



Appeal Decision

Site visit made on 1 October 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/V0510/W/19/3233356

Land to East of Sunnydene, Pymoor Lane, Pymoor CB6 2EF

- 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 and Mrs B Tidy against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00532/FUL, dated 10 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the erection of a 3-bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in an appropriate location, having regard to the accessibility of services and facilities;
 - the effect of the proposal on the biodiversity of the site; and
 - the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

Location of Development

3. The appeal site forms part of a field on Pymoor Lane, approximately 1km from the village of Pymoor, and 6.6km from Ely. It is an area surrounded by farm land, with sporadic residential and agricultural buildings. The appeal site is located outside of a development boundary and is therefore in the countryside for planning purposes.
4. The Council states that Pymoor has a limited range of facilities, which include a village hall, a sports and social club, a chapel, a recreation playing field and a play area. There are no schools, doctors' surgeries, shops or public houses. The facilities in Pymoor would be approximately 0.5 miles to 0.9 miles away from the proposed dwelling. The Council acknowledges that these are reasonable walking distances, and I agree that these distances would offer the opportunity to walk or cycle. However, the route to travel to these facilities would be on a road subject national speed limit, with no footpath or street lighting. Further there is no bus service to the village. Therefore, future occupants of the

proposed dwelling would be reliant on the private motor vehicle in order to access the majority of services.

5. Accordingly, I find that there is no substantive evidence to demonstrate an exceptional circumstance for a justifiable need for the proposed development in this countryside location. The proposed development would not be in an appropriate location having regard to the accessibility of services and facilities, due to its reliance on the private car. Therefore, in that regard, it would be contrary to policies Growth 2, Growth 5 and Com 7 of the East Cambridgeshire Local Plan (ECLP), adopted April 2015. These policies, amongst other things, seek to set out a sustainable development strategy and ensure that development is designed to reduce the need to travel, particularly by car.

Biodiversity

6. Policy ENV7 of the ECLP (2015) states that all applications for development that may have an effect on biodiversity must be accompanied by sufficient information, including an ecological report. It also states that development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to, or loss of environmental features.
7. The appellants have suggested that the proposal would retain a green corridor for biodiversity to pass through with limited intrusion, and that an appropriately worded condition could secure planting for the site. However, at the time of the Council's determination, an ecological assessment had not been provided, therefore, the Council was not able to establish if any species were present and if so, which mitigation measures would be appropriate. During the course of the appeal the appellants submitted an ecological assessment¹ for the site.
8. The assessment identified that the scattered trees, birds, bats and reptiles in terms of their significance held only local value for the site. The report recommended that small scale mitigation and compensation would be required. This would involve planting of native tree species in a 2:1 ratio, to ensure a positive residual outcome for the habitat of the site. Temporal mitigation measures for both birds and reptiles on site. It also recommended that vegetation clearance of trees should take place outside the bird nesting season (March – August) and a two-stage reptile cut of tall ruderal and poor semi-improved grassland should take place inside the reptiles' active season (March – September).
9. Consequently, I consider that appropriately worded conditions could secure the mitigation outlined in the ecological assessment. Thus, it would ensure that the proposed development would not have a harmful effect on the biodiversity of the site. Therefore, the proposed development would accord with Policy ENV7 of the ECLP (2015) which seeks to enhance and protect biodiversity and ensure appropriate mitigation measures are provided.

Character and appearance

10. The site is rural in character. This is reinforced by the narrow country road and lack of footpath and streetlights. Pymoor Lane is characterised by its open views to both sides of the road. These views are only broken by the mature trees along the road and the existing sporadic development. Whilst there are

¹ Ecological Impact Assessment - Land off Pymoor Lane, Downham, Cambridgeshire, CB6 2EF – RSK ADAS (September 2019)

developments on both sides of the road, some of which are for agricultural purposes, they are well spaced with no distinct pattern or design.

11. The site is a part of a grazing horse field, closely surrounded by other similar grazing fields. There are existing horse stables to one side of the site and agricultural fields in the wider area. There are two residential properties, Sunnysdene and Walnut Cottage, adjacent to the site, one to either side.
12. The proposal would not completely fill the gap that currently exists between Sunnysdene and Walnut Cottage; therefore, the views of the surrounding countryside from the road would not be completely obscured. However, it would still introduce built form into an area where there is currently none, thereby reducing the open aspect of the site. The nature of the site and the limited screening would mean the proposed development would draw the eye and be a prominent feature in the landscape, thus harming the current countryside setting.
13. The proposal would have a garage forward of the front elevation which would conflict with the guidance of the Council's Design Guide Supplementary Planning Document (DGSPD) (2012). A garage in this location would further reduce the openness of the site. The appellants have suggested that the garage could be moved. However, there are no plans showing an alternative location and I must assess the scheme that is before me.
14. The appellants have raised that the neighbouring properties have buildings forward of the front elevations. However, their presence does not automatically make the proposed development acceptable. In any case I do not have the planning status of these schemes before me or the details that lead to their approval and so cannot be sure that the circumstances which led to their development are comparable the scheme before me.
15. The Council has highlighted that there was a previous application² on the site that was refused in part due to the proposal being overly large in scale and the inappropriate features of the dwelling not preserving the countryside location. However, I do not have the details of this before me. Therefore, I afford this little weight and have dealt with the proposal on its own merits.
16. For the above reasons, the proposed development would have a harmful effect on the character and appearance of the site and surrounding area. Consequently, it would be contrary to Local Plan policies ENV1 and ENV2 of the ECLP (2015) and the DGSPD (2012). These policies and guidance, amongst other things, seek new development to protect, conserve and enhance the distinctive character of the area and have regard to the local context.

Other Matters

17. The appellants have stated that the application has received no negative objections. However, a lack of objections does not necessarily mean that the proposal would not cause harm. Consequently, this is not determinative in my considerations.
18. As the site is located within 5 km of the Ouse Washes Ramsar site, Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC), Chettisham Meadow SSSI, and Ely Pits and

² Planning application reference 17/00546/FUL

Meadows SSSI, the Habitat Regulations³ require an assessment to be undertaken, as to whether a proposal would be likely to have a significant effect, on the interest features of a protected site. The proposed development has the potential to result in an effect on these designations. However, the Council has confirmed that the proposed development would not have a significant impact on the above designated site. Furthermore, I have already identified harm to the character and appearance of the area and location of development, as such there is no need to examine this further.

Planning Balance

19. The Council has confirmed that it cannot currently demonstrate a 5 year housing land supply as required by paragraph 73 of the National Planning Policy Framework (the Framework), with its land supply currently being 3.70 years⁴. Therefore, the relevant policies of the development plan are considered to be out-of-date. As a consequence, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is engaged. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. I acknowledge that the proposed development would provide an additional house which would be a social benefit. There would also be economic investment from both its construction and subsequent occupation and future spending, although the nature of these benefits would be limited due to only one dwelling being proposed. In terms of addressing the Council's housing land supply shortfall, the proposal would only have a very limited impact. However, there would be environmental harm from the reliance on the private motor vehicle to access shops and services.
21. Therefore, taking into account all matters, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, and as such, the proposed development would not constitute sustainable development.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR

³ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)

⁴ Five year Land Supply 1 April 2019 to 31 March 2024 – East Cambridgeshire District Council (June 2019)