



Appeal Decision

Site visit made on 7 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/H0520/W/19/3235239

Land adjacent to The Nurseries, Earith Road, Colne, PE28 3NL

- 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 Anona Allen against the decision of Huntingdon District Council.
 - The application Ref 19/00508/OUT, dated 11 February 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the construction of one three bedroom bungalow with a large garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters reserved for future consideration. However, a drawing showing the site layout and the scale of the proposed development were submitted with the application. Regard has been had to this plan in this recommendation, which is considered as being indicative only.
4. The appellant has submitted a further plan with the appeal which wasn't submitted to the Council as part of the application. This is an indicative plan showing a suggested layout and an elevation/ section through the site from Earith Road to the front¹. In normal circumstances an appeal is determined on the plans that were submitted to the Council as part of the application and an appeal should not be seen as an opportunity to amend or vary the scheme. However, the plan in this case is indicative only and the layout appears to be the same as that put forward at the application stage. The section is purely illustrative and does not seek to amend the scheme. Moreover, the Council has had the chance to view the plan as part of the appeal process. Consequently, no prejudice will arise as a result of my decision to take the plan into account when making my recommendation.

¹ Drawing number 0200 revision P1

Main Issue

5. The main issues are whether the proposed development would provide a suitable location for housing, having regard to the relevant national and local policies regarding development in the countryside and the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

6. The proposal is for the erection of a bungalow in the garden of 'The Nurseries', a detached dwelling located in Colne. Colne is identified in Policy LP9 of the Huntingdonshire's Local Plan to 2036, adopted in May 2019 (the Local Plan) as a small settlement. Given how recently the plan was adopted, and noting that no evidence to the contrary has been provided, I am satisfied that the relevant policies are fully compliant with the aims of the National Planning Policy Framework (the Framework).
7. Policy LP9 states that proposals located within the built-up area of a small settlement such as Colne will be supported, subject to a number of criteria. In addition, the second limb of the policy states that development proposals on land well-related to the built-up area may be supported where it accords with other policies of the plan.
8. According to the Local Plan, a built-up area is a distinct group of buildings that includes thirty or more homes. In addition, land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area. The supporting text to Policy LP9 states that the definition of 'built-up' areas will exclude fragmented development which is physically and visually detached from the main built form.
9. It is clear that there is a pocket of development where Earith Road meets East Street and Holme Fen Drove that represents such a built-up area. However, travelling along Earith Road towards the appeal site there is a transition between this built up area and the open countryside. Whilst there is a stretch of ribbon development on the western side of Earith Road, which is contiguous with the rest of the settlement, development on the eastern side of the road is far more sporadic.
10. The dwelling at the appeal site and the adjacent nursery buildings and polytunnels are surrounded to the north, south and east by agricultural land which visually and physically separates the site from the built-up area of Colne. In visual terms the collection of buildings and structures appear more as a detached farmstead than part of the defined settlement. Thus, in the context of the Local Plan the land is distinct from the built form of the village and relates more to the character of the countryside than to the group of buildings which form the built-up area of the settlement. As such, it does not form part of the built-up area of Colne and the development would not represent infill within the built-up area or logical rounding off of the settlement.
11. Policy LP9 also states that proposals on land 'well-related' to the built-up area may be supported where it accords with the specific opportunities allowed for through other policies of the Local Plan. From the information before me, the term 'well-related' is not defined in the Local Plan. However, although the collection of buildings are distinct from the main built form of the settlement in terms of their character, in locational terms the appeal site is well-related to and close to the

built-up area. In accordance with the Local Plan a proposal may be supported if it accords with other policies, including LP10 relating to development in the countryside.

12. Policy LP10 states that all development in the countryside must seek to use land of lower agricultural value, should not give rise to impacts that would adversely effect the use and enjoyment of the countryside by others, and should recognise the intrinsic character and beauty of the countryside. There is no evidence to suggest that the proposal is seeking to use land of higher agricultural value, or that it would impact on the use and enjoyment of the countryside by others.
13. The appeal site is located outside a residential pocket of development in Colne and marks a transition into open countryside and fields. The immediate surrounds are decidedly rural in nature, with large areas of open, green space in the nearby vicinity. Opposite the site is a row of residential buildings which vary in style and design but retain a consistency in terms of character befitting of the rural surrounds within relatively large plots.
14. Despite the outline nature of the application, the appellant states that the proposal is to be constructed in a similar style and to a similar scale as the existing dwelling, with screening from the main road present in the form of hedgerows. Nonetheless, it would represent a separate dwelling built within the garden space at The Nurseries. Such development would result in a cramped appearance on account of the limited amenity space that would be available for each property and the proximity between the proposal and the existing dwelling. The comparatively dense form of development would be at odds with the rural and open nature of the immediate surrounding area. Moreover, the proposal would significantly alter the character of the area to the east of Earith Road. Whereas the current buildings appear as a farmstead surrounded by countryside – characteristics that enhance the rural setting of the village – the presence of two substantial dwellings side by side would create a much more urban form of development which would erode the rural nature of the settlement.
15. For all of those reasons, the development of the proposal in this location would therefore fail to recognise the intrinsic character and beauty of the countryside. It would not respond positively to the surrounding context nor would it contribute positively to the rural identity of the area. Accordingly, it would fail to respect the character and appearance of the area, and would not be in compliance with Policies LP10, LP11 and LP12 of the Local Plan.

Other considerations

16. Comments have been received that the proposal would provide additional security along Earith Road, and that the construction of the dwelling would lead to additional jobs in the locality. These benefits of the proposal are noted. However, due to the scale of the development it is considered that the opportunity to provide additional security and employment is limited. Accordingly, these benefits are not sufficient to outweigh the harm identified elsewhere in this recommendation.

Conclusion and Recommendation

17. In view of the above, the appeal site lies outside the built-up area of Colne but is well-related to the settlement in locational terms. Policy LP9 identifies that development in such locations may be acceptable having regard to other policies of the Local Plan. Of those policies LP10 is of key importance in this case. In line with

the aims of the Framework that policy states that development should recognise the intrinsic beauty and value of the countryside. For the reasons given above, the proposal would cause harm to the character and appearance of the countryside, contrary to the aims of policies LP10, LP11 and LP12 of the Local Plan. It follows that the proposal would not be supported having regard to the second limb of policy LP9. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR