

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2170/12/FL - GAMLINGAY

Change of use of Land to Garden, and Siting of Four Containers, Mobile Home, Hot Tub and Storage Building (Retrospective) at 35 The Heath, Everton Road for Mr Bryan Vincent

Recommendation: Temporary Approval

Date for Determination: 28 February 2013

This Application has been reported to the Planning Committee for determination as the views of the Parish Council are contrary to that of the case officer; and at the request of the Local Members

To be presented to the Committee by Paul Derry

Members will visit the site on 5 March 2013

Site and Proposal

1. The application site is located outside the designated Gamlingay village framework, and is adjacent to the edge of the South Cambridgeshire District Council boundary, which runs along the southern boundary of the site. The land is associated with the property at 35 The Heath to the northwest. This forms one property in a block of four (nos. 29-35). There is a small front garden associated with the dwelling, and vehicle access runs to the rear. Each property historically has a long plot of land extending to the rear, and the application site forms only a small element of this land. There are agricultural buildings on the land to the north behind a boundary fence. The southern boundary is lined with trees, and the western boundary is a 1m high post and wire fence with a newly planted hedge alongside. The eastern boundary is currently open.
2. The full application, validated on 3 January 2013, seeks the change of use of the land to garden, and the siting of four containers, a mobile home, a hot tub and a storage building. The application is retrospective.

Site History

3. There is no site history for the site itself. Applications **S/1243/04/F** and **S/0753/87/F** for a domestic extension to 27 and 22 Everton Road respectively appear to show the length of the rear plots of land to be garden land.

Planning Policy

4. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/7** Development Frameworks, **NE/6** Biodiversity, **NE/15** Noise Pollution & **TR/2** Car and Cycle Parking Standards.
5. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
6. **Consultation by South Cambridgeshire District Council as Local Planning Authority**
7. **Gamlingay Parish Council** recommends the refusal of a permanent consent on the site, although they note sympathies to the applicant to be on site for a limited duration whilst refurbishing the main property.

Representations by Members of the Public

8. A letter of objection has been received from the occupiers of St Marys House to the southwest. The occupiers of this property own the land directly south of the site. The objection is based on the lack of the relevant planning permission prior to the occupation of the land. The buildings are not considered consistent with a domestic use, and there is no evidence that any works has been carried out to the main dwelling.

Planning Comments

9. The key considerations in the determination of this application are whether the development is appropriate within the countryside, and the impact upon the amenity of the occupiers of the adjacent land.

Whether the Development is Appropriate within the Countryside

10. The site lies outside of the designated Gamlingay village framework, and is in the countryside in policy terms. Policy DP/7 of the LDF DCP provides a list of development considered acceptable in such areas, and residential development is not on this list. As such, the development is contrary to the aims of Policy DP/7, which seeks to protect the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations.
11. The applicant has sought to justify the need for the development given the need for refurbishment to the main dwelling and its current state of disrepair. Given his long-term residency would be in the main property, a temporary application is considered appropriate in this instance. This recommendation is enhanced by the minimal public views from Everton Road given the hedgerows in the vicinity.
12. The applicant considers the works to be a five-year project before 35 The Heath is capable of being lived in. He has provided the following timeline for development:

- Year 1 – Clear house and check roof and replace damaged tiles
- Year 2 – Remove plaster ceilings etc
- Year 3 – Rewire, replace the ceilings, and insulate
- Year 4 – Connect to water and fit bathroom
- Year 5 – Complete tidy up and loose ends e.g. painting and move in.

13. The applicant is in full-time employment and therefore the development works would be restricted to evenings and weekends. Even with this reduced time available, the works are considered to be easily achievable in less than the five-years requested by the applicant. Given the encroachment into the countryside and the generally unsustainable location of the site, a three-year consent is considered the maximum appropriate in this instance. If the works remain unfinished after three years, the applicant would have the ability to extend the time frame through a new application, which would again be judged on its own merits. The Council would not wish to see a scenario where a temporary consent was granted but only limited works have actually taken place. Members may therefore wish to consider the shorter timescale to provide encouragement that works on the main house are being undertaken. An informative is recommended where the applicant documents the works undertaken, which would provide evidence for any future application.

Impact upon the Amenity of the Occupiers of the Adjacent Land

14. The comments from the landowner to the south are noted. There is no objection relating to any immediate harm from the site being garden. It is not clear the status of the land to the south as it is not within the District. If it were garden, no serious loss of amenity would result to any private areas given the size of the land and distance away from the property at St Marys House.
15. There are two agricultural buildings along the shared boundary with the land to the north. Again, the lawful use of this land is unclear, though there is no evidence to suggest it is garden. If any event, the boundary fence and low height of the development should ensure no harm to the amenity value of this land.

Recommendation

16. Approve on a temporary basis, subject to the conditions below
- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan date stamped 3 January 2013.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 - 2. The use, hereby permitted, shall be discontinued within 3 years of the date of this consent, and the mobile home, storage containers and hot tub shall be removed from the site. The land shall then be restored back to its former condition.**
(Reason – Permission is granted to allow the applicant to bring 35 The Heath back into viable use as a residential property. Approval of the proposal on a permanent basis would be contrary to Policy DP/7 of the

adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)

Informative

The applicant is advised to document the works taking place and the property in order to demonstrate that refurbishment works to 35 The Heath are on-going and progressing.

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/2170/12/FL, S/1243/04/F and S/0753/87/F.

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