

Appeal Decision

Site visit made on 4 October, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 17th November, 2016

Appeal Ref: APP/W0530/W/16/3154425

Ermine Farm, Bridge Street, Whaddon, Cambridgeshire, SG8 5SN

- 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. & Mrs. Michael and Malan Payton against the decision of South Cambridgeshire District Council.
 - The application Ref S/0447/16/FL, dated 17 February 2016, was refused by notice dated 23 May 2016.
 - The development proposed is erection of dwelling in lieu of barn conversion approved under S2017/14 and change of use from agricultural land to garden land.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling in lieu of barn conversion approved under S2017/14 and change of use from agricultural land to garden land at Ermine Farm, Bridge Street, Whaddon, Cambridgeshire, SG8 5SN in accordance with the terms of the application, Ref S/0447/16/FL, dated 17 February, 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue in this case is whether the proposal constitutes sustainable development in regard to the provisions of the Framework and development plan, with particular regard to its effect on the character and appearance of the area.

Reasons

3. The appeal site sits at the end of a track leading off Bridge Street, and on the edge of a group of farm buildings set in the open countryside. It is outside the Whaddon village framework. Whaddon itself is a largely linear village laid out along the main road, consisting of houses in generous garden spaces immediately adjoining the open countryside. However it also includes a number of outlying sites such as Ermine Farm, consisting of scatters of functional buildings, adjoining small fields and paddocks set against the large arable fields beyond.
 4. The site is currently part of a small grassed field, and is bounded to the north, west and east by high hedges, and to the east by an existing barn, all of which give the site a sense of enclosure where it adjoins the track.
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5. The appeal proposal is for the erection of a one and two storey dwelling in a modern and restrained design. It would be located adjacent to, but outside, Flood Zone 3.
6. The metal framed and clad barn adjoining the appeal site is able to be converted to a dwelling following the prior approval process, and works for its implementation have been started. While completion of this conversion is a fall-back position if the appeal is dismissed, if it succeeds the proposed development is for a new dwelling in lieu of this conversion. The tests to be applied through the prior approval process differ from those for a full planning application and the conversion of the barn to a dwelling through the exercise of permitted development rights is likely to have a more limited effect on its rural setting than the creation of a new dwelling. The barn is however of very limited design quality and partially within Flood Zone 3, and there may therefore be some benefits in substituting it with a building of considered design and outside the area of flood risk.
7. It is agreed between the parties that the local planning authority is unable to demonstrate a five year supply of deliverable housing sites, and paragraphs 49 and 14 of the Framework are therefore invoked. Paragraph 14 states that where relevant policies are out of date, the presumption in favour of sustainable development means that 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 as a whole, or specific policies in the Framework indicate that development should be restricted. The issues of contention in this case relate to the environmental aspects of sustainability, and in particular the effect of the proposed new dwelling on the character and appearance of the countryside.
8. The proposed new dwelling would sit at the edge of the scatter of small or moderately sized buildings associated with Ermine Farm. These are largely orientated towards the access track and largely set in small fields, paddocks or garden areas. The proposed dwelling would be at the edge of the group, a few metres beyond the small barn and with a similar footprint and higher ridgeline, albeit lower than that of the main house. It would be of a simple, modern design, with a plain and understated façade facing the track. It would have a garden area enclosed by the existing hedgerows and a new hedge to the south. The dwelling would therefore represent a slight extension into the countryside of the group of buildings comprising Ermine Farm, would echo the workmanlike style of the farm buildings, and, as for other buildings in the group, sit in a relatively domesticated but still generous open space.
9. It would not therefore appear out of character with this associated group of buildings, would not appear as an isolated building beyond the group, and not constitute a significantly urbanising or intrusive form. For the same reasons it would not therefore weaken the transition between rural and built, which would remain clearly delineated by the hedgerow to the west of the appeal site, beyond which lies a large field in arable cultivation. For these reasons it would not harm the character and appearance of the area.
10. The site is in a location at the outskirts of a settlement which offers very limited services, and very limited access to public transport. Future occupiers of the appeal dwelling would provide some support to the viability of those services which exist, which would be a minor benefit in meeting the aims of the

Framework to enhance or maintain the vitality of rural communities. These occupiers would be reliant on car travel to meet many of their needs, but there is already a small number of dwellings and a bed and breakfast in the vicinity, and the increased number of vehicle movements are not likely to be to a level that would conflict with the aims of the Framework to minimise the need to travel and maximise the use of sustainable forms of transport.

11. I note that the appellant has indicated that the building would be constructed to Passiv Haus standards, and proposed to install rainwater collection measures and a ground source heat pump. There would therefore be some environmental benefits to be derived from the scheme, albeit small in scale as they relate to a single dwelling.
12. I note the Council's argument that the development, if allowed would set a precedent for housing within the District which is not in sustainable locations. However, each proposal has to be considered on its own merits, and this is a generalised fear.
13. There would therefore be some minor environmental and social benefits from the scheme, which would be offset to a degree by the small increase in private car journeys created by an additional dwelling. However, as I have concluded that the proposed house would not cause any significant harm to the character and appearance of the area; there are no identified adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole.
14. Policy DP1 of the South Cambridgeshire LDF Development Control Policies 2007 (the LDF) seeks development which is consistent with the principles of sustainable development through conserving and possibly enhancing landscape character. For the reasons given above I conclude that the appeal proposal does not harm to the character of the adjoining landscape, and does not therefore conflict with this policy.
15. For the same reasons it does not conflict with Policy DP2 of the LDF, which seeks development which preserves or enhances the character of the local area, with Policy DP3, which seeks development which will not have an unacceptable impact on village or countryside character, or with Policy NE/4 of the LDF which seeks development which will respect and retain or enhance the local character and distinctiveness of the Landscape Character Area in which it is located.
16. Policy DP/7 of the LDF is essentially restrictive in nature, and seeks to allow only development for agriculture or other countryside uses outside urban and village frameworks. It does not however recognise that sustainable development can occur in the countryside, and does not as a result fully comply with the Framework, thereby limiting the weight that I can attribute to it. Although the appeal proposal does not accord with this policy, this does not cause me to alter my decision therefore.

Conclusion

17. For the reasons given above and taking into account matters raised I conclude that the appeal should be allowed.

Conditions

18. The Council has not supplied any suggested conditions. The appellant has however done so, and I have considered these conditions in the light of the requirements of the Framework. For clarity, I have added a condition requiring implementation of the scheme in accordance with the approved plans.
19. The appellant has submitted a revised plan showing the extension of the red-line area of the scheme to include the barn which enjoys permitted development rights for conversion to a dwelling. I have added a condition requiring the removal of this barn prior to the occupation of the approved dwelling, thereby avoiding any potential for harmful overlooking of the eastern elevation of that dwelling.
20. A condition regarding submission of details of landscaping prior to commencement of the development is necessary in the interests of protecting the character and appearance of the area. A condition is added requiring an assessment of the risks posed by contamination in advance of commencement of the development as it is necessary in the interests of the safety of future occupiers of the approved dwelling, workers on site and any off site receptors.
21. Details of surface water drainage works are required in the interests of the living conditions of future occupiers of the dwelling. Details of any proposed external lighting are required in the interests of protecting the character and appearance of the area.

S J Buckingham

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PPG-001 as amended to include barn; 2000, 2002 (Proposed Site Plan), 2002 (Proposed Floor Plans), 2003 & 4001.
- 3) The development hereby permitted shall not be occupied before the demolition of the barn shown within the red-line area of the approved plans is completed.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land identify those to be retained and setting out measures for their protection throughout the course of development.
- 5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters; and
 - ecological systems.
- 6) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,

- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 7) Details of any external lighting scheme shall be submitted to and approved in writing by the local planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.