

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/YR20/0985/O

Site/Proposal: Erect 1 dwelling (outline application with all matters reserved), Land South Of 59 Wood Street, Chatteris

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

- **Character**

Summary of Decision:

The appeal proposal sought permission for a single dwelling on land forming part of the rear garden of 59 Wood Street, a corner plot, and fronting Eastwood.

The Inspector considered that while the long rear gardens of dwellings in Wood Street and Eastwood created a spacious character, the overall street scene was urban in character. Consequently, the development would not cause any harm to this character and the appeal should be allowed.

Planning Application Reference: F/YR20/0870/PNC04

Site/Proposal: Change of use from agricultural building to a single-storey 1-bed dwelling with storage above (Class Q (a) and (b)), Willow Farm, Euximoor Drove Christchurch

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

- Whether the works constituted conversion for the purposes of Class Q

Summary of Decision:

The appeal proposal sought approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the conversion of an agricultural building to a dwelling. It was refused as the extent of the works proposed were considered more than what could be classed as conversion of the building

The Inspector concluded that the extent of the works proposed would not amount to re-building and could therefore be considered as conversion. As such the development fell within the scope of Class Q and the appeal was allowed.

The Council had made a claim for costs against the appellant owing to the submission of further structural information during the appeal process which was not submitted at the time of the application which the appellant acknowledged 'may have altered the LPAs approach to the appeal'. Despite this the Inspector did not consider that the Council had been "put to unnecessary or wasted expense" and accordingly dismissed the costs claim.

Planning Application Reference: F/YR21/0316/F

Site/Proposal: Erect a 2-storey 3-bed dwelling, Land West Of 16 Perry Road, Leverington

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

- **Character**

Summary of Decision:

The development proposed was for the erection of a detached dwelling in the side garden of 16 Perry Road, forming the gap between this property and the neighbour, number 18. It was refused due to the impact on the character of the area, owing to the established pattern of semi-detached dwellings with spacious gaps between.

The Inspector considered that there was a defined character to the area and that the proposed dwelling would conflict with this, exacerbated by its differing height and design. The appeal was therefore dismissed.

Planning Application Reference: F/YR20/0760/PIP

Site/Proposal: Residential development of up to 3 dwellings (application for Permission in Principle), Land North Of The Rectory, Whittlesey Road Benwick

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

- **Location**
- **Land use**
- **Amount of development**

Summary of Decision:

The appeal proposal sought permission in principle for the erection of up to three dwellings on land fronting Whittlesey Road. It was refused as the site was in Flood Zone 3 and considered to be outside the built form of Benwick.

The Inspector identified that the Local Plan does not have settlement boundaries but relies on a definition of built form to determine to allow assessment as to whether a site is inside or outside the settlement for the purposes of the Local Plan. "This results in a situation where a site could be considered in general terms to be part of the village, but not be in the village for the purposes of the spatial strategy". Given the general character of the area she concluded that the site was not in the built form of Benwick and was therefore an 'elsewhere' location and the development was therefore in conflict with the Local Plan. In addition, the development would have an urbanising effect on the character of the area.

With regards to flood risk the Inspector concluded that as the development was outside the settlement, the area of search for the sequential test should be district wide rather than settlement based and it failed to be proven that there were no sequentially preferable sites available.

As such, locationally the application was deemed to be unacceptable.

The Inspector also considered matters relating to affordable housing, which could not be secured by legal agreement as part of the PIP process, and five-year land supply, concluding that the case presented in this regard was not relevant and that even if a supply could be demonstrated the harm identified, on balance, this would not outweigh the delivery of three dwellings and their modest benefits.

Consequently, the appeal was dismissed.

Planning Application Reference: F/YR21/0559/O

Site/Proposal: Erect 1 x dwelling involving the demolition of existing outbuildings (outline application with all matters reserved), Land East Of 21A East Delph, Whittlesey

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

- **Living conditions of neighbours**
- **Car parking**

Summary of Decision:

The appeal proposal sought outline permission for a dwelling forming garden to 21A East Delph. It was refused owing to the impacts on the amenity of neighbouring residents.

The Inspector did not consider that a dwelling on the site, as indicated within the submitted plans, would have a satisfactory impact on surrounding dwellings and should therefore be refused on this basis. Consequently, the appeal was dismissed.

Whilst not forming part of the reason for refusal, car parking was referred to in the Council's report, so the Inspector addressed this, concluding that the one space indicated on the illustrative plan was acceptable in this accessible location.