

Comments for Planning Application DM/0864/24/FUL

Application Summary

Application Number: DM/0864/24/FUL

Address: Land Off Torbay Drive Waltham North East Lincolnshire

Proposal: Variation of Condition 2 (Approved Plans) following DM/0285/22/FUL to revise layout for plots including dwellings, garages, roads and landscaping and revise house types for plots 3, 6, 7, 10, 11, 13-17, 20-27, 42-45 and 57-63 - AMENDED/SUPPORTING INFORMATION

Case Officer: Lauren Birkwood

Customer Details

Name: Miss Hazel Pearce

Address: 43 Emfield Road Grimsby DN33 3BT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Following my previous comment regarding the building of houses instead of bungalows and brings your attention to some case law

On 1 February 2023, the UK Supreme Court clarified that certain uses of a modern building can constitute a private nuisance.

The decision has implications for property owners, occupiers, and developers and for the way that they use their land.

What most individuals do not grasp is that whilst you may wish to use your property in a completely unrestricted way, common law intervenes and sets out that the "man next door" needs to be able to enjoy their property too.

defined as "any continuous activity or state of affairs causing a substantial and unreasonable interference with a claimant's land, or his enjoyment of that land" (Bamford v Turnley).

In the case of Hunter v Canary Wharf [1997] AC 655, the House of Lords identified three kinds of nuisance:

Encroachment on a neighbour's land.

Direct physical injury to a neighbour's land.

Interference with neighbour's quiet enjoyment of their land.

Examples, of a private nuisance include noise, smells, vibrations and visual intrusion.

This development seems to change constantly and causes excessive distress. Although not happy with the development and the personal cost of a fence I am not averse to bungalows but believe changing them to houses is a flagrant disregard for others who live adjacent. The views of people subjected to the encroachment should be taken into account and reasonable action taken.