

PLANNING APPEAL DECISIONS

The Council has received the following appeal decisions in the last months. All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

Planning Application Reference: F/YR18/1038/F (appeal ref: APP/D0515/W/19/3228109)					
Site/Proposal: 8 static caravans and associated works for gypsy/ travellers at Crazy Acres, Chase Road, Benwick					
Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
Main Issues:					
<ul style="list-style-type: none"> • Character & appearance • Sustainability of location • Flood risk • Highway safety • Other considerations 					
Summary of Decision:					
<p>Character and appearance Inspector concluded that due to the flat expansive nature of the area, the structures and vehicles associated with the development would be a notable intrusion into the landscape that would detract unacceptably from its open, rural character which would be far more harmful than the 2 touring caravans permitted. contrary to LP5 and LP16.</p> <p>Sustainability of location Inspector noted that Benwick contains a shop, a primary school, a public house, places of worship and a bus service to March and Whittlesey but which are located 2.5Km from the site. Concluded that whilst the families intention to link trips may mitigate the harm to some degree, the limited services available in Benwick, plus the fact that walking or cycling are unlikely to be attractive, mean the development will nonetheless result in undue reliance on private motorised transport, in conflict with Local Plan Policies LP2 and LP15 that promote the use of non-car modes.</p> <p>Flood risk The site is in Flood Zone 3, with a high probability of fluvial flooding. Inspector concluded that the Sequential test for flood risk hadn't been met with a high probability that alternative sites in lower flood risk areas would be available to accommodate the development. Furthermore the wider community sustainability benefits of their development as part of the exception test had not been demonstrated.</p> <p>Highway safety Inspector concluded that the access where it meets Whittlesey Road would offer sufficient visibility so as not to have an adverse effect on highway safety, and so in this regard would not conflict with Local Plan Policies LP5D(d) and LP15C that require safe access.</p>					

Other considerations

The inspector considered the need for the development and the specific circumstances of the applicant and their wider family but considered that these matters did not outweigh the identified harm.

Planning Application Reference: F/YR18/0821/F and ENF/223/11/UW (Appeal reference APP/D0515/C/19/3226096 and APP/D0515/W/19/3226090)

Site/Proposal: Change of use from agriculture to a residential use and the residential occupation of 3no static caravans (retrospective), Land West Of Bar Drove, Friday Bridge.

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Allowed with enforcement notice quashed, plus award of partial costs.
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Main Issues:

- **Character & appearance**
- **Gypsy status of occupants**
- **Other considerations**
- **Award of costs**

Summary of Decision:**Character and appearance**

Inspector concluded that gypsy and traveller sites are not intrinsically discordant or out of character in the countryside and the use of landscaping would assimilate the development into its surroundings.

Gypsy status of occupants

Inspector considered appellant did not meet the planning definition of a traveller but that other residents of the site did. The individual circumstances of the family group as a whole carried significant weight.

The level of unmet need within Fenland for traveller pitches and the lack of alternative sites

were also given considerable weight.

Other considerations

The site is approximately a mile from Friday Bridge and the Inspector concluded that while there would be a reliance on the private car it was in a sustainable location. He also concluded that the development was unlikely to generate significant vehicle movements to the detriment of the highway.

Award of costs

The Inspector dismissed the majority of the appellants' claim for costs against the Council, however did conclude that the Council had acted unreasonably in providing evidence at the Hearing relating to traveller accommodation need rather than beforehand, and consequently awarded partial costs to the appellant.

Planning Application Reference: F/YR19/0669/PNC04 (Appeal reference APP/D0515/W/20/3244922)

Site/Proposal: Change of use from agricultural building to a single storey 2-bed dwelling (Class Q (a) and (b)), Farm Building East Of 16 Turningtree Road, Whittlesey

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed

Main Issues:

- **Whether proposal is permitted development**

Summary of Decision:

Whether permitted development

Inspector concluded that the works involved to convert the building, namely the removal and replacement of all of the cladding to the building would go beyond the scope of those permitted under Class Q(b) and would therefore not be permitted development.

Planning Application Reference: F/YR19/0277/O (Appeal reference APP/D0515/W/19/3240555)

Site/Proposal: Erection of a dwelling (outline application with all matters reserved), Land West Of 4 Walton Road, Leverington.

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- **Character and appearance**
- **Living conditions of neighbouring occupiers**
- **Other matters**

Summary of Decision:

Character and appearance

Inspector considered development would be cramped and out of keeping with the form and appearance of neighbouring properties, as well as being detrimental to the open character of the area.

Living conditions of neighbouring occupiers

Inspector also considered that the two storey character of the proposal and its angular setting would result in a dominant position towards the host dwelling with overbearing and dominance of this. It was also not clear that there would be no overlooking of the other neighbouring dwelling.

Other matters

“The temporary and minimal economic benefits of the proposal and the limited contribution to housing supply” were considered to be outweighed by the detrimental effects, in the view of the Inspector.