
Appeal Decision

Site visit made on 22 November 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 6th December 2017.

Appeal Ref: APP/D0515/W/17/3180740

Land south of 19 Blackmill Road, Chatteris PE16 6SR

- 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 DBM Landscapes against the decision of Fenland District Council.
 - The application Ref F/YR16/1000/F, dated 31 October 2016, was refused by notice dated 25 May 2017.
 - The development proposed is the erection of a 4 bedroom workplace home and storage shed used for horticultural purposes including associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are:
 - The principle of the proposed development with specific regard to its location;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of existing neighbouring occupiers.

Reasons

The Principle of Development

3. The appeal site is located outside of a defined settlement. By definition and in planning terms therefore, it is in the countryside. Echoing the Framework's¹ approach to promoting sustainable patterns of new development, Policy LP3 of the Local Plan² sets out a hierarchical approach, directing it first to within market towns (of which Chatteris is one) and then to growth villages, limited growth villages and so on. This Policy stipulates that new development in the countryside should be restricted (outside of these settlements) to that which can be justified or is essentially necessary.
4. This is particularly relevant to the proposed development which is a dwelling sought alongside, and in connection with, an established landscaping business.

¹ The National Planning Policy Framework 2012

² The Fenland District Local Plan 2014

The business is not currently located on the site. Along with Policy LP12, paragraph 55 of the Framework makes allowances for new dwellings in the countryside where there is an essential and permanent need for said dwelling. The exception criteria set out by LP12 are more detailed than the provisions of the Framework in this respect, but they nonetheless infer the same level of test to justify a new dwelling.

5. The evidence sets out that the appellant runs a landscaping business. Whilst it seems reasonable that such may need an amount of open space to store machinery, stock and fulfil the administrative needs of the business, there is no compelling evidence before me to justify why it would need to be in the countryside, outside of a settlement and specifically at the appeal site. The evidence alludes to alternative sites having been explored but does not go further.
6. I acknowledge that security for machinery storage is an issue since equipment can be expensive to replace if stolen or damaged. I also accept that to some extent any stock stored at the site would need tending to. This being the case, I have not been advised as to what other means may be available for secure storage or any further efforts that have been made to explore a solution before identifying a need for a dwelling. Even if tending was needed, I cannot see on the basis of what is before me that its scale or nature would be such that someone would have to be on the site round the clock.
7. The business appears at somewhat of a fledgling stage albeit without any details of its start-up and forecasted performance I cannot be certain that it would endure in the long term. Consequently, I cannot be satisfied that the need for a dwelling, even if it were to be deemed essential which I would doubt given my comments above, would be a permanent one.
8. In situations where one may be exploring the development of a dwelling in association with either agriculture or rural business, it is reasonable to address the design, scale and location of such with the needs of the business first since that is its main reason for being. Whilst this should not rule out a dwelling that needs to house a large family and this being a secondary matter to my concerns above, the overall size and nature of the accommodation proposed here does lead me to conclude that it is first and foremost a dwelling.
9. Specifically, it proposes a large open plan living space, a dining, kitchen and living area, utility and downstairs shower room on the ground floor and four bedrooms to the first floor, two of which would be en suite. A contextually small part of the dwelling is given over to the needs of the business, which is a small office attached to a single storey rear projection. An office which, in any event, is noted to also feature in the proposed storage building.
10. Taking all of these factors together, I do not consider there to be substantial enough justification for there to be a dwelling at the appeal site. The need would neither be, on the basis of the evidence, essential or permanent. Consequently, the dwelling would be in the countryside, outside of a defined settlement and as such contrary to the objectives of the Framework to promote sustainable patterns of development. For the above reasons, the proposed development would also fail to comply with Policies LP3 or LP12 of the Local Plan, the aims of which are set out in my findings.

Character and Appearance

11. The appeal site is a wide and open field, accessed directly off Blackmill Road, adjacent to the entrance for Number 19. It is separated from the garden of No 19 by mature planting and low level shrubs that demarcate its eastern boundary. There is post and rail fencing to the west and south. As an open and flat site it bears a significant relationship, in character terms, to the open and undeveloped countryside to the south, east, west and beyond than the more densely developed urban areas to the north.
12. Built development of the type and scale proposed as part of the appeal scheme would have an inevitable and unavoidable effect on the open character of the appeal site and thus the countryside. It would be readily indefinable as encroachment of built form beyond the established limits of the settlement. The dwelling would be of a substantial scale, over two storeys. The flat land beyond the site to the south would make the dwelling highly visible in the above context. Its visual effect would be exacerbated by how far removed it would be from other development to the north.
13. When taken together with the storage building, the dwelling, its access and curtilage would have a substantial and harmful eroding effect on the open and undeveloped character of the area which is its prevailing feature given it is an open countryside location. In isolation, I agree that the dwelling is well enough designed in itself but this would not be sufficient to justify it in the above light.
14. The harm that would be caused to the character and appearance of the area would lead to conflict with Policy LP16 of the Local Plan. This Policy, along with the Framework, seeks to ensure that new development is of a contextually appropriate design and appearance that protects and enhances the natural environment.

Living Conditions

15. The crux of the Council's concern in this respect appears to stem from the operational side of the business and the fact that it would likely increase noise disturbance through intensified use of Blackmill Road from vehicles. The unmetalled section of Blackmill Road as it runs south out of Chatteris does appear on first impressions to be a quiet rural access track and as such any increase is likely to be noticeable.
16. The appellant's evidence does address parking on site, suggesting that the provision of three spaces would be sufficient for its needs. Whilst this gives me some comfort as to the scale of the proposed operation, I have not been advised of whether any visitors to the site would be expected of an average day or how often other daily staff comings and goings may occur. Consequently, I do not have sufficient information before me to come to a definitive view on whether the inevitable increase in the use of the access would be to such an extent that it would result in harm to the living conditions of existing neighbours.

Other Matters

17. As I have alluded to in my findings, Chatteris is considered by the development plan to be one of those areas to which new development should be directed. For want of a better way of expressing it, it is considered to be a sustainable settlement in terms of the ready ability residents would have to access services

via sustainable means. Specifically, it would fulfil the aims of reducing the need to travel. I accept that, in this context, the appeal site is close to the edge of Chatteris and thus future occupiers would not necessarily have to travel far to access services. Be this as it may, this is an argument which could be used too often to justify the release of other individual small sites on the edge of settlements to accommodate small scale development which, if approved, could cumulatively undermine the objectives of the relevant policies of the development plan. I am not therefore minded to allow the appeal in this light.

18. The appellant has drawn my attention to Policy LP4 of the Local Plan, advancing that it is in support of the proposed development. Whilst I agree that this policy does suggest that development on the edge of settlements may be appropriate, it is in the context of sustainable housing growth on a strategic level. On my understanding of the policy, it should not be used to justify the release of individual sites for individual dwellings such as the appeal scheme. In any event, harm would be caused by the proposed development in this case as I have found, harm which would result in conflict with other policies of the development plan and the Framework.
19. I acknowledge that the appellant may be struggling with their current premises, specifically the situation where land is rented from a family member. I further note that the appeal site is owned by a friend and as such sale or rent thereof would be financially attractive a proposition. In the case of the current situation however, I have seen very limited corroborative evidence that it is undermining the performance of the existing business to the extent that relocation to the appeal site would be justified. Further, the cost outlay of the land on which any development may take place is a matter of private interest and choice, thus not something I can take into account in determining the appeal which is based on planning merit and effect.
20. A recent appeal decision has been brought to my attention. This was for the erection of six dwellings in Christchurch³. The appeal was allowed, granting planning permission for the development. In their findings, the Inspector ruled that the Council were unable to demonstrate the supply of housing sites as required by the Framework which engages the titled balance for the consideration of new housing development set out by paragraph 14. Notwithstanding this, the proposed development is for a single dwelling which would make a very limited difference to any undersupply. Any associated benefits arising out of it would be equally limited. Putting this in the context of my findings on harm, I can only conclude therefore that they would be significantly and demonstrably outweighed.
21. It is also pertinent to point out that paragraph 14 also states that planning permission should be granted, in a titled balance situation, unless specific policies in the Framework indicate development should be restricted. The aims of paragraph 55 support the aims of one such policy approach to which the proposed development would be contrary as I have found above.

³ PINS Reference APP/D0515/W/17/3171513

Conclusion

22. Whilst I have been unable to reach a definitive view on the third main issue, it is for the reasons I have set out with regard to the first two main issues that the appeal is, whilst having regard to all other matters raised which includes some support for the scheme, dismissed.

John Morrison

INSPECTOR