
Appeal Decision

Site visit made on 27 March 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/W0530/W/16/3165936

Land north east of Grapevine Cottages, Boxworth, Cambridgeshire CB23 4NG

- 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 & Mrs Gibson-Rudkin against the decision of South Cambridgeshire District Council.
 - The application Ref S/2108/16/OL, dated 5 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters of detail reserved for future consideration save for the access. From a reading of the appeal submissions it is apparent that the drawings submitted with the application are intended to be indicative. I have considered the proposal accordingly.

Main Issues

3. The main issues in this appeal are: 1) Whether the proposal would result in an isolated dwelling in the countryside with particular reference to the accessibility of services and facilities; 2) The effect of the proposal on the character and appearance of the area; and 3) Whether, in a planning balance, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Planning Policy

4. Policy ST/7 of the CS¹ and Policy DP/7 of the DCP² seeks to direct development, using a settlement hierarchy, to land within defined urban and village frameworks unless the development needs a countryside location. The aim of Policy DP/7 is to protect the countryside from gradual encroachment and guard against incremental growth in unsustainable locations. This approach is consistent with the National Planning Policy Framework (the Framework), which seeks to encourage development that supports the vitality of rural areas whilst

¹ South Cambs' DC Local Development Framework Core Strategy Development Plan Document 2007 (DCP). Policy ST/7 relates to development within village frameworks, which the appeal scheme is not. As such, it is of limited relevance to my assessment.

² South Cambs' DC Local Development Framework Development Control Policies 2007 (DCP)

recognising the intrinsic character and beauty of the countryside and the need to promote travel choices as a means of contributing towards sustainability and health objectives, including a reduction in greenhouse gas emissions³.

5. The appeal site is located in the countryside being outside of the Boxworth Village Framework. As such, the proposal is in conflict with the development plan. Nevertheless, Policy DP/7 relates to the supply of housing as it aims to restrict most forms of housing in the countryside. This is significant because the Council cannot currently demonstrate a five year housing land supply as required by the Framework. As such, Policy DP/7 of the DCP, which is a policy relating to the supply of housing, is not up to date⁴. In such circumstances, Paragraph 14 of the Framework is engaged and directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh any benefits when assessed against the policies in the Framework taken as a whole. I have determined this appeal accordingly.

Reasons

Whether the proposed dwelling would be isolated with reference to the accessibility of services and facilities

6. Paragraph 55 of the Framework addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated' and there is no up to date local interpretation. Nevertheless, when considering 'isolation', it is necessary to evaluate a site's functional connectivity to services.
7. The nearest settlement to the appeal site is Boxworth, which is defined in Policy ST/7 of the CS as an *Infill Village* due to its poor range of services and facilities. The services and facilities are understood to be limited to a public house on the opposite side of the settlement, a village hall and a church. There are no shops or schools and no apparent employment or recreational opportunities in Boxworth. Moreover, the appeal site is located around 0.4 miles from the village framework with access along a narrow pavement. This would deter some future occupants of the appeal scheme from accessing the very limited array of facilities in Boxworth without using a private motorised transport.
8. A walk to the nearest service centres⁵ relative to the appeal site, where there are education, retail, and employment opportunities, would require future occupants of the appeal scheme to walk some distance and negotiate apparently busy rural roads, which for long sections are devoid of pavements. As such, they are not routes along which pedestrians should be encouraged to travel frequently. The distance and unappealing walking environment would deter future residents from walking to the services and facilities available in nearby service centres. The Parish Council's desire for a footway/cycle path extension to the Cambridge Services does not alter my view on this matter as I have not been presented with substantive evidence that it is a likely prospect.

³ See Paragraphs 17, 29, 30 and 55 of the Framework

⁴ The Council have referred to emerging policies but these are not at a sufficiently advanced stage of preparation to be afforded meaningful weight.

⁵ The Cambridge Services, the Buckingham Business Park and neighbouring villages fall under the umbrella of this term

9. The appellants suggest that the site is well located for the A14 and this provides access to large towns. However, in my view this would encourage private motorised travel and therefore new dwellings would be better located nearer these towns as a means of promoting sustainable travel options. As such, this is not a matter that weighs in favour of the appeal scheme.
10. Accessing services and facilities by bicycle could be an option for some future residents of the appeal property, but not all, due to the distances involved and the variance in mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as a genuine alternative to a private car. There is a bus service from Boxworth but the Council suggest this is infrequent and it is unclear whether it links villages. The appellants do not robustly counter the Council's assertion and I have not been provided with a bus timetable which would demonstrate otherwise. Moreover, the bus stop is around 650m from the appeal site, which is notable walk, especially with children or shopping.
11. Given the distance, unattractive walking environment, lack of dedicated cycle routes or convenient access to public transport, it would be highly likely that future residents of the appeal scheme would be predisposed to rely on private motorised transport to access any necessary services and facilities in Boxworth and further afield. Consequently, the proposed dwelling would be isolated from everyday services and facilities. This would undermine the Framework's aims of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and the promotion of sustainable transport. This would harm the social and environmental aspects of sustainable development.
12. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural locations. However, when read as a whole, I do not consider the Framework is advocating car dependency in rural areas, which will be the case with the occupants of the appeal scheme. I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met.
13. The appellants have referred to an appeal decision⁶ in Fulbourn as a matter in support of their case. However, the dwelling approved at Fulbourn would be located very close to the village centre and the array of services therein. This is unlike the appeal scheme which is remote from services and facilities. The appellants have also referred to the approval of a dwelling in Boxworth in 2009⁷. The details are not before me but the proposal is within the village framework, whereas the appeal site is remote from it. The appellants also refer to another appeal decision⁸, but this relates to a site within a defined pocket of development in the countryside. A description that is not conducive with the appeal site given the limited scale of the existing terrace. Consequently, there is a material difference between the appeal scheme and the other proposals referred to. As such, the appeal scheme falls to be considered on its own merits. As such, I conclude that as an isolated dwelling in the countryside the proposed development would be contrary to the Framework.

⁶ APP/W0530/W/16/3145148

⁷ S/1218/09/O

⁸ APP/W0530/W/16/3147421

The effect on the character and appearance of the area

14. The appeal site is located between the village of Boxworth and the Cambridge Services. It is separated from both of these more developed areas by fields and hedges. This affords the site and its environs a rural character. The appeal site is part of a domestic garden but it is nevertheless open and undeveloped and thus contributes positively to the rural character and appearance of the area. Particularly as the undeveloped nature of the site afford views towards Grapevine Cottages, a row of traditional, attractive and modest houses that are understood to have been former agricultural workers dwellings. The terrace, whilst not of special interest, is visually isolated from other built development and the village of Boxworth and contributes positively to the rural character of the area and its local distinctiveness.
15. The appeal scheme would not be 'read' as being part of the settlement of Boxworth. Instead, it would be viewed as an incursion and intensification of residential development into the countryside that would be separate from Grapevine Cottages. This inherent urbanisation of the appeal site would harm its contribution to the rural character of its surroundings, especially when viewed from the north east across the adjacent field. The dwelling would also dilute the positive contribution made by the existing row of cottages to the localised rural scene, by obstructing views of them from the north east.
16. In arriving at this finding, I note that public views of the proposed development would be filtered by boundary planting, that the proposed dwelling could be designed to appear as a converted outbuilding within a loose knit of development set back from the road⁹ and that there is currently large compounds in the area that relate to works to the A14. Nevertheless, landscaping cannot be relied upon as long term mitigation to screen an otherwise unacceptable development as it may be removed or fail in the future. The indicative drawings show a chalet style building with a number of domestic features. As such, I am not satisfied the intended building would have the scale or appearance of a domestic outbuilding and therefore this design concept is unconvincing. The compounds are temporary in nature and therefore this would not justify the long term impacts of the proposal.
17. I therefore conclude that the appeal scheme would harm the character and appearance of the countryside. It would therefore be at odds with Policy DP/3 of the DCP, which seek to secure development which responds to local context and distinctiveness. This would also undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside and the local context (Paragraphs 17 and 58).

Planning Balance

18. As residential development outside the village envelope, the appeal scheme would be contrary to the broad aims of the development plan and the strategy for housing contained therein. 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. Policies ST/7 and DP/7 are broadly consistent with the Framework but have contributed to a

⁹ A characteristic found in the Western Claylands Landscape Area – see the District Design Guide

housing supply that is only around 3.7-4.4 years, a significant shortfall. It is unclear how the Council are attempting to remedy this. As the settlement policies are failing to provide an adequate supply of housing the conflict with the strategy for housing set out in the development plan is afforded limited weight.

19. Policy DP/3 of the DCP can have the effect of restricting housing development and is thus a policy relating to the supply of housing that is out of date. Nevertheless, I have still afforded it significant weight due to its consistency with the Framework, which places great importance on good design. Moreover, it is not focused on setting out the Council's strategy for the scale and location of housing. Instead, its main purpose is ensuring the quality of developments, which is an important aim in achieving sustainable development.
20. When applying the policies in the Framework as a material consideration, the proposal would result in an isolated dwelling. The proposal would also result in an inherent urbanisation of the appeal site in a rural area contrary to Policy DP/3, which I have given significant weight. I afford the combined harmful impacts, as well as the conflict with the development plan as a whole and the Framework, significant weight.
21. The construction of the proposed dwelling 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 boost housing choice and would contribute to the Council's five year housing land supply. These would be limited benefits given the proposal's modest scale.
22. There has been a considerable level of local support for the proposal, including a petition. However, a planning application is not a referendum on a particular proposal, which must be considered in the context of planning policy and material considerations. I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal. All together I afford the benefits of the proposal limited weight.
23. Consequently, 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. I therefore conclude that the proposal would not be sustainable development for which the Framework carries a presumption in favour.

Conclusion

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

Graham Chamberlain
INSPECTOR