

**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

6 April 2016

## Appeals against Planning Decisions and Enforcement Action

### Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 23<sup>rd</sup> March 2016. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State:**

Ref.no	Address	Detail	Decision & Date
S/1195/15/FL	30 High Street Cottenham	Replace existing garage with 3 bay oak frame garage	Allowed 18/02/2016
S/3017/14/FL	22 Pipers Close Fowlmere	Siting of Static Mobile Home in rear garden & rear extension to dwelling	Allowed 19/02/2016
PLAENF 1647	22 Pipers Close Fowlmere	Enforcement Notice Breach of planning control – stationing of mobile home for residential purposes	Appeals: A, B, C & D Allowed Enforcement Quashed 19/02/2016
S/2761/14/FL	Horse and Groom Baldock Road Therfield Litlington	Demolition of Horse and Groom building and erection of 2 detached dwellings	Dismissed 19/02/2016
S/1441/15/FL	4 Caribou Way Teversham	Erection of dwelling	Dismissed 23/02/2016
S/2079/15/VC	The Travellers Rest Caravan Park Ely Road Chittering	Variation of Conditions 2 (Approved Plans) & 3 (Use of Areas)	Dismissed 24/02/2016
S/2079/15/VC	The Travellers Rest Caravan Park Ely Road Chittering	Application for costs by the appellant	Dismissed 24/02/2016
S/0642/15/FL	23 The Doles Over	Change of Use of land (landscaped area ) to being part of the curtilage of No. 23 The Doles, enclosed by a	Allowed 26/02/2016

		fence	
S/1539/15/FL	43 High Street Harston	Erection of dwelling following demolition of existing building	Allowed 01/03/2016
S/0227/15/FL	47 London Road Stapleford	Proposed Valeting Bay	Dismissed 01/03/2016
S/0920/15/FL	11 Finch's Field Little Eversden	New two bedroom single storey dwelling	Allowed 15/03/2016
S/0684/15/FL	22 Crossways Linton	Erection of dwelling.	Dismissed 22/03/2016

3. **Appeals received:**

Ref. no.	Address	Details	Appeal Lodged
S/1265/15/FL	37 Bisley Crescent Cambourne	Conversion of garage to habitable accommodation	04/02/2016
S/1527/15/FL	The Three Tuns 30 High Street Guilden Morden	Change of Use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)	12/02/2016
ENF/128/15	45 North Road Abington	Enforcement Notice – without planning permission the erection of 1.96m fence adjacent to & within 1m of highway	17/02/2016
S/1944/15/FL	The Grange Old Road North Bassingbourn Cum Kneesworth	Development of one Eco-house	17/02/2016
S/2896/15/FL	9 Meadow Lane Linton	Extension to existing glazed link & insertion of 7 roof lights	18/02/2016
S/1442/15/OL	Land north of Lanthorn Stile Fulbourn	Residential Development – 50 houses and associated infrastructure	19/02/2016
S/2244/15/OL	Orchard Cottage Bury Lane Meldreth	Erection of Timber framed eco- friendly detached House	22/02/2016
S/2868/15/FL	Land at Babraham Road Fulbourn	Erection of Agricultural workers dwelling	23/02/2016
S/2434/15/AD	Cambridge Canteen Hills Farm Road Whittlesford	Display of 2 advertisements, 1 on main building and 1 roadside sign	26/02/2016
ENF/0473/13	Monkfield Nutrition Ltd Church Farm Barns Shingay Cum Wendy	Enforcement Notice – the erection of 3 buildings without planning permission	04/03/2016
S/2803/15/FL	13 Huntingdon Road	Erection of new two storey dwelling following demolition of existing single	13/03/2016

	Sawston,	storey side extension	
S/3113/15/FL	29 High Street Waterbeach	Two Storey Rear Extension following demolition of single storey extension	14/03/2016
S/2201/15/FL	Barnsbury House Coxs Drove Fulbourn	Conversion of Residential Annex to form New Dwelling	16/03/2016
S/3027/15/FL	119 Hay Street Steeple Morden	Erection of single storey dwelling	17/03/2016
S/1549/15/OL	18 Hall Drive Hardwick	Erection of a single dwelling within the curtilage of 18 Hall Drive	18/03/2016
ENF/0127/14	Monkfield Nutrition Ltd Church Farm Barns Shingay Cum Wendy	Enforcement Notice – Commercial breeding of reptiles and the siting of a mobile home for residential occupation	18/03/2016
S/2630/15/VC	46 North Road Great Abington	Removal of Conditions 2 (Landscape) and 3 (Landscape Implementation) of Planning Consent S/0699/15/FL for Polytunnels	21/03/2016
S/3250/15/FL	158 High Street Harston	Erection of 2 No. detached dwellings, together with hard and soft landscaping and associated infrastructure.	21/03/2016

4. **Local Inquiry and Informal Hearing dates scheduled:**

Ref. no.	Name	Address	Hearing/Inquiry
S/2409/14/FL	Sawston Solar Farm Limited	Land North of Dales Manor Business Park, Sawston	Hearing 22/03/16–23/03/16 Confirmed
S/1451/14/FL S/1476/13/LD S/2097/14/VC	Mr T Buckley	The Oaks Willingham	Inquiry 05/04/16–06/04/16 Confirmed
S/0410/15/RM S/0409/15/RM	Redrow Homes South Midlands	Land east of Cambridge Rd, Former CropScience site Hauxton	Hearing 14/04/2016 Confirmed
S/1248/15/FL	Aspire Residential Limited	Land north west of 14 Ivatt Street Cottenham	Hearing 19/04/2016 Confirmed
PLAENF.1663	Mr B Arliss	Riverview Farm Overcote Road Over	Enforcement Inquiry 26/04/16 Confirmed

PLAENF.1671	Mr Andrew Kyprianou	34 Mingle Lane Stapleford	Enforcement Hearing 11/05/16 Confirmed
S/0677/15/OL	C H Neal & Sons	Land south of Kettles Close Oakington	Hearing 21/06/2016 Confirmed
S/0892/15/LD	Mr M Dwyer	Managers Accommodation Enterprise Nurseries Waterbeach	Inquiry 05/07/16–06/07/16 Confirmed
S/2791/14/OL	Endurance Estates Strategic Land Ltd	East of New Road Melbourn	Inquiry 12/07/16–14/07/16 Confirmed
S/2273/14/OL	Mr D Coulson	Land at Teversham Road Fulbourn	Inquiry 13/09/16-16/09/16 & 20/09/16-21/09/16 Confirmed

## 5. Summaries of recent decisions

### **Mr and Mrs Wren – Change of use from common ground to garden land and erection of 1.8 m high close-boarded fence – 23 The Doles, Over – Appeal allowed.**

1. This application was refused by the Planning Committee at its meeting on 3 February 2016. The main issue was the effect of the proposed fence on the character and appearance of the informal open space and its surroundings. The appeal was considered by way of written representations.
2. The appeal site currently forms part of a larger landscaped public amenity space at the junction of The Doles and Drings Close, immediately adjoining 23 The Doles. It is characteristic of the local area. However, while properties to the south of Drings Close have generally open front gardens and a uniformity in the layout of this small estate, the houses in The Doles demonstrate greater variety in form as do the boundary treatments with a range of hedges, walls and fences of varying heights.
3. The inspector found the existing open landscaped space provides a contrast to the built form of the dwellings behind, when approached from the west. Together with other areas of informal landscaping nearby and the wide road junction, the area at the junction of The Doles and Drings Close has an open character. However, he found that the proposal to enclose part of the landscaped open space with a closely boarded wooden fence would not, in my view, adversely affect the open character of the locality. The area of land to be enclosed would be small in comparison with the landscaped area as a whole and the experience of openness would not be greatly reduced as a result of the enclosure.

4. Over Parish Council had commented that the proposed fencing would not be in keeping with the existing walls surrounding the green but whilst walls are more common than fences in the immediate vicinity the inspector found that there are examples of fences nearby. In addition, a fence as a means of enclosure would soften the hard backdrop to the open space which is currently provided by the boundary wall to the appeal site.
5. The proposal was found to accord with Policy DP/2 of the adopted LDF which requires new development to be of a high quality and to preserve or enhance the character of the local area. The appeal was therefore allowed.

**Mr J Page - Seasonal use of touring caravan site without complying with conditions attached to planning permission Ref S/2420/13/VC – Chittering Park, Ely Road, Chittering, Waterbeach – Appeal dismissed and costs claim by the appellant dismissed.**

6. This appeal sought permission for the existing seasonal use to occur all year round. The relevant part of the site in question is currently used for camping and touring caravans from 1 April – 30 September during any one year. The main issue in this appeal was the effect of allowing the use of the site for the additional months of October to March on the living conditions of occupiers of nearby dwellings taking particular account of noise and disturbance. The appeal was dealt with through written representations.
7. The inspector concluded that it is not uncommon for residents to experience some noise from nearby activities. In this case sources of noise for residents on School Lane which abuts the site include a children's play area near the site access, the Traveller's Rest public house, traffic noise from the nearby A10 Ely Road and the existing use of Chittering Park. Activities associated with Chittering Park include vehicles coming and going on School Lane and within the site, manoeuvring of vehicles and caravans onto pitches, children playing, playing of music, conversations between adults including from outdoor dining and socializing and use of the amenity facilities such as the kitchen/laundry area. At present the scale of such activities and any associated noise is limited by the restrictions of times that parts of the site can be used.
8. As such, it was considered to be appropriate to provide some respite for residents from noise and disturbance. The use of an increased number of pitches would increase the activities described above. This would have a greater impact on the living conditions of nearby houses than exists at present. No hard evidence had been provided in relation to actual noise levels from the use of Chittering Park. More visitors would result in a more intensive use of the facilities blocks than at present. In his judgement the inspector concluded that material harm through noise and disturbance would be caused to occupiers of nearby houses. The current arrangements provided a good balance between the appellant's desire to expand his business with the reasonable expectations of existing and future occupiers of nearby houses to enjoy peace and quiet and a good standard of amenity.
9. The appeal was therefore dismissed. In seeking an award of costs, the appellant asserted that the Council did not properly take account of recent changes in circumstances, particularly the new facilities built close to the boundaries with gardens; had given no appropriate weight to the enterprise/wider economic benefits

arising from the proposal; that the Council failed to substantiate its view and that third parties and consultees did not support the Council's view.

10. Nonetheless, the inspector found that the Council was entitled to come to the conclusion it had and had not acted unreasonably. The claim for costs was dismissed.

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