
Appeal Decisions

Site visit made on 19 August 2019

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal A Ref: APP/W0530/W/19/3229066

Land next to 16 Chalky Road, Cambridge CB21 6AT

- 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 Mr Roman Lesniak against the decision of South Cambridgeshire District Council.
 - The application Ref S/4808/18/FL, dated 20 December 2018, was refused by notice dated 18 March 2019.
 - The development proposed is construction of dwelling house.
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Appeal B Ref: APP/W0530/W/19/3229067

Land next to 16 Chalky Road, Great Abingdon CB21 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Roman Lesniak against South Cambridgeshire District Council.
 - The application, Ref S/1086/19/FL, is dated 20 March 2019.
 - The development proposed is construction of dwelling house.
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Procedural Matters

1. As set out above there are two appeals on this site. They both relate to proposals for a dwelling. The proposal at Appeal B was submitted to try and overcome the reason for refusal at Appeal A and it differs in the proposed siting of the dwelling. Appeal B also differs in that the Council did not issue a decision on the planning application within the prescribed period. The main issue for both appeals is similar. I have considered each proposal on its individual merits but to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
2. The site is described on the planning application form for the proposal at Appeal A as 'Land next to 16 Chalky Road'. On the planning application form for the proposal at Appeal B the site is described as '16 Chalky Road'. Historically No 16 Chalky Road was a single 10 acre plot of land, containing a dwelling house, piggery and agricultural land to the rear (the original No 16 smallholding)¹. In 2006 the dwelling house and part of the garden were sold and retain the address of No 16 (the current No 16 Chalky Road). The remaining garden/agricultural land, in total some 8 acres of the original 10 acre plot, were sold together as a separate landholding. The site for the appeals is part of the land sold separately from the original No 16 Chalky Road.

¹ This is indicated on the plan accompanying the partial extract of the Deed of Covenant 18 December 1997

Accordingly for the purposes of both of these Appeals I will refer to the site as 'land next to No 16'.

Decisions

3. Appeal A and Appeal B are dismissed.

Main Issue

4. The main issue for these appeals is whether the site is suitable for a dwelling having regard to location and the effect of the proposal on the character and appearance of the area.

Reasons

5. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². The development plan for the area includes The South Cambridgeshire Local Plan 2018 (the LP) and the Neighbourhood Plan for the former Land Settlement Association's Estate at Great Abington 2018 to 2031 made 21 February 2019 (the NP).
6. The site of the appeals is outside the development framework of Great Abington and therefore is in the countryside for planning policy purposes. Policy S/7 of the LP limits new residential development in the countryside except where allocations have been made in a NP or where uses need to be located in the countryside. The appellant confirms that the development is not required for a functional reasons in connection with a new rural based enterprise so the proposals would not benefit from the exceptions allowed for under Policy H/19 of the LP.
7. The appeals site is some distance from the nearest available services and facilities so future residents would rely on the private vehicle, using narrow estate roads with some passing places and substantial speed reducing bunds, for day to day access to them. In this respect I consider the site to be in a less than desirable location with reference to those Policies in the development plan and the National Planning Policy Framework (the Framework) that seek to direct development to the most accessible locations. I conclude that the site is not a suitable location for a dwelling having regard to location and I find conflict with Policies S/7 and H/19 of the LP in this respect.
8. The appeal site is within the area covered by the NP. The Land Settlement was originally part of Abington Hall Estate. It was purchased in 1936 to establish the Abington Land Settlement Association's Estate. The 688 acres were divided into 62 holdings. The former Estate is characterised by a collection of smallholdings of 1 – 11 acres. The smallholdings had outbuildings located to the side of the dwellings. Originally each had a piggery and a small green house; other outbuildings were often added.
9. By 1983, when the holdings were sold, many of the houses had been extended and/or had outbuildings and glasshouses. The NP takes the situation in 1983, immediately prior to the decision to sell the Estate, as the baseline for defining the 62 original holdings and therefore what building will be permitted by the NP policies. The accompanying Map 1: Neighbourhood Area East shows the Build

² Section 38 of the Planning and Compulsory Purchase Act 2004

Line Boundary. As explained at Paragraph 4.13 of the NP this is to avoid any confusion that might be caused by changes in ownership of land and dwellings.

10. The essential aim of the NP is to retain the historic pattern of building in the land settlement, comprising a house with outbuildings, surrounded by open land separating each holding, with the retention of agricultural and paddock land outside the areas defined by the original houses and their outbuildings. Limited development, particularly smaller high quality dwellings to meet the needs of the wide demographic mix on the Land Settlement, may be allowable in specified circumstances.
11. Policy GAL/2 of the NP allows for one additional dwelling on, or adjacent to, the site of each original piggery provided certain criteria are met. The attached rationale explains that the intention is to provide one additional building for each of the original houses as at the 1983 baseline. Map 1 of the NP clearly shows the houses and the associated piggery locations. The evidence indicates that the piggery associated with the original No 16 smallholding was within the land forming the current No 16 Chalky Road. The piggery has been demolished and a house is under construction on its former site planning permission Ref S/1069/19/FL. This takes up the allocation of one additional dwelling for the original No 16 smallholding allowed for under Policy GAL/2.1. The proposals at both Appeals would amount to a further additional dwelling which would conflict in principle with Policy GAL/2.1 and I conclude that the site is therefore not a suitable location for a dwelling.
12. The character of the area arises from the linear form of the straight, narrow, private roads that serve the Estate and the regular pattern and layout of the various buildings along them interspersed with the open areas between and around them. Both proposals would add a building into an open piece of land.
13. The proposed dwelling at Appeal A would be positioned centrally within the site which would help to retain regularity in spacing to the boundaries. The proposed dwelling at Appeal B would be positioned closer to the former piggery of the original No 16 smallholding with a distance of some 5 metres from the former piggery and some 2 metres from the shared boundary with the current No 16. Both proposals would appear to be within the Build Line Boundary.
14. The gaps between the buildings as established by 1983 were not identical in extent but there was a rhythm and regularity that adds to the special character of the area. In both Appeals the proposal would unacceptably interrupt the historic established rhythms and separations between buildings which would harm the character and appearance of the area. This would conflict with Policy GAL/2.6 which seeks to keep the existing rhythm in the layout of buildings along the road and the key characteristic of the regular separations of open land between buildings. Nor is it entirely clear from the submitted plans that the proposal at Appeal B would allow retain satisfactory access to the two barns granted planning permission Ref S/2387/17/FL.
15. The appellant advises the site was formerly part of the garden of No 16 and that it is currently a vacant, unmaintained plot of land. At my site visit I saw some piles of materials on the land and that it appears to be overgrown in places. However, it seems to me the land next to No 16 is part of the landholding for the barns planning permission and therefore has a valuable use.

16. Both proposals would satisfy the floor area, design, height, setback from the road and site access requirements of Policy GAL/2 and landscaping could be achieved by planning condition. However, these matters would not overcome the concerns in relation to the principle of an additional dwelling and the interruption of open land between the buildings. Nor do I consider that lack of maintenance would be sufficient justification for allowing development that would be otherwise unacceptable.
17. For the reasons set out above I conclude that the site is not a suitable one for a dwelling for either Appeal A and Appeal B having regard to location. The proposal at both Appeal A and Appeal B would have a harmful effect on the character and appearance of the area. They would conflict with Policies S/7 and H/19 of the LP and with Policy GAL/2 of the NP. These together seek to protect the countryside and to retain the historic pattern of building on the land settlement, and the retention of agricultural and paddock land outside the areas defined by the original houses and their outbuildings.

Other Matters

18. I have considered the cases drawn to my attention by the appellant. These are nearby on South Road³. However, in neither case does the evidence indicate that these would result in more than one additional dwelling associated with the original smallholding irrespective of the distance from each former piggery. Accordingly these do not lead me to a different conclusion in respect of the Appeals before me.

Planning Balance and Conclusion

19. The proposal would provide an additional dwelling whether for the appellant and family or others. This is a benefit of both proposals. However, I have found the proposal would conflict with the principles established by the up to date development plan. Paragraph 15 of the Framework emphasises the planning system should be genuinely plan-led and allowing the proposal would undermine the plan-led process. I have also found that the site is less than desirably located in relation to services and facilities and that there would be harm to the character and appearance of the area. In failing to fully comply with Policies S/7 and H/19 of the LP and Policy GAL/2 of the NP the proposals cannot comply with the development plan as a whole. I have found no material considerations that would outweigh the conflict with the development plan. I conclude neither appeal should succeed.

S Harley

INSPECTOR

³ S/3755/18/FL and S/0423/19/FL