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## Appeal Decision

Site visit made on 24 January 2017

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 7<sup>th</sup> February 2017**

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**Appeal Ref: APP/D0515/W/16/3162833**

**Friday House, 141 March Road, Cambridgeshire, Friday Bridge PE14 0LP**

- 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 G Clandillon against the decision of Fenland District Council.
  - The application Ref F/YR16/0724/O, dated 5 August 2016, was refused by notice dated 10 October 2016.
  - The development proposed is erection of two detached dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with all matters reserved for future approval. I have dealt with the appeal on this basis and that the illustrative plans and elevations are indicative.

### Main Issue

3. The main issue is whether the location would provide acceptable access to services and facilities, by a range of modes of transport.

### Reasons

4. Friday House is an attractive detached Victorian building located within a small cluster of 4 other dwellings approximately 750 metres from the built up area of Friday Bridge. The surrounding area is predominantly rural in character with small clusters of buildings interspersed along the road side. Friday House was previously occupied as care home but benefits from permission for the change of use to a 4 bedroom dwelling. The appeal scheme proposes the demolition of the attached single storey stables/link building and its replacement with two detached dwellings.
  5. In order to steer most new development to those larger places that offer the best access to services and facilities, Policy LP3 of the Fenland Local Plan (2014) (LP) establishes a settlement hierarchy, defining market towns and various categories of villages. LP Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes groups of buildings that are clearly detached from the continuous built up area. In this case the appeal site is situated within a small cluster of development which is quite clearly separated from and not attached to the village of Friday Bridge.
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The policy states that development not within one of the villages identified in the hierarchy will be restricted to specified categories of development. The proposal would not amount to any of these. Consequently the construction of two dwellings on the site would not accord with the requirements of Policy LP3.

6. Whilst the appellant does not dispute the conflict with Policy LP3 in locational terms, he submits that the location of the appeal site only 750 metres from the built up area of Friday Bridge is a material consideration that would justify a departure from the policy. The village has a small range of services including a school, a village store and post office, fish and chip shop, village hall and playing fields. However the majority of these facilities lie at the opposite end of the village and to my mind are not within an easy walking distance of the appeal site. Future occupants are therefore highly likely to use a car to access the facilities and services within the village. Furthermore, the village does not appear to have many employment opportunities or other facilities to meet the day to day needs of its inhabitants. I note that there is a nearby bus stop with a bus service to March from where further connections can be made. However the frequency of that service is limited, particularly in the evenings and on weekends. Thus, I consider that there would be a heavy reliance on the private car to access services, facilities and employment further afield. Whilst recognising that access to sustainable transport varies between rural and urban areas, the reliance on the private car would be in conflict with paragraph 29 of the National Planning Policy Framework (the Framework) which advises people should be given a real choice in how they travel.
7. The appellant also argues that a departure from Policy LP3 would be justified as the proposal would be broadly compliant with Policy LP12 (Part C) which provides support for the replacement of dwellings located outside or not adjacent to the developed footprint of a settlement. There is dispute between the parties as to whether this element of the building remains in Class C2 use or benefits from the change of use previously allowed. However, Policy LP12 quite clearly refers to 'the replacement of a dwelling'. Even if I were to accept the appellant's interpretation, the stables/link building are not a dwelling in their own right and the partial demolition of footprint belonging to Friday House and the construction of two dwellings would not constitute a replacement dwelling. I do not therefore consider that Part C of Policy LP12 is of relevance to the appeal before me. Similarly, as the proposal does not relate to the bringing back into residential use of an empty house or building I do not consider paragraph 51 of the Framework to be of relevance.
8. I therefore conclude that the site would not have a high level of accessibility with future residents likely to be dependent on the private car. For the reasons above, a development in this location would conflict with the relevant parts of Policy LP3 and the sustainability objectives that underpin them and there are no material planning considerations before me that would justify a contrary decision.

### **Other Matters**

9. I acknowledge that there are a number of benefits to the scheme. The construction phase would generate employment. Future residents would spend locally and make use of local services and facilities. The site would also make efficient use of the land. The proposal in a small way would add to the supply

of housing. However this is a proposal for two dwellings thus any benefits would be limited.

10. The appeal site is set back and sufficiently screened from the road so that the proposed dwellings would have very limited visual impact. There would be a small enhancement to the setting of the original Victorian house by the removal of the unsympathetic stable/link building. Any existing party wall issues with the neighbouring property are a civil matter between the parties and have no bearing on the planning merits of the scheme.
11. The Framework states in paragraph 8 that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. As I have found that the proposal would have limited accessibility to services and facilities and would be highly reliant on the private car, the proposal would conflict with the social and environmental roles of sustainability. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development in the context of the Framework. In reaching this conclusion I have borne in mind paragraphs 47 to 49 of the Framework, as well as its guidance that planning should be a creative exercise in finding ways to enhance and improve the places in which people live and that every effort should be made to respond positively to wider opportunities for growth, including the effective re-use of previously developed land (paragraph 17).
12. The appellant refers to paragraph 14 of the Framework which states that the development proposals should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Notwithstanding the appellants argument that the development plan is silent on the development of previously developed sites outside built up areas, there is a recently adopted Local Plan with policies regarding the location of housing. As a result, I do not consider that the development plan is absent or silent in relation to the consideration of the appeal. In any case, the harm that I have identified above would significantly and demonstrably outweigh the limited benefit of arising from only two dwellings.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*Caroline Jones*

INSPECTOR