

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/2474/03/F	Dr & Mrs Onudrah Adj 1 Stonehill Road Great Shelford House (Delegated Refusal)	Allowed 18/01/2005
S/0138/04/F	Mr & Mrs S Clemmow 6 Chapel Road Great Eversden Change garage roof from mono-pitch to pitched (Delegated Refusal)	Allowed 18/01/2005
S/0213/04/F	Mr J Heffernan 27 Hillside Orwell Extension to bungalow to form 2 storey dwelling (Delegated Refusal)	Allowed 19/01/2005
S/0297/04/F	J B Stiles & Partners Ltd Barn on Willow Grange Farm, Ely Road, Chittering Cottenham Conversion of barn into dwelling (Delegated Refusal)	Allowed 20/01/2005
S/2194/03/F	Mr C Taylor 45 Spring Lane Bassingbourn Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Delegated Refusal)	Allowed 03/02/2005
E473A	Optima (Cambridge) Ltd The Bury, Newmarket Road Stow-cum-Quy Enforcement against erection of flat roofed extension to existing office building	Dismissed 03/02/2005
S/0740/04/F	Optima (Cambridge) Ltd. The Bury, Newmarket Road Stow-cum-Quy Retention and conversion of unauthorised office extension to garden machinery store (Delegated Refusal)	Dismissed 03/02/2005

2. Summaries of recent decisions of interest

J B Stiles & Partners – Conversion of barn to dwelling – Willow Grange farm, West Ely Road, Chittering, Waterbeach – Appeal allowed.

The main issues in this appeal were the effect of the proposals on the character and appearance of the area and whether the re-use of the barn for residential purposes was acceptable in policy terms. The appeal was heard by way of written representations.

The proposal was to demolish three barns, which are in poor condition and convert two others into a dwelling. The Council accepted that the barns were worthy of retention due to their local historic interest.

The inspector found that the group of buildings are well screened from public view and that those views that are possible are of the group of buildings as a whole. The appeal proposal would allow the historic barns to appear as a single entity, distinct and separate from those around them. Restoration of the fabric, while limiting the number of external openings and alterations would not materially change their original character. The extent of the domestic curtilage, access and parking areas would not be visually significant and any future extensions could be controlled through conditions. Thus the demolition of buildings that make no positive contribution to the landscape and the restoration of the two other barns would benefit the character and appearance of the Farm and beyond.

There are no policies in either the Structure or Local Plan that relate directly to the conversion of buildings for residential use. New housing is normally restricted to village frameworks. While the Council had relied upon this stance as part of its reasons for refusal, the inspector concluded this was inappropriate. PPS7 supports the sustainable re-use of buildings in the countryside while PPG15 seeks to preserve the historic environment. This proposal clearly embraces of sustainability in terms of retaining buildings of historic interest. No use, other than residential use would be likely to achieve this given the location and access to the site.

The appeal was therefore allowed subject to conditions requiring further details of the new works, materials, landscaping and a restriction on pd rights.

J Heffernan – Erection of two-storey side extension – 27 Hillside, Orwell - Appeal allowed

This application was refused under delegated powers because of the effect of the extension on the character and appearance of the area and the privacy of neighbours. The appeal was heard by way of written representations.

27 and 29 Hillside form a pair of hipped-roof semi-detached bungalows with an attached garage/car port either side. The proposal would provide two bedrooms and store at first floor level by building over the garage and raising the roof-line by about a metre and including a flat-roofed dormer.

While the application had been refused on design grounds, the Committee subsequently granted permission for a near identical proposal in October 2004. The only difference was the attachment of two opaque side screens to the outer edge of the two new bedroom windows, intended to reduce overlooking.

The inspector noted “This permission is an important material consideration in the appeal ... were it not for the Council’s recent grant of permission for no.27, there would be a case for arguing that the proposal would, by its raised roof, raised side wall and extended main roof and side wing, create an unbalanced effect in relation to its conjoined neighbour ...” The

application would be contrary to Local Plan policy which seeks to limit the size of extensions in the countryside.

Given the Council's grant of planning permission, however, the inspector concluded "... it would be unreasonable of me to maintain an objection on the grounds of the effect of the proposal upon the character and appearance of this part of Hillside".

So far as privacy is concerned, the inspector concluded that "... the scheme would seriously harm the amenities of neighbours through undue loss of privacy, in comparison with the seclusion they currently enjoy in their rear gardens, and would be contrary to Local Plan Policy HG12. However, that privacy will be effectively lost as a result of the Council's recent planning permission, even with the side screens in place, and I do not believe that the appeal scheme would materially worsen the potential for overlooking. I therefore find that the Council's objections, following their grant of planning permission, are not sustainable on this ground either."

Planning permission was therefore granted subject to conditions regarding materials and finishes for the external walls, windows and roof of the extensions and the provision and retention of car parking spaces.

3. Appeals received

Ref. No.	Details	Date
S/2017/04/F	Mr R Turner Reed Cottage, 1 Rectory Farm Road Little Wilbraham Extension (Delegated Refusal)	19/01/2005
S/2019/04/LB	Mr R Turner Reed Cottage, 1 Rectory Farm Road Little Wilbraham Internal and external alterations and extension (Delegated Refusal)	19/01/2005
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)	19/01/2005
S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Officer recommendation to refuse)	20/01/2005
S/1217/04/F	Mr C Crickmore Travellers Rest Caravan Park, Chittering Waterbeach Appeal against condition 3 of permission, limiting opening of the site to 8 months per year. (Officer Recommendation to Approve)	24/01/2005

S/6258/04/RM	MCA Developments Land South of Great Cambourne Cambourne Alterations in land form (dispersion of soil from building works.) (Delegated Refusal)	25/01/2005
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S/1838/04/F	C Onslow Rhee Valley Works, Barrington Road Shepreth Temporary mobile home (Delegated Refusal)	25/01/2005
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E 487	Mr Rahman R/o 23 Church Street Willingham Enforcement against change of use of premises from use class B1c (light industrial) to class A3 (sale of hot food for consumption On or off the premises) and delivery of hot food.	27/01/2005
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S/1505/04/O	L R Satchell Land east of Dales Manor Business Park, north of Babraham Road (Sawston) Babraham Residential Development (Delegated Refusal)	27/01/2005
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E 495A	J Gordon Clarke Water Lane, Smithy Fen Cottenham Enforcement against use of land as residential caravan site and removal of associated vehicles, sheds, steel containers, drains, electrical and water supplies, accesses and hardstandings.	28/01/2005
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S/1861/04/F	Mr G Skinner 2 Church End Coton Replacement dwelling following demolition of existing dwelling and erection of additional dwelling. (Delegated Refusal)	07/02/2005
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S/2240/04/O	Mr G Jennings Harlton Road Haslingfield Agricultural Bungalow (Delegated Refusal)	08/02/2005
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4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 6th April 2005

Ref. No.	Details	Date/Time/Venue
S/1495/04/A	Miss J Garfitt Junction of A10 & Church Road Hauxton Sign (retrospective) (Informal Hearing)	02/03/2005 Swansley Room 10.00am

S/0019/04/F	Mr P Mansfield 29 Worcester Avenue Hardwick Change of use of land to garden land & extension to dwelling (Informal Hearing)	08/03/2005 Monkfield room 10.00am
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S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill Weston Colville Erection of house and garage and carport for existing dwelling (Informal Hearing)	09/03/2005 Monkfield room 10.00am
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5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/6248/04/RM	MCA Developments Ltd. Plot GC13, Jeavons Lane Cambourne 54 Dwellings	Withdrawn by appellant 25/01/2005

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

Ref. No.	Details	Date
E 502	Mr H Price Adj Moor Drove, Cottenham Road Histon Operational Development (Local Inquiry)	14/04/2005 Confirmed
E 502A	Mr H Price Adj Moor Drove, Cottenham Road Histon Enforcement against material change of use to storage and residential use of caravans. (Local Inquiry)	14/04/2005 Confirmed
E502C	Mr H. Price Land at Moor Drove, Cottenham Road Histon Enforcement against installation of foul sewers & mains water & Electricity (Local Inquiry)	14/04/2005 Confirmed
S/0466/04/F	Mr & Mrs North Clopton Lodge, The Cinques Gamlingay Appeal against condition 2 of permission - personal occupancy condition and removal thereafter (Local Inquiry)	10/05/2005 Confirmed

S/0246/04/RM	Cofton Ltd., Peter Stroude, George Wimpey East Anglia, 19/07/2005 Kings Phase 2, Home Farm Longstanton Erection of 200 dwellings and ancillary works (Local Inquiry)	Confirmed
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End Steeple Morden Extension (Informal Hearing)	04/10/2005 Confirmed
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 (Informal Hearing)	04/10/2005 Confirmed
S/1109/04/F	Beaugrove Ltd. Crail, High Street Croydon Erection of two houses following demolition of existing house (Informal Hearing)	11/10/2005 Confirmed
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Informal Hearing)	09/11/2005 Confirmed
S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Informal Hearing)	09/11/2005 Confirmed
S/0761/04/F	B Gemmil, A Sheridan, E Sheridan & K Sheridan Plots 1-11 Victoria View, off Orchard Drive Smithy Fen Cottenham Use of land for gypsy caravan site, (11 pitches) part retrospective (Local Inquiry to sit for 8 days)	10/01/2006 Offered/Accepted
S/1569/04/F	Mr M Hegerty land off Victoria View, Smithy Fen Cottenham Siting of 4 gypsy caravans (Local Inquiry to sit for 8 days)	10/01/2006 Offered/Accepted

S/1589/04/F

M Quilligan
Land off Water Lane, Smithy Fen
Cottenham
Siting of 2 gypsy caravans
(Local Inquiry to sit for 8 days)

10/01/2006
Offered/Accepted