
Appeal Decision

Site visit made on 19 November 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/V0510/W/19/3235606

Land north of 3 Main Street, Wentworth, Ely, Cambridgeshire CB6 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to outline grant planning permission.
 - The appeal is made by Mr David Lee against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00329/OUT, dated 5 March 2019, was refused by notice dated 14 June 2019.
 - The development proposed is erection of up to 2 new self-build plots and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was in outline, with all matters reserved except for access. I have had regard to the site layout plan (drawing no 414/SK/01), but have considered all elements of this as indicative, apart from the details of the access.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of No 3 Main Street, with particular reference to noise.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 3 Main Street and is used by the owners as outdoor space and paddock land. The site is mainly grassed with fencing at the boundaries. The proposed development would subdivide the land and create a new boundary around the appeal site. A section of land would remain between the proposed development and the other neighbouring properties. The wider area around the site is predominantly agricultural fields. There is a play area and other dwellings visible from the site, some of which appear to be a similar depth away from the road. Overall, the area has a rural character, and although the dwellings in the area are of a variety of sizes and styles, they are largely set out in a linear pattern along the road.

5. Policy GROWTH 2 of the East Cambridgeshire Local Plan (ECLP) (2015) seeks to focus new development within defined settlement boundaries. The proposed dwellings would be positioned behind the existing pairs of semi-detached properties and be set back from the road. The proposal would have an access from the road running alongside, and to the rear of No 3. The site is largely located outside the defined settlement boundary of Wentworth. Therefore, the majority of the site is in the countryside in planning policy terms. The proposed development, whatever its scale, would result in the urbanisation of the site which is currently open and spacious and free from development.
6. Policy ENV 2 of the ECLP (2015) requires, amongst other things, that developments are designed to a high quality and have regard to the local context and local distinctiveness. Despite the varied pattern of development in the village, it is generally characterised by spacious linear housing on single plots depths. Whilst I note there are other developments visible, they are closer to Church Road, where development is more prominent and clustered. The proposed development would be in an area where the presence of housing is less frequent making it more rural and open.
7. Due to the open field and play area adjacent to the site, the proposed development would be readily visible from the road and would be in contrast to the existing pattern of the adjacent properties. Therefore, it would be at odds with the existing street scene in this area. I note the presence of the A142 which sits within the wider context. However, it is some distance from the site and it does not reduce the harm of the proposal on the rural character of the site and surrounding area.
8. The appellant has highlighted other planning permissions and appeal decisions which they consider to support the proposed development in this location. I note that some of them are nearby to the site or were in rural locations. However, I do not find the circumstances which led to their approval to be directly comparable. The example of the dwelling within the garden of Sunnycroft¹ is not in an open area such as this, nor is the proposed development a low energy and innovative example of development². Although the development on College Farm was also for self-build plots, there was an existing building already on the site and the proposal was a small development of dwellings within the site, therefore, the effect would not be harmful to the rural character as it is in this case. In any event, I have determined the appeal on its own merits and within its own context.
9. The appellant has suggested that appropriate screen planting could be conditioned to assimilate the development. However, this would not overcome the harm that I have identified above, and landscaping cannot be considered a permanent feature.
10. For the reasons set out above, the proposed development would significantly harm the character and appearance of the area. Therefore, it would be contrary to Policy ENV2 of the East Cambridgeshire District Local Plan (ECDLP) (2015). This policy, amongst other things, seeks new development to be designed to a high quality, enhancing and complementing local distinctiveness and have regard to the local context.

¹ Planning application reference 15/01567/FUL

² Planning application reference 17/00786/FUL

Living conditions

11. The proposed development would have access via an access route alongside the boundary of No 3. The current access is gravelled, and the layout plan shows that the proposed access from Main Street would be tarmacked for the first 10 metres. It is not clear from the plans what the remaining material would be. However, the material of the remaining section of the access route could be conditioned, which would ensure that vehicle movements to the proposed developments would not cause significant harm to the living conditions of No 3.
12. The building of No 3 and the access route would be separated by the existing garden area. Whilst there are no windows to the eastern elevation of No 3, vehicle movements would be noticeable while inside the property. However, the extent of the noise and disturbance would be unlikely to be intrusive or excessive. The appellant has suggested that the current access has no restrictions on it in terms of vehicle movements. In addition, two dwellings on this site would only have limited vehicles movements, and the impact of noise from vehicles serving the proposed dwellings would not have a significant detrimental impact on No 3.
13. For the reasons above the proposed development would not adversely affect the living conditions of the No 3 with particular reference to noise. Therefore, it would accord with Policy ENV2 of the ECDLP (2015). This policy, amongst other things, seeks new development to have regard to public amenity by relating well to existing features and introducing appropriate new design.

Planning balance and conclusion

14. The Council has confirmed that it cannot currently demonstrate a 5 year housing land supply as required by paragraph 73 of the Framework, with its land supply currently being 3.70 years³. 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.
15. I acknowledge that the proposed development would provide additional houses which could be for families and are self-build plots, which would be a modest benefit. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the two houses. The two new houses would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. I also note that the houses would be built to modern sustainable standards and potentially could be built out faster as self-builds. However, the proposal is only for two dwellings, therefore, the nature and scale of these benefits would be very limited. I note in the appeal⁴ provided by the appellant that the boost to the housing supply was given significant weight. However, I have assessed this proposal on its

³ Five year Land Supply 1 April 2019 to 31 March 2024 – East Cambridgeshire District Council (June 2019)

⁴ APP/V0510/W/19/3227052

own planning merits, and the benefits need to be balanced against the significant harm to the character and appearance of the area, which I have found above.

16. The lack of objections does not necessarily mean that harm does not exist, and I have made my own judgment on the evidence and the proposal before me. In terms of the previous planning application and the changes made to it, this is not determinative, as I have assessed the proposal as submitted. I also note that the appellant's community work has been raised. However, personal circumstances are rarely determinative and whilst commendable, they do not alter my findings on the planning considerations of the proposal. Therefore, these are neutral in the planning balance.
17. Taking into account all matters, I conclude that the adverse impact of the development would significantly and demonstrably outweigh the benefits, and as such, the proposed development would not benefit from the presumption in favour of sustainable development.
18. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR