



Appeal Decision

Site visit made on 2 August 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/W0530/W/19/3227284

Land Adjacent to The Glebe, Frogge Street, Ickleton CB10 1SH

- 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 Ms Jane Hurst against the decision of South Cambridgeshire District Council.
 - The application Ref S/3686/18/FL, dated 21 September 2018, was refused by notice dated 7 December 2018.
 - The development proposed is two 4 x bed residential dwellings along with access, car parking and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area;
 - The effect of the development upon the character and appearance of the area; and
 - The effect of the development upon the significance of the Ickleton Conservation Area (CA) and Nos 37 (Frogge Hall) and 48 (Frogge Cottage), which are both Grade II listed Buildings.

Reasons

Suitability of the site for development

3. The appeal site is greenfield land which although adjoins the development framework boundary, lies within open countryside where the settlement transitions from built form to the rural countryside beyond.
4. The Council's Housing Strategy consists of Policies S/7 and S/11 of the South Cambridgeshire Local Plan 2018 (LP) which seeks that most new dwellings are located within defined settlement boundaries which are referred to as 'development frameworks.' Policy S/11 notes that Ickleton is an 'infill village' which are amongst the smallest villages in South Cambridgeshire and have a poor level of services and facilities which do not cater for day-to-day needs. In such villages there are some exceptions for limited infilling within development frameworks, and when development is proposed outside of the development framework boundary, Policy S/7 says that exceptions where development may

be permissible may include agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by an allocation in a Neighbourhood Plan.

5. I note comments that the appellant places doubt on the ability for the Council to demonstrate a 5-year land supply by questioning the delivery of sites within the Local Plan and seeks that paragraph 11 is engaged. This would render policies related to housing delivery and supply to have less weight if the Council cannot deliver a 5-year supply of housing sites. The Council has recently adopted its LP in September 2018 and also has a short note explaining the current land supply position with relation to meeting the requirements of the Housing Delivery Test. I am also aware of paragraph 74 of the Framework which states that a 5 year supply can be demonstrated from the recent adoption of a LP, and that other Inspectors in recent appeals¹ for the Council Area have also accepted the Council's stance on their land supply position. In the absence of more specific evidence to support the claims of the appellant, I have no reason to doubt the Council's assertions and give full and significant weight to the Council's housing strategy. That said, Paragraph 11 of the Framework is not engaged.
6. The proposed development is outside of the development Framework of Ickleton and would not consist of any of the proposed uses which are noted as exemptions for development as identified above. The appellant states that the sustainability of the site should be given weight considering the appeal site is located adjacent to the development framework boundary; and is approximately 200 metres from the nearest bus stop which in the appellant's opinion offers regular services to Cambridge, Saffron Waldon and surrounding settlements seven days a week.
7. Whilst bus services may go to Cambridge, Saffron Walden and surrounding settlements, the services could not in my opinion be considered 'regular' with very infrequent services that operate every 1 – 2 hours, with no services in the evening or early morning and very infrequent services of a Sunday. Whilst there is a footpath from the site to access the village, the village is very limited with regards to services with only a public house and a small convenience store with the residents of this settlement dependent upon surrounding villages for their day to day needs.
8. I note an appeal² submitted which approved a dwelling within a settlement which was not identified for housing development in Norfolk. However, it appears that in this case that the dwelling was located within the residential area of the settlement to the side garden of a dwelling whereby all sides were surrounded by dwellings. The village in this appeal appears to have more services than Ickleton also. I also note another appeal decision³ which has been submitted with this appeal which approved 9 dwellings in Meldreth, South Cambridgeshire. This village is a 'group village' which is higher in the settlement hierarchy than Ickleton and contains a number of services such as shops and a train station which caters for the needs of the settlement as well as from surrounding villages. Taking both of these cases into account, the circumstances within the appeals are substantially different and I am therefore

¹ Appeal Refs: APP/W0530/W/18/3209117; APP/W0530/W/18/3219175; APP/W0530/W/19/3220227

² Appeal Ref: APP/Y2620/W/18/3196637

³ Appeal Ref: APP/W0530/W/18/3214057

not convinced that the two decisions are analogous with the appeal site and therefore afford little weight to these appeal decisions.

9. I am aware of paragraph 78 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, I do not find that the accessibility credentials of the scheme are sufficient to override the housing strategy of the LP to which I afford significant weight.
10. Given the above factors, I conclude that the proposed development would not be in a suitable location with regard to the housing strategy for the area, which seeks to limit development in the open countryside. The proposed development would therefore conflict with Policies S/7 and S/11 of the LP, which together seek to locate new housing in accessible locations and to restrict development outside identified settlements which cannot be accommodated within them, or needs to take place in rural areas.

Character and Appearance

11. The appeal property consists of land with a large amount of overgrown vegetation to the edge of the village of Ickleton. Despite this, to this side of the road the last dwelling as part of the settlement is Frogge Hall which marks the terminus of the village where the settlement transitions into open countryside. Whilst a recently constructed dwelling called 'The Glebe' has been constructed to the opposite side of the appeal site, to me this represents the more sporadic development and transitional character and appearance of the rural area which changes from the built form of the settlement to the open countryside. Whilst the well vegetated nature of the appeal site does not afford views to open countryside, the site does however assist in reinforcing the edge of the village and the undeveloped and semi-rural nature of the site and the transition to the agrarian and pastoral landscape beyond.
12. Many of the dwellings within the settlement along Frogge Street have minimal setbacks to the road, with historic buildings typically containing no setback such as the neighbouring Frogge Hall, and Frogge Cottage opposite. I am not convinced by comments that the appeal site reads as an infill plot between The Glebe and Frogge Hall given that The Glebe is well set back and has little relationship to the built form of development along Frogge Street which addresses and in some places encloses the road with built development. Whilst the layout of the dwellings would be at odds with that typically experienced along Frogge Street, the size and footprint of the dwellings is also oversized and would be seen as a discordant development like nothing else found along Frogge Street within the settlement.
13. That said, the proposal would be inconsistent with the character, appearance and distinctiveness of the surrounding area and would fail to integrate well with it. The development would introduce an excessive area of built form to an undeveloped site which erodes the sense of transitional character of the area which reinforces the rural edge of the settlement. As such the proposed development would be a significant intrusion into the locality that would appear incongruous and cause harm to the general character, layout and appearance of plots which make up the street scene.
14. Consequently, I conclude that the proposal would be detrimental to the character and appearance of the area. The scheme would therefore be contrary

to LP Policy HQ1 (a) which seeks to preserve and enhance the character of the local urban and rural area and respond to its context and wider landscape, (c) include place responsive design which responds to local context and local distinctiveness; (d) be compatible with its location in terms of scale, density, mass, form, siting in relation to the surrounding area. I note reference to Policy S/7 of the LP in the Refusal reason No 2, however this does not relate to the character and appearance of a development outside of a development framework boundary and is therefore not relevant to this reason for refusal.

Conservation Area and listed buildings

15. Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special attention and regard to the desirability of preserving or enhancing the character or appearance of a conservation area as well as the desirability of preserving the significance of a listed building or its setting.
16. The appeal documents contain a Heritage Statement⁴ which assesses the significance and impact caused by the proposed development. Whilst the heritage values which determine significance are mentioned, the assessment is predominantly related to an assessment of views which does not represent a 'holistic approach' that seeks to understand the tangible and intangible elements, associations and relationships that make up the significance of assets which goes beyond an assessment of views alone⁵. In my opinion the Heritage Statement does not form a robust basis for a conclusion over harm to heritage assets and I therefore give the appellant's Heritage Statement limited weight.
17. Both parties agree that the appeal site lies within the setting of the Ickleton Conservation Area and the two Grade II listed buildings of Frogge Hall and Frogge Cottage opposite. I too agree with this stance given the historic relationship and association of the appeal site to the experience of the village and its historic buildings from this location.
18. Whilst there is no character appraisal of the CA, to me, the significance lies in its boundaries that surround the historic core of built development along a historic through route which contains a number of historic buildings. In some areas, such as the commencement of the village boundary at Frogge Street the carriageway is very enclosed on either side by built form with no setback from historic properties to the street which reinforces the built development of the village. The village is also very linear in layout and form and is entirely surrounded by open countryside and a rural aspect with elements of the open countryside infiltrating the village, particularly along Frogge Street where there is a separation of built form with visual gaps and surrounding countryside. The gaps and land surrounding are positive characteristics that reinforces Ickleton's rural identity and historic association and relationship with the surrounding countryside.
19. The appeal site forms part of that rural setting to the village and marks the transitional point from countryside to built form. I acknowledge comments that the appeal site would be well screened from the road edge, however there is a fundamental change to the setting of the CA in this location which changes the

⁴ Heritage Statement Land adjacent to the Glebe, By John Selby, 4 September 2018

⁵ See Planning Practice Guidance 013 Reference ID: 18a-013-20190723, Dated 23/07/19

- way the CA is experienced. The development of the appeal site would not reinforce the rural edge which is part of the significance, but results in built form that is detrimental to the significance of the conservation area via development within its setting.
20. Turning to the listed buildings, Frogge Hall is a medieval building that was altered and reconstructed in the sixteenth, seventeenth and twentieth centuries and is the first dwelling on this side of Frogge Street and marks the entrance into the historic core of the settlement. Frogge Cottage opposite is later and dates from the early eighteenth century. Both buildings individually derive their significance via their quality in materials and craftsmanship, some of which relates to their former form and function, however also have a group value in that they represent the historic entrance and part of the historic core to the settlement. Both buildings are experienced within the same context with the appeal site contributing to how the buildings are experienced and reinforcing their rural location and setting.
21. The development of the appeal site would not reinforce the rural edge which is part of the significance of these historic buildings, but results in built form that extends the limit of the village and changes the way that the historic core of the village at this particular point is experienced. That said, the development of the appeal site harms the historic relationship and association of the buildings with the greater rural setting, and as such would be detrimental to the significance of the listed buildings via development within their setting.
22. Consequently, the proposed scheme would be contrary to Policy NH/14 of the LP which seeks that development sustain and enhance the significance of heritage assets, including their setting, and sustain and enhance the special character and distinctiveness of the district's historic environment including its villages and countryside.
23. It is clear to me that the proposal would unacceptably cause harm the significance of these designated heritage assets, thus failing to preserve the character and appearance of the wider conservation area and the setting of nearby listed buildings. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
24. The benefits of the scheme include the development of small sites and making effective use of urban land. The proposal would also deliver a further two dwellings which would make a modest contribution to meeting housing need and support the limited facilities of the village, as well as result in short term employment opportunities in the construction of the dwellings, and the contribution to local expenditure from future occupiers. These factors weigh in favour of the development, however I do not consider that these benefits are sufficient to outweigh this harm caused to the designated heritage assets where great weight should be given to the asset's conservation.

25. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
26. In summary and on the basis of the above I conclude on this matter that the development would result in significant effects to the character and appearance and significance of the CA and the listed buildings from development within their setting. Consequently, the proposal would be contrary to Policy NH/14 of the Local Plan and paragraph 196 of the framework.

Conclusion

27. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR