
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/19/3237032

Land at Hod Hall Lane, Haddenham, Ely, Cambs CB6 3UX

- 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 & Mrs T Underwood against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00046/OUT, dated 8 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is 2no. proposed dwellings (phased development).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is for outline planning permission with access, layout and scale to be determined at this stage and with the detailed matters of appearance and landscaping reserved for future approval. Whilst not formally part of the scheme, I have treated the details submitted with the appeal application relating to the matters reserved for future approval as a guide to how the site might be developed.
3. An Ecological Impact Assessment (July 2019) (the EIA) has been submitted by the appellant in response to the Council's third reason for refusing planning permission, which relates to no ecological information having been provided at planning application stage. I am conscious that the appeal process should not be used to evolve a scheme. However, in this instance, I am satisfied that the Council has had ample opportunity (at appeal stage) to fully consider the EIA's findings and recommendations and that no party would be prejudiced by me accepting the EIA as new evidence. Indeed, I note that no other interested party raised ecological concerns at planning application stage.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon highway safety; and
 - The effect upon biodiversity.

Reasons

Character and appearance

5. The appeal site is situated outside of any defined development envelope and thus in the countryside as defined in local planning policy terms. Except for dilapidated single-storey buildings situated close to Hod Hall Lane (the Lane), the site is clear of built development. The development pattern along the Lane is sporadic. Existing developments tend to be irregularly spaced and interspersed by areas of undeveloped land and notable elements of soft landscaping. Indeed, a streetscene of green and semi-rural character was very much in evidence during inspection.
6. The proposal would introduce two generously scaled 2-storey dwellings in place of the existing dilapidated structures. The proposed dwellings, whilst intended to be setback from the Lane, would cover notable built footprint areas. An additional access point to the Lane would be added alongside on-site parking areas to the dwellings' frontages. The scheme, most particularly due to its built height, would have visual prominence and an urbanising influence in this countryside location. Whilst it is proposed that existing landscaping be retained where possible and supplemented by new planting (the full details of which would become apparent at reserved matters stage), this could not be relied upon to provide a solid screen to views of the development. Indeed, any new planting would take time to properly establish.
7. I fully acknowledge the presence of existing residential development at various points along the Lane and note the appellant's reference to recently granted permissions for further development in the site's vicinity, including a 2017 outline consent¹ for up to four dwellings adjacent to the appeal site. When noting these factors and their associated current and anticipated future influences, the degree of harm that would be caused by the proposal to the character and appearance of the Lane would not be severe. Nevertheless, the proposal would introduce visible and urbanising development that would further weaken the Lane's continuing semi-rural qualities.
8. For the above reasons the proposal would cause harm to the character and appearance of the area in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (April 2015) (the Local Plan) in so far as these policies require that all development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs, and will protect, conserve and, where possible, enhance the pattern of traditional landscape features and the unspoilt nature and tranquillity of the area.

Highway safety

9. The Lane is a single lane route that is not served by a footway. It is not a metalled road and it was apparent from inspection that a robust and durable hard surface is not in place. Instead, whilst compacted, a somewhat muddled and soiled outer surface could be observed. The Lane already provides access to various developments and little in the way of formalised opportunities for vehicles to pass each other are in place. The proposal, which would introduce

¹ 17/01411/OUT

two new units of living accommodation, would be expected to result in relatively regular additional traffic movements taking place along the Lane.

10. The Highway Authority (the HA) has raised objections to the proposal and this is a matter of importance as they are responsible for the safety of road users on the local highway network. They consider that the Lane, in terms of its construction, restricted width and lack of passing places, is inadequate to serve the development. Indeed, they have commented that the proposal would be likely to lead to the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety and have confirmed that they have no plans in place to widen or upgrade the Lane.
11. As referenced above, outline planning permission was granted in 2017 for the construction of four dwellings upon the adjacent site. However, it is apparent that the adjacent site's former use as a builder's yard, and the associated commercial vehicle movements that would be offset, factored prominently in the reasoning for that decision. The same arguments do not apply in the case of the appeal site, which I understand was historically used for now abandoned storage purposes.
12. The appellant has suggested that a planning condition could be imposed to secure that a grass verge area to the site's frontage is tarmacked for future use as a passing/turning space. However, any such installation would be of limited length in the context of the Lane (taken as a whole) and the land in question falls outside of the red-line extent of the appeal site such that, based on the evidence before me, there is no certainty that any such works could ultimately be implemented. Whilst existing access points along the Lane have been pinpointed by the appellant as serving as unofficial laybys, these are limited in extent and number and are, in any event, in private ownership such that their continued accessibility cannot be guaranteed.
13. The Lane's junction with Lode Way incorporates a turning radius to each of its sides such that visibility is provided in both directions when exiting the Lane. It is also the case that each private access point to each of the newly proposed plots would be expected to incorporate good levels of visibility. However, the concerns raised by the Council and the HA are not focused in these particular areas.
14. The appellant has stated that, should the appeal site be built on, there would be no room for any further development on the Lane. Even if this were the case, such circumstances in themselves do not provide justification for promoting additional traffic flows along the Lane. Indeed, each case must be considered upon its own individual merits.
15. Having fully considered all relevant evidence before me and factored in my own on-site observations, I do not consider that the Lane is of appropriate specification to accommodate the additional traffic that would realistically be expected to be generated by the proposal. Indeed, it is evident that the Lane already serves numerous properties and there would be an increased likelihood of conflict occurring between users of the Lane at various points, most pertinently at the Lane's junction with Lode Way, which would lead to highway safety being prejudiced so as to cause harm.
16. The proposal conflicts with Policies ENV2 and COM7 of the Local Plan insofar as these policies state that development proposals shall provide safe and

convenient access to the highway network and shall be designed to ensure that conflict between motor vehicles and pedestrians and cyclists is minimised. I do not find conflict with Policy COM8 of the Local Plan, which relates specifically to parking provision.

Biodiversity

17. The EIA assesses the likely ecological impacts of the proposal having regard to protected and notable species and their habitats and provides recommendations in terms of the potential mitigation and enhancement measures to be carried out. Subject to these being undertaken, the EIA concludes that there will be no adverse impacts on protected or notable species, either directly or indirectly, and that no further species-specific survey work is required. Indeed, consistent with my own on-site observations, it has been indicated that any habitat that would be lost due to the proposed development would be of low to moderate value and limited in extent. I am suitably content that the EIA's findings are robust.
18. For the above reasons, the proposal would not cause harm to biodiversity and accords with Policy ENV7 of the Local Plan in so far as this policy states that all development proposals will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features.

Other Matters

19. I have noted concerns raised by an interested party with respect to bin collection arrangements and to the site's drainage. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

20. The Council has confirmed that a five-year supply of housing land cannot currently be demonstrated in the District. Indeed, I am of the understanding that the current shortfall is significant. The National Planning Policy Framework (February 2019) (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.
21. I have identified conflict with Policies ENV1 and ENV2 of the Local Plan, which are broadly consistent with the Framework in so far as it recognises the intrinsic character and beauty of the countryside and requires that developments should be sympathetic to local character and landscape setting. I have found some harm, although not significant in extent, to arise upon the character and appearance of the area in the context of Policies ENV1 and ENV2, to which I apportion moderate weight.
22. I have identified further conflict with Policy ENV2, and with Policy COM7 of the Local Plan, to the extent these policies relate to highway safety. These are policies which are broadly consistent with the Framework in so far as it seeks to ensure that safe and suitable access can be achieved for all site users.

Considering the site-specific circumstances discussed above, I apportion significant weight to the conflict I have identified with Policies ENV2 and COM7 and to the associated harm.

23. Turning to the scheme's benefits, it would deliver two additional residential units in a District where there is currently a significant shortfall in housing land supply. Whilst this represents a meaningful contribution in such circumstances, the delivery of only two additional units would not make a clear and noticeable difference to the overall housing land supply position in the District. I thus apportion this benefit of the scheme moderate weight.
24. Whilst the scheme would make more effective and efficient use of this previously developed site, the Framework suggests that only within settlements should substantial weight be given to the value of using suitable brownfield land. In this countryside location, and whilst also noting the site's relatively limited area and extent, I apportion only moderate weight to this benefit of the scheme.
25. The scheme would generate jobs during its construction phase and, once occupied, would be expected to provide support to a range of local facilities and services. These benefits attract limited weight given the small scale of development under consideration. Furthermore, considering the small size of the site, any ecological benefits brought about through additional landscaping would be limited.
26. 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 significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply therefore. The proposal fails to accord with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

27. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR