



Appeal Decision

Site visit made on 20 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/H0520/W/20/3247230

Land Adjacent The Bungalow, Warboys Road, Bury PE26 2NU

- 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 Lee Overall against the decision of Huntingdonshire District Council.
 - The application Ref 19/01579/OUT, dated 7 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is described as “detached dwelling”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks outline planning permission with all matters reserved. I have dealt with the appeal on this basis, and have treated the submitted plans as illustrative with regards to all matters.
3. I have taken the description of development from the Council’s decision notice as it is clear and precise.
4. The emerging Bury Village Neighbourhood Plan 2019-2036 was due to be voted on by residents in a referendum in March. The referendum was postponed following the outbreak of COVID-19. However, given its advanced status I am satisfied that significant weight can be attributed to its policies in determining this appeal.

Main Issues

5. The main issues are:
 - The effect of the development proposed on the character of the surrounding area and the countryside;
 - The effect of the development proposed on trees and hedgerows;
 - The effect of the development proposed on biodiversity; and,
 - Whether the development proposed makes adequate provision for the storage of refuse.

Reasons

Character

6. The site lies outside of the built-up area of Bury as defined in the Bury Village Neighbourhood Plan 2019-2036 January 2020 Referendum Version (the emerging NP), and so falls within the countryside for planning purposes. Policy G1 of the emerging NP states that development outside of the built-up area will only be supported for development that requires a countryside location, is for the purposes of agriculture, horticulture or forestry, or are related to community, leisure or recreation. Policies LP10, LP11 and LP2 of Huntingdonshire's Local Plan to 2036 May 2019 (the LP) require, amongst other things, that development in the countryside recognises its intrinsic character and beauty.
7. The appeal site is a field with houses on the neighbouring plots to both sides and one house on the opposite side of the road. The appeal site prevents any coalescence of residential character and preserves the intrinsic rural character of the surrounding area. The appeal proposal would introduce a new dwelling on the site, resulting in a run of three dwellings on adjoining plots and a loss of rural character in this countryside location. While the appearance of the dwelling is a reserved matter, I consider that any dwelling on this site would result in it developing a residential character that would be out of keeping with the wider rural character of the area.
8. The appeal site lies immediately outside of the Ramsey Conservation Area (the CA). Paragraph 193 of the National Planning Policy Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this instance, as the site lies outside the CA and between two existing dwellings, I am satisfied that a detailed design could be developed that would preserve the significance of the CA.
9. However, for the reasons set out above, I consider that the development proposed would result in unacceptable harm to the character of the surrounding area and the countryside. The appeal proposal therefore conflicts with LP Policies LP10, LP11 and LP2 and Policy G1 of the emerging NP, the requirements of which I have set out above.

Trees and Hedgerows

10. There are mature trees and bushes along the site boundaries. Landscaping of the site is a reserved matter, but I consider that the established planting makes a significant contribution to the character of the area.
11. The appellant suggests that a tree survey could be carried out if planning permission is granted, but I do not consider that this would be appropriate. Given the importance of the trees and other planting to the site and the wider area it is not clear that the development proposed could be carried out without unacceptable harm to them.
12. The appeal proposal therefore conflicts with Policy LP31 of the LP, which requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated.

Biodiversity

13. The site is agricultural land that, at the time of my visit, was overgrown. Third party representations indicate the presence of protected species in the area. Given the presence of mature trees and vegetation and the rural setting, I consider that the site may potentially be home to protected species. The appellant states that they are not aware of any such species being present on site, but this is not supported by evidence from a qualified professional, such as a preliminary ecological appraisal.
14. The appeal proposal therefore conflicts with LP Policy LP30 which, amongst other criteria, requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated.

Storage of Refuse

15. Policy LP4 of the LP requires, amongst other things, that proposals make necessary financial contributions to be acceptable in planning terms. In this case a contribution to secure the provision of wheeled bins is required, in accordance with guidance in the Huntingdonshire District Council Developer Contributions Supplementary Planning Document December 2011.
16. A unilateral undertaking has been submitted stating that the appellant will meet the necessary costs associated with the development. However, this is incomplete as it does not include a plan showing the land to which the undertaking relates.
17. In the absence of a complete unilateral undertaking the appeal proposal would not make adequate provision for the storage of refuse. It therefore conflicts with LP Policy LP4.

Other Matters

18. The appellant states that the appeal site has been within their family for a considerable time, and their intention is to build an ecological house on the site and raise crops on the land for themselves and their family. I have considered this as part of my determination of the appeal. However, the national Planning Practice Guidance advises that in general planning is concerned with land use in the public interest. The harm that I have identified from the appeal proposal would outweigh the private benefits to the appellant and their family that would result if planning permission were granted.
19. My attention has been drawn to the neighbouring houses and their planning histories. However, I have not been provided with details of any previous permissions granted on these sites, nor the extent to which these properties may have been enlarged. I cannot therefore give significant weight to these matters in determining this appeal.

Conclusion

20. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR