

Appeal Decision

Site visit made on 16 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/W0530/W/16/3152115

Land between Fox Cottage and Acorns, Fox Road, Bourn, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Warton against the decision of South Cambridgeshire District Council.
 - The application Ref S/3082/15/OL, dated 17 November 2015, was refused by notice dated 5 February 2016.
 - The development proposed is erection of a private detached dwelling/vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appealed application is for outline planning permission including approval of access, appearance, layout and scale. Landscaping is reserved for subsequent approval.

Main Issues

3. The main issues in this appeal are:
 - a. Whether the proposal is sustainable development having regard to its countryside location; and
 - b. The effect of the proposal on the character and appearance of the area.

Reasons

Whether sustainable location

4. The appeal site is vacant land fronting Fox Road which is understood to have been a garden belonging to the adjacent Fox Cottage but severed from that property several years ago. Fox Cottage is one of a pair of semi-detached houses. To the other side (east) of the site are two bungalows on spacious plots. Further along is a garage and depot business. North of the appeal site, across Fox Road are open fields and farm buildings.
 5. Policy DP1 of the Council's Local Development Framework: *Development Control Policies* Development Plan Document 2007 (DCP) requires new development to comply with the principles of sustainable development, including that of minimising the need to travel and reduce car dependency.
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6. Policy DP7 would prevent any development outside urban and village frameworks save for limited uses that need to be located in the countryside. The proposed house would be outside Bourn village and would not fulfil any of the purposes for which the policy makes exception.
7. The Council accepts in this appeal that there is a lack of a five year supply of housing land in the district and the application of Policy DP7 can affect this supply of housing. Paragraph 49 of the National Planning Policy Framework (Framework), states that in such cases, the policy should not be considered up to date, in which case the guidance in Paragraph 14 is triggered. This advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, unless specific Framework policies indicate that development should be restricted.
8. The Framework, Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided save in limited cases. Policy DP7 predates the Framework but is also less flexible than Paragraph 55 so in my view should be given limited weight.
9. In seeking to minimise the need to travel and reduce car dependency, Policy DP1.1(b) reflects the sustainable transport aims of the Framework at Paragraph 29 to give real choice to people about how they travel. It should therefore be given significant weight.
10. The appeal site is not physically isolated from other development: it lies between existing dwellings in the countryside, where there is sporadic ribbon development on Fox Road, some in depth but frequently interspersed with open fields. The site is however just over a mile from limited facilities at Bourn, namely a surgery, public house and post office. No services are evident closer at hand, including at Longstowe, a small rural village west of the appeal site.
11. The walk into Bourn is mostly along a grass verge of an unlit road. Whilst at times it would make a pleasant recreational route it is doubtful if future occupants of the new dwelling would walk or even cycle there and back for their daily needs, particularly in winter months, as opposed to using a private motor car. There are bus stops nearby but the service into Cambridge is limited to a single service in the morning and another in the afternoon/evening, which further limits residents' options for travel including for work and leisure purposes. Even allowing for the fact that reliance on a car is not unusual in the countryside, the appeal site would not be a sustainable location in terms of providing a real alternative choice to this mode of transport.
12. The proposal would not therefore reduce car dependency and would conflict with the principle of sustainable development set out in DCP Policy DP1.1(b). In functional terms the appeal site is significantly remote from services and facilities and therefore in my view is isolated within the meaning of Paragraph 55 of the Framework. Despite the greater flexibility in the Framework, than in Policy DP7, the new dwelling would not re-use existing buildings, preserve heritage assets, be of exceptional design or intended for a rural worker. Its location would not assist in enhancing or maintaining the vitality of rural communities.

13. The Guilden Morden appeal decision has been considered.¹ A key consideration in that appeal was that, given its previous use as a cattery and kennels, there would be no material increase in travel demands. However, the proposal would clearly generate a material increase in trips to and from a new dwelling compared to its present state as open land. This limits the weight to be given to the appeal decision.
14. That decision also gave weight to the Framework's support to re-use of previously developed land (PDL). Whilst the appeal site might arguably be classed as PDL the circumstances are unusual in that it is not suggested there was any permanent structure on the appeal site or that it has at any time in recent years formed part of the curtilage of developed land. In my view this further limits the usefulness of the comparison with the appeal decision.
15. Reference has been made to a 1999 appeal decision that refused a scheme for a dwelling on the appeal site. Unfortunately I have only been provided with extracts and it has not been possible to locate a copy of the full decision. However the lack of full information as to the earlier scheme and uncertainty as to the planning circumstances then existing, would not lead me to regard it as a compelling precedent but rather to consider the appeal proposal on its own merits in light of current policies.

Character and appearance

16. The main parties dispute whether the appeal site represents an "infill" plot yet neither has referred me to a relevant policy containing this term that would be directly applicable to the proposal. The plot is of a size and shape that could accommodate a new single dwelling. There may be several houses in the vicinity but they are not concentrated into a built up area. The large garage and container storage business extends some way into the countryside. However neither this, nor its wide unlandscaped access, fundamentally alters the prevailing rural character that surrounds the appeal site.
17. The inherent design and appearance of the dwelling is not objected to by the Council. However from the written evidence and what I have seen the proposal would undermine the open, rural character of development along Fox Road, including the well separated dwellings that exist close to the appeal plot. If similar development were repeated in this part of the countryside it would cumulatively detract from the rural, undeveloped character of the landscape.
18. Therefore the proposal, by encroaching into the countryside would cause harm contrary to Policies DP1.1(p) and DP2.1(a) which seek to preserve or enhance the character of the local area, taking account of the relationship of the site to its surroundings.

Planning balance

19. The addition of a single unit to the housing stock, despite the need significantly to boost the supply of housing set out in the Framework, would be a limited benefit. Consequently the social and economic advantages in its construction and occupation, through support to the local community would be limited, particularly set against the disbenefits of an increase in travel by private car.

¹ APP/W0530/W/15/3137119

20. The proposal would achieve the aims of good design that meets the challenge of climate change by providing an energy efficient new home in line with the environmentally sustainable and wider aims of the Framework.
21. Significant harm would however be caused in terms of environmental sustainability due to its isolated location from facilities that would have to be accessed on a daily basis, without a real choice of mode of transport. The development would thus be contrary to the aims of Paragraph 55 of the Framework. Further harm would be caused by the encroachment of a built form of development into the established rural character of the countryside. The harm would be clearly contrary to relevant policies of the development plan, DCP Policies DP1.1(b) DP1.1(p) and DP2, policies that do not affect the supply of housing and which carry full weight.
22. Overall the shortcomings of the location in terms of its accessibility and sustainability would significantly and demonstrably outweigh the acknowledged benefits of a new dwelling. The proposal would not therefore be sustainable development.

Conclusion

23. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR