

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 April 2014

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2329/13/FL

**Parish(es):** Swavesey

**Proposal:** Retention of existing shed (retrospective)

**Site address:** 4 Scotland Drove Park, Rose and Crown Road, Swavesey, Cambridge, CB24 4RB

**Applicant(s):** Mr Joe Calladine

**Recommendation:** Approve

**Key material considerations:** Character and Appearance of the countryside; Residential Amenity; Highway Safety and Other Considerations

**Committee Site Visit:** No

**Departure Application:** No

**Presenting Officer:** Andrew Fillmore

**Application brought to Committee because:** The officer recommendation is contrary to the views of the Parish Council

**Date by which decision due:** 3 March 2014

### **Planning History**

1. S/1631/10 Continued and permanent use of land as gypsy caravan site (8 pitches). Approved

### **Planning Policies**

2. *National*
3. National Planning Policy Framework
4. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks

5. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010

**Consultations**

6. **Swavesey Parish Council** - Recommend refusal.

The Parish Council make the following comments and objections;

- The building was erected in December 2012/January 2013 without submitting a planning application or gaining permission
- The authorised planning use for the site is for gypsy caravan site and the planning permission S/1631/10, makes no provision for the erection of buildings
- The site is in open countryside, on a slight rise in the land. The position of the unauthorised building is prominent on the site, close to the road and taller than the surrounding landscaping and fencing. It is therefore harming the character of the landscape.
- The development is contrary to policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies of 2007, which require development to preserve or enhance the character of the area, be compatible with the location in terms of scale, mass, form, siting, design and use of materials and avoid unacceptable adverse impacts on the countryside and landscape character.

7. **Local Highway Authority** – No objection. Request the shed be tied by condition to number 4 Scotland Drove Park.

**Representations**

8. No third party representations received.

**Planning Comments**

9. Scotland Drove Park (gypsy caravan site) is located adjacent and to the southern side of the Rose and Crown road within open fenland countryside outside of and south-west of the village of Swavesey. A singular point of vehicular access serves the site which is fully enclosed by boundary treatment. The site benefits from planning permission (S/1631/10) granted in August 2011 for the change of use of the land for use as a gypsy caravan site comprising 8 pitches.

10. This application proposal relates to plot 4 where permission is sought for the retention of a 'shed' (18m length x 8.9m width x 3.9 ridge height) of sheet metal construction (green walls and a grey roof) which has been erected without planning permission. The applicant has confirmed that consent is sought for the shed to be used for his personal use and does not relate to any commercial or business activity. Furthermore the applicant has provided photographic evidence of a number of containers which is stated previously occupied the site.

11. South Cambridgeshire District Council has served an Enforcement Notice on the applicant requiring the 'shed' building be dismantled with the concrete floor slab demolished and all material removed with the land restored to its authorised use

as a gypsy caravan site. This notice is subject to appeal with the Inspectorate hearing set for 7<sup>th</sup> May 2014.

### **Character and Appearance of the countryside**

12. Adopted Development Control Policy DP/2 relates to the design of new development advising all new development must be of high quality design, appropriate in scale and must preserve or enhance the character of the local area. Policy DP/3 continues this theme and states that permission will not be granted where proposals, amongst other criteria, result in an adverse impact on the countryside and landscape character. This local policy stance is reflective of the advice contained in the NPPF.
13. Scotland Drove Park is a residential gypsy site set in an isolated location in open fenland countryside which is devoid of notable landscape features or buildings within the immediate vicinity. The site is self-contained being enclosed by a boundary fence with some planting to the outside, and as such is an incongruous feature within the landscape.
14. When viewed from Rose and Crown road the roofs of the various buildings are visible above the boundary treatment and it is this collective grouping of buildings, rather than any one individual building, which is the defining character. In short the site as a whole is an incongruous feature within the landscape character rather than any of the individual caravans.
15. The shed is positioned close to the roadside boundary and is of greater height and length than the other buildings on site, and is therefore more visible. However for the reasons stated in paragraph 14 the impact on the landscape character needs to be considered in the context of viewing the site as a whole. In this context officers are of the view securing additional planting outside of the perimeter boundary would sufficiently mitigate the identified harm.
16. Suitable planting arrangements can be controlled through conditions to ensure an appropriate level of landscaping is undertaken within a reasonable time frame.

### **Residential amenity**

17. The application seeks permission for use of the building for purposes incidental to the residential use of plot 4, and any such compliant use would be unlikely to give rise to concerns of noise disturbance to neighbours.
18. The scale and height of the building along with its relationship to the adjoining residential gypsy plots does not give rise to concerns of overbearing or loss of outlook.

### **Highway Safety**

19. Orchard Drove Park benefits from an established point of vehicular access with the Highways Authority not opposing the application subject to the use of the building being restricted for purposes incidental to plot 4 (residential gypsy plot). As such, and subject to the use being conditioned, no harm is identified in respect of the impact on highway safety.

### **Other considerations**

20. The Parish Council oppose the application, stating the development does not benefit from planning consent and the permission granting the gypsy caravan site does not make provision for the erection of buildings. Whilst the Parish Council's concerns over the retrospective nature of the application are understandable, this is not justification for refusal of consent and the application is required by law to be determined on its planning merits.
21. The parishes concerns raised with regards to the developments compliance with local policy relate to the visual impact associated with the retention of the shed and are assessed in paragraphs 12-16.

### **Conclusions**

22. Subject to securing additional planting to the boundary of Scotland Drove Park it is considered the development would not materially harm the landscape character to a degree which would justify refusal of consent. Conditioning the use of the building be restricted for purposes ancillary to the residential use of plot 4 is necessary in the interest of neighbour amenity and highway safety.

### **Recommendation**

23. Approval subject to the following conditions –
24. The development hereby permitted shall be retained in accordance with the plans titled 'Site Location Plan', 'Block Plan' and 'Barn at Swavesey'  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
25. The development hereby permitted shall only be used for purposes ancillary to the residential use of the gypsy pitch on plot 4 of Scotland Drove Park and shall not be used for commercial or other business activity.  
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007, and in the interests of highway safety.)
26. The use hereby permitted shall cease and the building dismantled with the concrete floor slab demolished and all material removed, with the land restored to its authorised use as a gypsy caravan site within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) within 3 months of the date of this decision a landscaping scheme (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
  - (ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

(iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

## **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scams.gov.uk/localplan>

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