
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/W0530/W/17/3172972

**Land Adjacent to Spring House, Church Lane, Sawston, Cambridgeshire
CB22 3JR**

- 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 Brian White against the decision of South Cambridgeshire District Council.
 - The application Ref S/0487/16/FL, dated 19 February 2016, was refused by notice dated 2 February 2017.
 - The development proposed is the proposed erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the course of the consideration of the application by the Council, the proposal was amended to remove the garage from the proposed development. The Council determined the application on the basis of that amendment and I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect of the development on heritage assets;
 - (iv) the effect of the development on the character and appearance of the area;
 - (v) other considerations; and
 - (vi) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) at paragraph 89 sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages¹.
5. The appeal site is an undeveloped parcel of land between the existing residential development on St Mary's Road and Spring House which from the evidence before me is a replacement dwelling constructed in 2011.
6. It is common ground between the main parties that the site is located outside of the Sawston Village Development Framework. Therefore, in planning policy terms, the site is located in the countryside. Consequently, the site would not be in a village. In coming to that view I acknowledge that it would be adjacent to a village and that the Council consider that this is a gap site that, notwithstanding the site constraints (such as being located in the Green Belt), could be considered to be a suitable site for infilling.
7. Taking all of the above into account, the development would not be limited infilling in a village and accordingly the proposal would be inappropriate development in the Green Belt.

Openness of the Green Belt

8. Paragraph 79 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
9. I have already characterised the site as countryside rather than as part of the village. One of the five purposes of a Green Belt, outlined at paragraph 80 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
10. The construction of a new dwelling would result in a built development where there is not presently any buildings. The new dwelling, together with its associated paraphernalia would inevitably lead to the loss of openness. This is particularly the case as the site has no other buildings or development on it.
11. The Appellant has advanced a case that the site does not fulfil a role in preventing encroachment of the countryside or neighbouring towns merging. This is also touched upon by the Council in their committee report where it is stated that the site may not serve the purposes of including land within the Green Belt.
12. Notwithstanding that, paragraph 83 of the Framework states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Therefore, until such a review is undertaken, the site is located within the Green Belt and the effects of any development must be considered in line with Development Plan policy and the Framework.

¹ Fifth bullet point of paragraph 89 of the Framework

13. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, Policy ST/1 of the South Cambridgeshire Local Development Framework Core Strategy Development Plan Document (2007) (CS) and Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document (2007) (DCPDPD).

Heritage Assets

14. The appeal site lies within the Grade II registered Historic Park of the Sawston Hall (a Grade I Listed Building) and the Sawston Conservation Area (SCA). To the west of the site further along Church Lane is St Mary's Church which is also a Grade I Listed Building.
15. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the setting of these buildings and the character or appearance of the SCA.
16. The principal heritage concern relates to the setting of Sawston Hall and the historic park. The Hall itself is not visible from the appeal site and is somewhat divorced from it. This, together with the existing residential development on either side of the appeal site, means that the harm which would arise from the development to the setting of the Hall and its gardens is very limited. In this respect the proposal would be contrary to Policies CH/1 and CH/4 of the DCPDPD.
17. In respect of the setting of St Mary's Church, this is located some distance to the west of the site. Given the distance between the church, and the intervening development, I consider that the proposed dwelling would not have any adverse impact on the setting of the Church.
18. Turning to the effect of the development on the SCA, the Council have not specifically advanced any harm. Whilst the development would lead to the loss of some of the historic parkland to the Hall, and an open area of land within the SCA, I consider that such harm is limited.
19. Paragraph 134 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. Whilst the Appellant has not provided any heritage asset statement, the provision of an additional dwelling could be considered to be a public benefit. However, such a benefit is clearly modest.
21. Taking this into account, and the limited harm which would arise to the heritage assets, the public benefit which would arise from the development would outweigh the limited harm which would result.
22. For the above reasons, I conclude that the public benefits of the development outweigh the limited harm to the heritage assets and therefore the proposal would accord with the Conservation aims of the Framework.

Character and appearance

23. The appeal site is located at the edge of the village between other residential properties. As such the site has a semi-rural feel to it.
24. Whilst the development of this site would invariably have some urbanising effects, I am conscious that the Council have stated that, without other planning constraints, the site would be suitable as an infill plot. It is also noted that the Council have concluded that the development would result in limited harm. In this respect, I agree with the Council that only limited harm would result to the character and appearance of the area from the proposed development as a result of the erosion of the countryside.
25. Notwithstanding this limited harm, the development would clearly be contrary to Policy DP/7 of the DCPDPD which states that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
26. Turning to Policy CH/7 of the DCPDPD, this seeks to protect important countryside frontages which are defined as land which provides a significant connection between the streetscene and the surrounding rural area or where it provides an important rural break between two nearby but detached parts of a village framework.
27. To my mind, the appeal site does not meet the criterion to be classified as an important countryside frontage owing to its juxtaposition with the surrounding development and the overall character and appearance of the area. Consequently, I find that there is no conflict with Policy CH/7.

Other considerations

28. 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 South Cambridgeshire Local Development Framework (LDF) are out of date.
29. Consequently the fourth bullet point of paragraph 14 of the Framework comes into play. This makes 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.
30. The appellant has identified that the development would meet the social strand of sustainability in that it would enable the Appellant to live adjacent to family members and would support local services and the community. There would also be some economic benefits to the area through the construction process and once occupied through the use of local facilities and services. The provision of a much needed additional dwelling is also a benefit. The site is currently underutilised, but is nevertheless well kempt. Whilst the use of underutilised land is a benefit, I consider that such a benefit is limited. However, all of these factors are in favour of the proposed development.
31. 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.

32. Notwithstanding the above, the Framework indicates that where there are specific policies (in the Framework) that indicate development should be restricted² (such as land designated as Green Belt) the presumption in favour of sustainable development does not apply.
33. I have also had regard to the concerns raised in the representations from the consultation periods on the application and appeal processes. Matters raised include the loss of privacy and parking and highway safety matters.
34. In respect of privacy, this principally relates to the St Mary's Road properties. Given that there are no first floor windows proposed on the east elevation of the new dwelling, I consider that any privacy matters could be addressed through the imposition of suitably worded planning conditions relating to boundary treatment.
35. In respect of parking and highway safety concerns, whilst I noted that there was some parking on street at the time of my site visit, there were not high levels of traffic. Given the limited scale of the development, and the provision of sufficient on site parking, I consider that the development would not result in any significant highway safety issue.
36. I have also had regard to the Appellants concern that they were led to believe that the application was going to be approved by the Council as amendments had been requested to the scheme. However, this is a procedural matter away from the planning merits of the case and I therefore give this little weight.
37. Considering all of the above, the harm I have identified would significantly and demonstrably outweigh the minor benefits when assessed against the policies in the Framework taken as a whole.

Green Belt balance

38. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
39. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore, by definition, be harmful to the Green Belt. There would also be some limited harm to the character and appearance of the area as a result of further development into the countryside.
40. In considering the substantial weight given to Green Belt, the benefits outlined by the Appellant do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework and Policies ST/1 of the CS and GB/1 of the DCPDPD.

² Footnote 9 to paragraph 14

Conclusion

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

Chris Forrett

INSPECTOR