
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/16/3154786

Land north of 192-194, Ugg Mere Court Road, Ramsey Heights PE26 2RH

- 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 Mr John Shotbolt against the decision of Huntingdonshire District Council.
 - The application Ref 16/00741/OUT, dated 5 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is erection of 2 x 2 storey detached dwellings with detached garages.
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Decision

1. The appeal is allowed and planning permission is granted for 2 x 2 storey detached dwellings with detached garages at land north of 192-104, Ugg Mere Court Road, Ramsey Heights PE26 2RH in accordance with the terms of the application, Ref 16/00741/OUT, dated 5 April 2016, subject to the following conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by John Shotbolt against Huntingdonshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application was made in outline with all matters reserved. I have determined the appeal on this basis.
4. A signed 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. In addition, 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

5. The main issues are (i) whether the proposal would provide a suitable housing site with regard to relevant policies relating to development in the countryside and (ii) the effect of the development on the character and appearance of the area.
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Reasons

Countryside Policies

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 dictate that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In terms of this appeal, the relevant parts of the adopted Development Plan are the saved policies of the Huntingdonshire Local Plan¹ (LP) and the Huntingdonshire Core Strategy² (CS).
7. The Council have also quoted policies from the Draft Local Plan³ (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), DLP policies LP1, LP11, LP13 and LP26 have not carried significant weight in my decision.
8. LP policies H23 and En17 seek to restrict development outside defined settlements to that which is considered essential for agriculture and other related rural activities. It is accepted by the main parties that the appeal site sits outside the defined settlement boundary of Ramsey Heights as shown on the LP proposals map and does not meet the essential criteria required by the policies. There is, therefore, conflict with the LP in this regard.
9. CS policy CS3 establishes a settlement hierarchy that identifies Ramsey Heights as a 'smaller settlement'. In such locations, residential infilling is considered appropriate in principle. As with the similar earlier LP policies, development outside the defined settlements will only be permitted where an essential need to be located in the countryside has been established. Importantly, the approach to defining the extent of settlements in the CS differs from that in the LP. Rather than identifying boundaries on the Proposals Map, the CS 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.
10. The appellant has drawn my attention to a relatively recent appeal⁴ which considered the compatibility of the LP and CS policies. In that case, the Inspector concluded that there was an internal inconsistency between the LP and CS policies which meant that they could not be sensibly considered in unison. I agree with the previous Inspector's conclusions on this matter. The Council has also confirmed that they have consistently used the approach set out in policy CS3 since the adoption of that plan. These factors will inevitably and significantly reduce the weight given to policies H23 and En17. As a result, being outside the settlement boundary shown in the LP will not be determinative in this case. Policy CS3 is the most recently adopted local plan policy which addresses the issues raised by this appeal and it is this I have given the most weight.

¹ Huntingdonshire Local Plan Part One Adopted December 1995

² Huntingdonshire Local Development Framework Core Strategy Adopted September 2009

³ Draft Huntingdonshire Local Plan to 2036 (2013).

⁴ Appeal reference: APP/H0520/W/15/3025068

11. Ramsey Heights is a predominantly linear form of development, with rows of housing fronting both sides of Ugg Mere Court Road. This is typical of many settlements in the area. The appeal site is a relatively small roughly square field which sits down slightly from the road. It is generally open to the roadside, with some trees and hedging to the left of the access which is in the centre of the frontage. To the sides and rear is a mixture of hedgerow and trees, which provide the boundary treatments from existing dwellings. There are also a small number of trees within the site. To one side of the site sits 192 and 194 Ugg Mere Court Road. These are a pair of semi-detached bungalows that are orientated perpendicular to the road. On the other side of the site is a pair of semi-detached two-storey dwellings (No 180 and No 182). To the other side of these is another gap in the frontage. On the opposite side of the road are open agricultural fields. To the rear of the site is a recreation ground, which includes a play area.
12. The CS does not provide a significant amount of advice on what should be considered to be within or outside a defined settlement. A reference is made within paragraph 5.15 of the CS regarding a separate Development Plan Document that would provide more detail on this matter. I note from the evidence that this has not been progressed. Therefore, the only guidance available on whether something is within or outside the built-up area is in the three bullet points under paragraph 5.15. 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. There is no definition of what constitutes the 'built form' and thus the individual context of a site needs to be considered.
13. The Council have argued that No 192 and 194 represent the start/end of the built-up area of Ramsey Heights and that No 180 and 182 are part of the more sporadic development which is strung out along the road to the north of the site. As such, they consider the appeal site to lie outside the main built form of the village. However, by their own admission, the character of the settlements in this area can be 'loose knit' in nature and the presence of a relatively small gap in an otherwise continuous frontage should not necessarily be seen as being outside the logical extent of the settlement. This is particularly the case where the character and nature of the gap, and the development either side, is more closely related to the built form than to the open countryside. It is not unusual for settlements to contain gaps in development. The fact that the policy allows for infill is indicative of an expectation that there will occasionally be gaps within frontages within defined settlements.
14. I accept that the site is open, undeveloped and agricultural in nature. However, the appeal site does not form part of a larger field or have the same characteristics as other more expansive open agricultural fields and countryside in the wider area, including those areas to the north of the No 180 and on the opposite side of the road. The presence of residential development directly abutting the site on both sides and the relatively enclosed and well screened nature of the site ensures that it does not appear detached from the settlement. This is reinforced by the width and depth of the site, which correspond closely to the nature of the dwellings on either side of the plot. The site is also to the front of the recreation ground which presumably serves the

settlement and thus forms part of its character and would be perceived as being part of the settlement. I do not consider, therefore, that the development would be seen as extending Ramsey Heights into the open countryside.

15. While the appeal site and No 180 and 182 are clearly toward the periphery of the built-up area, they are not disconnected from it, either in terms of the relatively small physical distance between the dwellings or the character of the street scene. In my view, No 180 and 182 form the logical starting point to the built form of Ramsey Heights on this side of the street. I recognise that development on the opposite side of the road at this point is more sporadic in nature and the gaps between dwellings larger and more closely related to the countryside than the appeal site. However, there is nothing to say the extent of the built form must be symmetrical on each side of the road.
16. For these reasons, I consider that, on balance, the site is more closely related to the built form part of the settlement than the open countryside and thus forms part of the built-up area of Ramsey Heights. The proposed dwellings would, therefore, constitute residential infill and be in accordance with policy CS3.
17. Therefore, I find the appeal site to be within the built-up area of Ramsey Heights and, as such, small scale residential infilling as proposed here would be in accordance with CS policy CS3 which seeks to focus development into defined settlements and resist inappropriate development in the countryside. The proposal would be contrary to the requirements of LP policies H23 and En17, but the reduced weight I have given to these policies and the consistency with policy CS3 is a significant enough material consideration to outweigh this conflict.
18. Paragraph 55 of the Framework seeks to encourage housing in rural areas where it can help enhance and maintain the vitality of rural communities. The definition of a settlement hierarchy into which development is considered appropriate is consistent with this element of the Framework. Paragraph 55 also states that isolated homes in the countryside should be avoided unless there are special circumstances. As I have found that the appeal site is within the built-up area of Ramsey Heights, it follows that the development would not be considered isolated in the context of this policy. Thus there would also be no conflict with paragraph 55 of the Framework.

Character and appearance

19. The Council have argued that the development would constitute an intrusion into the countryside that would harm the rural character and appearance of the area.
20. As already noted, the site is open and undeveloped and the development would fundamentally alter this characteristic. However, change does not always equate to harm. The site does not perform a particularly important role in the rural setting of Ramsey Heights or Ugg Mere Court Road. It has little visual or landscape value in itself, being a relatively small, well screened, tightly enclosed space between two sets of dwellings. Long distance views of the countryside are possible over the hedge at the rear of the site, but these are limited in nature and of no greater value than what can be seen more easily across sites to the north of the village.

21. While design and layout are reserved matters, there is nothing to suggest that development could not take place which would be in-keeping with the generally linear form of development that already exists around the site. The loss of a small gap in the frontage would have only a marginal effect on the 'loose knit' quality of the settlement and would not visibly extend the village out into the countryside. Moreover, the character of the more open and expansive countryside which exists beyond the village and on the opposite side of the road would not be harmed. As I have found the site would fall within Ramsey Heights, it also follows that I do not consider it would form an unacceptable encroachment in the countryside.
22. I find, therefore, that the development would not cause material harm to the rural character and appearance of the area. Accordingly, there would be no conflict with LP policy CS1 which seeks, amongst other things, to permit development which preserves Huntingdonshire's distinctiveness and respects the character of the surrounding area. Policy En25 expects design to respect the scale, form, materials and design of the buildings in the locality of the application site and make adequate provision for landscaping and amenity areas. There is nothing before me to suggest the site is not capable of meeting the requirements of this policy and all issues raised within it can be addressed adequately at reserved matters stage.

Other matters

23. I have noted the Council's concern over the cumulative impact of infill development leading to a continuous ribbon of development linking settlements along long lanes such as Ugg Mere Court Road. Notwithstanding the fact that policy CS3 allows for residential infill, the effect of the development on this possible outcome would be negligible.
24. While the site is identified in Flood Zone 3 on the Environment Agency's (EA) flood maps, the Council have confirmed the site is within Flood Zone 1 on their own Strategic Flood Risk Assessment (SFRA) maps. Neither the EA nor Council have raised any objection to the proposal on flooding grounds. I have not seen anything which suggests that I should disagree with their conclusions on this issue. Furthermore, no substantive evidence has been provided to me that the development would not be able to be adequately drained or have an appropriate link to the sewer system. I have also not been provided with anything which demonstrates that there are any features of wildlife or biodiversity value that would outweigh my conclusions on the development.
25. The fact that residential development may be taking place elsewhere in the district is not a sufficient justification for withholding permission here. The Framework establishes a policy objective of boosting the delivery of housing. Housing targets for an area are expressed as minimums and the Framework states that all housing proposals should be considered against a presumption in favour of sustainable development. In this case, that means approving applications that accord with the Development Plan without delay. The development would meet this requirement.
26. I have noted that there are limited facilities within the village of Ramsey Heights and it is likely that residents will have to travel to meet their day-to-day needs, probably by car. However, this is not unusual in a rural location such as this and I am mindful that the number of trips generated by the proposal would be low. Moreover, the classification of Ramsey Heights as a

smaller settlement means that it has been deemed appropriate for small scale residential infill in the Development Plan. The small level of harm that may result from the development in this regard would not, therefore, outweigh the compliance with the Plan.

Conditions

27. I have considered the five suggested conditions from the local planning in accordance with the guidance contained in the Planning Practice Guidance (PPG). I have attached standard conditions limiting the life of the planning permission and setting out the requirements for the submission and implementation of reserved matters. These differ from the Council's suggested conditions, which would not be appropriate for an outline planning permission. In the interests of certainty, I have also imposed a condition setting out the approved plans.
28. I have considered the comments of the Council's Environmental Health officers. I note that they did not object to the proposal but recommended that a condition be imposed to address any issues that may result from the superficial geology of the site. I consider that such a condition is necessary in this case in the interests of the living conditions of future residents and public health.
29. I have not imposed the Council's suggested conditions on the agreement of materials or landscaping works as these are issues to be addressed at the reserved matters stage and are not necessary at this stage.

Conclusion

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

S J Lee

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Survey Plan.
- 5) No development shall take place until a site investigation of the nature and extent of any potentially hazardous gases emitting from the peat layer has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any risks are found during the site investigation, a report specifying the measures to be taken to prevent hazardous ground gases entering the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development will thereafter be carried out in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.