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B/105/14.5



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FENLAND DISTRICT COUNCIL
PLANNING DEPARTMENT

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25 MAY 1979

MAV/F
JEG/

Mr K A Rowe
Church End
10 Ryston Road
Denver
DOWNHAM MARKET
Norfolk PE38 ODP

Your reference

Our reference

T/APP/5139/A/78/10910/G5

Date

23 MAY 1979

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY DR C A KUSIMER
APPLICATION NO:- F/0752/78/0

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Fenland District Council to refuse outline planning permission for the erection of a chalet bungalow adjacent to 'Norman House', Cottons Drove, Outwell. I have considered the written representations made by you and by the council and also those made by the Outwell (Norfolk) Parish Council. I inspected the site on 9 May 1979.
2. I observed that the appeal site comprised the western part of the very attractive garden of your client's house known as 'Norman House' which is located almost centrally in the small settlement referred to variously as The Cottons and Cottons Head. I noted that there had been considerable recent housing development in the settlement and that a new dwelling was in the course of erection about 50 yds away from the appeal site in Cottons Head Road. I understand there are about 40 dwellings in the settlement which although lacking in the basic village services was a fairly compact settlement in comparison to many others in The Fens.
3. I noted that access to the appeal site would be from one of the present access points to your client's house off Cottons Drove and that the siting of the proposed chalet bungalow was shown on the plan accompanying the application before me. It accordingly seems to me that details of the design and external appearance of the building and the landscaping of the site properly fall to be dealt with as reserved matters in this application for outline planning permission.
4. From my inspection of the site together with its surroundings, and the representations made, I am of the opinion that the main issues in this case are firstly, whether or not the proposed development would be detrimental to the rural character of the area where concern is felt for need to contain urban sprawl and for the protection of the countryside and, secondly, whether or not the proposed chalet bungalow would have adequate access.
5. On the first issue it seems to me that the proposed development would not materially add to the sprawl of The Cottons or constitute an intrusion into the open countryside to the detriment of the rural character of the area. Whereas I consider the council's policy of steering all new residential development to the larger centres where adequate public services exist is generally worthy of support, it seems to me that in this particular case that the proposed development is to

meet your client's own local needs. Moreover it seems to me that the application before me does not properly fall within Policy P5/11 of the submitted Structure Plan for Cambridgeshire which relates to "Development outside Settlements".

6. Turning now to the second issue I observed that Cottons Drove was surfaced with tar along the full frontage of 'Norman House' and that in addition to your client's property it served as the sole means of access to 4 fairly recently constructed bungalows on the northern side of Cottons Drove. In my opinion the proposed development would have adequate access notwithstanding the fact that Cottons Drove is an unadopted road which is not maintained at public expense.

7. I have considered all other matters raised in the written representations but am of the opinion that they are not of sufficient strength to outweigh the considerations that have led to my decision. In particular I have taken into account the question of whether the proposed development would create a precedent for other development at The Cottons but am satisfied that there are factors particular to this case sufficient to distinguish it from other applications which might be made to develop the open countryside adjoining the built-up area of the present settlement.

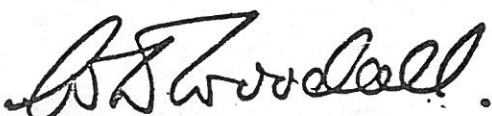
8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a chalet bungalow adjoining 'Norman House', Cottons Drove, Outwell in accordance with the terms of the application (No F/0752/78/0) dated 30 September 1978 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the design and external appearance of the building and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



W D WOODALL, FRICS FRTP
Inspector