
Appeal Decision

Site visit made on 7 August 2017

by **Zoe Raygen Dip URP MRTPI**

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

Decision date: 21st August 2017

Appeal Ref: APP/W0530/W/17/3170945

Land at 41 St Neots Road

- 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 Danny Bowling against the decision of South Cambridgeshire District Council.
 - The application Ref S/2943/16/OL, dated 27 October 2016, was refused by notice dated 27 January 2017.
 - The development proposed is erection of 1 No dwelling and associated access on land at 41 St Neots Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - if the development is inappropriate, 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

Inappropriate development and openness

3. Saved Policy GB/1 of the South Cambridgeshire District Council Local Development Framework Development Control Policies 2007 (LDF) states that there is a presumption against inappropriate development in the Cambridge Green Belt as defined on the Proposals Map. Inappropriate development is defined with reference to section 3 of the now deleted Planning Policy Guidance 2: Green Belts thereby providing some inconsistency with the National Planning Policy Framework (the Framework).
4. Nevertheless, Paragraph 89 of the Framework indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. The construction of a detached dwelling, unless it was for agriculture and forestry, is not one of the exceptions set out in the Framework. However,

limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development, are two such exceptions.

5. The appeal site is surrounded on three sides by residential development. Therefore, as the proposal is for one dwelling only I am satisfied that it would constitute limited infilling.
6. The site is located within a row of about 30 houses alongside St Neots Road. The nearest village is Hardwick to the east. The site is outside of the defined development framework of Hardwick. However, I am mindful that the courts have held that this, in itself, would not necessarily be determinative of whether a site is in a village or not and it is for the decision maker to consider whether, as a matter of fact on the ground, the site appears to be in a village¹.
7. Cambridge Road which provides vehicular access into Hardwick represents a definite visual break, marking the point where the character of the area changes from the village of Hardwick to open countryside. I saw on site that the site is located some distance from Cambridge Road with the intervening distance being mainly farmland. As a result, despite being located amidst a row of houses, the appeal site has little physical or visual relationship with Hardwick and therefore is effectively located in the open countryside rather than the village.
8. While it may be that occupiers of the houses around the site use facilities within Hardwick, the same could be said of residents of other houses in the surrounding area. I note that there is a footway linking the properties with the village. However, I observed at my site visit that it would still be some distance to the facilities within the village. This limited functional relationship would not therefore outweigh the lack of physical and visual connectivity. For these reasons I would not describe the appeal site as being located within the village.
9. The appellant refers to appeal decision APP/A0665/W/16/3149924 in Cheshire. However, I note that the Inspector considered that the specific circumstances of the appeal site meant it was on the edge of the settlement close to local facilities, hence it had a physical, visual and functional relationship to the settlement. I have not found that to be the case here. Furthermore the site is not in a Green Belt and therefore is not directly comparable to the appeal site before me now.
10. The appellant states that he believes the site was previously used as an access to Red House Farm and therefore constitutes previously developed land. I note that the Framework excludes land that is or has been occupied by agricultural buildings and private residential gardens from the definition of previously developed land. Even if I were to accept this designation the Framework requires that development on such land would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development.

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

11. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl and to keep land permanently open. In line with this one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. Policy DP/7 of the LDF is broadly in accordance with this purpose.
12. Irrespective of its size and design the proposed dwelling would introduce a new building onto an area of open and undeveloped land. It would encroach into the open and undeveloped gap between the dwellings at 39 and 43 St Neots Road. The impact on the openness would be moderated by the siting of the dwelling within the front and side building lines of the adjacent properties. Nevertheless, the erection of a dwelling would lead to built development where there is currently none.
13. I acknowledge that the site is bounded to the front by tall evergreen mature trees. Nevertheless, the site would be visible through the gap that would be required for vehicular access from St Neots Road. Moreover, there is no guarantee that the trees will be retained on site. Therefore the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing undeveloped site.
14. For the reasons above therefore I conclude that the proposal would be inappropriate development in the Green Belt which would have moderate harm to the openness of the Green Belt.

Whether there are very special circumstances

15. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Moreover, I have found that the proposal would be moderately harmful to the openness of the Green Belt. Very special circumstances 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.
16. The appellant states that as the Council is unable to demonstrate a five year housing land supply then all Policies for the supply of housing should be given limited weight in accordance with a Court of Appeal decision ². Furthermore, as shown in appeal decision APP/W0530/W/15/3131724 the Council are doing little to address the shortfall. As a result, he considers that the provision of one house towards the lack of five year housing land supply would be a significant benefit of the scheme.
17. While the more recent Supreme Court judgement³ explains that the primary purpose of paragraph 49 of the Framework is to trigger the operation of the 4th bullet point of paragraph 14 of the Framework where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the Planning Practice Guidance states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt (ID: 3-034-20141006).

²Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2016] EWCA Civ 168

³Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

18. Therefore, even if I were to take the provision of one house into account, it would make a very limited contribution to the housing land supply.
19. The appellant refers to an example of a replacement dwelling and an extension to an existing house that have been granted planning permission by the Council along the row of houses within which the appeal site is located (S/1128/14/FL) and (S/1828/16/FL). He states that these have increased the size of the original dwelling and therefore eroded the character and setting of the area and the contribution and purposes of the Green belt in the area. However, the Framework allows for replacement buildings and extensions within the Green Belt in certain circumstances outside of villages. These developments do not therefore represent a direct parallel to the appeal proposal for a new dwelling. The permissions therefore carry very limited weight.
20. Reference is also made to planning permission S/0534/16/FL for the erection of two dwellings on a site which the appellant considers is similar to the appeal site. However, I note from the Committee report that the Council considered that, although the site is outside of the development framework it is considered to be within the village of Whittlesford. As a result it is different to the proposals before me now and attracts very limited weight.
21. The appellant has made reference to the Council's handling of the planning application. However, such consideration would not be within the remit of the appeal process and I have determined the appeal on its own merits.
22. In this instance therefore, the substantial weight to be given to the harm to the Green Belt I have identified above is not outweighed by the other considerations sufficient to demonstrate very special circumstances.

Conclusion

23. I have found that the proposal would be inappropriate development in the Green Belt and cause moderate harm to openness. I have found no very special circumstances that would outweigh the harm caused to the Green Belt. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR