

PLANNING APPEAL DECISIONS

The Council has received the following Appeal decisions in the last month:

PA Ref	Site/Proposal	Officer Recommendation	Decision Level	Appeal Decision	Main issues
F/YR18/0888/O	Erection of up to 4 x dwellings involving the formation of 3 x accesses (outline application with matters committed in respect of access) Land North Of Tewinbury House , Mill Lane, Newton-In-the-Isle	Refuse	Committee	Dismissed	<ul style="list-style-type: none"> • Main issues were: <ul style="list-style-type: none"> - The effect of the proposal on the character and appearance of the area; - Whether the proposed development would be safe from flooding; and - Whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities. • Inspector considered that the area was rural in character and site had a prominent location on the approach to the village. Concluding that the scheme would introduce significant residential built form eroding the rural appearance of the lane and causing material harm. Appellant contends in respect of flood risk that 'the EA's Flood Risk Map for Planning is used in applying the Sequential Test unless EA "hazard maps" are available'. Inspector notes zone categorisation is extremely limited. Furthermore, these submissions are not verified by, for example, confirmation from the EA that it considers that the site's flood zone category should be altered' Inspector also goes on to note that the EA consider the Sequential test should be applied and gives this significant weight.

					<ul style="list-style-type: none">• Inspector 'conclude[s] that the appeal site is in Flood Zone 3 for the purposes of this appeal. Accordingly, I concur with the view of the EA and of the Council, namely that it is necessary to consider whether the Sequential Test has been satisfied.' <p>Notes that Draft Approach to the Sequential Test for Housing (DAST) allows for the ST area of search to be agreed as Newton, where the proposal demonstrates a clear objective to sustain particular settlements i.e. an identified need is demonstrated. As the LPA provided evidence that Newton had exceeded its development threshold and that housing targets in 'other locations' - rural area and villages had also been exceeded the Inspector did not consider there was need for the development and as such the provisions of DAST should not be used in determining an area of search and considered the search area should be wider. As such did not consider that the appeal had demonstrated that there are no other reasonable available sites.</p> <ul style="list-style-type: none">• In terms of the sites location there is a 'lack of a footway and street lighting between the site and the village would preclude safe pedestrian access along this section of Mill Lane for the occupants of the development' and 'occupants of the proposed development would need to travel elsewhere in order to meet the majority of their day-to-day needs'. Lack of footpaths also 'likely to discourage occupants of the proposed development from using the bus
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					<p>service’.</p> <ul style="list-style-type: none"> • Inspector concludes ‘that occupiers of the proposed development would be likely to rely on use of the private car for access to almost all of the day-to-day services and facilities they would require’. • Additionally the inspector also noted that this was not an infill site, as it was a large gap and one of the dwellings adjacent was subject of an agricultural occupancy restriction • Noted some representations of local support given other development in the vicinity but attached only minimal weight to the relevance of this. • Finally the Inspector considered that even if the Council could not demonstrate a 5-year housing land supply the tilted balance of Para 11 of the NPPF would not be engaged.
F/YR19/0607/F	Erect a 2-storey rear extension, a single-storey garage to side and the insertion of a roof light to side roof slope of existing dwelling, 21 Willey Terrace, Doddington Road, Chatteris	Refuse	Delegated	Dismissed	<ul style="list-style-type: none"> • Main issues were: <ul style="list-style-type: none"> - The effect of the two-storey extension on the living conditions of the existing occupants of the adjoining property, with particular regard to outlook, shadowing and light. • The Inspector agreed that the development would result in a poor outlook from the first floor window and would therefore be harmful to the living conditions of the existing occupants of the adjoining dwelling.
F/YR19/1085/F	Change of use of land to paddock; formation of manège for private use, Ivy	Granted with conditions	Delegated	Dismissed	<ul style="list-style-type: none"> • Appeal submitted in respect of condition 2 relating to archaeological investigation prior to development; main issue is

	House Farm, Upwell Road, Christchurch				<p>whether the condition is necessary and reasonable.</p> <ul style="list-style-type: none"> • FDC guided by Historic Environment team at CCC • Appellant considered works unnecessary and unjustified given the depth and type of work proposed and that where digs have taken place nearby nothing has been found • Inspector considered the agricultural cultivations which had taken place at similar levels to the proposed manège, inspector highlighted that it wasn't clear as to the extent of drainage and that the condition was not restrictive as it allowed for differing responses • Inspector concluded that the condition was necessary and reasonable.
F/YR18/0573/O	Erection of 35 x dwellings involving the formation of a new access (outline application with matters committed in respect of access and layout), Land east of 10-32 Church Road, Leverington	Refused	Delegated	Dismissed	<p>The main issue in this case is the effect of the proposed development upon the character and appearance of the area, including any effect upon the setting of designated heritage assets.</p> <ul style="list-style-type: none"> • The application was submitted in outline with access and layout for approval and appearance and landscaping reserved. Elements of the submitted plans are therefore indicative. I have dealt with the appeal in the same manner. A revised highways plan was submitted as part of the appeal and given that there are no substantial differences between the plans appeal considered on this basis. • Inspector gave a detailed appraisal of the existing context noting that the <i>'development of the site would mark a significant change to the pattern of</i>

development in the village, pushing the built form of the southern half of the village east of Church Road towards the northern part of the settlement. In doing so the proposal would alter the character of the southern part of the village, which remains primarily linear on the east side of Church Road and on Dowgate Road to a more nucleated form, aping the more modern development to the west of Church Road. This would be noticeable visually from the remaining open section of Church Road to the south of Leverington Hall and from views on Dowgate Road to the south and would adversely affect the character and appearance of the village, failing to respect the existing development pattern maintaining the two sections of the village, thereby also having an adverse effect on the setting of the LCA.'

- Scheme also considered to have a significant effect upon the setting of Roman Bank. It was also acknowledged that harm would be caused, albeit less significantly, to the setting and significance of Reed and Thatched Cottages and Cherry Tree Hill scheduled monument.
- The Inspector did not consider however that the proposal would be harmful to the setting of Leverington Hall and Lancewood due to the space remaining between the Hall and the proposal and the development already present around Lancewood.
- It was also considered that the proposal would constitute a significant change to

					<p>the character of the village and would remove many views between the northern and southern halves of the village. Although landscaping buffers to its boundaries this could have the effect of drawing attention to the edges of the scheme in such a flat landscape and where views may remain between Dowgate Road/Little Dowgate towards the north these would be diminished significantly.</p> <ul style="list-style-type: none">• Inspector considered scheme would not be in keeping with the core shape and form of the settlement and would adversely affect its character and appearance.• Consideration was given to the public benefits of the proposal however do not consider these outweigh the harm to heritage assets in the vicinity.• Inspector concluded: the proposed development would have an adverse effect upon the character and appearance of the area, including upon the setting of designated heritage assets, and would be contrary to policies LP1, LP3, LP12, LP16 and LP18 of the Local Plan, as well as to the Framework.• Other matters the appellant also submitted a viability assessment with the appeal however as the appeal was being dismissed on other grounds the inspector noted that he had not considered this matter further; similarly the issue of housing land supply was raised by the appellant, although the appeal did not include a full study; notwithstanding this the Inspector had
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					considered the scheme in a positive manner but considered there is clear reason for refusing the development.
F/YR19/0351/PNC04	Change of use from agricultural building to 3 x 2-bed and 2 x 3-bed two-storey dwellings (Class Q (a) and (b)), Farm Building, Bank Farm, Whittlesey Road, Benwick	Delegated	Prior Approval Refused	Dismissed	<ul style="list-style-type: none"> • Main issue is whether the proposal would be development permitted by Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and if so whether the prior approval should be granted for the relevant matters • To facilitate the conversion of the building to 5 dwellings it was intended to remove and replace all the existing cladding from the walls and roof and demolish part of the 1.7m high exterior wall, to create openings for doors and windows at ground floor level. Additionally, a first floor would be added which would be supported off the concrete base. New external cladding would be attached to the existing steel frame and openings for doors and windows would be created in the cladding. This would almost completely cover the existing 1.7m high • external brick wall, where this is retained • The Inspector considered that 'as a matter of fact and degree, that the building works required go well beyond what is reasonably necessary to convert the building to a dwelling house. Therefore, the appeal fails as the proposed development is outside the relevant class i.e. not a conversion of an existing building to a dwelling house, but

					<p>a rebuild.’</p> <ul style="list-style-type: none"> • Inspector also considered that the that the proposed cladding would extend beyond the building envelope and as such would also fail to comply with Class Q1 (h); accordingly even had the Inspector considered that the existing building was capable of functioning as a dwelling the appeal would have failed on this ground. • Although the Inspector acknowledged that a prior approval for the same building had previously been refused on highway grounds alone in 2015 and that this may have raised an expectation that the application should be approved as the highway issue had been resolved he noted that he had determined the appeal on the basis of current guidance and case law.
F/YR18/0778/F	Land south of 58 Back Road, Gorefield	Delegated	Refused	Dismissed	<ul style="list-style-type: none"> • The main issue in this case is the effect on the character and appearance of the countryside. • Inspector provided an overview of the site context and outlined the scope of Policy LP3 • It was identified that there was no agricultural justification for the scheme • The Inspector considered that whilst there was no objection to the detailed design of the proposal, which would be in a traditional form, the scale of the building was considered to represent a prominent intrusion into the countryside, and it was highlighted that the appellant had not submitted any specific justification for the size of the building or

					<p>its proposed location</p> <ul style="list-style-type: none"> • With regard to the access track whilst the Inspector acknowledged that it could be finished in a material to blend it would still increase the perception of the development intruding into the countryside • Concluded that the proposal would harm the character and appearance of the area and conflict with the relevant policies of the plan.
F/YR18/0070/F F/YR19/0164/F F/YR19/0516/F	20 Deerfield Road, March Erection of 4 new dwellings following demolition of existing bungalow	Refuse (all)	F/YR18/0070/F Committee F/YR19/0164/F Committee F/YR19/0516/F Delegated	F/YR18/0070/F Allowed F/YR19/0164/F Dismissed F/YR19/0516/F Dismissed	<ul style="list-style-type: none"> • Main issues were the impact of the proposed dwellings on the amenities of the neighbouring dwellings, and their impact on the character of the area. • The second and third applications were also refused on the basis of poor amenity standards associated with the properties themselves. • The second application was also refused on the basis of a sub-standard vehicular access. • The Inspector found that none of the applications adversely affected the living conditions of neighbouring properties. • They found that the first appeal would result in acceptable living conditions, but the second and third appeals would not. • The second appeal was found to have a harmful effect on highway safety. • None of the appeals were found to have a harmful effect on the character of the area.

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