

PLANNING APPEAL DECISIONS

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

Planning Application Reference: F/YR20/0107/F					
Site/Proposal:					
Land north east of 24 Feldale Lane, Coates, Cambridgeshire PE7 2ED					
Change of use of land for domestic purposes, erect a shed and greenhouse including wildlife pond and wild flower meadow (part retrospective)					
Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
Main Issues:					
<ul style="list-style-type: none"> • Effect of the development on the character and appearance of the surrounding rural area. 					
Summary of Decision:					
<p>The site is an edge of village location and one of a row of substantial new dwellings with generous gardens backing onto grassed paddocks.</p> <p>The footnote in relation to Policy LP12, Part A confirms that the footprint of a village is defined as the continuous built form of the settlement and excludes, among other things, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement, where that land relates more to the surrounding countryside than the built up area of the settlement. Part A (c) requires that development should not have an adverse impact on the character and appearance of the surrounding countryside.</p> <p>The Inspector concurred that the rear gardens of the dwellings were well defined and created a clear demarcation between domestic properties and the open countryside beyond. Finding that the domestic type structures are characteristic of residential gardens and that the overall development altered the character and emphasised the encroachment of a residential use into the countryside. As a consequence the development has a negative effect on the rural character of the area and as such is considered contrary to Policy LP12, Part A and LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.</p> <p>It is important to note that if the buildings applied for were re-located within the garden they could be erected under permitted development rights and would not require planning permission, the appellant argued that they would have a similar impact if re-located. The Inspector disagreed with this, finding that the shed in the garden of No.26 did not intrude into, or materially alter the character and appearance of the open countryside as the development applied for did.</p> <p>The appellants also asserted that they considered the development plan out of date, the</p>					

Inspector found that the policies are not out of date in terms of any tension with the NPPF.

Planning Application Reference: F/YR20/0281/O

Site/Proposal:

Land North of 4 Causeway Close, March

Erect 1 x dwelling (outline application with matters committed in respect of scale and access)

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Allowed + Costs
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Main Issues:

- **Highway Safety**

Summary of Decision:

The application proposed a single dwelling which was refused on the basis of additional vehicle movements along a single track access road (Causeway Close) with no segregated pedestrian facilities, and poor visibility at its junction with The Causeway. The Highway Authority had identified concerns regarding the sub-standard nature of this arrangement but had not recommended refusal of the application. Objections to the application from neighbouring residents expressed safety concerns.

The Inspector identified that the “geometry of the junction is clearly substandard” and did not assess the suitability of Causeway Close itself to serve further development with regard to pedestrian and vehicular conflict. However, coming to a conclusion that in the absence of evidence to support a refusal the appeal should be allowed and costs be awarded to the appellant.

In addition, the Inspector had regard to an appeal at Apple Tree Close, March where the Inspector had considered that one additional dwelling would generate no significant additional traffic. Apple Tree Close previously served five dwellings and provided access to approximately six other dwellings. Causeway Close currently serves four.