
Appeal Decision

Site visit made on 8 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/V0510/W/19/3238115

Land South of Units 4 and 5, 94A Hillrow, Haddenham CB6 3TJ

- 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 Mr Everitt against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01277/OUT, dated 13 September 2018, was refused by notice dated 28 March 2019.
 - The development proposed is outline planning application for a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at Land South of Units 4 and 5, 94A Hillrow, Haddenham CB6 3TJ, in accordance with the terms of the application, Ref: 18/01277/OUT, dated 13 September 2018, subject to the conditions set out at the end of this decision.

Procedural Matter

2. The appeal proposal is for outline planning permission with the detailed matters of access, appearance, layout, scale and landscaping reserved for future approval. I shall consider the appeal on this basis.

Main Issue

3. The main issue is whether or not the appeal site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

4. The appeal site is situated outside of any defined development framework boundary and thus in the countryside as defined in local planning policy terms. Hillrow is a route that leads directly to the centre of Haddenham to the east, which is a large village that contains a range of services and facilities including shops, a school, a surgery and local bus services.
5. Whilst the site is not isolated in the sense that it is already neighboured by existing developments situated upon adjacent sites, it is located over a kilometre from Haddenham's development framework boundary and the village's various facilities and services. Thus, even though Hillrow is served by a footway, either walking or cycling into the village in order to serve day-to-day needs would be unlikely to represent a greatly attractive option for the

proposed dwelling's future occupiers. Therefore, the site's location would be likely to promote unsustainable transport choices.

6. That said, the National Planning Policy Framework (February 2019) (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making. Indeed, it must be noted that relatively short journeys (by private car or otherwise) would be necessitated in order to access the relatively wide range of facilities and services that are on offer in Haddenham. Furthermore, the footpath that is in place, which runs along relatively level ground, would offer future residents the option to access the village safely on foot should they desire to do so.
7. Nevertheless, the scheme would cause some harm by virtue of the site not representing an appropriate location for housing, having particular regard to access to facilities and services. The proposal conflicts with Policies GROWTH2 and COM7 of the East Cambridgeshire Local Plan (April 2015) (the Local Plan) in so far as these policies state that development will be strictly controlled in the countryside and that development should be designed to reduce the need to travel, particularly by car.

Other Matters

8. The development pattern along Hillrow is irregular with buildings being set across an array of different footprints and at a variety of distances back from the highway. Whilst full details of the development's intended appearance, layout and scale would become apparent at detailed planning stage, I am content that the site could appropriately accommodate a single dwelling without causing undue harm to the character and appearance of the surrounding area. I note that neither has the Council raised concerns in this context.
9. I am also satisfied that a detailed proposal could be brought forward whilst being sympathetic to the living conditions of neighbouring residential occupiers and that the site would offer the opportunity for a new access (with associated visibility splays) and off-street car parking to be installed. Full details would become apparent through (a) future reserved matters application(s).
10. Various appeal decisions and planning decisions relating to sites elsewhere have been referred to in the evidence before me. However, these other schemes/sites have differing characteristics to the appeal scheme/site and are thus of limited relevance to my considerations here. I also note that a previous application for a single detached dwelling at the appeal site was refused planning permission in 2017. For the avoidance of doubt, I have considered the current scheme on its own merits and in accordance with the evidence that is before me at this point in time.

Planning Balance

11. The Council has confirmed that, notwithstanding planning permissions that they have recently granted for residential development elsewhere, a five-year supply of housing land cannot currently be demonstrated in the District. Indeed, the Council has identified that a 3.7-year supply can currently be identified, which represents a significant shortfall.

12. The Framework is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
13. I have identified conflict with Policy GROWTH2 of the Local Plan. Whilst this outlines a locational strategy for development, it acts to restrict the supply of housing. When considering the current housing land deficit, I apportion the scheme's conflict with this policy and the associated harm only limited weight.
14. I have also identified conflict with Policy COM7, which is broadly consistent with the Framework in so far as it seeks to encourage movements by means other than the private car. Nevertheless, the policy acknowledges that appropriate forms of sustainable transport shall vary between particular locations and the Framework recognises that opportunities to maximise sustainable transport solutions will be limited in rural areas when compared to urban areas. When considering the small scale of development under consideration, the relative proximity of the site to Haddenham and the potential for future occupiers to walk to and from the site along a defined pathway, I apportion only moderate weight to the conflict I have identified with Policy COM7 and to the associated harm.
15. Turning to the schemes benefits, it would deliver an additional residential unit in a District where there is currently a significant shortfall in the supply of housing land. Whilst merely a single unit, this represents a meaningful contribution in such circumstances, and I apportion this benefit of the scheme moderate weight. The proposal would also generate jobs and investment during the construction phase and expenditure in the local economy and support for local community facilities in the area once occupied, these are benefits that attract limited weight given the modest scale of development under consideration. Considering the small size of the site, any ecological benefits brought about through additional landscaping would also be limited.
16. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harm and policy conflict that I have identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The appellant has disputed the Council's claim that it is able to identify a 3.7-year supply of housing land and has suggested that the shortfall is in fact even more significant than this. However, noting my findings above based on the Council's supply figure, it is not necessary for me to further explore the District's housing land supply position here. The presumption in favour of sustainable development, as set out in the Framework and Policy GROWTH5 of the Local Plan, applies.
17. Notwithstanding the identified conflicts with Policies GROWTH2 and COM7 of the Local Plan, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

Conditions

18. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant in writing and where necessary to guide initial works on site.
19. In the interests of certainty, a condition specifying the approved plans and documents is required. In the interests of safeguarding the living conditions of future occupiers of the development and of seeking to guard against pollution, conditions are reasonable and necessary to secure that potential contamination is properly investigated, monitored and remediated (where necessary) before and throughout the construction phase of development.
20. In the interests of guarding against flood risk and of protecting water quality, it is both reasonable and necessary to impose a condition securing full details of how surface and foul water shall be disposed of as well as the subsequent retention of these measures. I am content that the site, being relatively generous in its extent, is capable of accommodating drainage solutions.
21. In the interests of protecting and enhancing biodiversity at the site, a condition is reasonable and necessary that requires a scheme of relevant improvements to be formulated and implemented. A further condition to control the hours of construction work is both reasonable and necessary in the interests of safeguarding the living conditions of nearby residential occupiers.

Conclusion

22. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2) The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters to be approved.
- 3) Development shall be carried out in accordance with the following plans and documents: Location Plan (September 2018); Preliminary Ecological Appraisal (October 2018); Tree Survey and Arboricultural Impact Assessment (September 2018).

- 4) No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originated on the site, has been undertaken. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and (iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeframe for implementation. The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as approved in writing by the Local Planning Authority.
- 5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing to the Local Planning Authority within 24 hours and no further work shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before work recommences. The necessary remediation works shall be undertaken and, following completion of the measures identified in the approved remediation scheme, a verification report shall be prepared and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- 6) No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the dwelling hereby permitted and shall be maintained in accordance with the approved details at all times thereafter.
- 7) Prior to the first occupation of the dwelling hereby permitted, a scheme of biodiversity improvements shall be submitted to and agreed in writing by the Local Planning Authority. The biodiversity improvements shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained in perpetuity wherever feasible to do so.
- 8) Construction times and deliveries, with the exception of works to fit-out the dwelling internally, shall be limited to the following hours: 0730-1800 Monday to Friday, 0730-1300 on Saturdays and none on Sundays and Bank/Public Holidays.