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## Appeal Decision

Site visit made on 9 March 2020

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> March 2020**

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**Appeal Ref: APP/H0520/W/19/3243702**

**Brook Farm, Earith Road, Colne PE28 3NL**

- 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 Max Cade Ltd against the decision of Huntingdonshire District Council.
  - The application Ref 19/00461/FUL, dated 28 February 2019, was refused by notice dated 17 July 2019.
  - The development proposed is demolition of existing Class B1 and B8 buildings and redevelopment for eight dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. Amended plans have been submitted as part of the appellant's appeal submission. However, there is no written explanation for the amendments. As these have not been the subject of local consultation then I cannot be sure that interested parties would not be prejudiced should I consider them. I have therefore, assessed the appeal on the basis of the plans considered by the Council at the time of the planning application.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. Policy LP9 of Huntingdonshire's Local Plan to 2036 adopted 2019 (the Local Plan) allows for development within the Built-Up Area of a Small Settlement, such as Colne. This is subject to the amount and location of the development being sustainable in relation to the level of service and infrastructure provision within the settlement, opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport and the effect on the character of the immediate locality and the settlement as a whole.
5. The proposal is for the erection of eight dwellings. There is no dispute between the parties that the proposed dwellings on plots 1-6 would be within the Built-Up Area of Colne and would be acceptable when assessed against the

accessibility and design criteria in Policy LP9. This part of the appeal site is currently occupied by buildings used for offices/industrial and storage and distribution purposes. It would therefore meet the definition of Built-Up Areas contained within the Local Plan which includes employment buildings which are predominantly surrounded by other buildings and buildings on the edge of settlements which relate closely to the economic function of the settlement.

6. Colne has few services and facilities, and the Council advises that there is limited access to public transport. However, the existing use of the site is for commercial purposes. In addition, the site already has planning permission for seven dwellings<sup>1</sup>. Against this position, the siting of six dwellings within the Built-Up Area of Colne is unlikely to materially increase traffic generation. Therefore, I see no reason to disagree with the Council's assessment of plots 1-6 of the proposal.
7. The Council's main concern is the siting of plots 7 and 8 of the proposal, which it considers to be outside of the Built-Up Area of the settlement and therefore within the open countryside. Policy LP10 of the Local Plan limits development in the open countryside to recognise its intrinsic character and beauty.
8. The Council's definition of Built-Up Areas includes individual plots and minor scale development opportunities which would provide infill and rounding off opportunities on land, which is physically, functionally and visually related to existing buildings.
9. At the time of my site visit the area in question was not physically divorced from the remainder of the appeal site and was enclosed by hedgerow, including conifers, from the surrounding open countryside. The appellant confirms that the conifers were planted in 2014 in order to create a more defined and solid screen between the area used in relation to the business and the remaining paddock area. The Council confirms though that, despite the appellant's assertion that the site has been used for commercial purposes as auxiliary vehicle storage, such a use is unauthorised. Although there was a vehicle on the land at the time of my site visit, there is very limited conclusive evidence of such a functional link with the commercial use before me having occurred over a number of years. Furthermore, although the appeal site is currently contained by hedging, the evidence provided by the Council clearly shows that prior to that there was very little physical or visual link between the piece of land on which plots 7 and 8 would be located and the remainder of the appeal site.
10. While noting the contents of the appellant's plan showing the context for the appeal, instead, the planted hedge appears as a contrived artificial boundary, particularly as it mostly consists of non-native species, when considered against the existing landscape features that define the larger field within which this portion of the appeal site lies. Given the open nature of this part of the site, inasmuch as it is free from any built form, I consider that it is visually related to the fields and open countryside beyond rather than forming an integral part of the settlement itself, or being absorbed into the recognized commercial use of the remainder of the appeal site. As a result, I am of the view that the site performs an important role in providing the immediate setting of the settlement edge.

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<sup>1</sup> 19/01661/FUL (the extant planning permission)

11. Consequently, in my view it falls within the definition of land excluded from the Built-Up Area as agricultural land, woodland, meadow, areas of water and natural habitats that penetrate the built form or sections of large residential curtilages where the character of the land primarily relates to the countryside.
12. In my view therefore the part if the appeal site which would be occupied by plots 7 and 8 is perceived as a part of the rural landscape that surrounds the village. Moreover, although there are buildings on Earith Road to the north east, the combination of the distance separation and intervening vegetation means that they are they are not seen in conjunction with the part of the appeal site that would contain plots 7 and 8 and it does not form part of any settlement 'pattern' as such. I am in no doubt, in this regard, that residential development on the currently open appeal site, land that currently appears as an intrinsic part of the wider countryside, would erode the distinctive rural character and appearance of the area.
13. There are occasional gaps in the hedge along Earith Road, where the proposed houses would be visible. Furthermore, although views from residential properties may be limited, they would also be apparent within the wider residential area. Therefore, the proposal would be visually intrusive in the wider open countryside.
14. The dwellings approved under the extant planning permission may be closer to the rear boundary of the appeal site than those before me now. However, those on the extant planning permission would be contained within the Built-Up Area of Colne. I have found that the dwellings on plots 7 and 8 would be outside that area and encroach into the open countryside. The two proposals are, therefore, not sufficiently similar for me to reach a similar conclusion.
15. The harm that I have identified bring the proposal in to conflict with policies LP9 and LP10 of the LP and paragraph 170b of the National Planning Policy Framework, which together seek to protect the character of the area and recognise the intrinsic character and beauty of the countryside.

### **Balancing and Conclusion**

16. The proposal would result in the addition of eight houses to the local housing stock. While there is no dispute that the Council is able to demonstrate a five year housing land supply, I am mindful of the Government's intention to significantly boost the supply of housing. Furthermore, there would be some employment generated during the construction of the building and future occupiers would contribute to the local economy. However, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan and the harm that I have identified. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.
17. For the reasons set out above, and having regard to all other matters raised, including the support of the Parish Council, I conclude on balance that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR