



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: 9th September 2020

Appeal Ref: APP/H0520/W/20/3250496

Herne Road (South of 75), Ramsey St Marys, Huntingdon, Cambridgeshire PE26 2SR

- 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 Legrant Building Services against the decision of Huntingdonshire District Council.
 - The application Ref 19/01300/OUT, dated 24 June 2019, was refused by notice dated 15 October 2019.
 - The development proposed is described as the "erection of three dwellings with garaging (one detached & two semi-detached)".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. The site has been the subject of a previous appeal¹ for 11 dwellings on the site, which I have had regard to insofar as it relates to the development before me.

Main Issues

4. The main issues are 1) whether the appeal site is in an appropriate location for the development having regard to the development plan and 2) the effect of the development on flood risk, 3) the character and appearance of the area and 4) ecology and trees.

Reasons

Location

5. Ramsey St Marys is a dispersed settlement with development radiating either side of Herne Road which runs in an almost north/south direction with dwellings continuing in a linear manner towards Ramsey Heights to the south. Between the built-up areas of Ramsey St Marys and Ramsey Heights are groups of dwellings that punctuate the open countryside.

¹ APP/H0520/A/14/2224053 dated 26 March 2015

6. 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. Ramsey St Marys itself is defined as a small settlement under Policy LP 9 (Small Settlements) of the Local Plan. Development proposals that are located within a built-up area of such settlements will be supported where the amount and location of development is sustainable in relation to the criterion as set out at a, b and c within Policy LP 9.
7. Page 53 of the Local Plan provides a definition of what is considered to constitute a built-up area. Specifically, it is considered to be a distinct group of buildings that includes 30 or more dwellings. Clearly the properties to the north of the appeal site meet this definition and thus, are within the built-up area of Ramsey St Marys. However, the definition of a built-up area also includes land that relates more to the group of buildings rather than the surrounding countryside. In this instance, although the Local Plan accepts that a built-up need not be a single contiguous area, the appeal site forms part of a wider agricultural field and relates more to the surrounding countryside. Thus, notwithstanding the footpath that links the two areas of Ramsey St Marys, having regard to the location and character of the appeal site, it lies beyond its built-up area and, for the purposes of planning policy, lies within the countryside.
8. In such locations, Policy LP 10 (the Countryside) of the Local Plan states that development would be limited to the specific opportunities as provided for in other policies of the Local Plan and that which recognises the intrinsic beauty and character of the countryside. Such opportunities would be restricted to that which assists the rural economy, provides homes for rural workers, is for tourism and recreation, local services and community facilities or provides homes under the Local Plan's rural exceptions policy. None of these types of developments have been advanced by the appellant.
9. However, Policy LP 9 of the Local Plan also states that developments that are well related to the built-up area may also be supported. The appeal site lies adjacent to 75 Herne Road which is within the built-up area of Ramsey St Marys and as such, is considered to be well related to it. Thus, where the proposal accords with specific opportunities allowed for through other policies of the Local Plan, it may be supported. In addition to those specific opportunities identified by Policy LP 10, Policy LP 9 also considers developments that are for rural buildings and water related developments. Again, none of these specific opportunities have been advanced by the appellant.
10. I acknowledge that the site is within walking distance of bus stops and that the small settlement of Ramsey St Marys provides a range of facilities that would support day to day living. While cycling and walking would be subject to weather conditions and the time of year, there are nonetheless alternatives to the private car to access services and facilities further afield in Ramsey and other larger towns. However, such opportunities would also flow from a site within the built-up area of Ramsey St Marys and other locations that are considered acceptable for such developments and thus, are not related to this specific site or development. 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.

11. Thus, as the appeal site lies beyond the built-up area of Ramsey St Marys and does not meet the limited opportunities for development well related to the built-up area or within the countryside, it represents unsustainable development. It is in conflict with Policies LP 2, LP 9 and LP 10 of the Local Plan, the specific requirements of which are specified above.

Flood Risk

12. Policy LP 5 of the Local Plan seeks to manage where development is located in relation to flood risks, so that only proposals that pass the sequential test and, if necessary, the exception test, will be supported. The Council produced an updated Strategic Flood Risk Assessment (SFRA) in 2017, which defines the whole of Ramsey St Marys as being within Flood Zone 3. The Environment Agency (EA) flood zone mapping also shows Ramsey St Marys, including the appeal site, as being wholly located within Flood Zone 3.
13. Flood Zone 3 is defined as having the highest risk of flooding in the government's national Planning Practice Guidance (PPG). The National Planning Policy Framework (the Framework) seeks to direct inappropriate development away from areas at the highest risk of flooding (whether existing or future). Where development is proposed in areas that are at the highest risk of flooding, the Framework requires a sequential, risk-based approach to the location of development, so as to avoid where possible, flood risk to people and property. This means that in seeking to locate new housing development, areas at the lowest risks of flooding (Flood Zone 1) should be considered first and only where there are no sites available in these lower risk areas should the higher risk areas be considered.
14. The Council has applied the sequential test and states that the appeal proposal fails to pass it as there are other sites in areas that have a lower risk of flooding available for open market housing elsewhere in the District. Therefore, I am satisfied that the proposal fails the sequential test required by the Framework. Furthermore, the Framework refers at paragraph 159 to a further exception test that should be applied, if it is not possible for development to be located in zones with a lower risk of flooding. However, it is not necessary to apply the exception test as the proposal could be located elsewhere in the District in areas that have a lower risk of flooding.
15. In addition, the Council has taken a flexible approach to development in settlements which are wholly within Flood Zone 3, by seeking to define certain areas of land within those settlements as lying outside Flood Zone 3, if these areas are protected by flood defences and are defined in a 2010 SFRA. This flexibility is designed to help enhance or maintain the vitality of rural communities that lie wholly within Flood Zone 3 as defined in the 2017 SFRA. Indeed, the appellant argues through a Flood Risk Assessment² (FRA) that the appeal site is indeed within Flood Zone 1. However, the Council state that at least part of the site is within Flood Zone 2 and 3 and so would still not be suitable for housing development even when this flexible approach is applied.

² Geoff Beel Consultancy dated December 2018 (GCB/HUGGINS)

16. The EA in their consultation response to the planning application raised no objection to the proposal. However, the EA has assumed in its response that the sequential test has been applied to the proposal and it has passed. It is clear that the Council have applied the sequential test to the proposal, and it has failed. I concluded earlier that I also consider the proposal fails the sequential test.
17. The appellant has referred to several developments taking place within Ramsey St Marys. However, while the appellant has provided extracts of these developments, 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 and whether the Council accepted the sites had passed the sequential test, or indeed the exception test. Moreover, the Council confirmed that using the 2010 SFRA, the site at 117 Herne Road was within Flood Zone 1.
18. Thus, I find that the proposal would lead to development being located on land which is at a high risk of flooding. It is in conflict with Policies LP 2 and LP 5 of the Local Plan, which seeks, amongst other things, to ensure that development will only be accepted where the sequential approach and sequential test are applied and passed, having regard to actual and residual flood risk and including consideration of the impact of climate change.

Character and Appearance

19. The appeal site forms part of an agricultural field that lies to the south of 75 Herne Road. The site is bound to the east by trees and hedging that lie adjacent to a footpath that runs along Herne Road and to the north is a linear arrangement of dwellings that extend towards the centre of Ramsey St Marys. The proposal seeks to erect three market dwellings on the appeal site, one of which would be a detached dwelling with a double garage and the other two would be a pair of semi-detached dwellings, each with a single garage.
20. The area is generally rural with a verdant and spacious character which is reinforced by the presence of open fields and agricultural land. Although there are dwellings in the vicinity, the appeal site relates more to the rural land that surrounds Ramsey St Marys, to which it makes a positive contribution. It also forms part of the open land that separates housing to the north from additional housing located to the south.
21. Whatever its final form, the three dwellings and associated accesses would result in the loss of undeveloped countryside. The development would suburbanise the site, eroding the open and spacious qualities of this part of Ramsey St Marys by intensifying the built form between the two distinct areas of housing to the north and south of the site. This would be to the detriment of the character and appearance of the area and harmful to its rural setting. Furthermore, it is also necessary to consider the visual impacts of the residential use such as the vehicle movements and parking associated with the development, along with fencing, domestic cultivation and items such as garden furniture, lighting and washing lines for each new dwelling which would add to the suburbanising effect. This harm would be clearly visible from the site's prominent location on Herne Road and from the surrounding properties.
22. Thus, the development would harm 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, contributes to the area's character and recognises the intrinsic character and beauty of the countryside.

Ecology and Trees

23. From my visit, I noted that the land to be developed was being put to agricultural use and was bound to Herne Road by trees and hedging. This leads me to conclude that there is potential for protected species to be present at the site, either on the land, its margins or within the landscaping on its boundary, which may be adversely affected by the development. As an ecological survey has not been undertaken, it is not possible to confirm that protected species do not exist at the site.
24. The PPG indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Furthermore, Circular 06/2005: Biodiversity and Geological Conservation, states that a survey should be carried out before planning permission is granted and that surveys should only be required by a planning condition in exceptional circumstances. However, no exceptional circumstances have been put forward by the appellant.
25. In addition, notwithstanding the appellants view of the landscaping that exists on the boundary of the site, it is an important feature along Herne Road that adds to the overall rural quality of the area. While I accept that part of the landscaping would be removed to facilitate the development and that additional planting would be provided around the site, in the absence of an appropriate survey it is not possible to assess the impact that the development would have on the trees and hedges that currently exist on the site boundary.
26. Accordingly, the proposed development would fail to protect local biodiversity, trees and hedgerows. It would therefore be in conflict with Policies LP 30 and LP 31 of the Local Plan and paragraph 170 of the Framework which seek, amongst other things, to ensure that developments demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated.

Other Matters

27. The appellant refers to several developments that have been recently approved within Ramsey St Marys. The development at Ugg Mere Court³ was considered under Policy LP 33 (rural buildings) of the Local Plan as it sought the demolition and replacement of an existing barn. That is not what the development before me proposes. In addition, the development at Middlemoor Road⁴ sought a permission under Policy LP 28 (rural exceptions housing) as it proposed to deliver eight affordable units and a further three market dwellings. The development before me seeks to provide only market dwellings and thus, cannot be considered under Policy LP 28 of the Local Plan.
28. I acknowledge that the design of the dwellings could be acceptable, that suitable materials could be employed and that the dwellings could be suitable for younger persons that may wish to stay in the village. I also accept that the development would not impact on the living conditions of adjoining occupiers

³ 18/02395/FUL

⁴ 17/00630/FUL

and would boost the range of housing in the area. However, while noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.

29. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

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

Graham Wyatt

INSPECTOR