
Appeal Decision

Site visit made on 27 September 2016

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/W0530/W/16/3153737

Store, Duck End Farm, Otford Road, Graveley PE19 6PP

- 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 John Wheeler against the decision of South Cambridgeshire District Council.
 - The application Ref S/0743/16/F, dated 29 February 2016, was refused by notice dated 13 May 2016.
 - The development proposed is alterations and change of use to form one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and change of use to form one dwelling at Store, Duck End Farm, Otford Road, Graveley PE19 6PP in accordance with the terms of the application, Ref S/0743/16/F, dated 29 February 2016, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. As the appeal involves a listed building, I am required to take account of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

3. I consider the main issues to be:
 - The effect of the proposal on the setting of Duck End Farm, a Grade II listed building; and
 - Whether the principle of the proposal is acceptable having regard to the location of the appeal site outside of the settlement boundary.

Reasons

Listed Building

4. The development plan includes the South Cambridgeshire District Council Development Control Policies DPD 2007 (DCP) and the Core Strategy DPD
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(adopted 2007). DPD Policy CH/4 of the DCP seeks to protect the curtilage and setting of listed buildings.

5. The appeal property is a brick-built former potato store with a fibre-cement roof and a timber-clad office to the front. The building is situated within the curtilage of Duck End Farmhouse, a Grade II listed building. There is an extant consent for the use of the building for office purposes at the front (east) end, which has been implemented; and for domestic use ancillary to the farmhouse at the rear (west) end.
6. The alterations to the building involve the installation of windows and doors and the extension of the roof of the potato store. The Council does not object to the alterations to the building, which is of limited architectural merit, but was concerned that the proposed 1.2 metre high boundary wall to separate the proposed dwelling from the listed farmhouse would harm the setting of the listed building. This element of the proposal has been deleted. It is now intended that flush cobblestones will be used to mark the boundary between the two dwellings. In the light of this amendment the Council is satisfied that the proposal would not adversely affect the setting of the listed building. I share this view.
7. I therefore conclude that the proposal would not harm the setting of Duck End Farmhouse, a Grade II listed building and would comply with DCP policy CH/4.

Principle of Development

8. Development Control Policy DP/1 states that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form. Amongst other matters such development should minimise the need to travel, reduce car dependency and make efficient and effective use of land by giving priority to the use of brownfield sites.
9. Policy ST/7 aims to safeguard the countryside from encroachment and limits development outside of the development framework (the built up area boundary) to specified uses and development that needs to be located within the countryside. These uses do not include the conversion of existing buildings to dwellings. Policy ST/7 identifies Graveley as an infill village. Such villages are generally amongst the smallest in South Cambridgeshire and have a limited range of services and facilities. As a consequence, it is often necessary for local residents to travel outside the village for most of their daily needs.
10. Paragraph 215 of the National Planning Policy Framework (NPPF) states that the weight to be afforded to the development plan policies depends of their consistency with the policies within the NPPF. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Amongst other matters it seeks to maximise opportunities for sustainable transport and reduce dependency on cars. It also encourages the re-use of brownfield sites. I am satisfied that policy DP/1 is consistent with the policies within the NPPF and I afford it full weight.
11. The NPPF recognises the intrinsic character and beauty of the countryside. Paragraph 55 states that within rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It states that Local

planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would represent the optimal viable use of a heritage asset, or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

12. The Council states that at the present time it only has a 3.9 year supply of housing land. Paragraph 49 of the NPPF states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Whilst the aim of policy ST/7, namely to protect the countryside is consistent with the NPPF, it is more stringent in terms of the acceptable types of development within the countryside, and is also a policy for the supply of housing for the purposes of paragraph 49 of the NPPF. Therefore the weight to be afforded to it is considerably reduced.
13. The appeal site is remote from the centre of the village and there are few services within the village. There is no school, doctor's surgery, or shops and no informal or equipped play space. Although there is a bus stop 0.5 mile from the appeal site, the Council advise that the service only operates on a Saturday. I understand that there is a network of public footpaths close by and the principal Godmanchester/Graveley cycle route (which provides access to Huntingdon and St Ives) passes the appeal site. Notwithstanding the proximity of these other routes, I consider that future occupants of the proposed dwelling are likely to be dependant on the use of a car in order to meet their day to day needs. In this respect the proposal would not be environmentally sustainable.
14. The proposal would be consistent with policy ST/7 in that it would re-use an existing building. At the present time the rear part of the building is redundant. It would be brought back into use and would thereby enhance the setting of the adjacent listed building. It would therefore come within the exceptions listed at paragraph 55 of the NPPF. The principle of a residential use, albeit as an annex, has been established by the planning permission granted in 2006. The Council acknowledge that the appeal proposal would be of a higher quality design by comparison with the previously permitted scheme.
15. As a single house the economic and social benefits from the proposal would be limited, nonetheless it would provide an additional dwelling and deliver some economic benefits during the construction period. Although the proposal would involve reliance upon the use of a car, the conversion of a redundant building and the improvement to the setting of a listed building would be environmental benefits of the proposal. Accordingly, looked at in the round, the proposal would represent sustainable development.
16. Whilst the proposal would accord with policies DP/1 and CH/4, it would be contrary to policy ST/7 in that it would encroach upon the countryside to a limited extent. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. For the reasons given above, the weight to be afforded to policy ST/7 is reduced. When assessed against the development plan as a whole and the

policies within the Framework the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. I therefore conclude that the principle of the proposal is acceptable.

Conditions

18. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. Samples of the materials to be used in the construction of the external surfaces of the dwelling, together with details of the design and materials of the bin store should be submitted in order to safeguard the setting of the adjacent listed building. For the same reason details of landscaping, including boundary treatment should be submitted and the landscaping scheme should be maintained.
19. The surfacing materials to the driveway will form part of the landscape scheme and the choice of material will need to be appropriate to the setting of the listed building therefore a separate condition in relation to these materials is unnecessary. I nevertheless agree that should the existing gravel surface be replaced with an alternative material a condition is required to ensure that surface water from the site is not deposited on the highway in the interests of highway safety.
20. The property extends up to the highway and given the narrow and winding nature of Otford Road, gates immediately adjacent to the highway could be hazardous for other highway users. I therefore agree that permitted development rights in relation to gates should be removed.
21. The appeal property does not have any immediate neighbours and therefore a condition restricting the hours of work during the construction period is not necessary. I understand that part of the site has previously been used as military land and the appeal building has been used as a potato store. Therefore since the site could potentially be contaminated, an appropriate investigation is required. There is existing space within the site for vehicles to leave and enter in forward gear. No buildings are proposed within the existing parking/turning area and therefore a condition requiring the provision of such an area is unnecessary. For the avoidance of doubt a condition requiring the scheme to be implemented in accordance with the submitted plans is necessary.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

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Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 3) Details of the design and materials to be used in the construction of the external surfaces of the bin store shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.
- 4) No development shall take place until full details of both hard and soft landscape works, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
- 5) The landscaping works shall be carried out in accordance with the approved details prior to the occupation of the dwelling, or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6) No private water from the site shall drain across or onto the highway.
- 7) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall commence until
 - a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
 - b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

e) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: PL900 001 Site Plan Proposed and PL301 001 Plans and Elevations All Levels Proposed.