

Appeal Decision

Site visit made on 22 July 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/W0530/W/19/3224545

144 Histon Road, Cottenham CB24 8UG

- 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 Rae Littlewood (Camalpine) against the decision of South Cambridgeshire District Council.
 - The application Ref S/4675/18/OL, dated 7 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is a new dwelling in outline (all matters reserved) to replace the dwelling permitted by S/3003/18/FL.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - i) whether the proposal constitutes inappropriate development in the Green Belt;
 - ii) its effect on the openness of the Green Belt and on the character and appearance of the local area; and
 - iii) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, amounting to the very special circumstances necessary to justify the proposal.

Preliminary matter

3. The application is submitted in outline with all matters of detail reserved for later determination, including layout and scale. The submitted plan shows the footprint of a potential dwelling, but I take this to be illustrative.

Reasons

Whether inappropriate development in the Green Belt

4. The site sits to the rear of 144 and 146 Histon Road, within a horticultural nursery containing a number of sheds, glasshouses and polytunnels all sitting in the Cambridge Green Belt. Planning permission has been granted for the conversion of a long range of timber sheds to form a single storey dwelling.
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This proposal is to build a new dwelling instead, in the same part of the nursery.

5. South Cambridgeshire Local Plan (LP) Policy S/4 states that development will only be approved in accordance with Green Belt policy in the National Planning Policy Framework (the Framework). Paragraph 143 of the Framework advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 explains that construction of new buildings should be regarded as inappropriate in the Green Belt unless it is one of the listed exceptions. These include: (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (e) limited infilling in villages; and (g) limited infilling or the partial or complete redevelopment of previously developed land. The last of these also requires that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.
6. The Courts have confirmed that the lists of exceptions to Green Belt restraint in the Framework are closed lists¹. This means that any proposal that does not fit one of the specified exceptions would be inappropriate development.
7. Starting with exception (d), the permitted conversion has not taken place so the approved house does not yet exist and cannot be replaced. I must determine the appeal on the basis of the existing site conditions. The proposed new house would replace the range of sheds and/or a glasshouse, both of which are in horticultural use. As these buildings are not in the same use as the proposed new dwelling, exception (d) is not met.
8. In terms of exception (e), the question is whether the proposal would reasonably be described as limited infilling in the village. The site and nearby houses are outside of the designated village boundary in the LP, but I must also judge this matter on the basis of circumstances on the ground².
9. This part of Histon Road is characterised by ribbon development, with houses mainly fronting the road and interspersed with occasional fields. I note that in allowing another appeal for development opposite this site at 117 - 123 Histon Road³, the Inspector concluded that that site was in the village. There is a significant difference between these two appeals, however. The other appeal site was a gap between houses fronting onto the street and therefore sat within the village's built form. The current appeal site is in a backland position well to the rear of the nearby houses and any other significant buildings. As a matter of fact and degree, I consider that the appeal site falls within the countryside and not a settlement or village.
10. The proposal would furthermore not fill in a gap between significant buildings and would therefore not constitute infill development. Exception (e) does not therefore apply.
11. Turning to exception (g) for redevelopment of previously developed (brownfield) land, the current horticultural use is a form of agriculture⁴. An

¹ *Fordent Holdings Ltd v SSCLG & Cheshire West and Chester Council* [2013]

² *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

³ APP/W0530/W/17/3184497

⁴ With reference to s336 of the Town and Country Planning Act 1990

agricultural use falls outside of the definition of previously developed land set out in Annex 2 (Glossary) of the Framework. This exception therefore does not apply either.

12. I find that none of the Framework's listed exceptions to Green Belt restraint applies. I conclude that proposal constitutes inappropriate development in the Green Belt, which by definition would be harmful to the Green Belt. I give this harm substantial weight in determining this appeal, in accordance with paragraphs 143 and 144 of the Framework.

Openness, character and appearance

13. Histon Road is characterised by a mix of house designs and sizes, with the common feature being their siting near to the street. The village fringe situation, the presence of undeveloped fields and the varied architecture give the area an informal rural character.
14. Although the proposed backland siting would be out of character with the area, there is an existing permission for a dwelling on the site so the likely proposed siting of the dwelling need not necessarily be a reason to withhold planning permission. The site is well screened so that I could not see the low shed range from the street as part of my site visit. However, a new and potentially taller dwelling in the same location would not necessarily be so discreet. In the absence of any proposed details, it might also be materially larger and unsympathetically designed. This is the sort of outline application where some detailed matters needed to be considered alongside the land use principle matters. In the absence of detailed scale and design information, including in regard to garden size and car parking arrangements, it has not been possible for me to conclude whether it would actually be possible to erect a dwelling on the site without significant harm being caused to openness or indeed the character and appearance of this more rural location.
15. The proposal as submitted is essentially open-ended in terms of the position and scale of the proposed dwelling. No conditions have been suggested to place definite limits on the scale of the building. In the absence of any significant detail to illustrate an acceptable development, I conclude that a new dwelling would potentially harm both the openness of the Green Belt and the rural character and appearance of the local area, in conflict with the Framework and LP Policies S/4, S/7, NH/8 and HQ/1, which seek to protect the countryside and the Green Belt from development that would adversely affect its rural character and openness. This is a matter which would add to the harm caused by the proposal by reason of it being inappropriate development in the Green Belt.

Other considerations

16. As above, the lack of submitted detail makes it impossible to find that the substitution of a new dwelling for the approved conversion would be a relative improvement in terms of its effect on openness and rural character. I accept that the proposal would be sustainably located, so that occupiers would have adequate access to the village's facilities and services and public transport to larger settlements. I also note that the horticultural business is decreasing, but this would not justify allowing inappropriate development in the Green Belt. In any event, there is a planning permission in place for a residential conversion which would offer an alternative use of the land.

Planning balance and conclusion

17. I have found that the proposal would constitute inappropriate development in the Green Belt. The substantial weight to be given to Green Belt harm, and the other identified harm arising from the proposal, would not be clearly outweighed by the above other considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Les Greenwood

INSPECTOR