
Appeal Decision

Site visit made on 13 June 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7 July 2017

Appeal Ref: APP/H0520/W/17/3167180

Land adjoining New Road, Offord Cluny, Huntingdon, Cambridgeshire

- 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 Alexander against the decision of Huntingdonshire District Council.
 - The application Ref 16/00962/OUT, dated 29 April 2016, was refused by notice dated 20 July 2016.
 - The development proposed is erection of single dwelling, garage and associated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with details of layout, scale, access and appearance to be determined as part of it. I have dealt with it this way and on the basis that landscaping is a matter reserved for future approval.
3. In seeking to address the Council's third reason for refusal the appellants submitted an Arboricultural Report. The Council has confirmed that the information is sufficient to demonstrate that the development is unlikely to have an adverse impact on trees and on this basis withdraws its third reason for refusal. Having regard to the submitted information and from my observations on site, I have no reason to reach a different view on this matter.
4. Further to the Supreme Court judgement in *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG; Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council*¹ on 10 May 2017, the parties have been given the opportunity to comment on any implications this judgement may have on this appeal's determination. I have taken account of the comments made by the parties in relation to the Supreme Court's judgement.
5. The Council's decision notice refers to policies from the emerging Draft Huntingdonshire Local Plan to 2036 (the emerging LP). The emerging LP was consulted on in 2013 and it is my understanding that this document has not yet been submitted for Examination and I am unaware of any possible unresolved objections. Based on the early stage of preparation and, in line with paragraph

¹ *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG; Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council* [2017] UKSC 37

216 of the National Planning Policy Framework (the Framework), I attach the policies of the emerging LP limited weight in the consideration of this appeal.

Main Issues

6. The main issues are:

- Whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area; and
- The effect of the proposal on designated heritage assets, including the setting and thereby significance of the grade II listed Manor House and the Offord Cluny Conservation Area.

Reasons

7. The appeal site lies in the south west corner of a large agricultural field bound to the south by a substantial hedge bordering New Road. The site is bound by open fields to the north and east and by a meadow to the west. The site lies immediately adjacent the boundary of the Offord Cluny Conservation Area (OCCA) and the grade II listed Manor House is situated approximately 350m to the west.

Character and appearance

8. Saved Policies En17 and H23 of the Huntingdon shire Local Plan (1995) (LP) seek to restrict development outside of defined settlements to that which is essential for agriculture and other related rural uses. The appeal site lies outside the defined settlement boundary for Offord Cluny and does not meet the criteria required by the above policies and is therefore in conflict with the LP in this regard.
9. Policy CS3 of the Huntingdonshire Local Development Framework Core Strategy (2009) (CS) establishes a settlement hierarchy, with the aim of directing most development to the districts larger settlements and lesser amounts to the lower tiers within the hierarchy. Offord Cluny falls within the lowest tier of the hierarchy, being defined as a smaller settlement, in which only infilling will be appropriate. As with policies En17 and H23, development outside of built up areas is limited to that where an essential need to be located in the countryside has been established. In contrast to the LP, the approach to defining the extent of settlements in the CS is not defined on a proposals map. Rather the CS relies on an assessment of each case on its own individual merits based on the relationship of the development to the built form of the settlement.
10. The appellants have drawn my attention to a recent appeal decision² in which the Inspector found inconsistencies between the LP and CS policies in their approach to defining the extent of settlements. I agree with the previous Inspector's conclusions on this matter that where such conflict arises between development plan policies, the most recently adopted must prevail, that being Policy CS3 in this case. Accordingly, I give greater weight to this policy in the determination of the appeal.
11. Paragraph 5.15 of the CS states that the settlement will be the existing built form, excluding buildings which are clearly detached from the main body of the

² APP/H0520/W/15/3025068

settlement, gardens and undeveloped land within the curtilage of buildings at the edge of the settlement where these relate more to the surrounding countryside than they do the built-up part of the village and agricultural buildings where they are on the edge of the settlement.

12. Although the site is not necessarily remote given its relationship with some other nearby properties, it is distinctly rural in character and appearance and is considerably detached from built development on the northern side of New Road by fields and a meadow. Rather than the site having any close connection with adjacent buildings, it reads strongly as an integral part of the surrounding attractive countryside that surrounds the village of Offord Cluny. For the aforementioned reasons, I consider that the dwelling falls outside the built up area of Offord Cluny and the proposed development, in accordance with Policy CS3 would be within the countryside.
13. Whilst the site is well screened from the road, its unspoilt open qualities and pastoral character with established hedgerows make an important and pleasing contribution to the rural setting of this village. Whilst views of the site are limited to a degree by the hedgerow, the proposal would be clearly seen from the dwellings opposite the site and when passing the access.
14. The dwelling would be designed to a high standard, picking up cues from local vernacular. Nonetheless, the sizeable dwelling and detached garage, its access/driveway, parking/turning area and ensuing domestic paraphernalia would considerably erode the pleasing, unspoilt open qualities of the site. The proposal would result in built development intruding into the countryside to the west and north of the village detracting from its rural setting which is integral to the character of Offord Cluny.
15. I accept that the site is not necessarily remote in terms of its distance from the village and other built development and in this respect is not wholly isolated as such in the context of paragraph 55 of the National Planning Policy Framework (the Framework). However, one of the Core Principles of the Framework includes recognising the intrinsic character and beauty of the countryside and I have found harm in this regard to which I attach substantial weight.
16. I conclude therefore that the site is not a suitable location for housing having regard to its impact on the character and appearance of the surrounding area. I find conflict with Policies CS1 and CS3 of the CS, Policy En25 of the LP and Policy HL5 of the Huntingdonshire Local Plan Alteration (2002). These seek, amongst other things, to promote sustainable development by protecting the character and scale of smaller villages and the countryside and to ensure new development generally respects the form of established buildings, the townscape and landscape of the wider locality. I cannot be sure from the information before me whether the appeal site is in an area protected by Policy En16. Nevertheless, in light of my findings above, this matter has not had a significant bearing on my decision.

Heritage Assets

17. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest and to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

18. The Framework also requires the significance of a designated heritage asset to be assessed, including any contribution made to the setting of an asset. It goes on to categorise any harm to the significance of a designated heritage asset as either '*substantial harm to or total loss of significance of an asset*' or '*less than substantial harm to the significance of an asset*'. Paragraph 132 of the Framework is clear that great weight should be given to a heritage assets conservation and that its significance can be harmed by development within its setting.
19. The heritage assets affected by the appeal are the adjacent OCCA and the Manor House, a grade II listed building. The Framework clearly defines the setting of a heritage asset as the surroundings in which such an asset is experienced and confirms that significance can be derived from a setting as well as the asset's physical presence. The appeal site forms part of the surroundings within which the listed building and OCCA are experienced and it could reasonably be regarded to form part of their setting.
20. Turning to the impact on the setting of the Manor House which is defined in the listing description as 18th Century with mid-19th Century additions to the rear. The significance of this heritage asset relates primarily to the age, form and historic fabric of the building but the substantial grounds and meadow to the east also enhance the setting of the house. Despite the intervening distance and vegetation, the site forms part of the rural landscape setting to the Manor House which would have had historical associations with the countryside. To that end the field to the east of the meadow makes a contribution to the setting by enabling the house, grounds and meadow to be understood and read in the rural landscape.
21. The unspoilt open qualities of the site allow for a contextual appreciation of the listed building and its grounds and I noted at my site visit that there was a degree of intervisibility between the listed building and the appeal site. Although I accept that intervening trees provide a degree of screening, there would still be intermittent views which would increase in the winter months when the trees are without leaf cover. To my mind, the proposed dwelling would be inappropriately close to the meadow which has an important function as part of the immediate setting of the listed building. The proposal would unacceptably erode the way the meadow and the Manor House are perceived and views from the listed building over its grounds to the open countryside beyond. Whilst the dwelling would not necessarily visually compete given the intervening distance, it would remove part of the rural backdrop which forms part of the setting.
22. In conclusion, the domestication of the appeal site would cause some harm to the setting of the Manor House which makes a contribution to the significance of the asset. The proposal therefore conflicts with Policy En2 of the LP which requires that proper regard is had to development affecting buildings of special architectural merit. Finding harm to the setting of a designated heritage asset is a matter to which I must attach considerable importance and weight. I quantify this harm as less than substantial having regard to paragraphs 133 and 134 of the Framework. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I return to this matter below.

23. Turning to the impact on the setting of the OCCA. The Council's Offord Cluny Conservation Area Character Statement (2003) (CACS) states that the character of the village reflects the medieval origin of the settlement with the Manor House fronting the principal road through the village providing the centre piece of the street scene. The agricultural history is reflected in the type of buildings found within the village. The grounds and land associated with the Manor House are of historic importance and are important to both the setting of the house as well as the wider character of the village. The adjacent meadow is considered to have historic importance within the OCCA and the CACS states that the survival of this landscape feature reinforces the village's historic pattern of development.
24. To my mind, the significance of the adjacent Conservation Area derives largely from its agricultural history, associated settlement pattern and the character and appearance of the village owes much to its rural setting. The domestication of the appeal site would result in a marked loss of countryside and its overwhelming rural appearance which makes a positive contribution to the rural setting in which the OCCA is experienced. The proposal would be an incongruous incursion into the countryside in close proximity to the Conservation Area.
25. Thus, the proposal would have an adverse impact on the designated heritage asset as it would neither preserve nor enhance the character and appearance of the OCCA. The proposal therefore conflicts with Policies En5 and En6 of the LP which require, amongst other things, high standards of design within Conservation Areas which preserves or enhances their character and appearance. I attach considerable importance and weight to this harm. However, given the scale of the development in relation to the Conservation Area as a whole, I would quantify the extent of this harm as being less than substantial which should be weighed against the public benefits of the proposal. I return to this matter below.

Other Matters

26. The appellant has drawn my attention to two planning applications and one appeal decision where development was permitted outside of built up areas, within or adjacent to conservation areas or listed buildings. Whilst I note the parallels drawn with the appeal decision and the application at Little Stukeley, the sites are within different villages than the scheme before me where the setting and surroundings are likely to have different attributes to the site which is the subject of this appeal. I cannot therefore make direct comparisons. Although within Offord Cluny, the application at Whitwell Farm was for a very different scheme of 8 dwellings including affordable units which attracted weight in favour of the proposal. Furthermore, the Council found no harm to the setting of a nearby listed building or the OCCA. The setting and significance of heritage assets must be assessed on an individual basis and the lack of harm found on one development does not preclude the finding of harm on other sites, even when located in the same Conservation Area. In any case, each application and appeal must be assessed on its own merits.

Planning Balance and Overall Conclusion

27. I acknowledge that there would be a number of benefits of the proposed development in particular that it would result in one additional dwelling of a high design standard. Other associated benefits include its use of local

contractors and suppliers during construction. However, as a single dwelling these benefits would be modest but I have afforded them some weight in favour of the proposed development. Nevertheless, I do not consider the limited benefits of the proposal sufficient to outweigh the harm I have identified above, including in relation to the setting of the listed building and the setting of the OCCA, which are designated heritage assets.

28. There is some dispute between the parties as to whether the Council can currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). In the event of there being no HLS, the Supreme Court's judgement referred to above makes it clear that the fourth bullet point in paragraph 14 of the Framework would be engaged, with the balance being tilted in favour of granting permission. However, the second strand of the fourth bullet point of paragraph 14 makes clear that the presumption in favour of sustainable development set out therein should not apply where 'specific policies of the Framework indicate development should be restricted'. Here, footnote 9 appended to this last statement makes specific reference to policies relating to designated heritage assets in this regard. Even if I were to conclude there is a shortfall in HLS as suggested by the appellant and that the relevant policies for the supply of housing should not be considered up to date, the last strand of bullet point four of paragraph 14 disapplies the presumption in favour of the development that might otherwise exist.
29. For the aforementioned reasons, and having had regard to all other matters raised, including that there have been letters received in support of the development, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR