The Planning Inspectorate

Appeal Decision

Site visit made on 11 December 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/V0510/W/19/3237095
Gosling Cottage, 165 The Street, Kirtling CB8 9PD

- 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 Godfrey (Hamilton Developments (Newmarket) Ltd) against the decision of East Cambridgeshire District Council.
- The application Ref 18/01303/FUL, dated 17 September 2018, was refused by notice dated 8 August 2019.
- The development proposed is demolition of existing cottage and outbuildings and the erection of 6 no. dwellings with 2no. crossovers, shard surface access road and associated works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) with this appeal which was not considered by the Council when they made their decision on the planning application. The Council have seen the LVIA and commented on it as part of this appeal. The submitted LVIA does not alter the nature of the proposal and I am satisfied that interested parties have not been prejudiced. I have taken the LVIA into account in reaching my decision.

Main Issue

3. The main issue in this case is whether or not the appeal site is an appropriate location for the proposal, having regard to the development plan, and the character and appearance of the area.

Reasons

4. The appeal site comprises a roughly rectangular parcel of land which fronts The Street. It is occupied by a derelict cottage and several other buildings and structures along with areas of grass, vegetation and trees.

5. Both main parties suggest that two of the six dwellings proposed would lie outside the defined development envelope of Kirtling. However, having cross referenced the submitted plans which show the layout of the proposal, with the Council's policy map which depicts the extent of the development envelope[1], it appears that two of the proposed dwellings and part of a third dwelling would be located outside the development envelope. The ambiguity of the

[1] East Cambridgeshire Local Plan 2015 Policies Map Kirtling and Kirtling Green (Inset Map 8.21)

development envelope boundary line shown on the policy map makes an accurate comparison difficult. Nonetheless, regardless of whether or not more than two dwellings would be proposed outside the development envelope, I agree with the overall conclusions set out by the main parties that most of the built form proposed would be within the development envelope of Kirtling.

6. Having regard to the aforementioned, part of the appeal site lies within the countryside for the purposes of planning policy. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (the Local Plan) defines the Council's locational strategy for new developments. It states that within the defined development envelopes housing to meet local needs will normally be permitted, whereas outside defined development envelopes development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.

7. Kirtling is made up of several groups of dwellings which are located on either side of The Street. Some of the dwellings are arranged in small clusters, whilst others have a more linear layout with varying degrees of set-back from the road. Therefore, the street retains a generally linear appearance, with small cul-de-sacs occupying several pockets along the street. The prominence of landscaping and the presence of expansive front gardens gives the area a pleasant and verdant rural village feel.

8. On my site visit I walked the full length of the public footpath which runs generally south east to north west, linking Malting End with The Street, with part of it running adjacent to the appeal site. Even from a distance the presence of three recently constructed dwellings[2], along with several other properties located generally to the south west of the appeal site, was notable. Accepting that the recently constructed dwellings may become less visible over time pending the realisation of any rear boundary planting, the existing properties define a distinguishable building line, clearly visible from the wider countryside.

9. In respect of the appeal site, it was apparent when approaching it along the footpath from the south east that the proposed dwellings would be well screened by existing trees, even during the months when leaf and vegetation cover is generally sparser. Obtainable views would be mainly limited to glimpses of the built form in between gaps in the trees and vegetation. Similarly, whilst the public footpath lies close to the appeal site boundary in places, a substantial buffer of scrub and vegetation would provide a barrier, significantly curtailing views of the proposed development from this part of the footpath. Overall, my observations tie in with the findings of the appellant's LVIA, which concludes that overall a limited landscape and visual impact would arise from the proposed development.

10. From the street I was able to see several examples of small cul-de-sac type residential developments, each one being fairly 'shallow' in terms of its depth and overall projection into the countryside. Like the other dwellings proposed, the two facing the street would include several traditional architectural features and an overall design which would reflect and contribute to the character and distinctiveness of the area, contributing to the street-scene. Furthermore, the rearmost dwellings proposed (plots 5 and 6) would not extend significantly beyond the rear boundaries of other properties in the area, and the overall

[2] East Cambridgeshire District Council planning reference – 16/01188/FUL

appearance of the development would be less conspicuous in the countryside than existing housing close by.

11. Therefore, in response to the Council's first reason for refusal, and having regard to my foregoing observations, the scale, bulk and massing of the dwellings and other buildings proposed would not unacceptably impact on the appearance of the area or the wider countryside.

12. However, notwithstanding the lack of visual harm, the character of an area is defined by the sum of all the qualities which distinguish it. In this regard, the submitted red-line boundary plan and site location plan includes an extensive, elongated area of land which would extend to the rear of the dwellings associated with plots 5 and 6. There is nothing on the submitted layout plans to denote the rear boundaries of these plots, although the appellant has confirmed that both plots would benefit from extensive rear gardens which would ensure that the majority of the site remained open in perpetuity. Moreover, given this land is included within the appeal site, and the red-line boundary encompasses all the land to which the proposal relates, allowing this appeal for housing would necessarily authorise the use of all the land within the red-line boundary for the same purpose.

13. I appreciate that this land mainly comprises a former paddock, semi-improved grassland and other vegetation and trees. However, there would be nothing to prevent it from being used as outdoor amenity space in connection with the proposed dwellings. Consequently, the development would extend well beyond the rear boundaries of any of the properties on this side of The Street, and even though I find that the layout, scale and form of the buildings proposed in relation to the appearance of the surrounding area would be acceptable, the overall encroachment of the development into the countryside would be out of kilter with the more contained pattern of built form present locally.

14. Whilst the erection of outbuildings and structures for domestic purposes could be prohibited by the removal of permitted development rights, domestic paraphernalia such as seating, washing lines, children's play equipment and formal garden landscaping could not be effectively controlled in this manner. The use of the entire appeal site for the purposes of housing would represent a significant permanent encroachment into the countryside which would diminish the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character.

15. In conclusion therefore, I find that the appeal site would not be an appropriate location for the proposal, having regard to the development plan, and the character and appearance of the area. The proposal would be an inappropriate form of development in the countryside and would be in conflict with Policies ENV1 and ENV2 of the Local Plan which require, amongst other matters, that developments make efficient use of land and have a complementary relationship with existing development by protecting the settlement edge, the space between settlements and their wider landscape setting. Moreover, the development would not be sympathetic to local character, contrary to paragraph 127 of the National Planning Policy Framework (the Framework).

Other Matters

16. I am aware that several buildings within the village are listed, including the Grade II listed former Beehive Inn which lies generally opposite the appeal site.

However, the two dwellings proposed closest to the street would be significantly set-back from it and would include an element of screening which would ensure no adverse impact on the setting of this listed building. Furthermore, I find no harm to the significance of listed buildings in the area.

17. Objections have been made by third parties including, but not limited to, concerns relating to highways, ecology, foul and surface water drainage, wildlife and the impact the development would have on neighbouring living conditions. However, it has not been necessary for me to consider these matters further as I am dismissing the appeal for the reasons given.

Planning Balance and Conclusion

18. Paragraph 11 of the Framework states at '(d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a five year supply of deliverable housing sites), 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.' Regardless of the extent of under-delivery of housing over the last few years, there is no dispute between the main parties that the Council can only demonstrate a 3.7 year supply. To my mind this represents a significant shortfall in light of the Framework's requirement for local authorities to provide a five-year supply of deliverable housing sites.

19. A large extent of the development would be outside of the development envelope and at odds with the prevailing character of the area, contrary to Policies ENV1 and ENV2 of the Local Plan. In light of the Council's housing land supply position, paragraph 213 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. The countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework. Even taking account of the objective of significantly boosting the supply of homes and the Council's supply position, the conflict between the proposal and the relevant parts of Policies ENV1 and ENV2 of the Local Plan should be given significant weight in this appeal.

20. Set against the harm identified there would be social, economic and environmental benefits associated with the development. The development would provide six additional houses which would boost the supply of housing in the area and generate employment opportunities during construction, and through the employment of local services for the upkeep and maintenance of the houses when occupied. Furthermore, the houses would be designed so as to be energy efficient and additional environmental benefits would include enhancements to encourage biodiversity across the site and new diverse landscaping and planting. It is also proposed to culvert/pipe the existing drainage ditch which runs alongside the adjacent public footpath, along with post and rail fencing and planting alongside the footpath designed to improve the access for all to the countryside. In connection with the relatively small number of dwellings proposed, these benefits attract modest weight in favour of the development.

21. Consequently, I conclude that the adverse impacts on the character of the area would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

22. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Matthew Woodward

INSPECTOR