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## 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: 9<sup>th</sup> September 2020**

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**Appeal Ref: APP/H0520/W/20/3250287**

**74 Station Road, Warboys, Huntingdon, Cambridgeshire PE28 2TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr Ian Winters (Indigo Cariat Ltd) against the decision of Huntingdonshire District Council.
  - The application Ref 19/01962/PIP, dated 1 October 2019, was refused by notice dated 8 November 2019.
  - The development proposed is described as a “proposed development of 5 residential dwellings at 74 Station Road, Warboys”
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. This is an application for permission in principle. As such, no definitive details are required to be provided. However, the appellant has supplied an indicative layout of the proposed dwellings that I have treated as illustrative for the purposes of this appeal
3. The national Planning Practice Guidance states that the scope of permission in principle is limited to location, land use and amount of development<sup>1</sup>. Accordingly, I have considered only the issues relevant to those ‘in principle’ matters in my determination of the appeal.

### Main Issues

4. The Council’s decision notice refers to the location of the development outside of the built-up area of Warboys and its effect on the character and appearance of the area. Therefore, I find the main issues to be:
  - the location of the appeal site in relation to the built-up area of Warboys; and,
  - the effect of the development on the character and appearance of the area.

### Reasons

#### *Built-Up Area*

5. Policy LP 2 (Strategy for Development) of the Huntingdonshire District Council Local Plan to 2036 (the Local Plan) sets out the Council’s development strategy and seeks to concentrate developments in locations which provide a comprehensive range of services and facilities. Policy LP 8 (Key Service Centres) of the Local Plan defines Warboys as a Key Service Centre and states that development on a site

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<sup>1</sup> Paragraph: 012 Reference ID: 58-012-20180615 Revision date 15 06 2018

- within the built-up area of a Key Service Centre will be supported. However, the Council confirm that although the existing property on the site is within the built-up area of Warboys, the rear garden lies beyond its built-up area and as such, lies within the countryside.
6. The Local Plan offers a definition of what is considered to represent a 'built-up area' at page 53 and states that "*Land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area*". Therefore, the appellant argues that the appeal site meets the definition of a built-up area as it relates better to the group of buildings that lay adjacent to the site, rather than the countryside that may surround it.
  7. A table (the table) at pages 53 to 55 of the Local Plan provides additional guidance on the consideration of a built-up area. The appellant draws on the fifth row of the table which states that the built-up area will include "*Individual plots and minor scale development opportunities which would provide infill and rounding off opportunities on land which is physically and visually related to existing buildings within the built up area*". The guidance continues by stating that the built-up area will include pockets of undeveloped land that are often well contained by hedgerows and elements of the grounds of large curtilages that relate closely to buildings such as formal gardens.
  8. However, the guidance within the fifth row also states that individual plots and minor scale developments must also take account of any environmental development constraints subject to the exclusions listed within the table. The final row of the table excludes large curtilages with grounds that stretch away from the rest of the built-up area to prevent the sub-division of plots for new developments as well as those areas of gardens that have a more natural, rural character.
  9. The appellant makes reference to hedging that exists on the rear boundary that separates the appeal site from the adjoining agricultural land. It is argued that this is a defining boundary that marks the transition between the built-up area and the surrounding countryside and is a "*clear and unambiguous settlement boundary*". While I accept that the hedge separates two areas of land, it does not follow that it should be considered the default marker for the built-up area of a settlement. Each site has to be considered on its individual merits and in line with the built-up area implementation guidance within the table. It must also be accepted that hedges and other landscaping change over time.
  10. In this instance, the majority of existing development within the site is located close to the main dwelling. There is a distinct difference between the land that relates more closely to the main dwelling, where garaging and additional outbuildings, sheds and an ornamental pond are located, than the remainder of the garden which does not contain such structures and has a more open character. The area of garden closer to the dwelling has a more formal appearance than the rear of the appeal site where the arrangement of the land has a more natural and rural character. Furthermore, the rear of the appeal site is part of a large curtilage stretching away from the main dwelling and the proposal would result in the sub-division of the garden for new development. Thus, notwithstanding the presence of a hedge on its boundary, given these marked differences I find that the rear of the appeal site is not an area that relates more closely to buildings and performs an important role in maintaining the areas identity and character and therefore, does not meet the definition of a built-up area as it relates more to the adjoining countryside.
  11. Therefore, in such locations Policy LP 10 (the Countryside) of the Local Plan states that development will be limited to the specific opportunities as provided for in

other policies of the Local Plan such as homes for rural workers, development for tourism and recreation, local services and community facilities and rural exceptions housing. Thus, a development of five market dwellings would fail to meet the expectations of Policy LP 10 of the Local Plan.

12. However, Policy LP 8 of the Local Plan also states that development on land which is well related to a built-up area of a Key Service Centre may be supported where it also accords with the specific opportunities allowed for through other policies of the Local Plan. As well as developments that accord with Policy LP 10, such opportunities would also flow from those for the rural economy, local services and community facilities, tourism and recreation, rural exceptions housing, rural buildings and water related development. Given the location of the rear of the appeal site adjacent to the existing property, which is located within the built-up area of Warboys, I consider it to be well related to its built-up area. Nevertheless, a development of five market dwellings would not meet the specific opportunities as listed above.
13. Thus, the rear of the appeal site is not within the built-up area of Warboys and the development does not meet the specific opportunities allowed for through other policies within the Local Plan, the proposal is in conflict with Policies LP 8 and LP 10 of the Local Plan, the specific requirements of which are specified above.

#### *Character and Appearance*

14. The appeal site forms the rear garden of the host property and is laid to grass with various trees and shrubs throughout with a number of domestic structures such as sheds, garaging and outbuildings. The area is generally residential in character and consists of dwellings of various size and design, including bungalows, detached and terraced two storey dwellings that are arranged in a linear manner along Station Road. On the whole, gardens to the rear of properties in the area tend to be undeveloped, containing domestic structures such as sheds and other outbuildings.
15. The proposal seeks to erect five dwellings to the rear of the existing property, which would be retained along with its current access arrangement. The indicative layout illustrates that the proposed dwellings would be detached single storey properties and arranged around a new shared access road, with parking and garden areas.
16. There are other dwellings in the vicinity and in that respect, the proposal would not represent isolated dwellings in the countryside. However, whatever its final form, the proposal would create an in-depth development that would fail to integrate with the predominant pattern of linear built form along Station Road. The proposal would appear as an incongruous form of development in comparison to the built environment in the vicinity, which is largely typified by road facing dwellings separated by relatively spacious plots. The development would suburbanise the site eroding the rural qualities of the area and although there would be limited public views of the dwellings, they would be clearly visible from adjoining residential property and through the access. As a result, the significant visual harm caused by the dwellings would be experienced by the adjoining occupiers and in any event, an absence of wider public views is not a good argument for permitting otherwise unacceptable development as it could be repeated, causing further visual harm.
17. Furthermore, although the site is currently part of the garden to the main dwelling, in addition to the impact of the buildings, it is also necessary to consider the visual impacts of the residential use such as the proposed access, vehicle movements and

parking associated with the development. Moreover, fencing, domestic cultivation and items such as garden furniture, lighting and washing lines for each new dwelling would add to the suburbanising effect. Due to the above factors, the dwellings would be viewed as an alien and suburbanising feature in its surroundings, entirely at odds with the prevailing pattern of development in the locality and causing unacceptable harm to the character and appearance of the area.

18. Thus, the proposal would result in harm to the character and appearance of the area. It would be in conflict with Policies LP 10 and LP 12 of the Local Plan and paragraph 170 of the Framework which seek, amongst other things, to ensure that developments recognise the intrinsic beauty of the countryside and contributes positively to the area's character and identity.

### **Other Matters**

19. The appellant has drawn my attention to examples of in-depth developments in the area that are located to the northwest of the site at the end of the linear development along Station Road. While I acknowledge that this type of in-depth arrangement exists in the vicinity, it does not reflect the majority of development within Warboys and does not set an irresistible precedent to find in favour of a proposal that is otherwise harmful. Moreover, I have not been provided with any details that led to this development being accepted that would enable me to make a direct comparison to the proposal that is the subject of this appeal.
20. The appellant also refers to other residential developments within Warboys that have been developed or granted planning permission as detailed on drawing (0-)101 Rev P1. However, I do not have full details of these schemes or the background to the decisions, including the policy context in place at the time the decisions were made. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
21. I acknowledge that, despite the spatial shortcomings, the design of the dwellings could be acceptable and that suitable materials could be employed. I also accept that the development would seek to boost the supply of housing within the District and that Warboys provides a range of facilities and services to enable a sustainable form of development. The development would also provide economic benefits for local builders and professionals during its construction and following its completion whereby occupiers of the dwellings are likely to contribute towards local businesses. However, I do not consider that either individually or cumulatively the benefits of the development would outweigh the harm identified above.

### **Conclusion**

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

*Graham Wyatt*

**INSPECTOR**