
Appeal Decision

Site visit made on 9 June 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/W0530/W/20/3246605

7 Chalky Road, Great Abington CB21 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr R Hamilton & Dr N Ockendon against South Cambridgeshire District Council.
 - The application Ref S/3693/19/FL, is dated 22 October 2019.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed and planning permission for erection of new dwelling is refused.

Procedural Matter

2. The appeal is against the failure to give notice within the prescribed period of a decision on an application for planning permission. In response to the appeal the Council has confirmed in its statement that the development would have been refused. The reasons set out relate to the extent to which the proposed development is in accordance with the development plan, and the impact of the proposed development on the distinct character and appearance of the area.

Main Issues

3. From the evidence before me, I consider that the main issues are (i) whether the appeal site is a suitable location for a dwelling having regard to the development strategy for the area; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is part of the garden of 7 Chalky Road (No 7), which is situated within the countryside, in an area known as the Great Abington Land Settlement Association Estate. This comprises around 60 properties set in a linear pattern of development along several single-track roads. Originally each plot contained either a detached or semi-detached dwelling, a glasshouse and a piggery. The original layout incorporated a specific space between the dwellings and the piggeries, due to the requirement for a minimum distance to be maintained between livestock and a dwelling.

5. Many of the dwellings have been extended over time, numerous outbuildings have been erected and some piggeries have been replaced with residential annexes or new dwellings.
6. The appeal site is located outside of the Development Framework set out in the South Cambridgeshire Local Plan 2018 (LP). For planning policy purposes, it is within the countryside. Policy S/7 of the LP seeks to ensure that the countryside is protected from gradual encroachment on the edges of villages and confines development in the countryside to uses that need to be located there, unless it is allocated within a Neighbourhood Plan or is supported by other policies in the LP.
7. The development proposed is not of a type that needs a countryside location nor is it supported by other policies in the LP. However, the site is included within a Neighbourhood Plan area and is subject to Policy GAL/2 of the Neighbourhood Plan for the former Land Settlement Association's Estate at Great Abington 2018-2031 (NP). The NP was Made in February 2019 and as such forms part of the development plan.
8. The NP's primary aim is to retain the special character of the Land Settlement while allowing limited development to take place within the designated area. Although the NP does not specifically allocate land for development, Policy GAL/2 does support the development of one additional dwelling on, or adjacent to, the site of each original piggery, subject to compliance with a number of other criteria.
9. As no other additional dwellings have been erected on, or adjacent to the piggery associated with No 7, I consider that the principle of the development proposed accords with both NP Policy GAL/2 and LP Policy S/7.

Character and appearance

10. The proposal would introduce a new dwelling between the existing dwelling and its original piggery. An existing sizeable outbuilding at the south west corner of the garden would be retained. The reduced garden of No 7 would therefore wrap around the front of the plot of the new dwelling. The existing access would serve the new dwelling and a new access would be created to serve No 7.
11. In general terms the proposed dwelling could be considered to be 'adjacent to' the siting of the piggery; a position in principle supported by NP Policy GAL/2. However, I find that its position between the piggery and No 7, nevertheless conflicts with this policy. This is because the new dwelling's location on the site would irrevocably erode the characteristic gap between the original buildings.
12. Sub paragraphs 4 and 6 of Policy GAL/2 require that 'the design of the dwelling, its landscaping and *location on site* [my emphasis] is sensitive to the open and rural character of the Land Settlement...'; and that, 'the existing uniformity in the layout of buildings along the road ... is retained'. Although there would be some separation between the proposed dwelling and the existing dwelling the gap between these buildings would be uncharacteristically close. The proposed layout would fail to maintain the original pattern of development and sense of space which is a defining characteristic of the NP area.

13. As the proposed development would be contained within the confines of the existing garden of No 7, within the 'build line' referenced within Policy GAL/2, I do not agree with the Council that it would result in gradual encroachment into the open countryside. However, I consider that the position of the proposed dwelling is not sensitive to the open and rural character of the Land Settlement.
14. The proposal would result in significant harm to the historic pattern of development. I consider this to be the case irrespective of whether or not the piggery could be demolished as is intended by the supporting text to the policy. That the proposal would comply with other criteria of Policy GAL/2 does not negate the harm identified.
15. I therefore conclude that the proposal would have a significant and harmful effect on the distinctive character and appearance of the area. It would therefore conflict with LP Policy HQ/1 and NP Policy GAL/2, which together and amongst other matters, require development proposals to respond to local context and respect local distinctiveness.

Other Matters

16. I acknowledge that some of the holdings have had additional buildings erected over time, and that these buildings have inevitably reduced openness within the NP area. However, from the evidence before me and what I observed on my site visit, the additional buildings are largely associated with the agricultural, horticultural or equine activities connected to those sites. I further observed that despite the presence of this additional built form, the original spacing between the dwellings and the piggeries has predominantly been maintained. Therefore, this matter does not alter my findings in relation to the appeal proposal.
17. The appellants consider that the site is situated in a sustainable location for growth in proximity to the main village of Great Abington and to local services. They also argue that there are social and economic benefits associated with the proposal. However, whilst I have taken these matters into account, the benefits of provision of a single dwelling would be very limited and do not outweigh the harm I have identified.

Conclusion

18. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. I therefore conclude that the proposal would not be an acceptable form of development in this location.
19. For the reasons above the appeal is dismissed.

S Tudhope
Inspector