The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/V0510/W/17/3171591
9 Norwich Road, Kennett, Cambridgeshire CB8 7RQ

- 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 Barry Gould of The Cow Company against the decision of East Cambridgeshire District Council.
- The application Ref 16/01421/OUT, dated 19 October 2016, was refused by notice dated 3 March 2017.
- The development proposed is to provide and use a park homes type temporary dwelling for occupation in connection with Nerries Farm.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal application has been submitted in outline with all matters reserved for subsequent approval.

3. It is generally accepted, in case law, that the stationing of a structure meeting the definition of a caravan (which includes mobile homes) would not constitute development in itself, but may be a material change of use of the land. Given that the application was submitted in outline (and it is not possible to have an outline application for the change of use of land), and that this was subsequently determined by the Council, I have dealt with the appeal on the basis that the proposal is for operational development.

Main Issue

4. The appeal site is located within the open countryside outside of the settlement boundary for Kennett and is therefore subject to policies seeking to avoid isolated new homes in the countryside unless there are special circumstances. Accordingly, the main issue is therefore whether there are sufficient special circumstances to justify an isolated residential unit in the countryside.

Reasons

5. The site is located between the A14 dual carriageway and a railway line on the west side of Norwich Road. The site has a metal clad building on it together with another structure which contained a touring caravan. From the limited information before me, the Appellant controls two parcels of land, one either side of Norwich Road between the A14 and the railway line. The site to the east of Norwich Road was being used to grow crops, whilst the western side

was largely laid to grass, but had no cows grazing on it at the time of my site visit. Furthermore, there were no cows visible on nearby land.

6. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However isolated homes in the countryside should be avoided unless there are special circumstances.

7. Whilst there is another farm and buildings to the north of A14, the proposed temporary dwelling would still be, physically, isolated from other development in the area. Additionally, given the remote location of the site, there is little access to services in the vicinity. It is likely that travel would invariably involve regular journeys by the private motor vehicle which is the least sustainable mode of transport. Consequently, I consider that the dwelling would be isolated from services and not in a sustainable location.

8. The provision of a new dwelling in this location would inevitably give rise to some harm to the rural character and appearance of the area. Given the intended location of the new dwelling, it would be readily visible from Norwich Road despite the hedgerow along the site frontage. Whilst further landscaping could be provided which would assist in minimising the impact of the new temporary dwelling it would nevertheless still have an undesirable urbanising effect on the rural character of the site and the wider area.

9. Notwithstanding the above, the proposal has been put forward as a temporary agricultural workers' dwelling for which consideration must be given to as to whether an exception should be made to the local and national planning policies which generally seek to restrict development in the countryside.

10. The appeal application provides very few details on the possible future revenues from the farm business (such as a business plan with forecasted income/expenditure) and as such it is unclear whether the business is sustainable. Notwithstanding that, Policy HOU5 of the East Cambridgeshire Local Plan (2015) (LP) allows for new housing in rural areas for rural workers. Where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling (in the form of a caravan, mobile home or wooden structure that can easily be dismantled and removed from the site) may be acceptable provided all the other criteria are met. This criterion includes, amongst other matters, whether the dwelling is essential to meet the needs of the business and that there is no other accommodation within the site or nearby which is suitable or could be made available.

11. From the limited evidence before me, including what I observed at my site visit, it is not clear whether parts of the existing buildings could be used for temporary accommodation or whether there is other suitable accommodation nearby. Furthermore, the lack of cows at the site (or on land shown to be in control of the Appellant) adds significant doubt as to whether there is a need to locate a temporary dwelling at the appeal site itself.

12. I have also considered the need to support a prosperous rural economy as outlined in paragraph 28 of the Framework. However, from the limited information before me I am unable to conclude that the proposal is necessary to support the sustainable growth and expansion of the current business.

13. For the above reasons, the proposed temporary dwelling would give rise to harm to the rural character and appearance of the area. Additionally, there is inadequate information to demonstrate that there is an agricultural need for the dwelling at the site. Consequently, the proposal is contrary to Policies ENV1, ENV2 and HOU5 of the LP which amongst other matters seek to ensure that new development respects the character and appearance of the area. The development would also be at odds with the Framework which recognises the intrinsic character of the countryside.

Planning Balance

14. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the Framework, the housing supply policies in the LP are out of date. Consequently the fourth bullet point of paragraph 14 of the Framework comes into play. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

15. I have found that the proposal would not result in a sustainable pattern of development due to the harm to the character and appearance of the area and the lack of accessibility to services in conflict with the LP and the Framework. These factors weigh heavily against allowing the proposed development.

16. In favour of the proposal are the benefits to the social and economic aspects of sustainability as a result of the provision of an additional dwelling and potentially allowing a rural business to expand and develop.

17. From the evidence before me, it is unclear what the exact shortfall in the Council's five year housing land supply is. However, the provision of one dwelling would be unlikely to have any significant effect in reducing the deficit.

18. Against this background, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR