



Appeal Decision

Site visit made on 10 September 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/W0530/W/19/3229685

160 Histon Road, Cottenham, Cambridgeshire 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 & Mrs Denise Newitt against the decision of South Cambridgeshire District Council.
 - The application Ref S/0710/19/OL, dated 19 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is to demolish the existing house and outbuildings and replace with 9 Bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal proposal was submitted in outline with the means of access being considered at the outline stage. Notwithstanding that, a proposed details plan was also provided which showed a layout of the site and details of the proposed bungalows. The layout showed the nine new bungalows sited in a tandem fashion.
3. However, with the exception of the site access, the details shown on this plan are not being considered at the outline stage. I have therefore treated these details as being indicative to show a possible way of developing the site.

Main Issues

4. The main issues are:
 - (i) whether the appeal site is located within the Green Belt;
 - (ii) whether the proposal is inappropriate development in the Green Belt;
 - (iii) the effect on the openness of the Green Belt;
 - (iv) the effect of the development on the character and appearance of the area; and
 - (v) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Is the site within the Green Belt?

5. The National Planning Policy Framework (the Framework), at paragraph 135 sets out that the extent of Green Belts across the country is already established. Paragraph 136 goes on to state that once established Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan.
6. The Appellants statement sets out that the site is not located within any special site designation such as Green Belt, an Area of Outstanding Natural Beauty or Flood Zones 2 or 3.
7. Whilst it is common ground that the site is not located in any of the latter designations, from the evidence before me it is clear that the site is located within the defined Green Belt, and this is also referred to by the Appellant in highlighting the issues from the previous appeal decision at the site¹. From the evidence before me I find that the site lies within the Green Belt. Therefore, I must consider the proposal in line with the Green Belt policy as set out in the Development Plan and the Framework.

Whether the proposal is inappropriate development in the Green Belt

8. Paragraph 133 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
9. The Appellant has not advanced a case that the proposal would not be inappropriate development in the Green Belt. Notwithstanding that, I have considered the categories of development which the Framework defines as being not inappropriate development².
10. Paragraph 145(e) allows for limited infilling in villages, whilst paragraph 145(g) allows for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
11. The Framework does not define what a village is or what would constitute 'limited infilling'. Notwithstanding that, a defined village boundary in a Development Plan is not conclusive as to determining whether a site is within a village or not. It is for the decision maker to decide whether, as a matter of fact on the ground, whether the site appears to be in a village. In this case, from my site visit, I saw that this section of Histon Road is characterised by ribbon development. Whilst the appeal site is located on the extremities of this ribbon development, I also noted areas of undeveloped land between the appeal site and the main part of the village. Taking this into account, to my mind, the appeal site does not form part of the village of Cottenham for the purposes of paragraph 145(e) of the Framework.

¹ APP/W/16/3164294 dated 30 March 2017

² Paragraphs 145 and 146

12. Turning to whether the development would constitute 'limited infilling', it is noted that the proposal would include a net increase of eight dwellings at the site which from the suggested layout plan would be in a multiple tandem style.
13. Given that the site is located at the edge of the built-up area with undeveloped fields to the south I cannot consider this site to be an infill site, nor can the extent of the proposal be 'limited'.
14. Notwithstanding the above, the site could be considered to be wholly part of the existing dwelling. Given the semi-rural location of the site, I consider that the site is not located in a built-up area and therefore the site should be classified as previously developed land.
15. When considering paragraph 145(g) it is therefore necessary to determine whether the proposal would not have a greater impact on openness than the existing built form to determine whether the proposal is inappropriate development.
16. Therefore, in order to determine whether it would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing development.

Effect on the openness of the Green Belt

17. The appeal site consists of an existing chalet bungalow, together with outbuildings and a shipping container. However, a substantial part of the site is open and undeveloped.
18. One of the five purposes of a Green Belt, outlined at paragraph 134 of the 2019 Framework, is that it should assist in safeguarding the countryside from encroachment.
19. Neither party has provided details of the size of the existing buildings on the site. From the limited information before me, and what I observed on site, the scale of the proposed development would involve an increase in the size of the building coverage on the site both in terms of footprint and cubic content. This increase would lead to the loss of openness of the Greenbelt. Furthermore, the significant increase in the amount of buildings on the site, and the site coverage, also leads me to the view that the proposal would lead to significant harm to the openness of the Green Belt.
20. Given my conclusions above, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. Furthermore, it would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, and Policies S/4 and NH/8 of the South Cambridgeshire Local Plan (2018) (LP) which has similar aims to the Framework in this respect.

Character and appearance

21. Policies S/7 and S/9 of the LP sets out the Development Frameworks and where new development should be located to ensure that it is within a sustainable location. It is common ground between the main parties that the site is located outside of the defined development framework and therefore, in planning policy terms, the site is located in the countryside.

22. The appeal site itself is located in a semi-rural area given the existing development in the vicinity of the site. From my site visit I saw that the prevailing character of development in the area is that of frontage development on plots which are generally narrow and extend a significant depth from the road.
23. In contrast to the prevailing development in the area, the appeal proposal would be likely to result in multiple properties being formed in a tandem fashion from Histon Road. The introduction of this type and scale of development at the periphery of the village would contribute to the urbanisation of the area which would be, to my mind, seriously harmful to the semi-rural character of the area and would be highly undesirable.
24. Whilst the visibility of the development would be restricted owing to the hedgerow along the south-western boundary to the site, I am conscious that there would be significant pressure to reduce the height of this hedge, or remove it, owing to the proximity of the dwellings to this boundary particularly if the suggested layout in the submitted plans is adopted.
25. I am also conscious that the suggested development outlined on the submitted plans would be of a relatively low height. However, this would not overcome the harm as a result of the type and amount of development proposed.
26. In coming to the above views I acknowledge that the Apple Tree Park Home estate on the opposite side of the road further out from the village of Cottenham exhibits a similar character in terms of its tandem nature from Histon Road. However, this does not justify the development before me.
27. For the above reasons the development would harm the character and appearance of the area and would conflict with Policies S/7, S/9 and HQ/1 of the LP which amongst other matters seeks to ensure that new development is directed to the most sustainable locations, is compatible with its location, is of a high quality design which preserves or enhances the character of the local urban and rural area, and responds to its local context. It would also be at odds with the design aims of the Framework.

Other matters

28. The Appellant has put forward that the dwellings would be very suitable for the elderly and would contribute to the housing needs for the district. It is also suggested that the site could be delivered quickly and that there is a need for smaller housing sites to come forward. It is also indicated that there are good public transport links to the village and beyond and that future residents would also help support local services. To my mind, all of these factors weigh in favour of the proposal.
29. The Appellant has not advanced a case that the Council cannot demonstrate a deliverable five-year supply of housing and I have no reason to conclude that this is not the case. The Framework sets out that planning decisions should apply a presumption in favour of sustainable development and that development proposals which accord with an up-to-date development plan should be approved without delay. However, as noted above, I have found conflict with the Development Plan and the Framework and therefore the presumption in favour of sustainable development does not apply.

30. The Appellant has also suggested that there is a fallback position as the dwellings are of a size and height which would allow them to be built using permitted development rights with an example of an appeal decision relating to a treehouse being quoted.
31. However, this example related to a different kind of development to that before me. Furthermore, there are no permitted development rights for the construction of new dwellings in the Town and Country Planning (General Permitted Development) Order 2015. I therefore give the suggested fallback position very little weight.

Green Belt balance

32. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. I have also concluded that the development would harm the character and appearance of the area. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
33. Taking into account the other matters raised, it is clear that the provision of much needed additional dwellings is a benefit of the scheme as are the other benefits which have been identified above.
34. However, in considering the substantial weight given to the Green Belt, I am of the opinion that the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policies S/4 and NH/8 of the LP.

Conclusion

35. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR