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# 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: 12<sup>th</sup> July 2017**

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**Appeal Ref: APP/H0520/W/17/3168834**  
**Furze View, Bullock Road, Haddon PE7 3TT**

- 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 Simon Grice against the decision of Huntingdonshire District Council.
  - The application Ref 16/02330/FUL, dated 20 June 2016, was refused by notice dated 30 December 2016.
  - The development proposed is demolition of existing dwelling and associated building and replacement with 4No. sustainable homes to replace outdated and unfeasible use on the site.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. 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 nor am I aware of any resolved objections. Based on the early stage of preparation, in line with paragraph 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

3. The main issues are:
  - Whether the site is in a suitable location having regard to the accessibility of services and facilities;
  - The effect of the proposal on the character and appearance of the area;
  - The effect of the proposal on highway safety; and
  - The effect of the proposal on protected species.

## Reasons

### *Accessibility*

4. In seeking to direct development to the districts larger settlements in order to reduce travel, Policy CS3 of the Huntingdonshire Local Development Framework Core Strategy (2009) (HCS) establishes a settlement hierarchy. Outside built up areas, development is to be strictly limited to that which has an essential need to be located in the countryside. The approach to defining the extent of settlements in the HCS differs to that set out in Policies H2 and En17 of the Huntingdonshire Local Plan (2005) (HLP) which identifies settlement boundaries on the proposals map. The HCS 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.
5. When there is conflict between development plan policies, the most recently adopted must prevail and in this case that is the policy in the HCS. Having regard to the criteria identified within the HCS, despite the presence of small scattered pockets of development in the surrounding countryside, the appeal site is clearly outside of any built up areas and therefore the proposed development would be within the countryside. In the absence of any justification of an essential need, the proposal is in conflict with Policy CS3 of the HCS.
6. The appeal site lies some distance from the nearest settlements, approximately 2km from Elton and 1.8km from the hamlet of Chesterton according to the Council, both of which are identified as smaller settlements where infill development is permitted only. Future occupiers of the dwellings would therefore have to travel considerable distances in order to access day to day services and facilities. I have not been provided with any evidence in relation to public transport from the site and future occupiers are highly unlikely to walk or cycle given the speed limit of the roads, the fact that they are unlit and the lack of footpath connectivity. There would therefore be a heavy reliance on the use of the private car to access these services and facilities which is the least sustainable mode of transport.
7. Furthermore, paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid new isolated homes in the countryside unless there are special circumstances. In that the site is situated well away from nearby services and facilities it occupies a functionally isolated location.
8. Whilst I accept that a residential use exists on the site, the increase in the number of units would result in additional movements to and from the site. The appellant has suggested that future occupiers could be provided with electric cars. Whilst their provision might provide an additional transport option for future occupiers, it is questionable whether residents would use such a vehicle and there is no mechanism before me to ensure the provision of such a measure in perpetuity or to cover the ongoing maintenance. Thus, this does not overcome my concerns in terms of the site's accessibility to services and facilities.
9. I therefore conclude that the site is not a suitable location having regard to its proximity to services and facilities. The proposal is therefore in conflict with Policies CS1 and CS3 of the CS which seek, amongst other things, sustainable development that reduces the need to travel. In addition it would conflict with

paragraph 55 of the Framework which seeks to avoid isolated homes in the countryside.

### *Character and appearance*

10. The existing dwelling is a large, two storey detached property set in a generous plot on the corner of Bullock Road and Oundle Road. Despite its set back from the road and perimeter vegetation, the property is visible from both roads. The site is bound by a golf course to the south and east. The site is relatively isolated from neighbouring properties and the surrounding area is predominantly open fields.
11. Whilst I acknowledge that the existing building to be demolished is of considerable bulk and mass and a number of outbuildings would be demolished, the proposal comprises the erection of four separate two storey dwellings and detached garages which would increase the built form in this rural location with a perceptible level of intensification. Whilst the boundary hedge and trees would screen the houses to a degree, intermittent views of the proposal would be seen from the roadside through thinner parts of vegetation, particularly in winter when the deciduous vegetation would not be in leaf, and from the access.
12. Whilst the proposed design and materials would be generally consistent with the varied nature of nearby houses, the proposed layout would give rise to a development more akin to a suburban character at odds with its rural setting. This would have the effect of further urbanising the site to the detriment of the character and appearance of the open countryside.
13. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area. It would therefore conflict with Policy CS1 of the HCS and En25 of the LP which seek to ensure, amongst other things, sustainable development that preserves and enhances the landscape. In addition the proposal also conflicts with paragraph 17 of the Framework which requires that planning should recognise the intrinsic character and beauty of the countryside.

### *Highway Safety*

14. The Council state that despite the application form indicating the use of the existing access, the submitted plans show the access approximately 17 metres to the north of the existing. The Highway Authority requested amended plans showing vehicle to vehicle visibility splays of 2.4m x 215m, an access width of a minimum of 5m for the first 10m and parking and turning tracking for all parking spaces.
15. From the information before me, I cannot be certain of the exact location of the proposed access. Nonetheless, given the road is of national speed limit, its proximity to the junction and the lack of street lighting, I agree with the Council that good visibility is paramount and from the information before me I cannot be sure that the requisite splay can be achieved.
16. Whilst I agree with the Highway Authority that it is essential for cars to be able to leave the site in a forward direction so as to avoid potential collision risks, I am satisfied that there is adequate turning space can be achieved as well as the requisite access width and these matters could be conditioned were the appeal to succeed.

17. Nevertheless, I conclude that the proposal would present a potential risk to highway safety and find conflict with Policies CS1 of the HCS and T18 of the LP which seek, amongst other things, sustainable development which is accessed by new highways of acceptable design and appropriate construction.

#### *Protected species*

18. The appeal site is well planted with mature vegetation, including trees along its boundary and within the site. There are a number of buildings on site some of which are open-sided. In light of these characteristics, I share the Council's view that there is a reasonable chance that the site may have been colonised by a range of protected species. Whilst I note the appellants' assertions that there are none on the site, in the absence of a protected species survey there is no certainty either way.
19. The appeal scheme would result in the existing buildings within the appeal site being demolished. Although no trees are proposed to be removed, there is the potential for the removal of vegetation at the front of the site to be removed for the site access and requisite visibility splay. As such, there is a reasonable prospect that if protected species are present, they could be harmed by the proposed development. It is therefore necessary to establish the presence or otherwise of protected species and whether there is any necessity for mitigation.
20. I therefore conclude that in the absence of a survey I cannot be certain the development would safeguard protected species. The proposal is therefore contrary to Policy En22 of the LP which states that the determination of applications for planning permission will take appropriate account of the interest of nature and wildlife conservation. This is also contrary to the aims of paragraph 118 of the Framework which seeks to conserve and enhance biodiversity.

#### **Other Matters**

21. I acknowledge that there would be a number of benefits of the proposed development in particular that it would result in three additional dwellings. Other associated benefits include more energy efficient dwellings and improved security. Whilst the modest benefits associated with three additional dwellings weigh in favour of the scheme, they are not sufficient to outweigh the harm that I have identified above.

#### **Conclusion**

22. For the aforementioned reason and taking into account all other matters raised I conclude that the appeal should be dismissed.

*Caroline Jones*

INSPECTOR