

Appeal Decision

Site visit made on 2 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 11th May 2017

Appeal Ref: APP/H0520/W/16/3167776

Land opposite 315 Ugg Mere Court Road, Ramsey Heights, PE26 2RJ

- 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 Mrs Gay Berner against the decision of Huntingdonshire District Council.
 - The application Ref 16/01151/FUL, dated 20 May 2016, was refused by notice dated 28 September 2016.
 - The development proposed is 2 no. residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The location of the proposed development is not clear from the address and description of development on the original application form. The above address is derived from the decision notice and appeal form.

Application for costs

3. An application for costs was made by Mrs Gay Berner against Huntingdonshire District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the character and appearance of the area.

Reasons

5. Ramsey Heights comprises predominantly linear residential development along Ugg Mere Court Road with open countryside beyond on either side. Properties are closely and regularly spaced along the road for much of the settlement. The appeal site is an area of rough grassland adjacent to Ugg Mere Court Road with a dilapidated and seemingly disused barn adjacent to the northern boundary. There is a paddock to the north between the site and the property at 306 Ugg Mere Court Road, and fields and paddock to the south until the property at No 342. Residential development lines the road opposite the site to the east, with countryside to the west.
 6. Ramsey Heights is identified as a smaller settlement in Policy CS3 of the adopted Huntingdonshire Core Strategy 2009 ('the Core Strategy') in which residential infilling is acceptable within the built-up area. Paragraph 5.15 of the
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Core Strategy seeks to define what is meant by a built-up area in Policy CS3. The Council consider that the appeal site is outside of the built-up area of Ramsey Heights and within the open countryside. Policies H23 and En17 of the adopted Huntingdonshire Local Plan 1995 ('the Local Plan') restrict development in the countryside to that which is essential for agriculture and other specified rural activities. It is evident that the proposed development does not accord with these Local Plan policies.

7. However, the appellant highlights the internal conflict between the adopted Local Plan and Core Strategy policies and has referred to relevant local appeal decisions at Wistow¹ and further north on Ugg Mere Court Road². I agree with these previous decisions that the approach set out in the Core Strategy, including Policy CS3, should take priority over the Local Plan in this particular instance as the most recently adopted part of the development plan.
8. The Council refer to a number of policies from the Draft Huntingdonshire Local Plan 2013 in the decision notice (Policies LP1, LP11, LP13 and LP26). I have not been provided with any information on whether this document has been submitted for examination or the extent of outstanding objections. Therefore, mindful of paragraph 216 of the National Planning Policy Framework (NPPF), I can afford little weight to Policies LP1, LP11, LP13 and LP26.
9. In terms of whether the appeal site lies within the built-up area of the settlement, I have had regard to the definition in paragraph 5.15 of the Core Strategy. The site falls within a substantial gap between 306 and 342 Ugg Mere Court Road that consists of fields and paddocks with expansive views across to the wider countryside due to a relative lack of boundary planting. The few buildings within this gap are limited to those associated with the management of the land including the dilapidated barn within the appeal site. Although there are properties on the other side of the road, it has a very different and domestic character and appearance and does not diminish the size or quality of the gap. Thus, the gap, including the appeal site, does not form part of the existing built form of the settlement but instead lies within the countryside. It follows that the proposed development would not constitute residential infilling within the built up area, thus contrary to Policy CS3 of the Core Strategy.
10. The appearance, layout and scale of the proposed development would be compatible with existing properties in Ramsey Heights, in accordance with Policy En25 of the Local Plan. However, the development would lead to an erosion of the substantial gap and the rural qualities of the fields and paddocks along this section of Ugg Mere Court Road. The development would be overly conspicuous in views along the road as well as from Harpers Drove to the south-west. It would be clearly detached from housing to the north and south, rather than part of a closely and regularly spaced line of houses that characterises much of the settlement along Ugg Mere Court Road.
11. The removal of the barn would be an enhancement, and I note the support of Ramsey Town Council, but this does not outweigh the harm that would be caused to the area from the proposed development. The gap does not appear to be specifically designated, but this does not diminish its rural qualities distinct from existing residential development.

¹ APP/H0520/W/15/3025068 (Land north of Thatched Cottage, Church Street, Wistow)

² APP/H0520/W/16/3154786 (Land north of 192-194 Ugg Mere Court Road, Ramsey Heights)

12. The Wistow and the previous Ugg Mere Court Road appeal decisions involved sites in smaller gaps between existing properties that could be reasonably argued to form part of the built-up area of the settlements. As such, they are not directly comparable to this appeal site. None of the other planning and appeal decisions provided by the appellant in their Design and Access Statement are directly applicable either. They cover different locations and proposals and I do not have sufficient details of each case. I have thus determined this appeal on its own merits based on the evidence before.
13. I consider that the proposed development would harm the character and appearance of the area. Thus, it would be contrary to Policy CS3 of the Core Strategy as residential development beyond the built-up area of the settlement. It would also not accord with Policy CS1 of the Core Strategy which, amongst other things, requires development to preserve the district's landscapes and respect the character of the surrounding area.

Planning balance

14. Paragraph 55 of the NPPF promotes sustainable development in rural areas with housing located where it will enhance or maintain the vitality of rural communities. The proposed development, while detached from other properties and not infill, would not be particularly isolated in either a physical or functional sense and so there would be no conflict with paragraph 55.
15. The more positive approach to the countryside in the NPPF contrasts with the more restrictive approach of Policy CS3 of the Core Strategy, as well as Policies H23 and En17 of the Local Plan, and so there is a lack of consistency. Mindful of paragraph 215 of the NPPF, the amount of weight I can give to these three policies is thus limited. Conversely, Policy CS1 of the Core Strategy is broadly consistent with the NPPF and so I can afford it considerable weight.
16. Paragraph 14 of the NPPF states that where relevant policies are out of date, 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 NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.
17. Dealing first with the adverse impacts, there would be harm to the character and appearance of the area through the location of development detached from housing along this side of Ugg Mere Court Road and the erosion of the rural qualities of the countryside in which the appeal site is located. The harm is tempered by the limited weight I can afford Policies CS3, H23 and En17, but it would still result in a marked change to the character and appearance of the area and the conflict with Policy CS1 is important. Thus, significant weight can be afforded to the adverse impacts of the proposed development.
18. The provision of two houses would result in social and economic benefits in terms of boosting housing supply and mix and supporting the local economy and services. However, given the amount of development, these benefits would be modest. There would be some environmental benefits through the removal of the existing barn, but this structure could be removed without the proposed development and so this is a limited benefit. The proximity of the site to the services of Ramsey and the existence of a bus route through Ramsey Heights is a benefit, but it is likely that residents would still have to travel to meet their day-to-day needs, which makes this a limited benefit. As a

consequence, the benefits of the proposed development, both individually and collectively, carry limited weight.

19. Therefore, the adverse effects of development would significantly and demonstrably outweigh the benefits. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF and Policy CS1 of the Core Strategy and would not provide a suitable location for housing having regard to the character and appearance of the area.

Conclusion

20. For the above reasons, and having had regard to all other matter raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR