
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: 18th April 2017

Appeal Ref: APP/V0510/W/16/3165159

Land adjacent to 59 Ditton Green, Woodditton, Cambridgeshire CB8 9SQ

- 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 B Reeve and Mr T Hensby against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00726/FUL, dated 23 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is to build two detached houses with garages.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr B Reeve and Mr T Hensby against East Cambridgeshire District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The appellants submitted additional information with their appeal in the form of an arboricultural assessment and phase 1 ecological assessment. I have accepted and considered this additional information as it was submitted at the outset of the appeal proceedings thereby giving interested parties an opportunity to review and comment on it. Moreover, the appeal scheme was not materially altered by this information.
4. The planning application, the subject of this appeal, was submitted by Mr B Reeve. The appeal was made by Mr T Hensby. I have received written confirmation that Mr Hensby is conducting the appeal on the behalf of Mr Reeve and is thus the substitute appellant. I have therefore referred to both Mr Reeve and Mr Hensby as the 'appellants'.

Planning Policy and Main Issues

5. 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. The appeal site encompasses an area of land outside the defined development envelope of Woodditton. As such, the proposal would not be consistent with Policy Growth 2.
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6. Nevertheless, Policy Growth 2 relates to the supply of housing. 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. In such circumstances Paragraph 14 of the Framework is engaged. 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 whole¹. I have determined this appeal accordingly.
7. The main issues in this appeal are therefore:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether, in a planning balance, any adverse impacts of the proposal are significantly and demonstrably outweighed by any benefits.

Reasons

The effect on the character and appearance of the area

8. The appeal site encompasses an area of grassland which currently forms an open break in the street scene being flanked on its eastern and western sides by residential development. Along the northern road side boundary of the appeal site is a low brick wall over which there are views of the appeal site, its southern boundary and the countryside beyond. As a consequence, views through the site link the settlement with the countryside. In this respect, the open and undeveloped nature of the appeal site is a landscape feature that contributes positively to the character and appearance of the area.
9. The appeal site has been the subject of two previous appeals² where residential developments were proposed. The Inspector in 1989 considered the appeal site *'makes an important visual contribution to the attractive rural character of this part of Ditton Green offering both relief and views to the south.'* The subsequent Inspector, in reaching his decision in 1990, found that *'the appeal site allows views of the mature trees with open countryside beyond and... makes a significant contribution to the attractive appearance of the High Street'*. The Inspector concluded that the development would intrude into *'this valuable open space'*.
10. Whilst these decisions were made some time ago and the policy context has changed considerably, the Inspectors' findings are still notable material considerations. This is because I have not been presented with substantive evidence to suggest the context around the appeal site has significantly altered. Consequently, I do not share the view of the appellants that the appeal site is an open space³ of little merit to the character and appearance of the area. Instead, I share the view of the preceding Inspectors that the appeal

¹ I have not been directed to any policies in the Framework that indicate that the development should be restricted

² APP/V0510/A/90/148118/P8 and APP/V0510/A/89/1211059/P5

³ The appellants suggest there is no public access to the appeal site and thus it is not an 'open space'. However, in my view the appeal site is an open space even though it is a space without public access. It is an open space because it is open and undeveloped area that provides visual relief to the street scene and thus has some visual amenity. I therefore share the view of the Council that the appellants' comments regarding public access and Local Green Space designations are of limited relevance.

site is a valuable open space that makes a significant visual contribution to the street scene.

11. The appeal proposal would result in the erection of two reasonably large dwellings in the appeal site. The dwellings would span much of the width of the site. This, along with expansive driveways, garages and hard boundary treatment, would urbanise the appeal site and erode the positive contribution its undeveloped character makes to the street scene. Moreover, the extent of development proposed would result in the existing views across the site to the countryside being obscured to unacceptable extent. As such, the appeal scheme would significantly harm the character and appearance of the area.
12. In coming to this view I note that the two properties proposed would be attractively designed to reflect the rural vernacular and appropriate in scale when considered against nearby dwellings. However, this would not mitigate for the loss of the appeal site as an open and undeveloped space that positively contributes to the character and appearance of the area.
13. I therefore conclude that the appeal scheme would significantly harm the character and appearance of the area contrary to Policies ENV1 and ENV2 of the LP, which seek to protect landscape features, key views, the edges of settlements and secure high quality designs that complements local distinctiveness. These policies are consistent with Paragraphs 17 and 58 of the Framework.

Whether the adverse impacts of the proposal significantly and demonstrably outweigh any benefits

14. 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 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.
15. The settlement policies are failing to provide an adequate supply of housing. However, the supply is only just below the 5 year requirement⁴ and the Council are preparing a local plan to remedy this shortfall. As such, the settlement policies can be afforded moderate weight⁵. Nevertheless, the proposed houses would not be isolated when applying Paragraph 55 of the framework due to the relationship they would have with the settlement. Consequently, the proposed siting of the dwellings outside the settlement boundary of the village is not determinative and is thus a matter of limited weight against the proposal.
16. Policies ENV1 and ENV2 of the LP can have the effect of restricting housing development and are thus policies relating to the supply of housing. As such, they are out of date. Nevertheless, I have still afforded them significant weight due to their consistency with the Framework, which places great importance on good design. Moreover, their focus is not on setting out the Council's strategy for the scale and location of housing. Instead, their main purpose is more

⁴ The supply is understood to currently be in the region of 4.7 years

⁵ The Council's emerging policies, including Policy LP32, are not at a stage of preparation where they can be afforded meaningful weight

concerned with ensuring housing developments are of an appropriate quality, which is an important aim in achieving sustainable development.

17. The appeal scheme would significantly harm the character and appearance of the area. This impact would be contrary to Policies ENV1 and ENV2 of the DCP, to which I have afforded significant weight, as well as the Framework. I therefore afford the significant harm, and the conflict with local and national policy, significant weight as adverse impacts of the appeal scheme.
18. 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.
19. 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 some everyday services. However, this would be a moderate benefit given the modest scale of the development. Altogether, I afford the economic, environmental and social benefits of the proposal only moderate weight.
20. 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.

Other Matters

21. The original recommendation of the Council's Planning Officer is noted but I have come to a different conclusion for the reasons given. As such, this does not alter my overall findings.

Conclusion

22. I have concluded that the proposal would significantly harm the character and appearance of the area placing it in conflict with the development plan as a whole and the Framework. The adverse impacts I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme. As such the proposal is not sustainable development. For this reason, and the reasons given above and having regard to all other matters raised, including the letters of interested parties, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR