



Appeal Decision

Site visit made on 25 August 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2020

Appeal Ref: APP/V0510/W/20/3251382

187 High Street, Bottisham, Cambridgeshire CB25 9BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Tracey Taylor (First Copy) against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01179/FUL, dated 7 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is for four houses on land part of First Copy office site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and,
 - If the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt, subject to a number of exceptions. One exception, set out in paragraph 145(e), concerns 'limited infilling in villages.'
4. An appeal for seven houses has recently been dismissed¹. The Inspector concluded that the appeal site forms a peripheral but component part of the village, even though it lies outside the defined village boundary in the

¹ Appeal reference – AP/V0510/W/18/3210766

development plan. Moreover, I was able to see on my site visit that the site lies in close proximity to existing built form which itself has a functional relationship with the village core which lies to the west. Therefore, I conclude that the appeal site lies in a village.

5. It is put to me by the appellant that if a site is to be deemed as 'infill', as was the conclusion drawn by the previous Inspector, then it is a question of form and quality regardless of the number of dwellings proposed. I disagree. There is no definition of 'limited infilling' in the local plan or the Framework, but the fact that the word 'limited' precedes the word 'infilling' indicates to me that only a restricted form of infilling would be acceptable. Therefore, in order to determine whether this proposal would constitute limited infilling, I have taken into account the number of dwellings proposed, but I have also considered the visual and spatial effects of the proposal on the ground, having regard to the characteristics of the site and its surroundings.
6. In this regard, the two semi-detached dwellings positioned on the street frontage would occupy a gap that exists in between an office building and the Hilton Park Care Centre². They would be proportionate in scale and in keeping with the prevailing built form and would infill the existing gap in a restrained manner. However, the detached dwellings proposed to the rear of the site would be flanked by countryside on two sides. Even though they would lie adjacent to the care centre complex, which itself has been recently extended and has an extensive footprint which projects some distance beyond the rear boundary of the appeal site, the two dwellings would not infill a gap that exists in between buildings, rather they would represent a form of urban encroachment into the Green Belt.
7. I am aware that the number of dwellings proposed is less than the number proposed as part of the previous appeal, but for the reasons outlined, the number of units is just one factor to consider. Furthermore, each of the dwellings proposed would have a larger footprint than the dwellings associated with the previous scheme. Taken together, the built form would occupy a large proportion of the plot, and two of the dwellings would protrude beyond the rear boundaries of the nearby properties to the west. Therefore, the overall mass and positioning of buildings within the site means that the development would not be limited in scale.
8. Consequently, the proposal would not represent limited infilling in a village and it would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would fail to meet the exceptions set out in paragraph 145 of the Framework. There would also be conflict with Policy ENV10 of the East Cambridgeshire Local Plan 2015 (Local Plan) which requires that development in the Green Belt is strictly controlled and limited to certain exceptions.

Openness and purposes

9. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. The term 'openness' is essentially a three-dimensional concept which denotes an absence of buildings and development.

² Comprising Eden View and other care and care home facilities

10. The appeal site is defined by a lack of built form. Whilst the openness of the surrounding area is reduced to an extent by the presence of other buildings, the overall height and mass of the dwellings proposed would significantly diminish the openness of the appeal site.
11. The sizeable footprint of the dwellings means that the scheme would also result in the encroachment of built form into a verdant area of Green Belt. As a result, I conclude that the development would lead to a significant loss of openness and would conflict with the purposes of including land in the Green Belt³.

Character and appearance

12. The appeal site faces the countryside generally to the north and west. It is also situated close to existing buildings, including the large care centre complex adjacent, which extends a considerable distance to the rear and away from the street. Overall, the site has a semi-rural and verdant character.
13. By virtue of the overall scale, mass and positioning of the four dwellings within the appeal site along with their associated garden areas, they would have an overtly urbanising effect on the area, thus harming its intrinsic semi-rural character and appearance.
14. I have had regard to the site's proximity to several listed buildings and its location partly within Bottisham Conservation Area. However, like the Council, I find no harm to the significance of these heritage assets.
15. Nevertheless, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policies ENV1 and ENV2 of the Local Plan which require, amongst other matters, that development is sympathetic to the local character and countryside.

Other considerations

16. The Framework requires me to come to a view as to whether or not, in Green Belt terms, there are other considerations that clearly outweigh the totality of the identified harm so as to amount to very special circumstances. In this regard, the proposed development would provide four dwellings which would contribute to local and district wide housing supply, a matter to which I apply significant weight.
17. In addition to the above, there would be indirect benefits to the local economy from the spending potential of future occupiers of the dwellings, and direct and indirect benefits from the construction phase. This consideration carries modest weight in favour.
18. The appellant has drawn my attention to a recent planning permission for a large extension to the nearby office premises which would involve some development on the appeal site. However, this case did not involve the provision of housing thus the circumstances of it are different to this appeal, and I do not know the detailed reasons why planning permission was granted. Furthermore, there is no evidence before me to suggest that the office extensions have a real prospect of being built, thus the fallback position attracts only limited weight in favour of the proposal.

³ As set out in paragraph 134 of the Framework

19. The Council does not object to the design of the proposed dwellings, which would be traditional and in keeping with the village architecture. There would be no unacceptable impact on heritage assets, the living conditions of nearby occupiers, or highway safety. However, compliance with relevant planning policies in these respects carries no weight in favour of the proposal.

Other Matters

20. The Council states that it can demonstrate a 5-year supply of deliverable housing sites, which was not the case when it determined the planning application. They also state that Policy GROWTH2 of the Local Plan⁴ is now 'not out of date' due to their compliant housing land supply position, and that the proposal would therefore be in conflict with Policy GROWTH2, even though it is not referred to in their decision notice. However, it has not been necessary for me to consider this matter further because I find that the proposal would be unacceptable due to its Green Belt location and for the reasons set out regardless of the Council's housing land supply position.
21. It is put to me that the Council did not work proactively in determining the appellant's planning application and that conflicting advice was given as part of the pre-application process. However, these are matters between the main parties that have had no bearing on my decision.

Conclusion and planning balance

22. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. In addition, I have found that the development would lead to significant harm to its openness and would conflict with the purposes of including land in the Green Belt by reason of encroachment.
23. I attach significant weight to the contribution the scheme would make to local housing supply, in line with the aim of significantly boosting the supply of homes, as advocated by the Framework. Other material factors that weigh in favour of the proposal include modest economic and social benefits. A recent planning permission for extensions on the appeal site carries limited weight in favour. However, in combination, these benefits are not sufficient to clearly outweigh the harm I have identified, and the proposal would not be sustainable development.
24. Therefore, the material considerations do not indicate that this case should be determined other than in accordance with the development plan and the Framework. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist.
25. For the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR

⁴ Policy GROWTH2 – Locational strategy for new development