

Appendix B Planning History

The following table sets out the relevant planning history for 27 Babraham Road. The full details of the applications are set out in detail below as necessary.

Reference	Description	Decision
C/93/0133/FP	Garage in front garden (amended by letter dated 26.03.93 and 01.02.95 with accompanying plans)	Approved with conditions
C/97/0695/FP	The use of the land and buildings at 27 Babraham Road as a dwelling house and for the storage of two ice cream vans used for commercial purposes	Approved with conditions
C/01/0558/FP	Erection of 2bay car port extension to existing garage.	Approved with conditions
05/0603/FUL	Single storey side extension to dwellinghouse with conservatory to rear. Single storey front extension to garage.	Refused
12/1107/S73	Application to vary condition 1 to include a maximum of 4 ice cream vans, condition 2 so that vans not in use shall be stored in the existing garage but not behind closed doors, condition 3 to allow deliveries to the site and condition 4 to allow the parking of 4 ice cream vans within the existing garage block on planning approval C/97/0695/FP.	Withdrawn
12/1438/CLUED	Application to the Council for a certificate of lawful use or development for the storage of four ice cream vans, the stationing of a refrigerated storage unit, acceptance of deliveries in connection with the ice cream business and the mixed use (C3/B1) of the property. Appeal to the Secretary of State against the Council's refusal to	Certificate Refused Appeal Allowed

		grant the certificate	
Appeal APP/Q0505/X/ 2193066	ref.	<p>Lawful development certificate granted for use of the property as a dwelling-house and (i) for the storage of up to 3 ice cream vans in the garage referred to in conditions 2 and 4 of C/97/0695/FP but with the garage doors open; (ii) for the acceptance of deliveries in connection with the ice cream business and (iii) for the stationing of a refrigerated unit of a size equivalent to or smaller than the unit stationed on site on 8 November 2012.</p> <p>For the full wording see appendix B to this report</p>	Certificate granted 23 July 2013

C/93/0133/FP and C/97/0695/FP

In April 1993 planning permission was granted for a detached three-bay garage in the front forecourt of 27 Babraham Road. In 1997 permission was granted to allow 27 Babraham Road to be used as a dwelling house and for the storage of two ice cream vans. This was subject to the following conditions:

1. The number of ice-cream vans stored at the premises shall not exceed two vehicles.
Reason: To protect the residential amenity of adjacent residential occupiers.
2. The ice-cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed.
Reason: To protect the visual amenity of the area.
3. There shall be no deliveries to the premises associated with the ice-cream business.
Reason: To protect the amenity of adjacent residential properties.
4. The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority.

Reason: To protect the residential amenity of adjacent residential properties.

C/01/0558/FP

In 2001 an application for a 2 bay car port extension to the 3 bay garage was permitted. There were no conditions regulating the use of the car port but an informative stated that the car port may not be used for the storage of commercial vehicles without the express permission of the local planning authority.

12/1107/S73

In August 2012 an application was made to vary the conditions attached to the permission for the garage following a planning enforcement inquiry into allegations that the conditions attached to planning permission reference C/97/0695/FP were not being complied with. The application sought the following variations to conditions:

- Condition 1 to include a maximum of 4 ice cream vans
- Condition 2 so that vans not in use shall be stored in the existing garage but not behind closed doors
- Condition 3 to allow deliveries to the site
- Condition 4 to allow the parking of 4 ice cream vans within the existing garage block on planning approval C/97/0695/FP

The application was withdrawn

12/1438/CLUED

In November 2012 an application was submitted for a Certificate of Lawful Use or Development. This sought to confirm the lawfulness of the following activities and use of the property:

- The storage of four ice cream vans
- The stationing of a refrigerated storage unit
- Acceptance of deliveries in connection with an ice cream business
- Mixed C3/B1 use

The application was refused under delegated powers on the basis that the applicant had not demonstrated on a balance of probabilities that the use has continued for 10 years.

Appeal ref. APP/Q0505/X/ 2193066

In March 2013 an Appeal was submitted in response to the Council's decision. This was heard by way of an Informal Hearing in June 2013 and the Inspector allowed the appeal.

The Inspector allowed the appeal and certified that the following uses were lawful within the meaning of section 191(2) and (3) of the Town and Country Planning Act 1990 because the time for enforcement action had expired:

- The storage of up to three ice cream vans for commercial purposes in the garage referred to in conditions 2 and 4 of planning permission reference C/97/0695/FP and shown hatched on an attached plan but with the garage doors open in breach of conditions 1, 2 and 4 of the 1997 permission. (The plan identifies the original garage only and not the car port extension)
- The acceptance of deliveries in connection with the ice cream business in breach of condition 3 of the 1997 permission
- The stationing of a refrigerated storage unit, of a size equivalent to or smaller than the unit stationed on the site in November 2012 located between the dwelling and the garage as extended.

A copy of the Inspectors Decision letter/Certificate of Lawfulness is attached at Appendix C.