
Appeal Decision

Site visit made on 27 February 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 17th March 2017

Appeal Ref: APP/V0510/W/16/3164410

Burrell Lodge, 171 High Street, Cheveley Cambridgeshire CB8 9DG

- 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 Sean Woods against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00983/FUL, dated 2 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is the erection of 3no. houses and associated development, to include access and demolition of existing dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its third reason for refusal the Council have referred to the erection of four dwellings whereas the proposal is for three. This is evidently a mistake and therefore I have still considered the matters set out in that reason for refusal.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the Cheveley Conservation Area (CA) and its effect on the local landscape; and
 - Whether, in a planning balance, any adverse impacts of the proposal would significantly and demonstrably outweigh any benefits.

Planning Policy

4. Policy Growth 2 of the East Cambridgeshire Local Plan 2015 (LP) seeks to strictly control development outside the development envelopes of villages in the district. It is a point of agreement between the appellant and the Council that the appeal site encompasses an area of land that is partially outside the defined development envelope of Cheveley. As such, the proposal, in so far as it relates to Plots 2 and 3, would not be consistent with Policy Growth 2.
5. Nevertheless, Policy Growth 2 relates to the supply of housing as it aims to generally restrict the construction of new homes outside village envelopes. This is significant as the Council cannot currently demonstrate a five year housing land supply as required by the National Planning Policy Framework (the

'Framework'). In accordance with Paragraph 47 of the Framework, Policy Growth 2, which relates to the supply of housing, is currently out of date.

6. The implications of this for the appeal scheme is that in such circumstances, Paragraph 14 of the Framework is engaged and this directs 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 taken as a whole. I have determined this appeal accordingly.

Reasons

The effect on the character and appearance of the CA and the local landscape

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cheveley Conservation Area (CA), a designated heritage asset. I have not been directed to a Conservation Area Appraisal, which could otherwise form a useful basis for understanding the significance of the CA and assessing the effect of the proposal.
8. Nevertheless, from what I have read and observed the significance of the CA is evident in the linear form of the village and in the cluster of properties exhibiting period architecture, including some notable examples of the local vernacular. The CA is focussed on the centre of the village. The development in the northern section of the CA has a consistent building line and a reasonably tight grain. Between the church and the southern boundary of the CA the pattern of development becomes looser and more spacious and verdant. The linear character of the development within the CA ensures there is little development in depth behind the properties which front the High Street. This gives a perception of space and openness beyond the houses and an intrinsically semi-rural setting to the CA, which is particularly apparent in its southern section due to the more spacious plots.
9. The appellant has referred to comments made by a previous Inspector when considering a proposal to the south of the appeal site. The Inspector appears to have concluded that the character of the CA is varied with a mixture of uses and architectural styles. I have not however, been directed to any comments made by the Inspector relating to the spatial layout and grain of development in the CA. As such, I am content to rely on my analysis above for the purposes of my assessment.
10. The appeal site is located within the more spacious and verdant southern section of the CA and is partially viewed in the context of an attractive small green around which are sited a small collection of period properties. The appeal site is also visible from the access road to Brook Stud, which is also a public right of way. From this vantage point there are views of the rear garden of the appeal property and the open countryside beyond. The openness of the garden serving Burrell Lodge contributes positively to the character and appearance of the CA as a whole, being part of its rural setting and a feature that helps define the linear grain of development.

11. The appeal scheme would involve the demolition of Burrell Lodge and the erection of three dwellings. Burrell Lodge makes a neutral contribution to the conservation area and therefore its removal would not result in any harm. As such, my assessment is focused on the effect of the three proposed dwellings.
12. Plots 2 and 3 would be large properties of a considerable height and massing that would be located behind the buildings currently fronting the small green, including 169 High Street. As such, they would be a discordant intrusion into the open area that contributes to and reinforces the linear character of the development in the CA. This impact would be harmfully apparent from the public right of way and the access track leading to Brook Stud. The long access drive and large garages would compound the discordant perception of development in depth. Plots 2 and 3 would also appear less spacious than, and out of scale with, the neighbouring dwellings nearby, especially the modest thatched cottages around the green as well as 169 High Street.
13. The appellant has suggested that Plots 2 and 3 would not be visible from the small green and would instead be visible solely within the context of Brook Stud. I am not satisfied this would be the case. This is because during my site visit I was able to see the property on the western side of the green from the rear garden of Burrell Lodge and this suggests there would be inter visibility. I was also able to see aspects of the green through the gaps in the street scene either side of 169 High Street. Moreover, I have not been presented with any street scene elevations or visualisations to support the appellant's proposition. As such, Plots 2 and 3 would be discernable in views from the green and the High Street and this would harmfully erode the sense of space behind the properties forming the eastern side of the green as well as undermining the linear character of the CA more generally.
14. Plot 1 would be positioned further towards the road than Burrell Lodge and would present a traditional and vernacular appearance to the public realm. However, the depth of the rear element, over two storeys, would be considerable and thus out of proportion with the principal element of the property. The depth would be visible from the green and consequently the side profile of the house would have a bulky appearance. The height would also be greater than 169 High Street and the listed building opposite. Therefore, I share the concerns of interested parties that Plot 1 would appear harmfully dominant relative to nearby buildings.
15. The adverse impact of the proposal would be localised and would be softened to an extent by the vernacular architecture that would be used as well as the potential for good quality materials and landscaping. Moreover, it would not be overly dense. As such, the harm to the CA would be less than substantial. In accordance with Paragraph 134 of the Framework I have considered the potential public benefits of the scheme, such as the provision of housing, with the economic and social benefits this could bring, and weighed these against the less than substantial harm I have identified.
16. When attaching considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, I find that the significant harm would not be outweighed by the public benefits, which are modest, as they relate to the provision of only three dwellings. I therefore find a conflict with Paragraph 132 of the

Framework as the harm to the CA would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.

17. The Council have suggested that the proposal would harm the setting of the countryside as it would project beyond the village envelope. This would result in an urbanisation of land that is designated as countryside in a sensitive edge of village location. However, the effect would not be significant as the proposal would be viewed against the backdrop of the village and Brook Stud. Nevertheless, there would be some adverse impacts as the proposal would encroach into views towards the open countryside beyond the site. I would not however categorise this harmful impact as anything more than moderate.
18. As such, my overall assessment is that the proposal would significantly harm the significance of the conservation area. The setting of the conservation area would not be preserved. Furthermore, the proposal would have some limited harm to the countryside. The proposal would therefore fail to adhere to Policies ENV1, ENV2 and ENV11 of the LP (as supported by the East Cambridgeshire Design Guide) as well as Paragraphs 17, 58 and Section 12 of Framework, which seek to safeguard the character and appearance of the area and the significance and special interest of conservation areas.

Planning Balance

19. As residential development outside the village envelope, the appeal scheme would be contrary to the broad aims of the development plan¹. An application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the lack of a five year housing land supply is a significant material consideration that renders the relevant policies in the development plan relating to the supply of housing as out of date. As the settlement policies are failing to provide an adequate supply of housing they have only limited weight and consequently the proposed siting of the dwellings outside the settlement boundary of the village is not the determinative matter.
20. However, the appeal scheme would significantly harm the character and appearance of the conservation area and would moderately harm the countryside. These impacts are contrary to both local and national planning policy. Moreover, considerable weight and importance should be attached to the desirability of preserving the character or appearance of the conservation area. I therefore afford these adverse impacts substantial weight.
21. The construction of the proposed dwellings would provide some economic benefits to the construction industry but these would be modest in scale and for a limited time. Given the small scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant and therefore any benefits to the vitality of the rural community would be limited. Additionally, there is nothing before me to suggest local services are struggling due to a lack of patronage. The proposal would result in some modest enhancement of biodiversity which can be considered a limited benefit.

¹ As well as the Cheveley Planning Policies, prepared by the Parish Council and endorsed by the Council

22. The proposal would make a more efficient use of land, would boost housing choice and would contribute to the Council's five year housing land supply in a location accessible to everyday services. However, this would be a moderate benefit given the modest scale of the development. I also note that many of these benefits will be derived from a larger development currently under construction in the village, which does not have the harmful impacts I have identified. All together I afford the economic, environmental and social benefits of the proposal only moderate weight.
23. I therefore conclude that the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to sustainable development for which the Framework carries a presumption in favour. Accordingly, the appeal should fail.

Other Matters

24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of 173 High Street, a Grade II listed building. I would need to see further evidence before I was satisfied the proposal would achieve this. However, given my findings above it has not been necessary for me to consider this matter further or the other matters raised by interested parties.
25. The appellant has referred to development to the south of the appeal site that has been, or is under, construction. However, these sites are outside the conservation area or were approved some time ago. They are not directly comparable to the appeal scheme before me and therefore I have considered it on its own merits and found it to be harmful for the reasons already set out.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR