The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2018

by E. Brownless, BA (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30th January 2019

Appeal Ref: APP/D0515/W/18/3210357
Land east of Roman Bank, Leverington, PE13 5DB

- 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 Hickman Farm Partnership c/o Proctor Bros Long Sutton Ltd. against the decision of Fenland District Council.
- The application Ref: F/YR18/0326/O dated 26 March 2018, was refused by notice dated 25 May 2018.
- The development proposed is described as "erection of six detached, two-storey dwellings on land East of Roman Bank and Church End, Leverington".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters except layout and scale reserved for future determination. A plan has been provided showing the proposed siting of the new dwellings together with their access. I am advised that this is indicative only, and I have considered the appeal on this basis.

3. The applicant details are not given in full on the application form. Therefore, I have used the applicant details provided by the Council on the refusal notice, which accords with the appellants' details provided on the appeal form.

4. The Council's reasons for refusal cite Policy LP12 of the Fenland Local Plan 2014 (LP). The parties agree that 'Part A' was omitted from the Council's reason for refusal and I have therefore considered the appeal on the basis of Policy LP12 Part A (a),(c),(d) and (i).

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a rectangular plot of agricultural land that runs alongside the eastern edge of Roman Bank from the point where it joins with Church End. Along the western side of Roman Bank are dwellings in a linear ribbon pattern of development. The appeal site is separated from these dwellings by the highway and a footpath which runs for the length of the dwellings along the western side of the highway. No similar footpath runs

along the eastern edge of the road. The agricultural land, including the appeal site, runs immediately up to the edge of the highway with relatively regular spaced mature trees placed upon this edge.

7. The eastern side of Roman Bank including the appeal site has a pleasant open, spacious and countryside feel and makes a positive contribution to the surrounding area. In contrast, the western side of Roman Bank has a built up character and, consequently, the appeal site provides a positive separation and visual relief between the relatively dense dwellings of Roman Bank and the wider countryside.

8. Whilst I observed that there were some dwellings built along the eastern edge of Church End, these plots fill the gap between Church End and the access track which runs to the rear of those dwellings. Furthermore, Church End runs from a more central location from within the village and the dwellings along either side of this road follow its curved nature until the road joins with the agricultural access track. Consequently, these dwellings appear as part of the core shape and form of the village.

9. Given the absence of development along this part of the east side of Roman Bank, the introduction of up to six dwellings with rear boundaries that project further than the existing rear boundaries of dwellings along Church End would appear at odds with the prevailing open character. Furthermore, given its open nature the appeal site is readily visible and as such any long distance views from the countryside to the east would be seen as an unwelcome intrusion or a harmful encroachment into the countryside.

10. Whilst part of the appeal site consists of an access track, the majority of the appeal site is comprised of agricultural land for which I have not been provided with any comprehensive evidence to justify its loss.

11. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the surrounding area. Therefore, the proposal would conflict with Policies LP12A(c),(d),and(i) and LP16(d) of the Fenland Local Plan 2014 (LP) in so far as those policies seek to ensure that development does not have an adverse effect on the character and appearance of the surrounding countryside and farmland.

12. The Council cites LP Policies LP3 and LP12A(a) within its reasons for refusal, however, I consider that the proposed development is largely consistent with these polices insofar as proposed development is adjacent to the existing developed footprint of the village, in particular the dwellings on the opposite side of Roman Bank and Sherson Lodge next to the appeal site. Furthermore, Policy LP3 is permissive of development within Limited Growth Villages, of which, Leverington falls within this class. I am advised that the threshold for development is not breached by the proposed development. Consequently, I consider the proposed development does not conflict with LP Policies LP3 and LP12A(a). Notwithstanding this, I still find that the proposal conflicts with the development plan for the reasons given above.

Other Matters

13. My attention has been drawn to a number of developments on land adjacent to The Walnuts which the appellants consider to be similar to the appeal scheme given that those developments are located beyond the end of the built form of

Roman Bank. However, limited details are before me pertaining to the specific circumstances in those cases and specifically the character and appearance context of those schemes. Notwithstanding this, I had the opportunity to look at this site when I undertook my site visit. I saw this was a continuation of the existing built form on the west side of Roman Bank and as such it is not directly analogous to the case before me. In any event, I must consider the appeal scheme on its own merits and, accordingly, I am not persuaded that the general existence of other developments in the locality that project beyond the built form of Roman Bank justifies the harm I have identified.

14. I note the appellants' view that the proposed development is sustainably located within walking distance of facilities and services along footpaths and within range of bus stops. However, these factors are not in dispute. Additionally, the retention of trees, provision of a footpath and a low risk of flooding do not alter my findings in relation to character and appearance.

Conclusion

15. Accordingly, for the reasons given and having regard to all other matters raised, the appeal is dismissed.

E Brownless

INSPECTOR