
Appeal Decision

Site visit made on 5 August 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/V0510/W/20/3251153

Parkes Farm, Aldreth Road, Haddenham CB6 3PN

- 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 Richard Parkes against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01361/OUT, dated 23 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the erection of up to two dwellings and associated access.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are the effect of the proposed development on a) the character and appearance of the area; b) highway safety with specific regard to visibility; and c) the effect of the proposed development on ecology and biodiversity with specific regard to protected species.

Reasons

Character and Appearance

3. The appeal site is part of an expansive area of grass to the south of the dwelling known as Parkes Farm. It is in a distinctly rural area outside of a settlement and part of a series of land parcels either laid to grass or in arable use that are generally devoid of built form. The land parcel abuts the back edge of the footway to the north side of Aldreth Road. It is noticeably elevated from the road and part of a wider undulating landscape. A cut back but largely continuous hedge sits on the boundary between the appeal site and Aldreth Road and adds some greenery to the street scene. The small settlement of Aldreth is to the southwest, the larger village of Haddenham is northeast.
4. The appeal scheme seeks outline planning permission with all other matters reserved apart from the access. Whilst I shall come onto this in more detail on the second main issue, the proposed development would see two dwellings on the appeal site. Regardless of their design, siting or scale within the land parcel shown on the plans, the buildings, access, curtilage and other paraphernalia would have a strong urbanising effect on what is a predominantly open, undeveloped and rural area. Given they would not be

part of an existing cluster of built form they would appear alone and disjointed as an anomalous feature in the countryside. These effects would be exacerbated by the extent of the site's elevation from the road and how open the front of the site would be for the creation of the access. The dwellings would consequently be obvious and prominent when viewed in a wider landscape context.

5. I have alluded to the loss of the existing boundary hedge in my previous paragraph. Whilst there is a prevailing rurality and distinct agrarian tone to local landscape features, the roadside hedge does add a verdant character to the street scene and its mature and continuous nature complements the tranquil undeveloped feel to the countryside, enhancing the green edge of the approach to Aldreth village. Its loss for the creation of the proposed access and splay would not only make the proposed development very prominent but also be a shame in the visual sense and how it adds to the natural quality of this edge of village location.
6. The appeal scheme would, for the above reasons, cause harm to the character and appearance of the area. Such that there would be conflict with Policies ENV1 and ENV2 of the Local Plan¹. Amongst other things, these policies seek to ensure that new development proposals should protect, conserve and where possible enhance the unspoilt nature and tranquillity of the area and development generally should be designed to a high quality, enhancing and complementing local distinctiveness.

Highway Safety

7. As I have mentioned above, the means of access to the appeal site is fixed at the outline stage. From the plans I have seen, this is shown as being roughly central to the oblong shape of the site as it abuts the back edge of Aldreth Road. The road is relatively straight and carries vehicles at the national speed limit. This then reduces to 30mph a short distance to the south west on entering Aldreth. There is an existing access to No 2 High Street southwest of that proposed for the appeal scheme and also the private road running to Parkes Farm which is identified by metal gates and high sided flanking brick walls.
8. The Council's highways advisor has explained that visibility splays of 2.4m x 215m in both directions would be required given the speed limit of the road. There is no reason for me to doubt this requirement. The proposed plans suggest that the required set back can be achieved through land in use by both the appellant and the highways authority but the distance in both directions is some way short of the requirement. Taking into account the complete removal of the hedge, which would give rise to harm as I have identified it in my findings on the first main issue, visibility away from Aldreth would be up to 143m. In the opposite direction in the region of 70m would be possible, taking into account other features, the topography and alignment of the road.
9. The highways advice received by the Council does infer that a lesser distance might be appropriate subject to an assessment of traffic speeds along the road but I cannot see any such data that has been collected. The appellant also argues that there have not been any accidents caused by the use of the existing access to Parkes Farm in the time they have resided there. Be this as

¹ East Cambridgeshire Local Plan 2015

it may, this access is at a different point of the road. The lack of accidents at a different point is not sufficient enough a justification to suggest a lesser visibility requirement for a new access in a different location would be acceptable. Especially given how far below the visibility requirement the new access would be.

10. As I have mentioned, the appeal site and consequently the proposed access thereto would be in fairly close proximity to the point at which the speed limit reduces to 30mph. I could perhaps therefore accept that vehicles travelling towards Aldreth would be slowing down as they passed the appeal site. There could thus be an argument for a reduction in the size of the splay. Be this as it may, I am not sufficiently certain to what level would be appropriate and in any event, this would not affect the splay in the opposite direction given vehicles would be accelerating away from the village.
11. For the above reasons, I am unconvinced that the appeal scheme would be acceptable in highway safety terms. As such, it would be contrary to Policy COM7 of the Local Plan. Amongst other things, this policy seeks to ensure that safe and convenient access is provided to the highway network through new development.

Ecology and Biodiversity

12. The crux of the Council's concerns in respect of this main issue is that the appellant has failed to demonstrate that the appeal scheme would not harm protected species. I note, from information provided by the Council's statutory consultees on ecology and biodiversity matters, that the main areas of concern were a potential impact on Bats and Greater Crested Newts (GCN). This was in response to a Preliminary Ecology Appraisal (PEA) undertaken by the appellant.
13. From the details in the PEA and the views of the Council's advisors, it seems sufficiently clear that, given the appeal scheme would not be in proximity of water bodies supportive of GCN habitat, the appeal site is not such an area of land that would be affected by GCN movement during certain phases and the only buildings suitable for bat roosts are some distance away, the likelihood of the appeal scheme adversely affecting protected species would be low. Whilst outline in its nature, there is sufficient information in the plans to show the area of land to which development would be contained (which is free of those constraints I have mentioned) and I am confident that mitigation measures, if any are needed, can be considered and designed into future detail should the appeal succeed.
14. I see that no mitigation proposals were advanced as part of the PEA, nor were there enhancement measures proposed in order to encourage a net gain in biodiversity. That said, and taking into account my earlier views, I cannot see a sufficiently convincing reason why such measures could not be required with either the submission of reserved matters or delivered via other planning conditions, bearing in mind the apparent low likelihood of protected species being affected in any case.
15. I understand the point made by the Council on the matter of the existing boundary hedge and how a greater visibility splay than proposed would be needed. Hence more of the hedge may need to be removed than that considered by the PEA. However, the hedgerow did not appear to be

supportive of habitat for protected species, the effect its removal would have on the character and appearance of the area aside. I am mindful that, through conditions or the use of controls under other enforceable legislation, any works involving hedge removal could take place outside of the bird breeding season.

16. With this in mind, I find that the appeal scheme would not have an adverse effect in ecology or biodiversity terms. As a consequence, the appeal scheme would comply with the aims of Policy ENV7 of the Local Plan which seeks for development to, amongst other things, protect the biodiversity value of land and minimise harm to or loss of environmental features, provide appropriate mitigation measures and/or compensatory work that will enhance or recreate habitats and maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.

Other Matters

17. Whilst not explicitly included as a reason for the refusal of planning permission, the Council expressed substantive concerns over whether the appeal site would be a suitable location for new housing with specific regard to encouraging sustainable patterns of new development. Whilst appreciating the differing circumstances facing rural and urban areas, they cite Policy GROWTH 2 of the Local Plan which supports locationally sustainable development by suggesting such is directed first to the market towns of Ely, Soham and Littleport. It goes on to state, as well as restricting development in the countryside to certain exceptions, more limited development should then take place in villages with defined envelopes, thus helping to support local services, shops and needs.
18. I would be content in considering the scale of the appeal proposals as limited development which, as per the locational strategy of GROWTH 2, should be directed to within villages. The appeal site is outside of a village. It is closest to Aldreth which, according to the Council's evidence, has a very limited range of services such that, in my summation, existing and future occupiers would likely travel elsewhere. There appears to be a bus service to Ely from Aldreth but only once a day. Haddenham is next closest and accessible via a segregated footway from the appeal site but the walk is long and unlit. With regard to the available transport options and local infrastructure therefore, as well as taking into account accessible service offer for future occupiers of the appeal site, it seems more likely than not they would rely on the use of the private car. This is the least sustainable travel option. Development of the appeal site would therefore be contrary to the objectives of GROWTH 2 which I have explained. This would accordingly be further harm arising out of the appeal scheme.
19. At the time the Council determined the planning application, they were unable to demonstrate the supply of housing sites as required by the Framework². They therefore considered the appeal scheme under the so called tilted balance of paragraph 11 of the Framework. This explains that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date³, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the

² The National Planning Policy Framework 2019

³ In situations where, for applications involving the provision of housing, the local planning authority cannot demonstrate a five year supply of deliverable housing sites

benefits, when assessed against the policies in the Framework taken as a whole. In April 2020, the Council published the East Cambridgeshire District Council Five Year Land Supply Report which seeks to demonstrate they can now show the required supply of housing sites.

20. I have not interrogated the document in detail. There is no substantive evidence before me to doubt the report's findings but equally I am mindful that the report is relatively new and to my knowledge yet to be analysed and its evidence tested. With that in mind, and if it were to be the case that the appeal scheme was determined in an undersupply situation, I would make the following findings.
21. The appeal scheme would, as I have set out above, result in a number of planning harms. Namely that associated with the principle of development, its effect on the character and appearance of the area and the safe use of the highway. An undersupply situation may cause me to reduce the weight I attribute to any policies deemed out of date, but this would not accordingly reduce the harms I have found. These harms would be wide ranging and long lasting and consequently worthy of substantial weight and also conflict with objectives in the Framework that encourage sustainable patterns of new development, promote high quality and contextually appropriate design and appearance, and seek safe and secure access for development.
22. The appeal scheme would provide new housing. As beneficial as this may be and worthy of weight as a matter of principle in an undersupply situation, the contribution to the Council's supply of just two dwellings would be very limited in the grand scheme. Any weight would therefore be reduced. As would that to the economic benefits which would be limited by the scale of the appeal scheme and in the case of construction investment and support of employment, time limited. The appeal scheme has the potential for some gain in ecology and biodiversity terms, but this is largely an unknown in the absence of specific detail and in the main would be in response to an impact of the proposed development.
23. With this in mind, and if I were considering the appeal scheme under the so called tilted balance, I would conclude that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed development would not therefore be sustainable development for which the presumption in favour applies.
24. The appellant explains that they are due to retire. Their existing business, which seems to be in part operated from the wider site at Parkes Farm, would benefit from an on site general manager in response. Without knowing more about the operation of the business mentioned I cannot be certain that it could justify the erection of a dwelling for which an essential case usually needs to be demonstrated. Even if it did, the appeal scheme seeks permission for up to two dwellings. I am not therefore minded to allow the appeal in light of this situation.
25. A plan has also been provided showing recently approved development, some in areas outside of defined settlements around Aldreth and Haddenham. Whilst this may be so, I was not party to the circumstances of each of these schemes. I cannot therefore be satisfied they are sufficiently similar to the appeal scheme such that my conclusions would change. Each development proposal is

considered on its own merits and context. The latter of which will invariably differ from site to site.

Conclusion

26. Whilst I have found there would be no harm arising from the third main issue. This would be a lack of harm and therefore, by definition, incapable of weighing against it. I have found there would be harm in terms of the character and appearance of the area, the safety of the public highway for users and the principle of the proposed development. In each case there would be conflict with the development plan. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR