

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee  
**AUTHOR/S:** Planning and New Communities Director

3 October 2012

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**S/1735/12/PO – FEN DRAYTON**  
**Application to Modify Planning Obligation to remove tie between the dwelling and greyhound business - 40A Middleton Way for Mr Ron Ingle**

**Recommendation: Delegated Approval**

**Date for Determination: 24 September 2012**

**This Application has been reported to the Planning Committee for determination because officers do not have delegated powers to determine applications for modification to planning obligations.**

**To be presented to the Committee by Paul Derry**

**Site and Proposal**

1. The application site is located outside of the designated Fen Drayton village framework, the boundary of which is located approximately 300m to the east. As a result the site lies within the countryside in policy terms. The site is also within the former Fen Drayton Land Settlement Association estate. The dwelling is set back slightly from the road, behind an area of hardstanding that provides parking for five to six vehicles. The dwelling, a cream rendered bungalow, has a fenced off garden area to the rear, with kennels relating to the greyhound business use and paddock land beyond. There is also a grassed front garden.
2. The bungalow is currently tied to the business through a section 106 Agreement. The proposal seeks to remove this tie to enable the dwelling to be lived in should the greyhound business cease.

**Site History**

3. The application site was subject to a Section 106 Agreement dated 11<sup>th</sup> September 1999, which prevented residential use of the building.
4. Application S/1062/06/F granted planning permission for the change of use of from a farm shop to a dwelling in association with dog training and the erection of kennels and retention of the existing kennels at the site. Condition 2 restricted this to a temporary consent. A deed of variation was made to the original Section 106 Agreement to allow occupation of the building for residential use for a temporary timescale in line with condition 2. This Deed ties occupation to the business use.
5. Application S/0580/08/F granted the removal of condition 2 of the previous consent removing the temporary nature of the consent. A further deed of

variation was agreed which removes the legal obligation for a temporary consent, although it remains tied to the business.

### **Planning Policy**

6. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, & **TR/2** Car and Cycle Parking Standards.
7. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

### **Consultation by South Cambridgeshire District Council as Local Planning Authority**

8. Fen Drayton Parish Council recommends approval.

### **Representations by Members of the Public**

9. No comments have been received at the time of writing. Members should be aware the site notice does not expire until 4<sup>th</sup> October 2012

### **Material Planning Considerations**

10. The key issues for the determination of this application are the principle of development, and the impact upon the amenity of the occupiers of adjacent properties.

#### *Principle of Development*

11. The bungalow of 40a Middleton Way is located outside of the Fen Drayton village framework, and is in the countryside. As noted within the site history, the building was originally used as a farm shop prior to the submission of application S/1062/06/F. It has since been occupied in relation to the greyhound business, which utilises a portion of the land and the kennel buildings to the rear of the site.
12. The application is accompanied by a brief planning statement outlining the situation with regard the site. The business is no longer viable, and operations would appear to be reducing following findings of the site visit. The trade in general is suffering a decline, and the site is no longer viable as a stand alone business. It is unlikely that the site would become viable for others to take over the site given the size of the plot and the current market.
13. If the scheme were to be refused, then the applicant would effectively become homeless as his occupation of the unit is dependant upon the running of the business. With an unviable business, the occupation of the dwelling should cease. Members should therefore make a balanced decision weighing up the creation of a permanent dwelling in the countryside against the personal needs of the applicant.

14. The granting of permission would effectively create a permanent dwelling in the countryside. However, if unsupported, the building would remain. The impacts upon the countryside are therefore minimal and the existing structure is not considered to be causing undue harm. On balance the needs of the applicant are considered to outweigh any additional harm to the countryside.
15. The application can also ensure that the future residential curtilage of the dwelling is defined. The site is approximately 295m in length, and this land is not all residential given the business use and paddock land. Defining the curtilage for the avoidance of doubt should be possible through the Section 106 Variation, and Members will be updated as to whether this is a possibility.

*Impact upon the Amenity of the Occupiers of Adjacent Properties*

16. The bungalow is located further back in the street scene than the other properties along Middleton Way, which are generally located close to the frontage. 40a is set approximately 22m back from the neighbouring property of 40 Middleton Way to the south. The enclosed side garden to 40a runs along the rear boundary of 40 Middleton Way. Given the separation, no serious harm would result between properties.

*Other Matters*

17. The site falls within the former Land Settlement Association estate. The Council has adopted a Supplementary Planning Document that allows experimental or groundbreaking forms of sustainable living in the area subject to certain criteria. Given the building is existing, the proposal should not affect the aims or policies of the SPD

**Recommendation**

18. Delegated approval, subject to any further comments received by 4<sup>th</sup> October 2012, and the completion of a further Variation to the Section 106 Agreement.

Conditions

None

**Background Papers:** the following background papers were used in the preparation of this report:

- Local Development Framework Development Control Policies 2007.
- National Planning Policy Framework.
- Planning file refs. S/1735/12/PO, S/0580/08/F and S/1062/06/F.

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