
Appeal Decisions

Site visit made on 26 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 21st March 2017

Appeal A: APP/V0510/W/16/3161285

Site at the Stables, Chapel Lane, Kirtling CB8 9PF

- 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 and Mrs A Bailey against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00420/OUT, dated 14 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is a dwelling and garage.
-

Appeal B: APP/V0510/W/16/3161295

Site West of Chapel Lane, Kirtling CB8 9PF

- 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 and Mrs A Bailey against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00421/OUT, dated 14 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is 2 No dwellings and garages.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary matters

2. Appeal A relates to an application in outline for a dwelling and garage with only the means of access to be considered. All other matters are reserved for future determination. Appeal B relates to an application in outline for two dwellings and garages with only the access position to be considered. All other matters are reserved for future determination. The application plans are clearly marked as illustrative and I have treated them as such.
 3. The submitted plans for both Appeal A and Appeal B annotate adjacent land with the words "proposed neighbours development" and show the position of buildings outlined with dashes. No further details have been provided and so I cannot make any conclusions about the status of that land or buildings. Nonetheless, I note and have taken into account in my determination the site of planning permission reference 15/01193/FUL for a dwelling which has a frontage to Chapel Lane and is located adjacent to the settlement boundary.
 4. No 162 Chapel Lane is a Grade II listed building. No harm to the setting has been alleged by the Council and I have no reason to disagree.
-

Main Issue

5. The main issue in both cases is the effect of the development on the character and appearance of the area.

Reasons

6. Both sites lie outside the settlement boundary for Kirtling. East Cambridgeshire Local Plan (LP) Policy GROWTH 2 identifies that in this area there will be strict control over development. The policy seeks to concentrate development within defined settlement boundaries.
7. Nonetheless, the Council concedes that it is unable to demonstrate a five year supply of deliverable housing land. For this reason local plan policies concerning the supply of housing in the LP are not up-to-date when considered in terms of paragraph 49 of the National Planning Policy Framework (the Framework). Policy GROWTH 2 is such a policy.
8. This means, unless policies of the Framework specifically restrict the development, that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole¹. There is a presumption in favour of sustainable development which comprises three dimensions, economic, social and environmental.
9. In economic terms the development in both Appeal A and Appeal B would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements. Residents may work from home. These economic benefits would be slight since there would only be one dwelling in Appeal A and two dwellings in Appeal B.
10. As far as the social role is concerned, the dwellings would be provided quite close to the settlement boundary near to where there are other dwellings, built to sustainable standards adding to housing supply. The dwellings would be well connected to the rest of the village and so would not be isolated. The Framework promotes sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. Whilst there has been low growth in the area, that seems commensurate with the size of the settlement. The social benefits are slight. Together the economic and social benefits would have limited weight.
11. Turning to environmental considerations, it is accepted that all the new dwellings could be designed to comply with Building Regulations including sustainable principles for energy saving and on CO2 emissions. Furthermore, no protected species would be affected and landscaping could overall increase biological diversity.
12. Turning now to the effects on the character and appearance of the area. LP policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible

¹ Paragraph 14 of the Framework

- enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access.
13. The settlement comprises four separate envelopes of linear development surrounded by fields in the open countryside.
 14. The dwelling on Appeal site A would be accessed by an existing driveway and would be sited some distance back from Chapel Lane. The dwelling would replace a stable and paddock on part of a larger field which has no particularly significant landscape characteristics. The siting and detailed design of the dwelling would all be subject to later determination. The dwelling would not be particularly prominent in the street scene because of the set back position or from a public footpath to the west because of intervening planting.
 15. Nonetheless, the dwelling would be a little distant from Chapel Lane and behind existing residential development. The location would not reflect the existing settlement form. This is because, albeit that many buildings are set in extensive grounds and well set back from road frontages, they are not in such locations as the appeal dwelling. Furthermore, the settlements of Kirtling and Kirtling Green are all linear developments with road frontages. This dwelling would not be sited consistent with the settlement pattern and would not, for that reason, enhance the settlement edge. It would detract from its rural and undeveloped character. There is nothing to suggest that this would be a natural extension to the village.
 16. Appeal site B benefits from a road frontage to Chapel Lane unlike Appeal site A but access to the two dwellings would again be from the same driveway as would serve Appeal site A. Because of the access position the probability is that both properties would face that driveway rather than Chapel Lane, with one of the dwellings behind the one on the frontage.
 17. The site can be viewed from the public footpath to the west. Although being used for growing plants and distinctly separate from the rest of the field, this does not mean that its development would be a natural extension to the village built form. The development would create a hard built edge to the village with a development form unlike that elsewhere even if hedgerows were to be retained and planted to the edges. The harm would be exacerbated because the site is slightly above the adjacent roadway, but I acknowledge that this reflects the land levels elsewhere and the dwellings could be single storey or with rooms in the roof at first floor.
 18. The Council does not dispute that planning permission has been granted for the examples of dwellings in the locality provided by the appellant. Nonetheless, I have very little information about the planning considerations on these sites. I note the site of 15/01193/FUL nearby but unlike the application sites this directly adjoins the settlement boundary. None of the sites identified appears to be a backland site.
 19. The development would be harmful to the character and appearance of the area contrary to LP policy ENV1. The weight of the adverse environmental impacts in both Appeal A and Appeal B would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Conclusions

20. For the reasons given above, and having considered all other matters raised in representations, I dismiss the appeals.

Julia Gregory

Inspector