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# Appeal Decision

Site visit made on 16 October 2018

by **C Beeby BA (Hons)**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2019

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## Appeal Ref: APP/W0530/W/18/3200427 27 Everton Road, Gamlingay SG19 2JJ

- 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 Mrs Teresa Gravenstock and Mr P Haygreen against the decision of South Cambridgeshire District Council.
  - The application Ref S/4145/17/FL, dated 16 November 2017, was refused by notice dated 2 February 2018.
  - The development proposed is erection of detached 3 bedroom bungalow and erection of detached double garage with office above.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Policies from the South Cambridgeshire Local Development Framework Development Plan Document 2007 (the SCLDF) referred to by the Council in its decision notice have been superseded by policies from the South Cambridgeshire Local Plan (the SCLP) of September 2018, which has been adopted since the appeal was submitted. Additionally, a new National Planning Policy Framework (2018) (the Framework) has been published since the planning application was determined. In light of this, I have sought views from the main parties in writing on the relevance of the new Local Plan and revised Framework to the case.
3. The Framework indicates at Paragraph 11, as directed by Footnote 7, that where a 5 year Housing Land Supply (HLS) cannot be demonstrated by the Council, policies which are most important for determining the application are to be considered out of date.
4. The appellant has provided a copy of an Appeal Decision<sup>1</sup> of 21 December 2017 regarding a proposal within the district, which set out that it was common ground at the time that a 4.1 year supply of such sites could be demonstrated.
5. At the time that the current planning application was refused, the Council was unable to demonstrate a 5 year HLS. The SCLP indicates at Appendix A that a 6.0 year HLS can now be demonstrated. Paragraph 74 of the Framework sets out that a 5 year HLS can be demonstrated where it has been established in a recently adopted plan. I am required to consider the appeal on the basis of the current position and therefore, in the absence of compelling contradictory

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<sup>1</sup> APP/W0530/W/17/3172405

evidence, I give full weight to the findings of the recently adopted plan with regard to the Council's current HLS position. I have accordingly given policies within the SCLP which are most important for determining the appeal full weight.

### **Main Issue**

6. The main issue is the effect of the proposed bungalow and garage on the character and appearance of the area.

### **Reasons**

7. The appeal site is an area of land currently laid to grass. It has the character of an open rear garden or small paddock and lies at the end of a stone and grass track and behind a linear parcel of land containing greenhouses and outbuildings. Paddocks and fields lie beyond the site's rear boundary. Planning permission<sup>2</sup> has recently been granted for the construction of two bungalows, lying between the appeal site and the host dwelling. The proposed development would be largely hidden from view from Everton Road due to the presence of intervening hedging, dwellings and outbuildings, or equally by the permitted two bungalows once built. The appeal site is also screened from land to the south by a large area of bushes, brambles and small trees. The site is, however, visible from properties to the north and their gardens, and from a public footpath which passes over adjoining land to the north.
8. Rear gardens and paddocks associated with properties in this area of Everton Road lie in a linear formation behind dwellings that are located to the front of plots. This gives the area an open and rural character. Small outbuildings in keeping with the use of the generous area of land enjoyed by several properties can be seen within several of the gardens and paddocks. However, their limited size and ancillary nature do not interrupt the area's open outlook.
9. The proposed garage would comprise a double car parking area with office space above, and would be located towards the front of the appeal site. The bungalow would be three bedroomed and, whilst it would be single storey, it would comprise two rows of rooms with a central hallway between. Cumulatively, therefore, the appeal scheme would introduce substantial built form to the site, which would harm the open and rural character of the area. This effect would be noticeable in views towards open fields from houses and gardens to the north. Further views would be available to users of the adjacent public footpath when travelling west towards Everton Road.
10. No substantive evidence is before me to indicate that the proposed hedgerow boundaries to the appeal site would be capable of reducing the effect of the proposed development which, as a result of the above, would be harmful to the character and appearance of the area. In any event, I do not subscribe to the notion that being able to screen unacceptable development would make it acceptable. The appeal scheme would therefore conflict with Policy HQ/1 of the SCLP which requires, amongst other things, development to contribute positively to its wider context. It would also conflict with paragraph 127 of the Framework which indicates that development should be sympathetic to local character, including the surrounding landscape setting.

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<sup>2</sup> Local Planning Authority References S/2456/17/FL and S/3571/17/FL

## Other Matters

11. As the proposal is sited outside a development framework (as shown on the Policies Map) and within the countryside for planning purposes it would additionally conflict with Policy S/7 of the SCLP, because it is not intended for agriculture, horticulture, forestry, outdoor recreation or other countryside uses, and it is not supported by other policies in the SCLP.
12. My attention has been drawn to other development proposals in the area. The two bungalows between the appeal site and the host dwelling which have received planning permission are, however, materially different to the appeal proposal, in part because they would lie closer to the roadside building line and would replace a row of greenhouses rather than be brought forward in a currently open and undeveloped grassed area. Furthermore, neither of the undetermined planning applications in the vicinity<sup>3</sup> which the appellant has indicated on a plan would extend as far into the open landscape as the appeal scheme. These factors highlight the different circumstances of each scheme and accordingly that each development proposal should be considered on its own merits.
13. The appellant has provided two undated aerial photographs showing more extensive greenhouses at the appeal site and structures on land to the south, in support of a contention that the appeal site and surrounding land is not open countryside but land in residential use with associated outbuildings. However, I am required to take my decision on the present situation and as I saw it at my site visit. This differs from that shown in the photographs. The photographs do not, therefore, persuade me to allow the appeal.
14. The appellant also refers to appeal reference APP/W3520/W/18/3194926, which granted planning permission for the erection of 49 dwellings. The appellant cites this example to highlight the fact that (as per my colleague's findings on the matter of housing supply) the onus is on the Council to provide clear evidence that sites would start to provide housing completions in five years. This, in the appellant's view, calls into question the robustness of the Council's stated supply.
15. Firstly, it is pertinent to point out that the cited appeal was in a different authority to the scheme before me and my colleague's findings were accordingly with regard to evidence before the inquiry and elements of a development plan of some age. In the case before me, I am presented with an up to date development plan, the policies and housing supply set out in which have been tested at examination and found to be sound. My colleague's findings in the case of the abovementioned appeal do not therefore change my own on this particular case.
16. I acknowledge the provisions in Paragraph 78 of the Framework in seeking to promote sustainable development in rural areas and Paragraph 117 on the effective use of land. The matter of harm in these respects is not before me to consider. In any event, such considerations would not be sufficient to outweigh the harm that I have found and the subsequent conflict with the development plan and the Framework.

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<sup>3</sup> LPA References S/0799/18/FL and S/0535/18/FL

17. I have had regard to other matters raised including highway safety, noise and privacy concerns. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

**Conclusion**

18. For the reasons set out above the appeal is dismissed.

*C Beeby*

Inspector