



Appeal Decision

Site visit made on 13 December, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 18th January, 2018

Appeal Ref: APP/H0520/W/17/3180000

Land adjacent to 21 Pitsdean Road, Abbotsley, PE19 6UW

- 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 Simon Jefferies against the decision of Huntingdonshire District Council.
 - The application Ref: 17/00194/FUL dated 30 January 2017, was refused by notice dated 5 April 2017.
 - The development proposed is erection of a detached dwelling and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed and dated Unilateral Undertaking has been put before me in respect of an obligation to pay certain monies in respect of the provision of wheeled bins. As, however, the issue of this contribution is not contested, and as the appeal is being dismissed for other reasons, I have not taken it into account in reaching my decision.
3. Since the appeal was started, on 31 May, 2017 a Consultation Draft of the Draft Huntingdonshire Local Plan to 2036 (the eLP) was issued. The Council has therefore withdrawn references in its case to policies contained in the previous draft of the eLP and substituted current ones. As the consultation responses have yet to be assimilated, and as these policies might change, this nonetheless reduces the weight that I can attach to them. I have therefore determined the appeal in respect to the policies of the existing development plan.

Main Issues

4. The main issues are:-
 - Whether the proposal would comply with development plan policy in relation to acceptable development in the countryside; and
 - the effect of the development on the character and appearance of the area, including whether it would preserve the special architectural and historic character and appearance of the Abbotsley Conservation Area, and the effect on its significance.
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Reasons

Development in the Countryside

5. The appeal site is part of a roughly triangular piece of grassland to the south of No 21 High Green. It has a post-and-rail fenced boundary, with limited vegetation, and it slopes down from the road, affording views of the open countryside beyond. The village has a clear developed edge at this point, formed by 21 High Green and 14 Hardwicke Lane to the north, and Nos 4 and 6 Pitsdean Road to the north-east. To the south of the site, well screened by mature hedges and trees, sits the group of buildings comprising Manor Farm, now converted to a residential care home.
6. The appeal proposal is for a substantial detached house with a treble garage at the southern apex of the site, with an open area to be left to the north, outside the red line boundary, for a "community orchard" and meadow.
7. The site lies outside the Abbotsley village boundary and is considered to be in the countryside. Policies H23 and EN17 of the LP seek to restrict development outside defined village environmental limits to that essential to the efficient operation of local agricultural, or other related rural activities. The development therefore conflicts with them.
8. Policy CS3 of the CS identifies a settlement hierarchy intended to provide a framework to manage the scale of housing development appropriate on unallocated sites. It identifies Abbotsley as a smaller settlement, where residential infilling will be appropriate within the built-up area.
9. The appellant has drawn my attention to a previous appeal decision¹ in which the Inspector concluded that the approach set out in policy CS3 relied on an assessment of each case on its own individual merits, based on the relationship of the development to the built form of the settlement. This was confirmed by the Council at this appeal to be the approach it consistently applies in such cases, and the Inspector furthermore concluded that as it was incompatible with the restrictive approach set out in policies H23 and EN17 of the LP, it reduced the weight that could be attached to these policies. I can see no reason to disagree with his subsequent conclusion that as the most recently adopted local plan policy addressing the issue of development in the countryside, that policy CS3 should be given the most weight.
10. In assessing the current appeal development on its individual merits in the light of policy CS3 I note that there is a clear current and historic separation between Manor Farm and the main part of the settlement. It therefore is was previously a separated farmstead, it cannot as a result be considered within the built up framework of the settlement. Although the appeal development would be inserted into an area of land between the settlement and Manor Farm, it would itself sit outside any built up framework, which is clearly defined by the houses to the north and north east, and would also be separated from the houses to the north by an area of open space. Consequently, I conclude that the development could not be considered as an infill.
11. Furthermore due to the size, openness and boundary treatment of the site, there is a strong relationship with the countryside beyond, with the site contributing to a clear open space between the village and the outlying former

¹ Ref: APP/H0520/W/16/3154786

farmstead. Structurally therefore it would interrupt the established settlement pattern. As therefore the development would introduce housing into the countryside, and as no convincing justification in respect of the sustainability of the scheme in terms of access to services or public transport have been put before me, as sought by policy CS3 of the CS, I conclude that it would conflict with that policy, and with policy CS1 of the CS, which seeks sustainable development.

12. While the appellant has suggested that the appeal site was originally part of the settlement, having previously contained a residential property, no evidence has been put before me to indicate that this was any more than a transient phase ending in 1940, nor that this itself was not an outlying rural building. There was no indication on site of the previous residential development, and nothing therefore to suggest that it is today anything other than part of the countryside.
13. Although permission has been granted for a dwelling at the rear of No 6 Pitsdean Road, as this site has development on all sides it is clearly within the built form of the settlement, and does not therefore cause me to alter my conclusion in respect of the appeal site.
14. The criteria for drawing up conservation area boundaries relate to the special architectural and historic interest of an area, and cannot therefore be taken to be congruent with settlement boundary or built form of the settlement identified for other purposes. The fact that the appeal site is within the conservation area does not therefore cause me to alter my conclusion that it would not be acceptable development within the countryside.

Character and Appearance and Conservation Area

15. While no detailed consideration of the character and appearance of the Abbotsley Conservation Area has been put before me, it is clear that the character of Abbotsley is as a historic rural settlement within the countryside. The boundary of the conservation area has been drawn to take in Manor Farm and the land to its north. Consequently I conclude that an important element of the character in this part of the conservation area is the relationship between the historic, outlying farmstead and the body of the settlement, which is maintained by the separation between the two, and the open rural setting of both.
16. The proposed development in the form of substantial, five bedroom house of two storeys would insert a substantial built form into this otherwise open area, and would therefore reduce the separation between Manor Farm and the settlement and intrude into the rural setting of both. The introduction of a large area of hardstanding would exacerbate the urbanising effect, while a new access and boundary treatments would draw attention to the site as a residential development. Overall therefore, the development would fail to preserve the character of the area or the special character of the conservation area, and would harm the significance of the designated heritage asset.
17. While the dwelling would be set slightly down the slope from the road side of the site, I do not consider that the difference in level would be sufficient to reduce the effect of the development to the extent that this harm would be overcome.

18. Although the dwelling has been designed to reference vernacular style within the area, nonetheless, this would not counteract the harm to the character of the area I have identified above by virtue of its location in the open countryside.
19. The new dwelling would also, by virtue of its size and location, form an obtrusive element within significant views across the open land into, out of and within the conservation area, thereby failing to preserve its appearance.
20. While the development would largely comply with policy En25 of the LP in terms of a design which reflects existing buildings in the vicinity, it would conflict with policy En5, which seeks development which preserves or enhances the character or appearance of conservation areas, and with policy En9, which seeks to resist development which would impair important views into and out of conservation areas. It would also harm the significance of the conservation area, which would be contrary to Paragraph 132 of the Framework which is clear that great weight should be given to the conservation of designated heritage assets.

Planning Balance and Conclusion

21. It is disputed between the parties whether the Council is able to demonstrate a deliverable five year housing land supply. Although the appellant has drawn my attention to an appeal decision dated 18 July, 2017 in which it was noted that the Council was unable to demonstrate a five year housing land supply (HLD), since then the Council's housing Land Supply Position Statement, dated August 2017, has been published. In this it is demonstrated that the Council has a five year HLS, including the application of a 20% buffer. As no detailed evidence has been put before me to contradict this statement, the balance of probability is therefore, that there is a five year HLS.
22. In any event, Paragraph 14 of the Framework is clear that, even where relevant policies are out-of-date, for instance due to the lack of a five year HLS, where specific policies in the Framework indicate development should be restricted, then the so called "tilted balance" in favour of sustainable development would not apply. Footnote 9 to Paragraph 14 lists policies relating to designated heritage assets as such specific policies, indicating that the tilted balance would not apply in this case.
23. While, however, I have identified harm to the character and appearance of the Abbotsley Conservation Area, as this would be limited in its effects in terms of the conservation area as a whole, I conclude that it would constitute less than substantial harm for the purposes of paragraph 132 of the Framework. Paragraph 134 of the Framework states that in these circumstances, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
24. The appeal site appeared to me to be well maintained and not redundant, and nothing has been put before me to suggest that its use is not viable. While there is associated with the development a proposal for a community orchard, no details have been put before me in relation to its implementation and the management and maintenance arrangements to secure it as an accessible and enduring public good, and I cannot therefore attach more than very limited weight to it.

25. The harm I have identified by virtue of the harm to the designated heritage asset, would not therefore be outweighed by any public benefit. When added to the harm arising due to the location of the development in an inappropriate location in the countryside, this adds up to the conclusion that the appeal should be dismissed.

S J Buckingham

INSPECTOR