



Appeal Decision

Site visit made on 9 July 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/V0510/W/19/3227052

Land west of 93 Stretham Road, Wilburton, Cambridgeshire CB6 3RY

- 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 Everitt against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01403/OUT, dated 2 October 2018, was refused by notice dated 18 February 2019.
 - The development proposed is described as the "erection of one dwelling with garage, new vehicular access and associated works".
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one dwelling with garage, new vehicular access and associated works at land west of 93 Stretham Road, Wilburton, Cambridgeshire CB6 3RY in accordance with the terms of the application, Ref 18/01403/OUT, dated 2 October 2018 subject to the conditions on the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form with access and layout for determination. Matters relating to appearance, landscaping and scale are reserved for future consideration.
3. The Council acknowledge that it cannot demonstrate a five year supply of deliverable housing sites. As such, the tilted balance at paragraph 11 of the National Planning Policy Framework (the Framework) is engaged. I have considered the development on that basis.
4. The Council refer to policies of the East Cambridgeshire Submitted Local Plan 2018 within its decision notice. However, the Council state that this plan will be formally withdrawn from the examination process. Notwithstanding that the Council has not confirmed whether the withdrawal has occurred, given that the plan has not been through its examination, the weight I afford its policies is limited.

Main Issue

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

Reasons

6. The appeal site forms a parcel of agricultural land that is sited between a group of agricultural buildings to the west and a dwelling and further agricultural buildings to the east. Further east are additional dwellings that have recently been

constructed following the grant of planning permission by the Council, with others consented but yet to be built in the vicinity. The area is generally rural in character and contains a variety of size and style of residential properties that are largely arranged in a linear manner along the road.

7. The proposal seeks to erect a single dwelling with a detached garage on the site along with a new access. The proposed dwelling would be positioned back from the road with a new garage sited to the side of the property. Policy ENV 2 of the East Cambridgeshire Local Plan 2015 (the Local Plan) requires, amongst other things, that all developments are designed to a high quality, enhancing and complementing local distinctiveness. In addition, Policy GROWTH 2 of the Local Plan defines all land outside of village envelopes as the "countryside" regardless of its quality and location.
8. The proposal would relate to existing development to the east and west and would not be seen as an incursion into the countryside. The site is not the subject of any landscape designation and although it would change in character, I do not consider the land to display such qualities that it should be preserved for its intrinsic natural beauty as to prevent the development from taking place. Moreover, I have no persuasive evidence before me that the proposed dwelling would not meet the expectations of Policy ENV 2 of the Local Plan. Furthermore, as the external appearance of the proposed dwelling is a reserved matter, the Council would have control over its scale and choice of materials. In addition, given the presence of development either side of the site, I am not persuaded that the proposal would represent a step forward to linking Stretham and Wilburton.
9. Nevertheless, the site forms part of the countryside and the proposed development would result in the urbanisation of the site, occupied by a residential building which would adversely affect the character and appearance of the area. However, in this particular case, given that the site is situated between existing and consented new development, whatever its final appearance, I find the harm to the character and appearance of the area would be limited and localised to the immediate site and surrounding properties and the space about and between dwellings would remain
10. The Council are also concerned that in allowing this development it would make it hard for it to resist additional developments along Stretham Road. However, it is a well established planning principle that all applications are considered on their own merits.
11. Thus, although I consider that the proposed development would materially harm the character and appearance of the area, this harm would be localised. The development would have a limited conflict with Policies ENV 2 and GROWTH 2 of the Local Plan which seek, amongst other things, to ensure that developments are designed to a high quality, enhancing and complementing local distinctiveness.

The Planning Balance

12. I have found that the proposal would have a limited conflict with local plan policies. The appearance of the dwelling is a reserved matter and could reflect the local vernacular. I acknowledge that the provision of a single dwelling would only be a modest addition to the Council's housing shortfall, it would nonetheless boost the Council's housing provision, to which I give significant weight. I also recognise that the proposal would have a small beneficial effect in terms of the social and economic strands of sustainability.
13. I therefore find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development, which weighs heavily in favour of allowing the appeal.

Conditions

14. The Council has suggested a number of conditions that I have considered in accordance with the advice within the Planning Practice Guidance and the Framework. In some instances, I have reworded them in the interest of concision. In addition to the standard time conditions for the submission of reserved matters, it is necessary for certainty to define the plans with which the scheme should accord.
15. In the interest of highway safety, it is necessary to ensure that before the first occupation of the dwelling the access is laid out and completed in accordance with the approved plans. In addition, the parking areas should also be laid out and any gates on the access should be set back from the carriageway and open inwards to ensure that cars can safely enter the site.
16. The land is currently in agricultural use, it is unlikely that it would be contaminated. However, on a precautionary basis, should any contamination be found it must be reported to the Council with, where necessary, a remediation strategy. In the interest of the living conditions of adjoining occupiers it is necessary to restrict the hours of work. To prevent the increased risk of flooding, a scheme for surface water drainage should be submitted to and approved by the Council. In the interest of enhancing biodiversity at the site, a Biodiversity Mitigation and Enhancement Scheme should also be submitted to the Council for approval. Given that the development is for a single dwelling, I do not consider that such matters should be provided before any development commences, but before the dwelling is occupied.
17. As appearance, scale and landscaping are reserved matters, details of materials and hard landscaping are not necessary at this stage.

Conclusion

18. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. Details of the, appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 394/VSP/01 and 394/SK/02 Rev B but only in respect of those matters not reserved for later approval.
5. Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday – Friday, 07:30 – 13:00 on Saturdays and none on Sundays or Bank/Public Holidays.
6. No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the first dwelling and retained thereafter.
7. Prior to the first occupation of the dwelling hereby approved, an ecological mitigation and enhancement scheme including a management plan and a timescale for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved scheme and the scheme shall be fully implemented in accordance with the agreed timescale and thereafter maintained in perpetuity in accordance with the approved management plan.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
9. Prior to the first occupation of the dwelling, the access to the site shall be fully laid out as shown on drawing 394/SK/02 Rev B. The access shall thereafter be retained as such in perpetuity.
10. Prior to the first occupation of the dwelling sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

11. Prior to the first occupation of the dwelling any gate or gates to the vehicular access shall be set back a minimum of 6 metres from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

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