
Appeal Decisions

Site visit made on 19 September 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 13 October 2017

Appeal A Ref: APP/V0510/W/17/3179546

Site at the Stables, Chapel Lane, Kirtling CB8 9PF

- 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 & Mrs A Bailey against the decision of East Cambridgeshire District Council.
 - The application Ref 16/01435/OUT, dated 14 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a dwelling and garage.
-

Appeal B Ref: APP/V0510/W/17/3179577

Site west of The Stables, Chapel Lane, Kirtling CB8 9PF

- 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 & Mrs A Bailey against the decision of East Cambridgeshire District Council.
 - The application Ref 16/01434/OUT, dated 14 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a dwelling and garage.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Procedural matters

2. Appeal A and Appeal B relate to applications made in outline with all matters other than access reserved for future consideration. I have determined the appeals on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
3. No.162 The Street, Kirtling is a Grade II listed building. No harm to the setting has been alleged by the Council and I have no reason to disagree.

Main Issue

4. The main issue in both cases is the effect of the development on the character and appearance of the area.

Reasons

5. Both sites lie outside the defined settlement boundary for the village of Kirtling in an area designated by the Council as countryside. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (LP) identifies that in this area there will

be strict control over development. The policy seeks to concentrate development within defined settlement boundaries. However, the Council acknowledges it cannot identify a five year supply of deliverable sites. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Consequently, LP Policy GROWTH 2 cannot be considered up to date.

6. 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. Sustainable development has a social, economic and environmental role in the Framework.
7. The appellants outline that it was accepted by the Council and the Inspector in the previous appeal on Appeal site A¹ and Appeal site B² that the proposals would provide social and economic benefits and based on the evidence before me I have no reason to disagree. The dwellings would be well connected to the limited range of services and facilities available in the village and so would not be isolated. The Framework promotes sustainable development in rural areas, and the additional housing would help to support the vitality of surrounding rural communities. The proposed dwellings would make a positive, albeit modest contribution to the supply of housing in the village and provide a short term contribution to the economy of the area by creating jobs during the construction. This would support the economic and social dimensions of sustainable development that weigh in favour of the proposals.
8. Turning to the effect of the proposals on the environment and the character and appearance of the area. LP Policy ENV1 seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the Framework which seeks to protect the intrinsic character and beauty of the countryside. LP Policy ENV 1 also requires new development to demonstrate that the location, amongst other things, will create positive, complementary relationships with existing development.
9. The appeal proposals for a dwelling and a garage on each site are in outline form, with all detailed matters reserved apart from the means of access. For both sites this is proposed via an existing unmade access. Whilst the scale and design of both the dwelling and garage would be a subject of future reserved matters applications, I note the appellants intention, in response to the concerns raised by the Council and the previous Inspector, would be to construct a single storey barn style dwelling that would be of a broadly similar appearance to the existing structures on both appeal sites, with additional landscaping and boundary treatment.
10. Appeal site A comprises a small paddock used for grazing and keeping horse with associated stables and outbuildings that forms part of a larger field. It is accessed from Chapel Road, via an existing unmade track and is set back some way from the road. To the south is the garden area and curtilage associated with the adjacent property separated by a mature hedgerow running along the

¹ APP/V0510/W/16/3161285

² APP/V0510/W/16/3161295

southern and western boundaries of the site. Appeal site A forms part of a larger field which has no particularly significant landscape characteristics and would not be particularly prominent in the street scene because of the setback position. Nevertheless, the siting itself, with the dwelling situated behind the existing dwellings would create a backland form of development. This would introduce an uncharacteristic layout into the street scene that would extend built form beyond the present linear settlement pattern that forms a distinctive feature of the settlements of Kirtling and Kirtling Green.

11. Paragraph 60 of the Framework states that it is proper to promote or reinforce local distinctiveness. In this case, the dwelling on Appeal site A would not be sited consistent with the settlement pattern and would fail to promote or reinforce the distinctive characteristics of the area. The proposed dwelling in this location would not be consistent with the settlement pattern and despite the recent approval for a dwelling to the south of the site³ would not be well related to the existing built form of the village. It would detract from its rural and undeveloped character and would not enhance the settlement edge.
12. The consequential harm would not in my view be sufficiently resolved by the limited effect of the single storey form of the proposed dwelling on the street scene. In any case, the site is viewed from the rear of the adjacent property. As such, irrespective of the design approach, I consider the development would adversely harm the character and appearance of the area.
13. Appeal site B comprises a small paddock used for grazing and growing plants with associated outbuildings that form part of a larger field. This site fronts onto Chapel Lane and is accessed via the same unmade track serving Appeal site A further to the north. The site is elevated above and separated from the narrow country road at the front by a mature hedgerow running along the southern and eastern boundaries of the site and open to the north and west.
14. I note the appellants arguments that, whilst the development on this site would not be wholly inconspicuous, the reduction in the quantum and height of the development would mean that any change in the perception of the built environment would not be materially different from the existing situation. However, I have viewed the appeal site and I am not persuaded by the appellants arguments. Rather than the site having any close connection with the built up area of the village, it reads strongly as an integral part of the surrounding countryside. The appeal site together with the adjoining fields, provide a contribution to the visual quality and the openness of the area.
15. Appeal site B provides an important contribution to the setting of the village and despite the recent approval for a dwelling to the east of the site would not provide a natural extension of the built form of the village. This positive contribution to the character and appearance would largely be lost by the development, which would urbanise the site. These shortcomings would be exacerbated by the proposal's prominent position which would be visible along Chapel Lane, particularly in the winter months and from the public footpath to the west of the site. As such, I consider the development on Appeal site B would adversely harm rather than positively contribute to the character and appearance of the area.

³ 15/01193/FUL

16. I note the appellants comments regarding the historical development on the appeal sites. However, this is a different form of development that took place some time ago in a different policy context and should not be taken as an acceptable context for or justification of the appeal schemes.
17. I have noted the other developments in the area drawn to my attention by the appellant. The dwelling granted on land adjacent to No.162 The Street, Kirtling⁴ directly adjoins the settlement boundary and the dwelling granted to the west of Redland House⁵ falls within the garden area of an existing dwelling and such have different development characteristics to the appeal schemes. The other recent developments granted in the vicinity of the site have different locational characteristics. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposals. I therefore accord them limited weight as precedents in this case.
18. Consequently, I conclude that the developments would harm the character and appearance of the area and would conflict with LP Policy ENV1 that seeks to protect landscape and settlement character. In addition, they would not accord with the aims of the Framework that development should seek to secure a high quality of design that protects the intrinsic character and beauty of the countryside (paragraph 17); to respect the local character (paragraph 58); and promote or reinforce local distinctiveness of the area (paragraph 60).
19. Therefore, while I note the appellants view that the schemes design, landscaping and biodiversity enhancements would amount to environmental benefits, I have found above that taken overall the developments would harm the area's character and appearance. This harm in both Appeal A and Appeal B would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the schemes benefits when assessed against the policies in the Framework as a whole. The proposals would not therefore amount to sustainable development in the terms of the Framework.

Other matters

20. I note that no objections were received from Kirtling and Upend Parish Council to the appeal proposals. However, in light of my findings on the main issue of the appeals, my decision does not turn on these matters.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

David Troy

INSPECTOR

⁴ 15/01193/FUL

⁵ 16/00419/OUT