

Title: Appeal Decisions

Item 5

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SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Sundown Cambridge Road Ugley	UTT/13/1385/FUL	Demolition of existing dwelling and outbuildings and erection of new dwelling and detached double garage. Alterations to existing vehicular and pedestrian access and erection of new entrance gates and piers	Dismissed 17 March 2014	<p>The Inspector concluded that the height and bulk of the replacement dwelling was greater than the bungalow it would replace, and therefore would be unacceptably harmful to the character and appearance of the site and the surrounding countryside. He also added that although there was a lapsed permission a substantial dwelling on this (approved in 2010), the proposed dwelling was more substantial than the one previously approved and as such he gave reduced weight to the scheme with lapsed planning permission.</p> <p>He also concluded that the proposal would unacceptably harm the living conditions of the adjacent property in terms of privacy. He did add that although there was existing landscaping between the proposed development and existing properties, the presence of this landscaping should not be relied upon to retain privacy,</p>	N/A

Land At Wood End Wood End Widdington	UTT/13/2322/FUL	Erection of 4 dwellings with garages	Dismissed 7 March 2014	The Inspector considered that the proposal lies outside of the defined limits of Widdington within the open countryside. He considered that "Widdington has only a limited range of facilities ". He pointed out that the distances from the significantly larger settlements of Newport and Saffron Walden being 2 & 3 miles away respectively. Although accepting the fact that there is a local bus service, he stressed that private transport would be relied upon for daily needs and services. He therefore concluded that the development did not constitute sustainable development.	N/A
Land at Forest Hall Road, Stansted	UTT/13/1231/FUL	Erection of detached agricultural building incorporating residential accommodation	Dismissed 21 March 2014	In dismissing the appeal the Inspector concluded that the proposed building would be detrimental to the character and appearance of the rural area and that there is insufficient justification for the development in the rural area or the need for the residential accommodation to support it.	N/A
Home Pasture Stud, Top Road, Wimbish Green	UTT/13/0209/FUL	Proposed erection of dwelling upon completion of a six year stud farm viability test for permanent accommodation and extension of time limit for use of caravan as temporary accommodation while dwelling is being	Allowed 19 March 2014	In allowing the appeal the Inspector concluded "I found that there was a functional need for a dwelling at the site to provide essential care to animals and there is no satisfactory off site alternative that would provide the necessary security and response to an emergency that the use requires. There are doubts about the viability of the stud farm business taken on its own over the short/medium term but it is able to be supported by income from the Appellants' other economic activity carried out in the rural area. The proposed dwelling is a little larger than might be commensurate with the scale of	Recommended Refusal by Officer and upheld at Committee

		constructed.		<p>the stud farm but it would also allow for occupation by an elderly relative requiring care and allow some other work related activity in the office. Consequently the harm resulting from the proposed size of the dwelling would not be material. Taking all the above factors into account I conclude on the main issue that there is an essential need for a rural worker to live permanently at the site and therefore the scheme accords with the aims of saved LP policies H12 and S7 and the Framework”</p> <p>Costs application by UDC rejected</p>	
Home Pasture Stud, Top Road, Wimbish Green	UTT/13/1851/FUL	Continuation of use of land for stationing of a caravan for residential purposes in association with stud activities for a period of 12 months	Dismissed 19 March 2014	Caravan’s retention secured by condition attached to above allowed appeal.	N/A
Home Pasture Stud, Top Road, Wimbish Green	ENF/13/0135/C	Appeal against Enforcement Notice	The enforcement Notice is quashed 19 March 2014	Enforcement Notice quashed in light of allowed appeal for dwelling	N/A

<p>The Morgan Garage Lower Road Little Hallingbury</p>	<p>ENF/137/11/B</p>	<p>Appeal against enforcement notice</p>	<p>The appeal is dismissed and the enforcement notice is upheld. 20 March 2014</p>	<p>The Inspector concluded that an adequate Flood Risk Assessment had been submitted to address the issues over flood risk from the site. He concluded that the property does not have any direct access to any road frontage and is therefore incompatible with the surrounding area. He upheld the Enforcement Notice</p>	<p>N/A</p>
<p>Land Adjacent Elms Glebe Lane Little Easton</p>	<p>UTT/13/1451/OP</p>	<p>Outline application for the erection of 3 No. dwellings with all matter reserved except access</p>	<p>Dismissed 25 March 2014</p>	<p>The Inspector concluded that the appeal scheme would result in the removal of “the undistinguished building to the rear of Manor View” however I find that this benefit would not outweigh the harm that would arise from introducing built development within what is an essentially undeveloped garden setting beyond the confines of the settlement. In this respect I find nothing about the current proposal that has overcome the concerns raised by my colleague that gave rise to the dismissal of the previous appeal concerning the part of the site to the rear of Manor View” He added that due to the restricted facilities in Little Easton, the development’s location would result in an over reliance on private transport to access facilities and therefore constituted unsustainable development.</p>	<p>N/A</p>