm to the cohesive character and appearance of the existing street scene. This harm was not outweighed by the need for more efficient use of land through higher density development and meeting general housing need.

**January's Consultant Surveyors – Erection of nine age-restricted apartments following demolition of existing house – 6 Woollards Lane, Gt Shelford – Appeal allowed**

8. As with the appeal listed above, this too was for a redevelopment of an existing site to provide a new building containing nine apartments. The issue here was again the character and appearance of the area, albeit Woollards Lane is part of the village conservation area.
9. Conservation Area Consent has already been granted for the demolition of the existing dwelling. In addition to development plan policies, the main parties referred to the Great Shelford Village Design Statement ("VDS"). Although not adopted as a Supplementary Planning Document, the inspector found it nonetheless provides a useful overview of features contributing to the character and appearance of the Conservation Area.
10. The VDS identifies Woollards Lane as a character area with a mix of commercial and residential buildings. The inspector agreed with this assessment noting there are substantial residential properties at its eastern end, some of which are set well back from the road. He found that the appeal property makes only a limited contribution to the character and appearance of the conservation area.
11. The new building was found not to be out of place with its surroundings. While its footprint would be greater than the existing house, this was acceptable given its greater depth of development. Plot coverage was not excessive. The proposed design and addition of wings would break up the mass of the building and present a varied and interesting street frontage. The overall effect would not be an unduly assertive or overbearing building when seen from the main public vantage points along Woollards Lane.
12. The Council had also expressed concern over the number of dormer windows. However, the inspector did not find them as excessively dominant elements in the design and such windows are found elsewhere in the area. He also found that the remodelling of the access and car parking area and attention to existing trees to be acceptable. The proposal would therefore preserve the character and appearance of the Conservation Area
13. Local concerns regarding traffic generation and the impact on highway safety were not considered to justify refusal.
14. The appeal was allowed subject to conditions regarding materials, constructional details, landscaping and boundary treatment, visibility splays, turning, parking and

cycle storage. Permission is also age restricted to at least one occupant in each apartment being aged over 55 years.

**Mr & Mrs M Collins – Demolition of existing barn and erection of dwelling and garage – 47 West Street, Comberton – Appeal Allowed**

15. The main issue in this appeal was the impact on the character or appearance of the village Conservation Area. The site forms part of an extensive property and is occupied by a timber clad, single storey barn. The replacement building would be a part two-storey, part single-storey dwelling. This part of the conservation area was found to be residential in character with a variety of dwellings in terms of age, materials and design. In this context, a new dwelling on the site would not be out of place.
16. There is a substantial pond to the south of the appeal site with views of it from the High Street. These views were found to be obscured or reduced from some vantage points by the existing barn and the frontage hedgerow. The existing barn is modest but was not considered to make a positive contribution to the conservation area. The new dwelling would be substantially larger, but would still allow adequate views through to the pond. This would facilitate a degree of openness, which would complement the character of the conservation area. This openness could be safeguarded by a condition removing certain permitted development rights.
17. The scale of the new dwelling was found to be acceptable and the stepping down of the ridge level would add interest to the overall composition. The proposal would be sensitive to the character of the site and its surroundings.
18. Planning permission was therefore granted subject to conditions regarding materials, landscaping and boundary treatment, no further extensions or fences without prior written permission, details of the proposed rooflights and measures to protect the pond during construction of the dwelling.

**Bovis Homes Ltd – Enforcement notices requiring cessation of use as a sales showroom and removal of visitor car park, restoration of land and removal of white picket fence – Land at and adjacent to 107 Jeavons Lane, Cambourne – Appeals dismissed and enforcement notices upheld with corrections and variations**

19. These appeals were determined by way of a hearing. This was attended by a representative of the Parish Council and two local residents.
19. The first notice (as corrected) alleged that the use as a sales information centre harms the character and appearance of the area and causes undue noise and disturbance for surrounding residents. The property lies within area GC13, which is a recently constructed housing development and nearing completion. The immediate area now has a settled residential character. The use had begun in June 2005 when the surrounding housing development was only just beginning. The appellant sought to retain it until the end of June 2008. The property will subsequently be sold as a dwelling.
20. The inspector found that the use of the property has not altered its fundamental design or appearance. However, the existing display of advertisements and the car park detract from the character of the surrounding area. The complaints from various residents were considered justified, particularly as the sales centre has been operating for some considerable time. The inspector concluded that the noise and

disturbance arising from vehicle movements and the perception of intrusive visitor movements is harmful to neighbours' amenities.

21. Given the imminent completion of the housing development, the sales centre has fulfilled its purpose. The inspector agreed that the appellant had been unresponsive to the Council's requests to remedy the breach of planning control and a temporary planning permission was not justified. Nonetheless, he considered that a continuation of the use until the end of June 2008 was an acceptable period in which to comply with the terms of the notice.
22. The second notice was related to the first. While some of its terms clearly exceeded what was reasonable, the inspector accepted that the use of the car park should cease and the area of white picket fencing around it should also be removed.
23. In spite of the harm found to exist, the inspector still considered that the required 28 day period for compliance gave the appellant too little time to make alternative arrangements. On balance, he found that four months was a more reasonable and proportionate response. This is what the appellant had requested as a minimum at the hearing.
24. The appeals were therefore largely dismissed and the objections of the Council and local residents upheld, subject to a compliance period that now expires on 11 July 2008. Local residents had also been concerned about highway safety, but the inspector had no compelling evidence to conclude this was a further reason to refuse planning permission.

Comment:

These appeals highlight the frustrations often associated with the impacts arising from unauthorised development and the issue of an enforcement notice. The notices were issued on 3 April 2007. The appellant asked for a hearing and then turned down the initial date offered, so that the hearing did not take place until 29 January 2008 – nearly 10 months after the notices were issued. This has allowed the appellant to extend the use until the beginning of July 2008, while the harm has continued throughout this time.