

Register Copy

FENLAND DISTRICT COUNCIL
DETAILS OF PLANNING APPLICATION

F/0754/89/0

Dated 1st June 1989

Valid 5th June 1989

Applicant C H West
Per

Agent Maxey & Son
1-3 South Brink
WISBECH
Cambs PE13 1JA

Description Residential development, 0.29 ha (frontage only)

Parish Upwell

Location Pt OS 3070 - west of Croft Road
UPWELL

Map ref. TF4900(78)

Grid E TF4946
ref: N 0083

Committee:

Date: 6.9.89

Decision: ~~Approved with conditions/Refused/Deferred~~

Date Issued: 13.9.89.

D.O.E. action: Appeal lodged/~~Application referred~~

Date: 26.1.90

Appeal decision: Part/Allowed with conditions/Dismissed

Date:

D.O.E. direction

Date:

County Council directions:

Date:

Fenland District Council



Notification of Town Planning Decision

Application No: F/0754/89/0
Date Registered: 5th June 1989
Applicant: C H West

Name and Address Agent/Applicant
Maxey & Son
1-3 South Brink
WISBECH
Cambs PE13 1JA

REFUSED

Address to which the application relates:
Pt OS 3070 - west of Croft Road UPWELL

Application Type: Planning Permission (Outline)

Description of proposal:
Residential development, 0.29 ha (frontage only)

Town and Country Planning Act 1971

Permission to carry out the above development in accordance with the application, plans, drawings and any clarifying or amending information submitted by you is Refused for the following reasons:

01

The proposal is contrary to the provisions of Policy P7/3 of the approved County Structure Plan which states that the construction of new dwellings in the open countryside will not be allowed except where they are essential to the efficient operation of local agriculture, horticulture or forestry.

02

The proposal is contrary to the provisions of Policy P5/7 of the approved County Structure Plan which states that development in the open countryside will generally be restricted to that which is essential to the operation of local agriculture, horticulture, forestry or outdoor recreation or public utility services.

03

The application site lies outside any area indicated as being suitable for development purposes in the approved village plan and the development should be resisted in the interests of protecting the open character and appearance of the rural environment.

04

The proposed development would be an undesirable consolidation and extension of an existing isolated group of buildings and as such would be detrimental to the character and visual amenity of the locality.

05

If this proposal was permitted, the Local Planning Authority would find it

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse an application or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under the provisions of the Town and Country Planning Act 1971.
 - If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol, BA2 9DJ
 - The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted permission or consent or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State for the Environment refuses planning permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Town and Country Planning Act 1971.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 169 and 171 and related provisions of the Town and Country Planning Act 1971.

CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

The above Act requires persons undertaking the provision of certain buildings or premises to make provision for the needs of disabled people. A development is affected if it would result in the provision of one or more of the following:

1. A building or premises to which section 4 of the Chronically Sick and disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
2. Any of the following, being in each case premises in which persons are employed to work:
 - i) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - ii) Premises which are deemed to be such premises for the purposes of that Act; or
 - iii) Factories as defined by section 175 of the Factories Act 1961;
3. A building intended for the purposes:
 - i) Of a university, university college or college, or of a school or hall of a university; or
 - ii) Of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under section 42 of that Act.

If a development comes within category (1) above, attention is drawn to the provisions of section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS5810 : 1979).

If a development comes within category (2) above, attention is drawn to the provisions of section 7 and 8 of the 1970 Act and to Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for Education and Science.

Fenland District Council



Notification of Town Planning Decision

difficult to resist similar proposals, the cumulative effect of which would be to progressively detract from the open and rural character of the area.

Date of Decision: 6th September 1989

A handwritten signature in black ink, appearing to read 'A. Jones'.

Chief Planning Officer, Fenland Hall, County Road, March. PE15 8NQ

IMPORTANT - Please read the notes on the reverse side of this decision notice

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