
Appeal Decision

Site visit made on 19 October 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/H0520/W/16/3155400

Land between "Low Bury" and "The White Arches", Bury Road, Ramsey, Cambridgeshire PE26 1NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Rosemary Walton against the decision of Huntingdonshire District Council.
 - The application Ref 16/00231/OUT, dated 2 February 2016, was refused by notice dated 29 March 2016.
 - The development proposed is 2 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted as outline with all matters reserved. I have dealt with the appeal on that basis, treating the submitted plan showing the possible layout of the dwellings as indicative only.
3. A Unilateral Undertaking (UU) was submitted by the appellant for the provision of wheeled bin storage facilities. However, no evidence has been provided that demonstrates this obligation is necessary to make the development acceptable in planning terms. Also, I have not been provided with any information relating to whether the requirements of Regulation 123(3) of the Community Infrastructure Levy (2010) regulations have been met. As a result, I have not given the UU any weight in my decision.

Main Issues

4. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Ramsey Conservation Area and (ii) whether the proposal would provide a suitable housing site with regard to relevant policies relating to development in the countryside.

Reasons

Conservation Area

5. The appeal site forms part of an open paddock which sits between a dwelling known as 'Low Bury' to the south and another known as 'White Arches' to the north. A stable block is sited on the northern edge of the paddock but is outside the extent of the appeal site itself. This has its own separate access
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- and would be retained, along with part of the paddock beyond the rear of the site.
6. The illustrative plans indicate that the main access would be through the existing field access, which forms a relatively wide break in a hedgerow that provides the boundary treatment between the site and the roadside. There is another hedgerow between Low Bury and the site, with a fence providing an internal boundary between the site and the remaining paddock area. The site is identified as an 'open space and gap for protection' under saved policy En15 of the Local Plan¹ and is within the Ramsey Conservation Area (RCA).
 7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework). This states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.
 8. I have been provided with the Ramsey Conservation Area Character Assessment (CACA) which has provided useful information as to the significance of the RCA. This states that Ramsey is an ancient market town that grew in association with an important medieval abbey. The RCA is relatively large and has been split into a number of separate character areas. The appeal site lies within that defined as 'post enclosure'. The CACA highlights the built form of Bury Road as being predominantly detached dwellings of a variety of styles that are generally set within spacious and extensively landscaped plots. It also states that its overriding characteristic is its openness and spaciousness, derived from both public and private spaces. The view the site provides from the RCA is also specifically referred to in the CACA as an important feature. Moreover, it notes that the site represents a rare surviving field along the road.
 9. The site clearly contributes to the open and spacious feel of the area and provides one of the few opportunities in this part of the RCA to look out across the open countryside and other parts of Ramsey and Bury. The appellant considers that the site could be developed in a way which corresponds to other development along Bury Road and which would meet the guidance set out in the CACA. However, neither the guidance in the CACA or the existing nature of residential development along Bury Road means that the resulting change to the character and appearance of the site would necessarily be appropriate in terms of the site's importance to this part of the RCA.
 10. The views that are possible across the site are not limited to a small funnel through the gateway as has been illustrated on the appellant's illustrative plans. The existing access is quite wide and set back from the roadside. This allows extensive medium and long distance views across the fields, golf course and countryside beyond. It also allows views across the site to both the left and right of the access. The hedgerow along provides an element of screening, but this does not completely disguise the open character of the site behind it or block views of tree tops in the middle and longer distance. The site therefore allows a sense of the countryside to penetrate this largely residential road

¹ Huntingdonshire Local Plan Part One Adopted December 1995

which, in turn, contributes significantly to the open feel and semi-rural setting of the street and this part of the RCA.

11. The indicative layout shows that some views would still be possible between the dwellings and through the gap in the hedgerow created by the stable access. However, the extent of these would be significantly constrained by the siting of the dwellings. The 'glimpsing' of the area beyond the site between two houses would be very different and inferior in nature to what is currently possible. Notwithstanding the intrusion of the dwellings themselves, the associated domestic paraphernalia, including washing lines, boundary treatments within the individual plots, the potential for parked vehicles and the like would further reduce the scope and value of the view.
12. The appellant also contends that the retention of the hedgerow and other landscaping along the roadside would provide sufficient screening such that the street scene would not be altered. Again, I do not accept this. As noted above, the dwellings would be plainly visible through both accesses into the paddock and the open and undeveloped character of the site would be recognisably and significantly altered. Although the site gently slopes down away from the road, the roofline of the dwellings would be visible over the hedgerow. This would only serve to exacerbate the significant change in the nature of the site and further diminish the positive contribution it makes to the character of the RCA. While change does not always equate to harm, in this case the loss of openness would be materially detrimental.
13. I do not consider the inclusion of the site within the 'post enclosure' character area in the CACA, rather than the 'green fringe' as indicative of its open nature being less important to the RCA. Such character analyses are always going to have an element of generalisation in them and the site clearly forms part of the Bury Road street scene. However, the fact that it differs from the built form of other parts of the road does not reduce its value as an open gap within the established settlement pattern. I am also not persuaded by the appellant's argument that if the site were considered to be of particular importance it would have been allocated by a more restrictive policy in the LP. In any case, the site is included within the RCA boundary and irrespective of the local plan designation I am required to pay particular regard to the impact of development on this important heritage asset.
14. Under planning law², the appeal must be determined in accordance with the relevant policies of the Development Plan unless other material considerations indicate otherwise. For the purposes of this appeal, the Development Plan includes the saved policies of the Huntingdonshire Local Plan³ (HLP), the Huntingdonshire Local Plan Alteration⁴ (HLPa) and the Huntingdonshire Core Strategy⁵ (HCS). The Council have also quoted policies from the Draft Local Plan⁶ (DLP) (2013). My understanding is that this document has not yet been submitted for Examination and I have not been provided with any information as to the extent of outstanding unresolved objections to this plan. Therefore, in line with paragraph 216 of the National Planning Policy Framework (the Framework), I have not given these policies significant weight in my decision.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

³ Huntingdonshire Local Plan Part One Adopted December 1995

⁴ Huntingdonshire Local Plan Alteration Adopted December 2002

⁵ Huntingdonshire Local Development Framework Core Strategy Adopted September 2009

⁶ Draft Huntingdonshire Local Plan to 2036 (2013).

15. Paragraph 215 of the Framework states that due weight can be given to policies that pre-date the Framework according to their consistency with it. HLP policies En14 and En15 remain consistent with the Framework as they are designed to protect the environmental quality of an area and the intrinsic beauty of the countryside. There is nothing to suggest that the identification of the site as an important open gap should not carry significant weight in my decision. HLP policy En25 and HLP policy H25 are concerned with promoting high quality design and thus they also have a high degree of consistency with the core principles and section 7 of the Framework. HLP policies En5 and En9 remain broadly consistent with the heritage policies of the Framework and will also carry significant weight. HCS policy CS1 insofar as it is a general policy promoting sustainable development is broadly consistent with the objectives of the Framework.
16. The open and undeveloped nature of the site makes a significant positive contribution to the spacious and semi-rural character of Bury Road and provides a key opportunity for views out of the RCA. The development would, therefore, impair views out of the RCA and the open nature of the site. As a result, the development would fail to preserve or enhance the character or appearance of the RCA. Accordingly, there would be conflict with HCS policy CS1, HLP policies En5, En9, En14 and En15 and HLP policy HL5 which seek, amongst other things, to resist inappropriate development within important open spaces and which fail to respect the townscape and landscape of the wider locality, including heritage assets such as conservation areas.
17. I would characterise the harm identified to the significance of the RCA as 'less than substantial' in the context of paragraphs 133 and 134 of the Framework. Paragraph 134 requires the harm identified to be balanced against any public benefits the development might bring. I consider these in more detail below.

Countryside policies

18. There is disagreement between the parties as to whether the site falls within or outside a defined settlement. The Council have quoted a number of policies from different plans which all seek to address the issue of development in the countryside. These follow the same general principle that development should be focussed into defined settlements and that development outside these areas will be strictly controlled.
19. HCS policy CS3 establishes a settlement hierarchy that identifies 'Bury – Holy Cross' - which is identified as the built-up area around Holy Cross church east of Bury Bridge - as a 'smaller settlement'. In such locations, residential infilling is considered appropriate. 'Ramsey and Bury' are identified as a market town where development schemes of moderate scale and infilling may be appropriate within the built-up area. The approach to defining the extent of settlements in the HCS differs from that set out in HLP policies H23 and En17. Rather than identifying boundaries on the Proposals Map, the HCS relies on an assessment of each case on its own individual merits based on the relationship of the development to the built form of the settlement.
20. As a result of this, it is not possible to consider the HLP and HCS approach to defining settlements in unison. Therefore, as policy CS3 is the most recently adopted policy relating to this issue, I will give the most weight to its requirements. The Council have also quoted HDLP policies LP10, LP11 and

LP26 in relation to this issue, but as noted above, I am not in a position to give significant weight to these policies at this time.

21. The only guidance available on whether something is within or outside the built form area is in the three bullet points under paragraph 5.15 of the HCS. These state that the settlement will be the existing built form, excluding buildings which are clearly detached from the main body of the settlement, gardens and undeveloped land within the curtilage of buildings at the edge of the settlement where these relate more to the surrounding countryside than they do the built-up part of the village and agricultural buildings where they are on the edge of the settlement. What constitutes the 'built form' is not defined, however, and thus some consideration of the context of the site is required in determining its status.
22. The site constitutes the only significant gap in a continuous line of development along Bury Road which connects Bury and Ramsey. While the site is clearly open, undeveloped and rural in character, the presence of residential development on either side of the plot, and the largely residential nature of Bury Road as a whole, would clearly add to the argument that the site is more closely related to the built form than the open countryside. The site is not physically detached from the built form to the north and south and the development on either side is not sporadic in nature or related to the open countryside in themselves. Moreover, while it differs from the residential development in character, it still forms part of the Bury Road street scene. Although the fact the site is within the RCA should not automatically mean that it relates to the built form of the settlement, in this case, the inclusion of the site within the 'post enclosure' character area does imply a connection and relationship with the built form in the proximity of the site.
23. The site clearly helps to break up the nature of the built form along this part of the Bury Road frontage and provides a visual link to the countryside. However, it is also not unusual for settlements to include gaps in a frontage and still be considered part of the town or village. The fact that policy CS3 includes provision for infill is indicative of this. This does not necessarily reduce their potential importance to the character of an area, but simply reflects their relationship to the settlement pattern around them. Therefore, on balance, I would conclude that the site relates more closely to the built form of the settlement than the countryside. As such, in the context of policy CS3, I would conclude that the site falls within the settlement hierarchy.
24. Nevertheless, even if I had concluded otherwise, paragraph 55 of the Framework states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The identification of a settlement hierarchy into which development might be focussed is consistent with the Framework in this regard. However, there is no provision within the Framework for blanket restrictions on development outside such locations unless they are considered 'isolated' and there are no special circumstances. In this case, the site would be well related to services and facilities in both Bury and Ramsey. This fact, combined with the proximity of a large amount of residential development, would lead me to conclude that the site would not be considered 'isolated' in the context of the Framework in any event.
25. In conclusion on this matter, I find that the appeal site would comply with HCS policy CS3 which seeks to focus development into defined parts of the

settlement hierarchy. As such, there is no requirement to demonstrate an essential need for a countryside location. The site would also be consistent with the requirements of paragraph 55 of the Framework and be capable of meeting its objectives of supporting thriving rural communities⁷.

Benefits and other matters

26. The provision of two dwellings is a public benefit, both in terms of meeting the Framework's objectives of boosting the supply of housing and supporting the rural economy. However, I have insufficient evidence before me to conclude that the limited benefits associated with two dwellings would outweigh the impact on the character and appearance of the RCA that I have identified and the resulting harm to its significance.
27. I have also noted that the Council did not raise any concerns over the effect of the development on the living conditions of neighbouring occupants or highways. While I saw nothing that would lead me to disagree with their conclusions, the absence of harm in this respect does not constitute a public benefit and would not lead me to change my overall conclusion as to the unacceptable impact of the development.

Conclusion

28. Whilst I have concluded that the site would be within the built form of a settlement within the hierarchy, this does not mean that the importance of the appeal site to the character, appearance and significance of the RCA is in any way diminished. While the Framework recognises the need to provide new homes, it also places clear emphasis on the need to protect local character and heritage assets. In this case, the material harm that would be caused to the RCA would outweigh any benefit that might be derived from being within the settlement hierarchy or not being 'isolated' in terms of paragraph 55. The public benefits of the scheme do not outweigh the harm to the character and appearance of the RCA, which gives rise to conflict with Paragraph 134 of the Framework. I therefore conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

⁷ See also Paragraph 17 of the Framework.