
Appeal Decision

Site visit made on 20 August 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/D0515/W/19/3230692

Land adjacent Sunningdale, Friday Bridge Road, Elm, Wisbech, Cambridgeshire PE14 0AS

- 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 Mrs C Wood against the decision of Fenland District Council.
 - The application Ref F/YR19/0123/O, dated 6 February 2019, was refused by notice dated 27 March 2019.
 - The development proposed is six dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for up to six dwellings at land adjacent to Sunningdale, Friday Bridge Road, Elm, Wisbech, Cambridgeshire PE14 0AS in accordance with the application, Ref F/YR19/0123/O dated 6 February 2019 subject to the schedule of conditions at the end of this decision.

Procedural Matter

2. Outline planning permission is sought with access to be considered at this stage. The Council has confirmed that access is not in dispute and as such I have determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal site comprises part of a large field in agricultural use located on the eastern side of Friday Bridge Road. The site is located at the southern edge of Elm on the road leading to Friday Bridge, a short distance to the south. Both sides of this section of the road are characterised by almost continuous linear development, including either side of the appeal site, sporadically separated by fields and small gaps between houses providing glimpsed views of the countryside beyond. I could see from the site visit that there is no obvious spatial separation between Elm and Friday Bridge when travelling along Friday Bridge Road.
5. The indicative plan shows a linear form of development set behind landscaping. This arrangement follows the established pattern of housing along Friday Bridge Road and is characteristic of the typical Fen form found in the district

- and in and around roads in Elm. The development would be commensurate with the pattern and scale of the settlement and would respect the character, shape and form of Elm.
6. Whilst there would be a degree of urbanisation and modest encroachment into the countryside the appeal site is heavily influenced by the surrounding built form and would be viewed against a backdrop of existing houses. As such, the development would be read as a cohesive part of the settlement and not an isolated form of development.
 7. The development would be confined to the western part of the site, along the road frontage in between existing houses, and would retain a significant amount of open land behind and thus long-range views would not be significantly diminished as a result of the development. The modest scale of the development, confined to the road frontage, would not result in coalescence between Elm and Friday Bridge as the wider landscape and other gaps along Friday Bridge Road would remain.
 8. I note the Council's comments in relation to the provision of executive type housing in a rural area. However, there is no reason to suggest that an appropriate scale, design and layout could not be secured at reserved matters stage.
 9. As such I find no harm to the character and appearance of the area as a result of the development. The development therefore accords with Policies LP3, LP12 and LP16 of the Fenland Local Plan and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which aim to secure sustainable growth, development that respects settlement form and character, local identity and distinctiveness.

Other Matters

10. I have taken into account representations regarding highway safety, loss of countryside and agricultural land, design, impact on living conditions, trees, visual impact, noise and unauthorised access to the field.
11. Given the indicative layout and relationship with surrounding properties, I have no reason to believe that the proposed development would harm the appearance of the area or result in an unacceptable impact on the living conditions of neighbouring occupiers, having regard to light, privacy, outlook, proximity and noise.
12. There is no substantive evidence to suggest that the development would harm highway safety, particularly as the Highway Authority raise no objection.
13. The development would result in the loss of a relatively small area of agricultural land but there is no substantive evidence to suggest that the development would adversely impact on agriculture in the surrounding area. A number of trees would be retained along the road frontage and conditions have been imposed to ensure their retention therefore I am satisfied the development would not adversely harm trees.
14. With regards to matters relating to access to the field, this falls outside of the remit of this appeal as it does not form part of the appeal proposals, as such I have not taken this into account when making my decision.

15. With regards to matters related to the impact on property values, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. I have not therefore taken this into account when making my decision.

Conditions

16. I have considered the imposition of conditions in accordance with the National Planning Policy Framework and Planning Practice Guidance. I have undertaken some rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
17. Conditions relating to the submission of reserved matters and the time limits associated with this have been imposed. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to ensure satisfactory appearance conditions relating to retained trees and landscaping have been imposed.
18. In the interests of health I have imposed a condition regarding land remediation in the event that contamination is found during construction works and in the interests of highway safety I have imposed conditions in relation to access, turning and parking areas serving the development.
19. I am not persuaded that a condition relating to a footpath and link across Friday Bridge Road is reasonable or necessary to make the development acceptable and as such I have omitted the suggested condition.

Conclusion

20. For the reasons outlined above the appeal is allowed.

B Thandi

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans SE-965 01 (Survey Drawing) and SE-965 02 Rev B (Outline Planning Drawing) but only in respect of those matters not reserved for later approval.
- 5) The details submitted in accordance with condition 1 above shall include: a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; a schedule in relation to every tree identified listing: information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and, any proposed pruning, felling or other work; in relation to every existing tree identified to be retained, details of: any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced); areas of existing landscaping to be protected from construction operations and the method of protection. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

- 8) No development shall take place until details of the standards to which the accesses serving the development are to be constructed shall have been submitted to and approved in writing by the local planning authority. No house shall be occupied until the accesses have been constructed in accordance with the approved details.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.