



Appeal Decision

Site visits made on 20 November and 9 December 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/V0510/W/19/3232135

Land to rear of 6-12 High Street, Aldreth CB6 3Q

- 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 P J Lee and Sons against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01363/OUT, dated 28 September 2018, was refused by notice dated 4 April 2019.
 - The development proposed is: Outline planning application with all matters reserved except access for the erection of six self-build plots (up to 16,000sqft excluding garages) on land to the rear of 6-12 High Street, Aldreth.
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Decision

The appeal is dismissed.

Procedural Matter

1. The application to which the appeal relates has been made in outline. Means of access is submitted as part of the application whilst layout, appearance, scale and landscaping are reserved matters.
2. The appeal is accompanied by a Unilateral Undertaking in relation to the cessation of operation of plant for drying potatoes at the farm near to the site.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area with particular regard to the landscape setting of the site and the pattern of development in the settlement of Aldreth; and
 - the living conditions of the occupiers of properties close to the site with particular regard to outlook and light.

Reasons

The effect of the proposal on the character and appearance of the area

4. The site is located to the rear of residential properties on High Street, bordered by residential properties to the north east including a recently completed dwelling, De-Freville Farm to the south west, and to the north west by open countryside. The site rises slightly away from High Street, is currently

- untended grassland and can be accessed on foot via a gap in the hedgerow on Tinkers Lane, a bridleway running along one side of the site.
5. The proposed layout submitted with the appeal is illustrative only, however it shows 6 houses arranged in a crescent shape, with access via Tinkers Lane. There is a detailed plan showing the access from High Street via the lane.
 6. In terms of the setting of the village, the site is not an especially prominent feature in the landscape. However, the existing undeveloped state of the land provides a finger of countryside extending into the village, even though views from High Street are limited to the immediate area where the lane meets the road, and by the presence of the hedgerow. Despite these factors, and even though the scale, layout and design of the development has yet to be determined, the proposal would have a significant visual presence, not only through the built form of houses but also other factors such as the access works, lighting, fencing and other domestic paraphernalia. There would be a significant loss of rural character through the urbanisation of countryside close to the village.
 7. The overall pattern and form of the village is mixed. The area close to the site remains largely linear in form. To the southern end of the village, the pattern becomes more clustered, with development at depth away from the High Street such as The Borough, Meadowbrook, Sand Lane and Hereward Close. The appeal proposal would result in a more clustered form of development towards the northern end of the village, resulting in some change in character in the immediate locality, even though there has been the recent development 'at depth' in the form of the new house to the rear of no 4A High Street. It is also apparent that there have been some other recent examples of infill development elsewhere within the village.
 8. The site lies outside of the village envelope in the Local Plan. It has been suggested that the development would be a 'rounding off' of the settlement, but the gap between the new dwelling which has been built to one side of the site, and the farm buildings to the other, is significant and I do not consider that the proposal can reasonably be described as infill, or that there is any merit in 'rounding off' the settlement at this point. The extent to which the proposal would intrude into the open countryside is limited by the relationship of the site to the existing built development, but it would nonetheless be an encroachment into countryside.
 9. In its statement of case, the Council relies on Policies GROWTH2, ENV2, and HOU2 of the Local Plan to support its objection to the proposal. In my view Policy ENV1, which seeks to protect and where possible enhance the edge of settlements and the landscape setting remains relevant. Policy GROWTH2 is of relevance since it permits development in villages with a defined envelope provided there is no adverse effect on the character of the area. The appellant has not disputed that this policy is of relevance in his response to the Council's statement.
 10. Local Plan Policy HOU2 refers to the density of development, and ENV2 to design. Given that the proposal is in outline only, both these matters remain a matter for future determination, therefore these policies are of limited relevance to this main issue.

11. I therefore conclude that the proposal would cause harm to the character and appearance of the area, its landscape setting and pattern of development and would conflict with Policies GROWTH2 and ENV1 of the Local Plan. Insofar as the Policies seek to achieve good design and protect the countryside, they are broadly consistent with Framework and may be regarded as up to date.

The living conditions of the occupiers of properties close to the site

12. The site adjoins existing 1 and 2 storey houses on High Street. Some of these have an open aspect, with very short rear gardens and low boundary enclosures, permitting views from ground floor living rooms across the site. Other properties have longer rear gardens and are screened from the site by a substantial hedgerow. In the case of the houses without this screening the development of the site would inevitably cause some loss of outlook. The Council's reason for refusal also refers to loss of light, however unless houses were to be proposed very close to the rear boundaries of these properties, there would be no significant effects in this regard.
13. One resident neighbouring the site has protected characteristics under the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, and relies on rear facing rooms for much of the day-to-day living environment. He objects to the proposal on a number of grounds including loss of outlook and green space, and noise which he is sensitive to. I have visited the property and considered the circumstances of the resident with due regard to the Equality Act. In so doing, I acknowledge the benefits to the neighbour of having an open aspect to the rear of the property, and that the disturbance during the construction phase of any development might cause some distress.
14. However, if attention were to be given at the reserved matters stage to the layout and design of any new houses within the proposal, and construction activities carefully controlled, the effects on the living conditions of neighbours could be limited to an extent that they would be within normally accepted tolerances. The Council's Design Guide 2012 sets out clear guidance on how acceptable proposals can be achieved and I see no reason why it would not be possible to arrive at an appropriate design for the proposal at a later stage in this respect.
15. In an effort to provide some reassurance to the occupiers of properties near to the site, a parameters plan has been submitted which shows both a landscape buffer and 'no development zone'. Whilst it has been suggested that the buffer zone could in the future be a nuisance if not maintained and even restrict outward views from the neighbouring properties, in principle the provision of such a buffer would safeguard some of the outlook for existing residents. However, the future maintenance of such a buffer would be a matter for the landowners, and not in my view something which can be secured in the longer term via a planning condition.
16. I therefore conclude on this main issue that the proposal would not lead to harm to the living conditions of occupiers of properties in terms of loss of light and outlook. The proposal, although only in outline, in relation to this main issue complies with Policies GROWTH5 and ENV2 of the East Cambridgeshire Local Plan 2015 which, amongst other things, require that new development does not significantly harm the living conditions of nearby occupiers, and that the policies in the Framework should be met, which include providing a high standard of amenity for existing and future users. Insofar as the Policies seek

to achieve good design and ensure that development improves economic, social and environmental conditions they are broadly consistent with Framework.

Other matters

17. At the present time there is a potato store within the farm which lies to the other side of the lane. Noise from the cooling and ventilation plant at the store could possibly affect the living conditions of future occupiers. A Unilateral Undertaking (UU) has been provided to require that no dwelling would be occupied until the cooling and ventilation plant has ceased to operate and that no further such plant would be brought into use without the consent of the Council.
18. The UU has been submitted to overcome a reason for refusal in a previous application¹ but I have limited evidence to demonstrate why the restrictions which would be imposed are necessary. The Council's Environmental Health Officer states only that he would have concerns about the proximity to a working farm which creates agricultural noise and odour, but there are no recent complaints and there are existing residential dwellings of comparable distance away to those proposed. He would expect the future occupiers to take in to consideration the rural nature of the environment which does include seasonal out-of-hours work and noise.
19. At the application stage, a letter was received from a resident living near to the site which stated, amongst other things, that new fans have been installed at the farm which can operate over a lengthy period of time, including on some summer nights when windows have to be kept closed to avoid noise disturbance.
20. Based on this limited evidence, I am not able to find unequivocally that the undertaking satisfies the Framework tests² in terms of being necessary in order to make the development acceptable. However, given my overall conclusions on the proposal it is unnecessary for me to reach a final view on this matter.
21. It has been brought to my attention that another proposal for housing development in Aldreth was subject to an appeal decision in March this year³. In that case the Inspector considered the benefits which the proposal would bring to be of moderate weight, but the adverse impacts would cause significant harm to the character and appearance of the area. He considered that the impacts in that case would conflict with Framework Paragraphs 127 and 170 and would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I have been provided with no details of this other proposal, nor have the main parties commented on it. The proposal in this appeal must be decided on its merits and I attach limited weight to the existence of this other decision.
22. Other matters which have been raised include the effect that the proposal would have on the public bridleway and additional traffic within the village; possible loss of privacy to neighbouring properties; concerns about the loss of grassland and part of the hedgerow in ecological terms; possible impacts on flooding and drainage; a suggestion that the self-build nature of the proposal

¹ Local Planning Authority reference 17/01548/OUT dated 19 October 2019

² National Planning Policy Framework February 2019, Paragraph 56

³ Appeal reference APP/V0510/W/18/3215136 – Land North East of Number 1 High Street, Aldreth CB6 3PQ

could lengthen the construction period and result in inconsistency of design; concerns about arrangements for waste collection; light pollution from car headlights; and suggestions that the site is not in a suitable location for new housing given absence of a shop and other services apart from the village hall and that public transport is limited to one bus a week. I note these matters but my decision is based on the main issues I have identified.

Planning Balance

23. The proposal would make a modest contribution to the supply of housing within the area. At the time the appeal was made, the Council stated that it was only able to demonstrate a supply of 3.7 years. The Council acknowledges that the contribution should be given considerable weight in social terms⁴. Having regard to the significant level of the shortfall in supply, the development would bring social benefits in helping to provide homes to meet local housing needs. Given the size of the development there could be a reasonable expectation that the development would be brought forward quickly. The houses would be self-build, helping to satisfy the demand for such housing. Economic benefits arising from the proposal would include the employment created during construction and the contribution to the local economy from the spend on local goods and services by future occupiers. In environmental terms the location of the proposal on the edge of a settlement would limit the impact on the surrounding countryside but I am unable to see there being any other direct benefits in this respect.
24. 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 some of the relevant policies of the Local Plan with regard to its effect on the character and appearance of the area.
25. The absence of a five year housing land supply engages the presumption in favour of development and the combined social, economic and environmental benefits arising from the development which I have considered above, must be weighed in the planning balance. However, these benefits would be modest, especially when considering the scale of the proposal against the Council's annual target for housing supply of 575 dwellings⁵, and would not outweigh the harm I have identified that would be caused to the character and appearance of the area.

Conclusion

26. Taking the above matters into account, and the other matters raised, the appeal is dismissed.

Tim Wheeler

INSPECTOR

⁴ Council Statement of Case, paragraph 2.43.

⁵ Source – East Cambridgeshire District Council Five Year Land Supply 1 April 2018 to 32 March 2023 published November 2018