The Planning Inspectorate

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: 4 September 2020

Appeal Ref: APP/V0510/W/20/3249839
Land to the east of Witcham Bridge Farm, Witcham Bridge Drove, Wardy Hill, Ely CB6 2DD

- 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 Mrs Catherine Scott against the decision of East Cambridgeshire District Council.
- The application Ref 19/00881/OUT, dated 8 August 2019, was refused by notice dated 4 October 2019.
- The development proposed is described as no1 five bedroom house with associated garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is the northwest corner of a grass covered field to the south of Witcham Bridge Drove. It is in the countryside, to the west of the small settlement of Wardy Hill, surrounded mostly by arable fields which dominate the local landscape. It is adjacent a yard which contains a cluster of buildings including a dwelling. Trees and hedges make up the boundaries. Whilst seeking outline planning permission, the appeal scheme fixes scale for consideration. That scale, according to the submissions made, would include a dwelling of five bedrooms and at 1½ storeys in height.

4. Being open and undeveloped, the field of which the appeal site is part reinforces the prevailing rurality of what is a very distinct and attractive countryside location. The insertion of a not insignificantly scaled dwelling and curtilage in itself would jar with this context, appearing somewhat out of place. Its size, siting to the frontage of the field and associated curtilage would emphasise its obviousness and thus severity of its impact. As would off street parking, boundary treatments and other domestic paraphernalia.

5. As I have said, the appeal site is adjacent an existing dwelling albeit this dwelling is part of what appears to be a farmyard with other utilitarian structures which are contained and clustered. The addition of another dwelling

in the field adjacent would extend this built form beyond its established limits, adding an overly urban feel to the surroundings.

6. With the above in mind, the proposed development would be harmful to the character and appearance of the area. Such that it would conflict with Policies ENV1 and ENV2 of the Local Plan[1]. 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.

Other Matters

7. Whilst not explicitly included as a reason for the refusal of planning permission, and following the Council's revised position on housing land supply which I shall come onto, the Council have suggested that the appeal site would not be a suitable location for new housing with specific regard to encouraging sustainable patterns of new development. 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.

8. 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 and in the countryside. It is fairly close to Wardy Hill, but this is a small village which does not appear to have a range of services such that, in my summation, existing and future occupiers would likely travel elsewhere. I have not seen details of any public transport options. There is no segregated footway near to the appeal site, the surrounding roads are narrow, rural and unlit. It therefore seems more likely than not future occupiers of the appeal site would rely on the use of the private car to access services. 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.

9. At the time the Council determined the planning application, and as I have alluded to above, they were unable to demonstrate the supply of housing sites as required by the Framework[2]. They therefore considered the appeal scheme under the so called tilted balance of paragraph 11. This means, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[3], granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the 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.

[1] East Cambridgeshire Local Plan 2015
[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

10. 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.

11. The appeal scheme would, as I have explained, harm the character and appearance of the area. Further, I have found that the principle of would be unacceptable. 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 lead to conflict with the objectives in the Framework that encourage sustainable patterns of new development and promote high quality and contextually appropriate design and appearance.

12. The appeal scheme would provide new housing. As beneficial as this may be and worthy of weight, the contribution to the Council's supply of a single dwelling would be very limited. 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. Some ecological enhancements have been proposed but it strikes me these would not necessarily be dependent on a dwelling and in some cases be so to offset an impact.

13. 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.

14. The appellant has brought a number of examples of other developments that have been approved to my attention and provided details. In the case of the sites to the north of No 9 The Green and land between Nos 9 and 11 The Green, these appear to sit within an established street scene and more built up cluster of dwellings. I have only seen elevation plans of the site at land adjacent No 2 Hale Fen Lane and as such cannot form a definitive view thereon. In the case of land adjacent Innisfree on Bradley Road in Kirtling, the plans I have seen do not give me sufficient information to fully understand its immediate or wider context. Ultimately however, I was not party to the circumstances of these decisions and on the basis of what I have seen I remain unconvinced that either the site or scheme to which they relate is sufficiently similar to the case before me as part of this appeal. Each development proposal is considered on its own merits. Largely for these reasons.

Conclusion

15. I am mindful of other matters that have been raised by third parties but for the reasons I have set out above, the appeal is dismissed.

John Morrison

INSPECTOR