
Appeal Decision

Site visit made on 15 August 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 7th September 2017

Appeal Ref: APP/W0530/W/17/3175672

Land side of No. 4 Barley Road, Heydon, Herts SG8 7PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr John Akhtar against South Cambridgeshire District Council.
 - The application Ref S/3147/16/OL, is dated 15 November 2016.
 - The development is proposed infill with 3 dwellings and garages to rear of the site.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters other than access, scale and layout reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access, scale and layout.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether the proposal would represent a suitable site for housing development having regard to principles of sustainable development.

Reasons

Character and appearance of the area

4. The appeal site comprises of a parcel of land with a block of three garages serving the adjacent terraced cottages at Nos. 2-4 Barley Road (Nos. 2-4). It is situated on the western side of Barley Road behind a grass verge between two existing rows of three terraced cottages set within an open countryside location. The road boundary is marked by an existing mature hedgerow that gives a distinctively appealing rural appearance, which is further enhanced by the presence of mature landscaping and established trees within the adjoining gardens and the surrounding open countryside.
5. The proposal would entail the construction of 3 no. terraced cottages with a detached block of three garages and associated access, parking and gardens. The appellant statement outlines that the proposed two storey dwellings would be designed to mirror the scale and the layout of the existing cottages at

- Nos. 2-4 and would infill the gap between the existing rows of terraced cottages. This would involve the removal of the existing hedgerow along the frontage of the site.
6. In visual terms, given the enclosed nature and the relatively flat topography of the site and immediate surroundings, the appeal site would not be highly visible in the wider landscape. Nevertheless, given the scale and layout of the development, it would represent a significant shift of the built up development into the open countryside. Whilst I recognise that the existing cottages and the boundary trees and vegetation provide some visual containment, the degree of visibility will vary according to the seasons. The appeal site, together with the adjoining fields, provides a significant contribution to the visual quality of and an important contribution to, the rural open landscape setting of the area.
 7. These shortcomings would be exacerbated by the appeal site position and the proposed open road frontage where it would be visible from a number of public vantage points along Barley Road. I therefore consider that the development would adversely harm rather than positively contribute to the open rural landscape of the area.
 8. I have considered the appellant's statement that the scale, design and the layout of the proposal have been carefully considered in order to mirror the existing cottages at Nos. 2-4 and to reflect the characteristics of the modest rural cottages in the area. However, this should not be taken as an acceptable context for or justification of the appeal scheme. Whilst the use of traditional design features, materials and fenestrations would assist in integrating the proposed development with the area these aspects would not overcome the adverse effects outlined above.
 9. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 (DCP). These policies, amongst other things, seek to ensure that all new development is of a high quality design that preserves or enhances the character of the area, respects the local context and local distinctiveness of the area and is compatible with its location in terms of scale, form siting and design. It also would not accord with the aims of the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design that takes account of the different roles and character of different areas and recognises the intrinsic character and beauty of the countryside (paragraph 17).

Sustainable development

10. The appeal site is located in the open countryside wherein Policy DP/7 of the DCP applies and states only development for agriculture, horticulture, outdoor recreation and other uses that need to be located in the countryside will be permitted. The policy reflects the aims of the Framework, which seeks to protect the countryside from unnecessary development and to resist isolated new dwellings in the countryside. No evidence has been submitted that the proposal would fall within any of the specified categories of development that would be appropriate in this location.

11. However, the Council cannot identify a five year supply of deliverable sites. Paragraph 49 of the Framework states that housing developments should be considered in the context of the presumption in favour of sustainable development. It goes on to state that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a five year supply. Consequently, the housing supply Policy DP/7 of the DCP cannot be considered up to date.
12. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted. Sustainable development is identified as having social, economic and environmental roles. Policy DP/1 of the DCP in line with the Framework identifies how decisions should be consistent with the principles of sustainable development.
13. I have considered this proposal against Paragraph 55 of the Framework that seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances. These include where there is an essential need for a rural worker, or where the development would be of exceptional quality, or would be of a truly outstanding or innovative design, to help raise design standards more generally in rural areas, which does not apply in this case.
14. The appellant considers that the appeal site is not in an isolated position given the existing groups of cottages either side of the site and the nearby dwellings at North Hall Farm. However, there are very few dwellings in this location and the proposal and dispersed group of properties read strongly as an integral part of the extensive surrounding countryside and as such would constitute an isolated form of development in this rural location.
15. The Framework also states that new residential development is most appropriate in locations where there is access to alternative modes of transport other than the private car (paragraph 30) and where journey lengths to services and opportunities for employment can be minimised (paragraph 37). These aims are reflected in Policy DP/1 of the DCP which seeks development that is consistent with the principles of sustainable development in terms of its location, scale and form, to reduce car dependency and minimises the need to travel.
16. There are a small range of local services and facilities available nearby at Flint Cross, including a petrol station and shop and hotel/restaurant sufficient to meet some of the day to day needs of residents. My visit to this site confirmed that the distance from the appeal site to the services available nearby would necessitate a walk of around 900m via an unlit country road with no footpath provision. I have not been provided with any information about the frequency and availability of the public transport services in the area.
17. Therefore, although some day to day trips could be undertaken by sustainable means, the appeal site would, in my judgment, be sufficiently isolated in this rural location such that the future occupiers of the proposed development

would be reliant on the use of the car to reach essential services, facilities and employment opportunities elsewhere in the larger towns and villages nearby. It would be contrary to the aims of the Core Planning Principle set out in paragraph 17 of the Framework, in particular Core Principle 11. These aim to direct most development to the larger towns and villages in the settlement hierarchy and actively manage patterns of growth through the plan-led system to make the fullest possible use of public transport, walking and cycling, to which this proposal would not conform.

18. The appellant considers that the proposal would form a sustainable form of development that would provide some social and economic benefits, through supporting rural diversification, providing additional market rental houses available to rent by local workers, employment opportunities for local house builders and contributing to the supply of housing in the area. However, three dwellings would make a limited contribution to the vitality of this rural community and to the housing stock in the district. While I note the appellant's view that the indicative scheme's design and layout would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance.
19. Therefore, for the reasons given above, I consider that the adverse impacts arising from locating the proposed development in this rural location, together with harm identified to the character and appearance of the area, would conflict with the environmental dimension of sustainable development. In my view, this would be sufficient to significantly and demonstrably outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.

Other matters

20. I have noted the appellant's reference to the Inspector's comments regarding the rural nature of the district on the nearby appeal at Heydon Grange Golf Club¹. However, this appeal relating to two tied dwellings near to the village of Heydon has different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal. I therefore accord this limited weight as a precedent in this case.
21. I have noted the objections from the Parish Council and local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

22. In respect of the planning balance which the Framework requires, I give weight to the fact that, although the appeal site is in the open countryside, as the Council cannot demonstrate a five year supply, the relevant housing supply Policy DP/7 of the DCP cannot be considered up to date. With regard to paragraph 14 of the Framework, the adverse impacts arising from locating the proposed development in this rural location, together with harm identified to the area's character and appearance, would conflict with the environmental dimension of sustainable development. Consequently, in my view, this would

¹ APP/W0530/W/15/3138154

be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework as a whole.

23. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR