



Appeal Decision

Site visit made on 17 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/V0510/W/19/3235100

41 Ward Way, Witchford CB6 2JR

- 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 Joanne Braybrooke against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01796/OUT, dated 14 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is a single storey 3/4 bedroom dwelling, parking and associated works with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved and I have therefore had regard to drawings JB-LP-001 rev 1 and JB-BP-002 rev 1. I have dealt with the appeal on this basis and considered the other plans as being for illustrative purposes only.
3. The description of the development provided on the planning application form has been replaced by a shorter version on the appeal form. I consider that subsequent description to be usefully more concise and I have therefore used it within this decision.
4. Since the determination of the application, the East Cambridgeshire Submitted Local Plan 2018 has been withdrawn by the Council and therefore I have based my decision on the policies contained within the East Cambridgeshire Local Plan 2015.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The site is situated to the rear of 41 Ward Way and comprises part garden and part amenity land. Beyond the site is land in use for equestrian purposes. Ward Way is a residential housing estate of predominately two storey dwellings with a mix of styles and housing types. The application site is accessed off a small cul-de-sac which serves 3 properties. There are other similar small cul-de-sacs, further along the road which results in a tandem form of development.

7. Whilst much of the land to the rear of the appeal site is in equestrian use, with some stable buildings located towards the bottom of the site, this is relatively low key in terms of its appearance and impact. The use of land for equestrian purposes forms part of the rural character of the area and is a use which is common place in rural areas and on land which has marginal agricultural value.
8. The development would be a single dwelling located to the rear of 41 Ward Way, accessed from the existing access. Whilst layout is not before me for consideration, the indicative block plan demonstrates how a dwelling positioned close to the rear of 41 Ward Way would relate to the other developments which sit behind Ward Way. Any dwelling on the site would be beyond the rear boundaries of existing development.
9. Therefore the site as a whole would intrude beyond the existing rear boundaries of neighbouring developments, resulting in a form of development which would appear at odds with the existing pattern of development. This is exacerbated by the plot boundaries, which would not follow any logical field boundaries, adding further to its incongruous impact.
10. I consider that a dwelling in this location would alter the character and appearance of this rural site, to a great extent than the existing equestrian use. The urban form of the development would intrude into the countryside, beyond the edge of the current settlement. The development would adversely affect the appearance of the area, contrary to policy Growth 2 and policy ENV1 of the East Cambridgeshire Local Plan 2015 (LP) which seek to control development within the countryside.
11. Policy Growth 2 is only partially consistent with the National Planning Policy Framework ('the Framework') as it is more restrictive in that it seeks to protect the countryside for its own sake and I consider it should be afforded limited weight when considering development proposals in the countryside.
12. Policies ENV1 and ENV2 of the LP require development to protect, conserve and where possible enhance the settlement edge and have regard to the local context. These policies seek to protect and enhance the natural environment, which is an important part of the Framework and I consider they should be afforded significant weight when considering development proposals in the countryside.
13. In conclusion, the proposal would be inappropriate backland development and would have a significant adverse effect on the character and appearance of the area. The proposal would thus conflict with LP policies ENV1 and ENV2. It would also conflict with the East Cambridgeshire District Council Design Guide Supplementary Planning Document which sets out how backland development should be considered in relation to the context of the locality.

Other matters

14. The Council is unable to demonstrate a deliverable 5 year supply of housing. Paragraph 11 of the Framework is engaged, whereby there is a presumption in favour of sustainable development. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. This presumption is also reiterated within Policy Growth 5 of the LP.

15. The site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing village and as such lies within a sustainable location. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the development.
16. The site would give rise to some economic benefits during the construction phase and beyond in supporting the services within the village. I consider that there would be modest social benefits arising from the contribution to the Council's housing supply, noting paragraph 64 of the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
17. Due to the outline nature of the application, it is not possible to have regard to the desire of the appellant to have an energy efficient dwelling that would have a low environmental impact, including biodiversity improvements and enhanced landscaping as these details are not before me and therefore even if these were considered benefits of the scheme, I cannot attribute them any weight.
18. I am required to determine the appeal in line with the relevant policies of the development plan, unless material considerations indicate otherwise. For the reasons given, the proposal would be contrary to the relevant policies of the development plan with regard to its effect on the character and appearance of the area. The absence of a five year housing land supply engages the presumption in favour of development and the combined social and economic benefits arising from the development which I have considered above, given the scale of development would be modest, and would not outweigh the harm I have identified to character and appearance. As such the framework is a material consideration that weighs in favour of the scheme, but in this case the totality of other material considerations do not outweigh the conflict with the development plan.
19. I have taken into account the appellant's wish to provide more suitable accommodation for her family. However, the personal circumstances set out within the evidence before me are not sufficient to outweigh the harm I have identified.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR