
Appeal Decision

Site visit made on 1 September 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 29 September 2020

Appeal Ref: APP/W0530/W/20/3248571

44c North Road, Great Abington, Cambridge CB21 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P. Harding against South Cambridgeshire District Council.
 - The application Ref: S/4358/19/FL, is dated 10 December 2019.
 - The development proposed is the erection of a new detached dwelling to replace existing barn (has class Q prior approval)
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Decision

1. The appeal is dismissed, and planning permission for the erection of a new detached dwelling to replace existing barn (has class Q prior approval) is refused.

Procedural Matter

2. Some of the evidence before me suggests that the planning application was submitted in outline, with all matters reserved for future consideration. However, the planning application form, in addition to other evidence, states that an application for full planning permission was made. I have therefore proceeded on this basis.

Main Issues

3. From the evidence before me, the main issues are:
 - whether the site is appropriate for housing development, with particular regard to its location;
 - the effect of the proposed development upon the character and appearance of the surrounding area;
 - the effect of the development upon wildlife, with particular reference to bats and birds; and
 - the effect of the development upon a hedgerow.

Reasons

Suitability of the site

4. The appeal site is located outside of the allocated boundaries of any settlement, however, there are several residential dwellings within the

- surrounding area. Other land uses include activities associated with grazing and agriculture. The site is accessed via a series of private roads, which are relatively narrow and do not have separate environments for pedestrians.
5. The appeal site contains an existing barn building, with a mobile home located to the rear of the site. The appeal site does not contain any existing houses.
 6. By reason of the scale of the proposed development, the dwelling could accommodate a large household. The proposal would be near to other dwellings and therefore not isolated. However, this causes a concern as owing to the nature of the facilities within the surrounding area, the potentially large number of residents of the development are likely to be required to travel in order to access a number of the services that they are likely to require on a regular basis.
 7. In addition, the nearest bus stops are some distance away and are accessed by a road that has no pavements or streetlighting. The lack of a separate environment for pedestrians is also likely to deter travelling by foot, or by bicycle. This would be particularly concerning during periods of darkness or inclement weather owing to the shortage of lighting. The lack of a welcoming pedestrian environment, and the potential conflict between vehicular and pedestrian traffic, may discourage the latter and therefore encourage the use of private vehicles
 8. My attention has been drawn to Policy S/7 of the South Cambridgeshire Local Plan (2018) (the Local Plan). This seeks to ensure that outside of settlements, dwellings should only be permitted in instances where they relate to agriculture, horticulture, forestry, outdoor recreation and other uses which need to be in the countryside. The evidence before me is not indicative of the proposed development fulfilling one of these criteria.
 9. I therefore conclude that the appeal site does not represent an appropriate location for the proposed development. The development, in this regard, conflicts with Policy S/7 of the Local Plan and Policy GAL/2 of the Former Land Settlement Associations' Estate Neighbourhood Plan (2019). These policies, amongst other matters, seeks to direct new residential developments within settlements; and within the Neighbourhood Plan area encourage new residential developments to sites associated with existing dwellings.

Character and appearance

10. The appeal site consists of a broadly level site, which contains a barn and, to the rear, a small dwelling. The front and one side boundary are marked through a combination of landscaping, whilst the remaining side and rear boundaries are marked through low-level fencing. The surrounding sites are also relatively level in nature and are used for a variety of purposes, including residential accommodation, agriculture and grazing. Near to one of the side boundaries is a footpath.
11. Whilst the dwelling would have a smaller footprint than the existing barn, it would have a much greater mass arising from its bigger height and projecting elements. In consequence, the proposed dwelling would be more prominent than the existing building. This causes concern as owing to the greater form of the dwelling there would be an erosion of the rural, less developed, character that defines the environs of the appeal site. This effect will also be increased by

the proposed palette of materials, which include materials such as zinc cladding that are not present within the surrounding area.

12. In addition, the proposed development includes an outbuilding in the form of a garage and storage area, which would be located towards the front of the site. This would add to the level of built form at the site and would further erode the rural, open character of the site and the surrounding area.
13. Although the site does feature some landscaping adjacent to the front boundary, a gap in this would be retained in order to allow access to the development. Consequently, the proposed dwelling would be readily visible from North Road. As such, it would represent a prominent addition to the area.
14. The adverse effects of the development would be exacerbated as, owing to the existing side boundary treatments, and the boundary treatments utilised on adjoining sites, views of one of the side boundaries of the proposed dwelling and outbuilding would be clearly visible from North Road and, to a lesser degree, from the footpath that runs near to the side boundary of the appeal site.
15. I have considered whether a condition could secure the provision of a greater amount of boundary treatments. However, the effect would only be partial owing to the height of the proposed dwelling. Furthermore, such installations would provide a greater sense of enclosure that would conflict with the general open character present elsewhere within the vicinity. I am therefore not persuaded that such an approach would overcome the adverse effects as previously identified.
16. I acknowledge that the proposed dwelling would have a lower height than the existing nearby house at 44 North Road. However, the existing dwelling is constructed to a notably different design and is sited on a larger plot. Of particular note, the existing house features a hipped roof, with significantly lower eaves. This form of development means that the house does not appear as bulky as the scheme before me and therefore does not have the same effects on the character and appearance of the locality.
17. I also note that the surrounding area features several other buildings, including dwellings. In general, these are smaller in scale and have a less bulky design. Furthermore, the materials from which they are constructed are more complimentary, in type and colour, to the rural location. Therefore, I do not believe that the presence of developments elsewhere requires me to disregard my previous concerns.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policy HQ/1 of the Local Plan. This policy, amongst other matters, seeks to ensure that developments are compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area.

Effect on wildlife

19. The appeal site consists of an open barn located within the countryside. The surrounding area contains several trees.

20. I acknowledge that an ecology survey has been submitted, however, this is associated with a different proposal given that the development described in the survey is the conversion of the existing building to a dwelling. Therefore, the previous development would have retained some of the existing structure, which may have remained as attractive accommodation.
21. As this building is now proposed to be demolished, the existing roof space would not be retained. In consequence, it is now no longer possible to state whether the suggested mitigation within the ecological survey is still sufficient to overcome any adverse effects on these protected species.
22. In addition, the survey, whilst identifying no bat roosts within the building at the time, does not discount the possibility of bat roosts becoming present within the building at some point afterwards. Given that a notable amount of time has elapsed since the ecological survey was carried out, it is not possible to definitively state that the proposal would not have an adverse effect upon ecology.
23. In addition, the removal of trees from the site has the potential to remove habitats that would be attractive for the roosting of birds. As the likelihood of the existing building or hedgerow accommodating such an environment has not been established, it is therefore not possible to state, at this stage, the effects of the development upon this matter.
24. I have given consideration as to whether the imposition of a condition could overcome my concerns. However, without certainty regarding the current level of existing activity on the site and given that it may be some time before the development is implemented, it is not possible to reach a definite position regarding the appropriate level of mitigation. Accordingly, such a condition would lack precision and would therefore be an unreasonable imposition.
25. I therefore conclude that the proposed development would have an adverse effect upon wildlife and particularly bats and birds. The development, in this regard, would fail to accord with Policy NH/4 of the Local Plan. This policy, amongst other matters, seeks to ensure that new developments aim to maintain, enhance, restore or add to biodiversity.

Effect on trees

26. The appeal site contains a large number of trees, generally located in proximity to the front and one of the side boundaries. Cumulatively, and in conjunction with trees on other sites, these trees contribute to the definition of a verdant and rural character.
27. Whilst the trees contribute to the site and area's character, the evidence before me is indicative that these trees are not the subject of any form of statutory protection. In consequence, there is a likelihood that, at some point in the future, these trees might be removed.
28. Furthermore, the appeal documentation includes a tree survey. This document confirms that a large proportion of the trees on the site would be retained post development. The trees that are to be removed are identified as being less significant and, in one case, the tree contains a cavity from a previously failed limb. In consequence, the trees that would need to be removed would not have a significant adverse effect on the character of the surrounding area.

29. In addition, had I been minded to allow this appeal, I could have imposed conditions that would have required the installation of tree protection measures during the construction process. This would ensure that the construction process would not harm the health of the retained trees. Furthermore, it would have also been possible to impose conditions requiring the undertaking, and retention of a landscaping strategy throughout the site. This would have allowed for replacement trees to be planted within the appeal site, thereby minimising the effects of the development upon trees.
30. I therefore conclude that the proposed development would not have an adverse effect upon the adjacent hedge. The development, in this regard, conforms with the Policy NH/4 of the Local Plan. This policy, amongst other matters, seeks to ensure that new developments aim to maintain, enhance, restore or add to biodiversity.

Other Matters

31. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance' as prescribed by paragraph 11(d) of the National Planning Policy Framework (the Framework) applies. This states that planning permission should be granted unless the benefits are significantly and demonstrably outweighed.
32. In this instance, the benefits arising from the development are comparatively small given that the proposal is for a single dwelling only. Furthermore, as the development would accommodate one household, any support of the local economy is also likely to be relatively small. Given that I have identified significant harm arising from the unsuitability of the appeal site as a location for a dwelling of the scale proposed; to the character and appearance of the surrounding area; and the adverse effects of ecology, the benefits of the proposal are significantly and demonstrably outweighed.
33. I am aware that prior approval has previously been granted for the conversion of the barn to a residential dwelling, which I have had regard to in my considerations. Even if I were to accept that the prior approval was capable of lawful implementation, it would not alter my previous conclusions.
34. The reasons for this are that the development before me, whilst having the same number of bedrooms as the prior approval scheme features a greater number of facilities, including a dressing room, laundry, additional living room and a playroom/snug. Accordingly, the appeal scheme has the potential to be used on a more intensive basis and could therefore support a larger household than the previously permitted scheme. The result of this is that the impacts of the appeal scheme would be greater than the extant proposal.
35. In addition, the prior approval was for the conversion of the existing barn to a dwelling. Whilst this has a smaller footprint than the proposed dwelling, the proposed dwelling has a notably greater height and massing than the prior approval scheme. In addition, the new dwelling would be viewed alongside a proposed outbuilding, which would add to the overall effect upon the character of the site and the surrounding area. This differs from the prior approval scheme, which would not result in a change to the level of built form on the site.

36. The development would not appear to have an adverse effect upon highway safety and flood risk. Whilst these are matters of note, they do not overcome my previous conclusions.

Planning balance and conclusion

37. Whilst I do not believe that the proposed development would have an adverse effect upon trees, this is outweighed by the harm arising from the site being an unsuitable location for a development of the proposed scale and the adverse effects upon the character and appearance of the surrounding area and ecology. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR