

Appendix 1 – Appeals Performance from 01.07.23 – 30.09.23

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
21/00181/FUL	Land At Langley Bush Road Upton Stamford	Proposed change of use of existing agricultural building and land to Equine use, the erection of a Stable Building including the formation of a new vehicular access, erection of gates and fencing together with the temporary stationing of two caravans to accommodate key workers-retrospective	James Croucher	Delegated	The two residential caravans constitute two new temporary dwellings in the countryside. The applicant has failed to justify why there is a functional need for one or more dwellings in this location, and has failed to demonstrate that this is a financially sustainable operation to support the new temporary dwelling(s). Consequently, the operation does not meet the strict tests of the Local Plan or the National Planning Policy Framework required to justify new residential accommodation in the countryside and thus planning permission for the two caravans is contrary to Policies LP2 and LP11 of the Adopted Peterborough Local Plan, irrespective of whether they are occupied as a single or two residential units.	Hearing	Dismissed 04.08.2023	n/a	<p>The Inspector states significant weight to the conflict with the development plan, particularly given the National Planning Policy Framework's (the Framework) emphasis on a plan-led system. Whilst it is clear that the appellant is committed to the business - which is evidently planned on a sound financial basis - insufficient justification has been provided to demonstrate the functional need for two full-time workers to reside at the appeal site on a year-round basis, even for a 3-year temporary period.</p> <p>Framework Paragraph 80 outlines that planning decisions should avoid the development of isolated homes in the countryside except in certain circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. I have found that there is a need for one essential worker to live on the appeal site permanently, which would justify the use of the land for the siting of one caravan for residential purposes. However, there is insufficient evidence before me to indicate that there is a need for a second worker to live on the appeal site permanently. As such, the proposal would conflict with the Framework.</p> <p>There would be some additional social and economic benefits through the provision of two units to the housing stock (even if this were only on a temporary basis). Nonetheless, the occupation of the units would need to be tied to the use of the land. As such, and given that only two units would be proposed, these benefits are only of moderate weight. Even combined with the aforementioned socio-</p>

									economic benefits, they would not outweigh the conflict with the development plan.
21/01950/FUL	Newport Farm Newport Way Ufford Stamford	rection of a detached two storey dwelling and detached single storey garage	Molly Hood	Delegated	<p>The proposed development, by virtue of the principle of development, is not acceptable. The proposal would result in residential encroachment into the open countryside through the enlarged red-edged area, beyond the curtilage previously secured under previous planning permissions. Policy LP2 directs all new residential development to be within settlement boundaries and it has not been demonstrated that the additional land, beyond the land secured with extant planning permission, is essential to serve the development site. Accordingly, the proposal is contrary to Policy LP2 of the Peterborough Local Plan (2019).</p> <p>The proposed development, by virtue of its design and scale, would unacceptably impact upon the character and appearance of the site and the surrounding area. This is specifically in relation to both the red-edged curtilage, which is not considered to be commensurate with the size and scale of the total residential area proposed, including to the dwelling as well as to the proposed outbuilding. The proposed outbuilding's footprint is over-sized and not subservient to the host dwelling and it is considered to represent of the overdevelopment of the site, which as a result adversely impact upon the character, layout and appearance of the site and the surrounding area, especially along the edge of the village, which transitions to open countryside. Accordingly, the proposal is contrary to Policies</p>	Written representations	Dismissed 21.08.2023	n/a	<p>The Inspector states that the proposed development would cause undue harm to the rural character and appearance of the area. As such, it would be contrary to Policy LP2 of the LP which seeks to reinforce the distinction between built up areas and countryside to protect character of the landscape. The proposal would also be contrary to Policies LP16 and LP27 of the LP which require proposals to contribute to the character and distinctiveness of the area and to enhance landscape character.</p> <p>The proposal would be contrary to The National Design Guide in that the proposal would not integrate into its wider surroundings visually and the surrounding context beyond the site boundary. Furthermore, the proposal would not be consistent with relevant paragraph of chapter 15 of the National Planning Policy Framework (the Framework) which amongst other things requires decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.</p> <p>The appellant has put forward a benefit of the development comprising a climate resistant dwelling. Whilst this is a benefit of the scheme, as this only relates to a single dwelling it only attracts limited weight in the overall planning balance and does not outweigh the harm identified.</p>

					LP16 and LP27 of the Peterborough Local Plan (2019).				
22/00169/CLE	37 West End Road Maxey Peterborough PE6 9EJ	The use of 37 West End Road without complying with the agricultural occupancy condition C5 of Outline Permission 04/00213/OUT	Lee Walsh	Delegated	<p>The Local Planning Authority should refuse to issue the Certificate in accordance with Section 191 of the Town & Country Planning Act 1990 (as amended).</p> <p>On the bases of the evidence provided, the Local Planning Authority remains unconvinced that the use of the bungalow by the agricultural workers spouse constitutes a breach of condition C5 of planning application 04/00213/OUT such that the condition no longer has effect.</p>	Written Representations	Dismissed 21.08.2023	n/a	The Inspector considered that the ultimate test in determining whether or not lawfulness might be achieved is whether the Council could have taken enforcement action at any time during the whole of the relevant period. The evidence clearly shows that Mr Garford was 'a person employed within the crop spraying business' until at least 2014. Consequently, the Council could not have taken enforcement action whilst Mr Garford was thus employed. I accept that Mrs Garford resided at the property also. However, in the context of a planning permission for a four bedroom dwelling, it would be unreasonable and contrary to common sense to interpret the condition as meaning that only Mr Garford (being the one employed in crop spraying) could live there.
22/00506/FUL	Croft Farm Meadow Lane Thornhaugh Peterborough Peterborough PE8 6HN	Change of use from agricultural land to garden land	Connor Liken	Committee Decision : Refuse 17.07.2022	<p>The proposed change of use from agricultural land to garden land would represent encroachment and extension of the domestic curtilage of the applicant site, associated with Croft Farm Holiday Park, into the open countryside for garden land. The proposal would result in the unacceptable erosion of the open countryside for residential purposes that have not been adequately demonstrated as being essential. Accordingly, the development is wholly contrary to the vision, objectives, development strategy and policies of the adopted Peterborough Local Plan (2019), specifically Policy LP2.</p> <p>The proposed change of use from agricultural land to garden land would represent encroachment and extension of the domestic curtilage of the applicant site into the open countryside. The proposal would</p>	Written Representations	Dismissed 03.07.2023	n/a	The Inspector considered the proposal would be in a suitable location and would not harm the character or appearance of the area or nearby heritage assets. Notwithstanding this and the development would be harmful to the living conditions of nearby occupiers through increased noise and disturbance. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh this.

					<p>expand the curtilage of Croft Farm beyond the historical confines of its Listed Building curtilage. In addition, the proposal would blur the separation between residential curtilage of the village and open countryside and be at odds with the character and appearance of the locality. The development would harm the visual amenity and character of the area, and the setting of the village, including the Thornhaugh Conservation Area. The development is therefore contrary to LP16, LP19 and LP27 of the Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021).</p> <p>The proposed change of use would represent a negative amenity influence on neighbours' health and quality of life. The proposal would introduce garden land to the rear of residential dwellings that currently experience a very quiet level of amenity. Such garden land would likely result in incidents of noise and general disturbance generated by use by occupiers and would be to a degree which is more intensive given that it would serve holiday accommodation. The proposal would therefore unacceptably harm the amenities of neighbouring occupants and is contrary to Policy LP17 of the Peterborough Local Plan (2019).</p>				
22/00964/FUL	Honeysuckle Lodge Suttons Lane Deeping Gate	Extension to, and conversion of, garage/store and office into two bed dwelling	Molly Hood	Delegated	The proposed development would unacceptably impact upon the visual character and appearance of the site and the surrounding street scene. This proposed change of use and	Written Representations	Dismissed 07.07.2023	n/a	The inspector identified that the proposal would have a harmful effect on the character and appearance of the area in conflict with policies of the development plan and the Framework. Although the

	Peterborough PE6 9AA			<p>extension to convert the outbuilding into a dwellinghouse would result in a cramped, incongruous development on the site frontage. The proposal would overpower the original dwelling, creating a dominant building to the front of the site, and thus detracting from its setting. It would result in an independent dwelling which appears squeezed onto the frontage area of Honeysuckle Lodge and intrusive to the set back character of dwellings fronting Suttons Lane. The Suttons Lane character is comprised of two storey dwellings on large plots with sizable frontages for parking and/or gardens. The proposed dwelling would be at odds with this layout given its siting and cramped in nature of development and thus does not respect local layout context of buildings, which is visually inappropriate and unacceptable. Accordingly, the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019) and chapter 12 of the NPPF 2021.</p> <p>The proposed dwelling, by virtue of its design and layout, would unacceptably impact upon the amenity of both future occupiers and the amenity of adjacent neighbours of Honeysuckle Lodge. This is specifically in relation to the window-to-window relationship between Honeysuckle Lodge and the proposed dwelling. In turn, views from habitable rooms within Honeysuckle Lodge including the first floor window serving a bedroom, would obtain clear views into the ground floor dining space of the proposed dwelling. The occupiers of each building would be subject to an</p>			<p>proposal may comply with other policies, it would conflict with the development plan as a whole. There are no material considerations which indicate a decision other than in accordance with the development plan and therefore I conclude that the appeal should be dismissed.</p>
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					unacceptable loss of privacy, which is unacceptable. Accordingly, the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019) and paragraph 130(f) of the NPPF 2021.				
22/01536/FUL	4 Church Walk Peterborough	Conversion into 4 flats with loft dormer conversion to rear	Matt Thompson (James Lloyd)	Delegated	<p>Insufficient information has been provided to demonstrate that sufficient parking would be available to serve the development, the proposed intensification of use of the site could therefore result in vehicles parking in unsafe locations within the public highway, to the detriment of other highway users. As such, the proposal is contrary to Policy LP13 of the Peterborough Local Plan (2019).</p> <p>The proposed development would not provide satisfactory living conditions for future occupiers. Owing to the internal layout of the development and the poor stacking of rooms, this could give rise to unacceptably adverse levels of noise and disturbance to adjoining occupiers. This unacceptably adverse impact would be exacerbated by the juxtaposition of ground floor openings serving primary habitable rooms to circulation spaces around the building, which would force occupiers of the ground floor flats to close their curtains or blinds to be afforded a base level of privacy. This would result in a poor outlook and levels of natural light serving primary habitable rooms, and would likely give rise to a reliance on artificial light. As such, the proposal is contrary to Policy LP17(b) of the Peterborough Local Plan (2019) and Paragraph 154(b) of the NPPF (2021).</p>	Written Representations	Appeal Allowed 27.09.2023	n/a	<p>The inspector found that the development would not result in harm to highway safety and would provide adequate parking. The development would not result in harm to the living conditions of future occupiers.</p> <p>It should be noted that the applicant did submit amended plans as part of the appeal.</p>

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