



Appeal Decision

Site visit made on 13 August 2019

by David Wallis Bsc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/W0530/W/19/3230459

1 London Way, Melbourn, Royston SG8 6DJ

- 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 P Norbury against the decision of South Cambridgeshire District Council.
 - The application Ref S/3385/18/FL, dated 4 September 2018, was refused by notice dated 9 May 2019.
 - The development proposed is demolition of existing dwelling and construction of two chalet style detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are the effect of the development upon:
 - the character and appearance of the area
 - the living conditions of future occupiers with particular regard to potential contamination.

Reasons

Character and appearance of the area

3. London Way is enclosed on both sides by hedgerows for much of its length. It passes through a wooded area at its northern end, which then transitions into an agricultural landscape of open fields. Gates sit within the hedgerows and it is only through these gates that the land uses behind are visible. These gateways are however sporadic interventions in an otherwise consistent landscaped frontage along the length of London Way. Commercial uses are in the vicinity but are set back from, and largely obscured from view by, the existing vegetation.
4. The appeal site sits in this rural context, with the bungalow on site being the closest building to the highway. The bungalow on site has a low profile and is only partially visible within local views from the south. The roof of a structure further to the west, within the timber yard, is comparable in terms of its visibility from the surroundings.

5. The appeal development would be of stark contrast to this rural character. The height of the proposed dwellings would introduce a prominent urban feature above the established hedgerows, that would consequently appear in views from within the wider landscape. This represents a visual encroachment of urban development into a countryside location. The significant increase in the amount of residential development on site close to the roadside, in area of limited domesticity, would detract from the rural setting.
6. I conclude the proposal would cause an unacceptable impact on the character and appearance of the area. This is contrary to policies S/7, S/9 and HQ/1 of the adopted South Cambridgeshire Local Plan 2018 (LP). These policies, amongst other things, seek to locate growth within urban areas and to ensure developments respond to their context in the wider landscape.

Living conditions of future occupiers with regard to potential contamination

7. I observed on my site visit that the northern section of London Way is made with a loose aggregate surface. Towards the end of the wooded section it becomes hard surfaced, which then extends up to the entrance of the timber yard. The road surface returns to loose aggregate immediately east of the appeal site and continues as such thereafter.
8. The concerns regarding contamination arise from the aggregate surface being constructed, in part, with an asbestos material. Residential use is a sensitive receptor whereby human health could be affected and the proposal would include first floor windows serving habitable rooms facing London Way.
9. The appellant submits he undertook to lay a hard surface to encapsulate said material. However, it is not evident from the submissions before me as to the effect or success these surfacing works have had on reducing potential contamination, particularly since the loosely bound surface exists immediately outside the appeal site and extends southward.
10. The appellant notes the responsibility for the upkeep of the road is not within his remit. Nonetheless, this does not justify increasing the number of sensitive receptors on site without understanding or appropriately mitigating the likelihood of risk.
11. In the absence of details to confirm otherwise, I conclude that the future occupiers of the development would potentially be at an unacceptable level of risk from the contamination. This would be contrary to policy SC/11 of the LP that seeks adequate assessment of risks and only permits development where land can be made suitable for the proposed use.

Other Matters

12. The proposal is for the appellant and his son to occupy separately the two new dwellings. The additional dwelling is described as being for rural worker accommodation since the appellant's son would work at the adjoining family-run timber yard.
13. The timber yard business may be within a rural area but is not a rural enterprise, being of an industrial nature. There is no evidence before me to demonstrate that there is an essential for a worker at the yard to live on or adjacent the business. Therefore, the proposal cannot qualify as being for rural

worker accommodation and as such there are no exceptional circumstances to allow a new dwelling in the countryside.

14. Whilst there may be benefits in terms of reducing traffic movements and enhancing security through the increased occupation of the appeal site, these are limited in context and I am not presented with any details of security being a pressing issue.
15. Whilst the appellant may feel aggrieved at the length of time taken for the application to be determined, this is not a matter for a Section 78 appeal.

Conclusions

16. I therefore conclude that the proposal would be harmful to the character and appearance of the area and would, potentially, introduce an unacceptable level of risk to the living conditions of future occupiers by way of contamination. The limited benefits arising from the proposal would not justify a departure from the Development Plan in this instance.
17. I dismiss the appeal accordingly.

David Wallis

INSPECTOR