

## 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.

<b>Planning Application Reference: F/YR19/0576/F (Appeal reference: APP/D0515/W/20/3246313)</b>					
<b>Site/Proposal:</b> Change of Use of building to single-storey 2-bed dwelling including erection of a single storey extension, Land Rear Of Sunset Station Road Wisbech St Mary					
<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>• <b>Character &amp; appearance</b></li> </ul>					
<b>Summary of Decision:</b>					
<p><b>Character and appearance:</b> Inspector noted that the proposed development would <i>'be alien to the building's utilitarian form, and would significantly change the intrinsic character of the building. Furthermore, the use of render over the entire building would further detract from the buildings simplicity and further exacerbate the unduly domestic appearance of the building. The proposal would therefore represent a discordant domestic form of development which would cause material harm to the character and appearance of the building and the surrounding countryside'</i>.</p> <p><i>'Even [if the Inspector was] to accept that the development would re-use a redundant building, it would not meet the additional requirement of paragraph 79 (c) of the Framework which also requires the re-use to enhance its immediate setting.'</i></p> <p>In conclusion the Inspector considered that <i>'the proposed alterations to the building to form a dwelling would harm the character and appearance of the area and would conflict with Policy LP12 of the Local Plan, the requirements of which are specified above. The development would also be in conflict with Policy LP16 of the Local Plan, and the Framework which seek, amongst other things, to ensure that developments enhance their immediate setting and make a positive contribution to the character of the area.'</i></p> <p><b>Other matters:</b> The Inspector acknowledged that there was a residential caravan within the site and that this was occupied however noted that this was subject to a condition to ensure that it was not occupied by any persons other than gypsies and travellers. Thus, the caravan was permitted taking into account the specific needs of the individuals involved and was not a determinative factor in the consideration of the appeal. Although it was accepted that the development would enable the appellants to remain at the site and support local services and facilities such as the school and would enable them to support their growing family, these matters were not sufficient to outweigh the harm identified.</p>					

**Planning Application Reference: F/YR18/0345/FDL (Appeal reference: APP/D0515/W/20/3245685)**

**Site/Proposal:** Erection of up to 45no dwellings (outline application with all matters reserved) involving demolition of existing dwelling, Brewin Oaks, City Road, March

<b>Officer Recommendation:</b>	Grant	<b>Decision Level:</b>	Committee	<b>Appeal Decision:</b>	.Dismissed
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**Main Issues:**

- **Provision for affordable housing and infrastructure**
- **Character and appearance**
- **Neighbouring amenity**

**Summary of Decision:**

**Affordable Housing and Infrastructure:** As the appeal was not accompanied by a Section 106 agreement to deliver the necessary contributions required by policy, or a viability assessment to evidence why these could not be provided, the Inspector concluded that the necessary affordable housing and infrastructure would not be provided and as such the proposal was contrary to Policy.

**Character and Appearance:** The Inspector considered that the quantum of development could be satisfactorily accommodated within the site with no adverse impact on the character and appearance of the area. It was noted that the site formed a transition between areas of different character and that the scale of development would reflect some of the buildings in the vicinity.

**Neighbouring amenity:** From the illustrative details the Inspector concluded that the relationships with adjacent properties could be acceptable, albeit noting that detailed relationships are more generally considered at the reserved matters stage.

**Other matters:** The Inspector concluded that 45 dwellings would make a modest contribution to the housing supply and there would be some employment generated during constructon as well as the contribution future occupiers could make to the local economy.

However these factors did not outweigh the lack of a mechanism to secure affordable housing and infrastructure.

**Planning Application Reference: F/YR19/0828/F (Appeal reference: APP/D0515/W/20/3245490 )**

**Site/Proposal:** Erect 1 dwelling (2-storey 4-bed with garage) and 1.2 metre high post and rail fencing, Land West Of 31 Crooked Bank, Wisbech

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Suitable location for housing**
- **Character and appearance**

**Summary of Decision:**

**Suitable location for housing:** The site is located within Begdale. As this is not a settlement specified within Policy LP3 of the Local Plan the Inspector concluded it was an 'elsewhere' location where dwellings should only be allowed with justification. As no such justification had been provided the development was contrary to the policies of the Local Plan.

Under Paragraphs 78 and 79 of the NPPF the proposed dwelling would not be isolated, however given the limited services within Begdale and the lack of connectivity to other settlements it would be an unsustainable development resulting in a reliance on the private car, contrary to the NPPF. The economic and social benefits of this dwelling were considered to be modest and not to outweigh this harm.

**Character and appearance :** The Inspector identified that the area has a "spacious, rural edge of settlement character". The development would erode this space with an urbanising effect, harming the area and consequently being contrary to the policies of the Local Plan