



Appeal Decision

Site visit made on 21 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/H0520/W/20/3248142

Land on north east side of Somersham Road, Colne, Cambridge PE28 3NG

- 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 & Mrs Pomfrit against the decision of Huntingdonshire District Council.
 - The application Ref 19/00689/OUT, dated 29 March 2019, was refused by notice dated 3 September 2019.
 - The development proposed is described as "one 3 bedroom 2 storey dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. The spelling of the appellants surname is taken from the application form. I note however, that the spelling of Pomfrit differs from that on the appeal form and the appellant's written statement, which use Pomfret.

Main Issues

4. The main issues are:
 - whether the appeal site is within an appropriate location having regard to the development plan; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Location

5. Policy LP 2 of the Huntingdonshire District Council Local Plan to 2036 (the Local Plan) sets out the Council's strategy for development and seeks, amongst other things, to concentrate development in locations that provide, or have the potential to provide, the most comprehensive range of services and facilities. The supporting text to Policy LP 2 states that the development strategy has been shaped by the fundamental principles of sustainability aiming to achieve a balance between social, economic and environmental priorities.
6. Policy LP 9 of the Local Plan identifies Colne as a Small Settlement whereby development within its built-up area will be supported where the proposal is

- sustainable in relation to the level of service and infrastructure provision within the settlement. The appeal site forms part of the wider rural area and open fields to the east of Colne and having regard to its character and location, I consider it to be in a countryside location and not within the built-up area of Colne as required by policy LP 9.
7. However, Policy LP 9 also supports developments on land that is well-related to a built-up area. Although the main centre of Colne is to the south of the appeal site, given its proximity to dwellings that exist on the other side of Somersham Road and along High Street leading into Colne, and is an area that contains more than 30 homes, the appeal site is well-related to the built-up area of Colne. Thus, a development may be supported where it accords with the specific opportunities allowed for through other policies within the Local Plan. The appellant advances that from those cited at paragraph 4.107 of the Local Plan, policies relating to the countryside (LP 10), rural exception housing (LP 28) and rural buildings (LP 33) remain relevant to the proposed development.
 8. Policy LP 10 of the Local Plan states that development within the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan to recognise its intrinsic beauty and character. Such opportunities would assist the rural economy (LP 19), provide homes for rural workers (LP 20), assist tourism and recreation (LP 23), protect local services and community facilities (LP 22) as well as considering rural exception housing (LP 28). The appellant argues that the proposal would be a self-build development that would provide a dwelling for a family with local connections to the village and as such, is supported by Policy LP 28 (rural exception housing).
 9. While the appellants state they have local ties, this does not meet the specific requirements of Policy LP 28 of the Local Plan as I have not been provided with substantive evidence that the size, tenure and type of home proposed is justified by meeting an identified need. Moreover, notwithstanding the appellants agreement to provide a unilateral undertaking to ensure that the dwelling is a self-build and remains available for a local family, a suitable mechanism to secure the dwelling as an affordable unit of accommodation for an identified local need, and remains as such in perpetuity, has not been provided. Therefore, the weight I afford this particular matter is limited.
 10. Turning to Policy LP 33 (Rural Buildings) of the Local Plan, as the site contains shipping containers and a portacabin, which the appellant agrees are not suitable for conversion, it follows that the proposal would be in conflict with this policy as it does not meet its specific requirements. With regard to the replacement of rural buildings in the countryside, Policy LP 33 requires the buildings to be replaced to be of a permanent and substantial construction. Given that the shipping containers and portacabin are not of such a construction, the proposal would also be in conflict with this element of Policy LP 33.
 11. I acknowledge that the site is close to a bus stop and that the Small Settlement of Colne provides a very limited range of facilities such as a village hall, church and a public house, that would support day to day living. Although it may also be possible to walk to the nearest primary school and shop/garage at Bluntisham, this would not be an attractive proposition during bad weather and the winter months. Nevertheless, while cycling and walking would be subject to weather conditions and the time of year, there are alternatives to the private car to access services and facilities further afield. However, such opportunities would also flow from a site within the built-up area of Colne and other such locations that are considered acceptable for such developments and thus, are not related to this specific site or development.

12. Consequently, the suggested benefits in supporting a thriving rural economy do not outweigh the harm as a result of the conflict with adopted policy which seeks to direct developments to within the built-up areas of Small Settlements. Moreover, while the Local Plan recognises the potential benefits of enabling young people to staying in the communities they grew up in and those wishing to commission their own home, it is expected that this growth would take place within Small Settlements and is subject to the level of services and infrastructure within the settlement. Thus, the development would be in conflict with Policies LP 9 and LP 10 of the Local Plan, the specific requirements of which are specified above.

Character and Appearance

13. The appeal site is a roughly square parcel of land that contains a number of shipping containers and a portacabin. The area has a pleasant rural quality that is reinforced by the presence of open fields and wooded areas. While close to the built-up area of Colne, the appeal site nonetheless forms part of the wider countryside and wooded areas that extend to the east. Furthermore, despite the presence of dwellings on the other side of Somersham Road, the appeal site relates better to its rural surroundings, to which it makes a positive contribution.
14. The proposal would remove all the existing structures on the site and replace them with a two storey dwelling which the appellants state would improve the character of the area. However, whatever its final form, the introduction of a dwelling, along with its formal parking and garden areas, would suburbanise the site and erode the rural qualities of the area to the detriment of its character and appearance.
15. In addition, it is also necessary to consider the visual impacts of the residential use such as the vehicle movements associated with the development, along with fencing, domestic cultivation and items such as lighting, garden furniture and washing lines for the new dwelling. These elements would add to the suburbanising effect of the development, and notwithstanding the presence of trees to the boundary of the appeal site, the harm I have identified above would be clearly visible through the access from Somersham Road and the surrounding properties. As such, although the development would not result in an isolated dwelling, it would nonetheless represent a harmful and visual encroachment into the countryside.
16. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies LP 9, LP 10, LP 11 and LP 12 of the Local Plan, which seek, amongst other things, to ensure that developments respond positively to its context, the area's character and identity and recognise the intrinsic character and beauty of the countryside.

Other Matters

17. I note the appellants desire for a house to support their family and to be closer to other family members. I acknowledge that the design of the dwelling could be acceptable and that suitable materials could be employed. However, whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified.
18. A completed unilateral undertaking for the payment towards the provision of wheeled bin facilities has been provided by the appellants. Nevertheless, the aspect of this undertaking is a neutral factor and is required to make the development acceptable in planning terms. Moreover, it is not necessary for me to further consider the obligation given my decision to dismiss the appeal.

19. The appellant states that the site constitutes previously developed land (PDL) or brownfield land. However, the site benefits from planning permission¹ for the “*placement of seven storage units and a portacabin on agricultural land for agricultural purposes*”. At the time of my visit these items were on the site, and as the glossary at Annex 2 of the National Planning Policy Framework (the Framework) states that PDL excludes land that is or was last occupied by agricultural buildings, the appeal site does not represent PDL.
20. Moreover, even if I am wrong about the status of the land as PDL, the conflict with the Local Plan and the harm I have found above is serious and, in my view, is consistent with the Framework in seeking to ensure that while planning decisions should promote the effective use of land in meeting the need for homes, such a use should safeguard and improve the environment.
21. I note the appellants reference to the Self-Build and Custom Housebuilding Act 2015 (as amended). However, even as a self-build dwelling, given the modest scale of development proposed, the associated social and economic benefits would be reasonably limited. Moreover, such benefits would be significantly and demonstrably outweighed by the harm, given the nature and extent of harm that would be caused by the development, as detailed above. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, the delivery of self-build homes, locating and building sustainably and making effective use of land.
22. The appellants refer to a development at Brook Farm, Colne² which has been granted planning permission to demolish the existing building and erect seven dwellings at the site. However, this particular site was considered to be within the built-up area of Colne and was granted prior approval for the conversion of the existing buildings into six flats, which the Council considered to be a significant material consideration. That is not the case before me.

Conclusion

23. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ Application 1301904FUL approved 31 January 2014

² 19/01661/FUL