

Title: Appeal Decisions

Item 5

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LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION
Annexe at Briar Bank Clatterford End Good Easter	ENF/271/08/B	Appeal against Enforcement Notice alleging that an outbuilding at the property was being used as a separate dwelling.	24 May 2012 DISMISSED and Enforcement Notice Upheld	<p>The Enforcement Notice relates to an outbuilding being occupied by parents of occupiers of the main dwelling Briar Bank.</p> <p>The inspector concluded that although the occupiers of the outbuilding had underlying health their occupation of the outbuilding exceeded that as an annexe.</p> <p>This was due to a combination of the fact that the outbuilding had a separate vehicular access, separate garden, the fact that property was separated from the main dwelling by hedges and there was no obvious physical linkage between the outbuilding and the main dwelling. In this balanced case the Inspector concluded that the outbuilding was being occupied as a separate dwelling rather than an annex and dismissed the appeal and upheld the enforcement notice.</p>
Appeal A Land at Thaxted Rd Saffron Walden	UTT/1451/09/FUL	Appeal against refusal to grant planning permission for erection of new foodstore (Use Class A1) including a café, automatic teller machines, surface level car parking, new access roundabout and highway works, landscaping, servicing and associated works	17 May 2012 DISMISSED	<p>In retail terms the appeal site is located out-of-centre however predominantly within development limits.</p> <p>Reference is made to the recent planning permission that was granted for a mixed use scheme and that there was nothing to indicate that this could not be implemented. Also the Waitrose and Tesco extensions.</p> <p>Since the Inquiry and prior to the Inspector's decision the NPPF was adopted and had to be considered as a material document. This stated that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed scheme when assessed against the Frameworks policies.</p> <p>Save Walden Town Centre (SWTC) as Rule 6 Party raised that the Willis and Gambier site on Radwinter is a sequentially preferable site and that this site was not considered as a</p>

			<p>sequential alternative by the Council. It was determined by the Inspector that there is no dispute that there is no suitable, available or viable alternative site in the town centre or on its edge. The Willis and Gambier site is out-of-centre and no different to the appeal site.</p> <p>Retail impact was looked at over a 5 year design period (2015) from the date of Appeal A submission. Agreed that the primary impact would fall in Saffron Walden due to the appeal sites location and that Saffron Walden is the main shopping centre for the district. It was noted that Saffron Walden is a small market town serving approx. 15,000 people.</p> <p>The 2012 Retail Capacity Study confirmed that little convenience expenditure growth is expected within the Study Area in the foreseeable future. The Household Survey about 80% of people living in Zone 1 did a majority of their shopping in SW mainly in Waitrose or Tesco and most of the top-up shopping was done locally. The Inspector considered that those who did their food shopping locally would still do so with Sainsbury's in place and therefore expenditure would be taken from the other stores in SW. (45-48% of expenditure turn over would be taken from Tesco). The effects would be greater if taken from the town centre including stores like Waitrose. There would be potential trade diversion would be from Tesco Great Dunmow.</p> <p>The structure of the questions in the Appellant's Household Survey was concluded not to be reliable in terms of predicting future changes in behavior. The Appellant's statistics of people in Zone 1 currently shopping at other Sainsbury's stores is low in comparison to what they had predicated would shop at the proposed Sainsbury's.</p> <p>The Appellant's claw back figure were considered to be over estimated (at 24%) and that the Council's figure (15%) was more realistic. There was no information that other shoppers would change their brand to shop at the proposed store, including those that do their top-up shopping outside the Study Area. This was considered even more so the case as</p>
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<p>Appeal B Land at Thaxted Rd Saffron Walden</p>	<p>UTT/0788/11/FUL</p>	<p>Appeal against refusal to grant planning permission for erection of a new foodstore (Use Class A1) including a café, automatic teller machines, surface level car parking, new access roundabout and highways work, landscaping, servicing and associated works</p>	<p>17 May 2012 DISMISSED</p>	<p>As above</p>