

RECENT APPEAL DECISIONS TO THE END OF MARCH 2011

Application Ref: S10/0034/FULL NB
Planning Inspectorate No: APP/E2530/A/10/2141270/NWF

Appeal Type: **Written Evidence**

Appellant:	Mrs C Lister
Proposal:	Retention of mobile home
Site:	Langtoft Livery Stables, Cross Road, Langtoft Fen, Peterborough, PE6 9NX

Appeal Decision – Date:	Appeal allowed - 11 February 2011
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SUMMARY

The application was determined under delegated powers and refused permission, this was on the understanding that the renewal of temporary permissions should not normally be allowed if the operation does not make a profit for at least one of the 3 year temporary permission.

However, the Inspector added weight to the mitigation put forward by the applicant e.g. current economic climate, death of a business partner and initial outlay of money combined with the current building works for additional stabling.

As a result the Inspector granted another three year temporary permission, this is due to expire on 4 December 2012 with the mobile home having been on the site for a year longer than that granted under the original permission (ref; S06/1389).

Application Ref: S10/0745/FULL JST
Planning Inspectorate No: APP/E2530/A/10/2137085/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr B Maynard, Stamford Homes Ltd
Proposal:	Erection of four dwellings and associated works (Plot substitution 46-49 of application S09/1659)
Site:	Former Quarry Farm Brickworks, Little Casterton Road, Stamford

Appeal Decision – Date:	Appeal allowed with conditions - 02 February 2011
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SUMMARY

The Inspector considered the effect the development would have on the appearance and character of the area and the impact on the living conditions at 24 Haddon Road to be the key issues when allowing the appeal

Notwithstanding that the proposed houses were of a greater bulk and around 2m taller than those that were previously approved the Inspector considered that the nearest modified house, which is around 15m away from the side of no'24 Haddon Road, would not be significantly affected. Overlooking would also be adequately contained given the relationship between properties.

The Inspector concluded that the current mix of house types ensured that the proposal would not adversely affect the appearance and character of the area or represent a harmful visual intrusion in the built context.

Application Ref: S10/1081/MJRF KJC
Planning Inspectorate No: APP/E2530/A/10/2136072/NWF

Appeal Type: **Public Inquiry**

Appellant:	Mr T Bower & Others
Proposal:	Change of use of land to use as a residential caravan site for Gypsies and Travellers as defined by Paragraph 15 of Circular 01/2006, with 13 mobile homes and 13 touring caravans, including the laying out of hardstanding and creation of new access
Site:	Land North Of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham

Appeal Decision – Date:	Appeal allowed with conditions - 04 March 2011
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SUMMARY

As members are aware the main issue in relation to this development was that of highway safety. There was significant discussion between parties regarding which highway standards should be applied. Whether it should be Design Manual for Roads and Bridges or Manual for Streets (MfS) 1 and 2. The Inspector concluded that MfS should be the determining factor in this case. It was determined that the Gypsy site would not materially affect highway safety.

Other matters discussed at the appeal that are material to the determination of the appeal were sustainability of the site, the need for and provision of sites for Gypsies and Travellers, the appellants' accommodation needs and the availability of alternative sites and human rights.

The failure of the Council to provide alternative sites was given substantial weight in favour of the appeal.

The Inspector concluded that "the proposed access would not have a material harmful effect on highway safety in Stragglethorpe Lane. This, together with the weight of that I have given to other material considerations has led me to conclude that the appeal should be allowed.

I accept that my conclusion differs from that of the previous Inspector but there have been several changes since February 2010, not at least the fact that the appellants are now proposing to move the access to a more favourable place. Furthermore, MfS 2 has been published, and the County's 2005 design guide has been superseded by a development guide which directs developers to the guidance of MfS.

Having concluded favourably on the sole issue of highway safety, and in the absence of any other objections from the Council, I see no reason to make the permission temporary".

Application Ref: S10/1443/HSJ JJ
Planning Inspectorate No: APP/E2530/A/10/2139637/WF

Appeal Type: **Written Evidence**

Appellant:	Mr & Mrs R Bullen
Proposal:	Extension to existing annex to residential dwelling
Site:	ANNEXE 1, Pond Farm, Edenham Road, Bourne, Lincolnshire, PE10 0LG

Appeal Decision – Date:	Appeal dismissed - 11 February 2011
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SUMMARY

This application sought approval of a two storey extension to the existing property. In dismissing the appeal the Inspector concluded that further extensions to an already significant building would be out of keeping with and detrimental to the character of this open rural landscape, and would be not contribute to its conservation, restoration or enhancement. The Inspector also considered the extension would be detrimental to the appearance and character of the main building.

The appeal was dismissed.

Application Ref: S10/1732/FULL JJ

Planning Inspectorate No: APP/E2530/A/10/2141606/NWF

Appeal Type: **Written Evidence**

Appellant:	Mike Sibthorp Planning
Proposal:	Demolition of existing dwelling and erection of two 2 1/2 storey dwellings
Site:	6, Fox Dale, Stamford, Lincolnshire, PE9 2UZ

Appeal Decision – Date:	Appeal dismissed - 28 February 2011
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SUMMARY

This application sought approval for the erection of two dwellings. The application was referred to the Development Control Committee where Members asked officer to negotiate a reduction in the height of the dwellings. Following this the applicant appealed against non-determination. The Council informed the Inspector that had they still had jurisdiction over the application they would have refused the application due to concerns about the scale and impact on neighbours amenities.

In dismissing the appeal the Inspector concluded that the overall height and bulk of the new dwellings to the ridge of the roof would be substantially greater (at least 1.8m higher) than that of the immediate neighbours at Nos.4 & 8 Fox Dale. The architect had used the ridge height of No.71 Casterton Road as a guide, but the Inspector stated that this was significantly higher than the existing dwellings on the appeal site and its immediate neighbours. The combination of the scale and proximity of the new dwellings to each other and to the site boundaries, and their overall height, noticeably above that of the neighbouring dwellings, would give the impression of a most uncharacteristic, intensive and obtrusive development, out of keeping with the scale and appearance of the immediate surroundings.

The appeal was dismissed.