
Appeal Decision

Site visit made on 14 July 2019

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2019

Appeal Ref: APP/D0515/W/18/3219243

Land off Stow Lane, Wisbech PE13 2JU

E: 547323 N: 309128

- 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 Goodale against the decision of Fenland District Council.
 - The application Ref F/YR18/0159/O, dated 16 January 2019, was refused by notice dated 11 October 2018.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline form with all matters other than access reserved for future consideration. An indicative site plan accompanied the initial application for planning permission¹ whilst a revised version of that plan², also referred to as indicative, accompanied the submission of this appeal. Although not forming part of the application as considered by the Council, the Council have commented upon it as part of their Statement of Case. Furthermore, given the outline nature of the proposal, and the nature of the matters reserved for subsequent approval, I am satisfied that my consideration of the revised indicative site plan would not cause prejudice to either party, or to other interested parties. I have determined the appeal accordingly.
3. I have adopted the revised description of the proposal as set out on the Council's decision notice as I consider it to provide a more accurate description of the proposal. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of Stow Lane; and
 - Affordable housing and infrastructure.

¹ Drwg No: 01 Revision A

² Drwg No: 02

Reasons

Character and appearance

5. The Council draw on the baseline summary section of the Broad Concept Plan (BCP)³ for the East Wisbech Strategic Allocation (EWSA)⁴, of which the appeal site lies within, and its description of Stow Lane. From my visit to the site, and having walked along Stow Lane, I find its description of it being 'a quiet enclosed country lane well used by pedestrians and cyclists' to be broadly accurate. However, its character does vary somewhat, from the heavily enclosed, verdant corridor close to its junction with Quaker Lane where the appeal site is barely visible through the dense vegetation, to the slightly more open areas further north. There, although still flanked by dense vegetation on the eastern side of the lane, the houses on the western side are more conspicuous and the nature of the lane changes from an enclosed rural path to a more open lane that provides access to a small number of houses.
6. Despite the more transitional urban / rural fringe character of the lane adjacent to the northern portion of the site and the entrance to Stow Gardens, utilising Stow Lane to access up to a further 28 dwellings would significantly and, in my judgement, harmfully alter the character and nature of the lane at this point. I accept that the extent of the lane that it is proposed would be upgraded and metalled would be relatively limited in its length. Indeed, the proposed access into the site would be opposite the existing houses on the western side of the lane and so the overall concept of vehicles using this part of Stow Lane to access houses would not be an alien one.
7. However, despite the relatively limited length of the proposed metalled extension to Stow Lane, the effects of accessing a large number of additional dwellings from this point would be felt along a far longer stretch of the lane than that which would be upgraded. The extent of vegetation loss would, it is stated, be kept to a minimum, but the access arrangements set out on the indicative site plans nonetheless suggest a significant gap would be punched through to create the access road into the site. The increase in vehicle numbers along the stretch of Stow Lane from Orchard Drive to the appeal site associated with up to 28 dwellings would change Stow Lane from a quiet, enclosed country lane to a suburban access road.
8. The loss of unmade gravelled track would be limited but would represent an incremental erosion of Stow Lane's character as a quiet country lane. This would be harmful to the character and nature of Stow Lane and would diminish its attractiveness as a tranquil, rural setting in which to walk and cycle, both for recreation and as a means to access services and facilities. The proposal would, for these reasons, fail to enhance the character of Stow Lane contrary to Fenland Local Plan (FLP) policy LP16, or its function as a key walking and cycling route and undermine the BCP's vision of safeguarding Stow Lane as a route for cycling and walking FLP policy LP15. As FLP policy LP7 seeks to ensure that urban extensions are planned and implemented in a coordinated manner through an agreed broad concept plan, the proposal would be contrary to FLP policies LP7 and LP8.

³ Broad Concept Plan – East Wisbech (May 2018)

⁴ Fenland Local Plan policy LP8 - Wisbech

9. I accept that it is perhaps inevitable that the existing character and nature of Stow Lane will come under pressure as a consequence of the EWSA. However, the BCP recognises the significance of Stow Lane, not just in terms of its intrinsic character, but also the contribution that it makes in providing a pleasant, quiet, pastoral link for pedestrians and cyclists to access the myriad links and paths within both the existing built up area, the existing countryside and the wider EWSA. Increasing the width of Stow Lane in the manner suggested by the appellant may well provide greater scope for vehicles to pass cyclists and pedestrians, but to do so would further erode the character of the lane.
10. I also accept that the lane already serves a small number of dwellings, with three dwellings accessed off the unmade portion of the lane. However, the effect of vehicles accessing up to 28 additional dwellings, rather than just the 3 existing dwellings, would fundamentally shift the balance of Stow Lane away from a quiet enclosed countryside lane. Furthermore, whilst the appellant has sought to demonstrate wider linkages from the appeal site into the EWSA, this merely serves to highlight the potential for greater vehicle access via Stow Lane to adjacent sections of the EWSA in a manner that the BCP does not set out.

Affordable housing and infrastructure

11. FLP Policies LP5, 13, 15 and 16 set out the Council's approach to securing the appropriate provision of affordable housing, infrastructure to mitigate the impacts of development and the delivery of transport related infrastructure, respectively. To this end, the Council have confirmed that the relevant affordable housing provision should be delivered by way of a financial contribution rather than on-site provision. Furthermore, contributions have been calculated in respect of education, libraries and life-long learning and open space and sports.
12. The amount of the contributions sought and the need for an appropriate mechanism to secure the contributions sought by the Council are not disputed. The appellant has also indicated an intention to prepare a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). However, neither the application nor the appeal submissions were accompanied by any such undertaking. Thus, as I do not have any mechanism before me to secure these contributions, any benefits that it might provide cannot be given any weight in my consideration of the appeal. Thus, the appeal fails in that the proposal makes no provision for the provision of affordable housing, or the necessary infrastructure required to mitigate the development, as required by FLP policies LP5 and 13. The proposal is therefore contrary to FLP policies LP5 and LP13.

Other Matters

13. The Council are concerned that the appeal site would be isolated from the remainder of the EWSA, and that its development independently of the EWSA would compromise the permeability of, and linkages to / from the EWSA and the delivery of the EWSA in line with the BCP. In response, and noting that the layout of the proposed development is proposed as a reserved matter, a revised indicative site plan demonstrates how the proposal could be linked to the EWSA beyond the appeal site.

14. Given the scale and form of the wider EWSA and its relationship to the existing built up area of Wisbech, I see no compelling reason why the development of the appeal site in the manner proposed would compromise these aims of the BCP, or FLP policies LP7 and LP8. Having regard to the wider links beyond the appeal site, the appellant has demonstrated how the proposal could be capable of making appropriate provision through, and around the perimeter of, the site to facilitate walking and cycle access to the EWSA and local services and facilities. However, as I have concluded that the proposal would have a harmful impact on the rural character of Stow Lane, and as there is no mechanism in place to secure appropriate contributions to affordable housing and infrastructure to mitigate the proposal, I have not considered this matter in any further detail.
15. I have noted that the Council do not object to the proposal on technical grounds relating to highways, ecology, drainage or ground contamination. These are neutral factors and are not sufficient to outweigh the harm that I have identified above. I agree with the Council that matters of concern raised by residents such as the effect of the proposal on outlook, privacy, noise and disturbance, fear of crime and trees could be addressed where relevant and material at the outline stage, or at the reserved matters stage where detailed matters of appearance, landscaping, layout and scale would more appropriately be considered. These matters have not been determinative in the current instance.

Conclusion

16. For the reasons I have set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR