

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 7 October 2009
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Planning & Sustainable Communities

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

Purpose

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

Summaries

Mr and Mrs K Esplin – Erection of house and garage(revised details including pool house, screen fencing and front boundary treatment – 43 Fowlmere Road, Heydon – Planning and Enforcement appeals allowed.

2. Planning permission was refused to amend some of the details of proposals originally granted planning permission in 2004. The changes have already been carried out and an enforcement notice was issued to remedy the breach of planning control.
3. As a preliminary matter, the appellant challenged whether Council officers had authority to issue the enforcement notice. Although the inspector felt the Committee minute was not particularly clear, he was satisfied that officers did have sufficient authority to proceed. The appellant also claimed that the pool house and screen fencing was permitted development. This was rejected.
4. The main issue was the impact on the character and appearance of the Heydon conservation area and upon the setting of the adjoining grade II listed cottage. The inspector saw that the new house is a substantial building with a striking design, and fills most of the width of the plot. If there had been a strong case for allowing a view through to the countryside beyond (this would actually be a view of open sky, as the land falls steeply away to the west) then this could have been achieved by permitting a house that was further away from the northern boundary of the plot. The fence was considered acceptable as it is well designed and it is reasonable to wish to screen the rear garden from views from the road. The inspector found the pool house does not close the gap between the two buildings to a significant extent. Even if both the pool house and the fence were removed, any view through to the rear would be likely to be closed off in time as normal garden planting matures.
5. The approved plan indicates a 1 m high brick and flint front wall with a hedge behind. The proposal was for a beech hedge only. The inspector found there is a need to enclose the frontage because of the large expanse of the open gravelled parking area. It is unnecessary to have a hedge or wall high enough to hide the cars; it would be sufficient just to provide some definition and sense of enclosure to the front. A well established dense beech hedge could provide just as much screening and definition as a wall. He was not sure whether the existing hedge would provide adequate

screening without reinforcement and thus imposed a condition a scheme to be submitted and approved for the replacement or reinforcement of the boundary hedge.

6. The appeals were therefore allowed subject to the reimposition of conditions attached to the original planning permission.

Mr D S Hobbs – Use of premises as licensed club – 16A Norman Way Industrial Estate, Over – Enforcement Appeal allowed

7. This appeal refers to the use of a club that was refused planning permission on appeal in January 2009. An enforcement notice was then issued requiring the use to cease within three months.
8. The appellant argued that the three month compliance period is too short. Nine months is required because if the club is forced to close sooner, some members will still be within their membership period and the club will then be in breach of its own terms and conditions. Three months is insufficient time in which to find alternative premises, and again nine months is needed.
9. The Council referred to the previous Inspector's conclusions and argued that the harm to residential amenity should not be allowed to continue longer than necessary. Residents have been subject to noise and disturbance since the club opened in May 2008 and it is unreasonable for this to be allowed to continue longer than necessary.
10. In response, the inspector did not consider that any complications that might arise with regard to unexpired club membership periods would justify an extension to the compliance period. There was a need to balance the harm to residential amenity, which is likely to continue through the compliance period, against the need to allow time for alternative premises to be found. There was no information about alternative premises, but six months was a reasonable period in which to relocate. The appeal therefore succeeded to this limited extent. This means the appellant is required to cease the use by 26 February 2010.