



Appeal Decision

Site visit made on 14 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/H0520/W/20/3249852

Land adjacent to 24 Little Gransden Lane, Great Gransden SG19 3BA

- 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 & Mrs R Merrill against Huntingdonshire District Council.
 - The application Ref 19/02282/FUL, is dated 11 November 2019.
 - The development proposed is erection of a detached dwelling-house and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs R. Merrill against Huntingdonshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing with particular regard for the character and appearance of the area;
 - whether the proposed development would preserve or enhance the setting of the Grade II Listed Buildings (Nos 22, 24 and 26 Little Gransden Lane) and the setting of Great Gransden Conservation Area (GGCA) including its effect on their significance;
 - the effect of the proposal on highway and pedestrian safety; and
 - whether the proposal would provide a suitable living environment for future occupiers with particular regard for accessibility and adaptability.

Reasons

Location

4. Policy LP 9 of the Huntingdonshire's Local Plan to 2036 May 2019 (LP) lists Great Gransden as a small settlement. This Policy states that a proposal for development on land well-related to the built-up area may be supported where it accords with the specific opportunities allowed for through other policies of this plan. The reasoning text related to this Policy specifies the policies which allow development in these areas and include LP Policy LP 10 'The Countryside'.

5. LP Policy LP 10 states that all development in the countryside must, among other things, avoid the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible and recognise the intrinsic character and beauty of the countryside.
6. The site is undeveloped agricultural land with open countryside to the rear. Therefore, while I note the trees and hedges along part of the boundaries of the site, and the distance to Great Gransden, it is more closely related to the adjacent open countryside than to the built up area and nearby dwellings at Nos 22, 24 and 26 Little Gransden Lane. As such, the area has a spacious rural character and appearance to which the appeal site contributes positively.
7. The proposal would not only involve the erection of a dwelling but would also include a significant area of paved driveway and domestic garden that would urbanise the site, substantially altering the landscape character of the area and would constitute encroachment into the countryside. Consequently, the proposed development would harm the character and appearance of the area.
8. Therefore, even if the site was land well-related to the Built-up Area, and was land of lower agricultural value, given the harm to the intrinsic character and beauty of the countryside, it would conflict with LP Policies LP 9 and 10.
9. I note the barn style design of the building and the landscaping along the western boundary and in the eastern part of the site as well as the proximity to nearby dwellings that have a variety of styles and forms. I also note the services and facilities within the village and local bus services. However, given the encroachment of the countryside that would result from the proposal, these matters do not override the harm identified.
10. Consequently, the proposal would not provide a suitable location for housing with particular regard for the character and appearance of the area. Therefore, it would conflict with LP Policies LP 2, LP 10 and LP 12 which direct development towards larger settlements and seek development that would recognise and contribute positively to the intrinsic character and beauty of the countryside. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Grade II Listed Buildings and GGCA

11. Nos 22, 24 and 26 Little Gransden Lane (Nos 22, 24 and 26) are sited near to the appeal site. Their significance lie in the evidence of historic rural vernacular architecture. Since Nos 24 and 26 are near to the site, the proposal would lie within their rural setting, and given its agricultural character, the site contributes positively to their setting. While No 22 lies further from the appeal site, the site nevertheless provides a rural backdrop for the listed building, thereby positively contributing to its rural setting.
12. The significance of the GGCA lies in the evidence of historic rural architecture. Given the proximity of the site to the GGCA, and its undeveloped agricultural appearance, it provides a pleasant rural backdrop for the village and contributes positively to its setting.
13. I note the findings of the Heritage Statement¹ and I acknowledge the trees that separate the site from Nos 22, 24 and 26. However, given the erection of a dwelling on undeveloped agricultural land, the proposed dwelling would urbanise

¹ Heritage Statement November 2019 Ref: GC/HS/1553

the site thereby diminishing the rural setting of these dwellings and the village of Great Gransden beyond. Therefore, notwithstanding the barn-style design of the building and its visibility from the wider landscape and GGCA, given the encroachment of the countryside that would result from the proposal, it would harm the setting of these listed buildings and GGCA.

14. Consequently, the proposed development would not preserve or enhance the setting of the Grade II Listed Buildings and the setting of the GGCA. It would thereby be harmful to the significance of these heritage assets. Therefore, the proposal would conflict with LP Policies 11 and 12 which together seek development that responds positively to its context. It would also conflict with LP Policy 34 which seeks development that protects the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character.

Highway Safety

15. The stretch of access track between the site and Little Gransden Lane lacks footpaths and streetlights. However, the proposal for a single dwelling would be likely to result in a limited increase in use of the track and the length of the access track from the site to Little Gransden Lane is modest. Furthermore, from the evidence before me, there appears to be only a few other dwellings sited along the track such that the number of vehicles using it would be limited. Therefore, while I acknowledge the lack of streetlights and footpaths, given the limited use of the access track and its modest length to the main road, the risk of collision with pedestrians would be low such that the proposal would not result in an unacceptable impact on highway safety.
16. Consequently, the proposal would not unacceptably impact highway and pedestrian safety. Therefore, it would not conflict with LP Policy 17 which requires, among other things, that the level of vehicle and cycle parking proposed will need to be provided taking account of highway safety and access to and from the site among other things. It would also not conflict with the Framework in this respect.

Living environment

17. LP Policy LP 25 requires, among other things, that new dwellings, across all tenures provided, meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' (or replacement standards). I note that the appellant does not appear to have provided a statement to this effect. However, given the size of the site and proposed dwelling, I see no reason why the provisions of Building Regulations M4(2) cannot be met and for this matter to be dealt with via a suitably worded condition.
18. Consequently, the proposed development would provide a suitable living environment for future occupiers with particular regard for accessibility and adaptability. Therefore, it would not conflict with LP Policy LP 25 in this respect.

Planning Balance

19. The identified harm to the setting of the listed buildings would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Bearing in mind the statutory duty² to have special regard

² S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm carries substantial weight against the proposed development.

20. I note the public benefits of the proposal in the terms of the appellant, including the provision of a dwelling to the local housing supply and associated contribution towards maintaining the vitality of existing local services and amenities. I also note the temporary economic benefits during the construction phase as well as in light of the Covid-19 pandemic. Future occupiers would also contribute to the local community and I acknowledge the accessibility of services and facilities.
21. However, given that the Council are able to demonstrate a five-year housing supply, and that the proposal is for a single dwelling, these benefits would be limited. Therefore, the limited public benefits would not outweigh the substantial weight against the proposed development.

Other Matters

22. The submitted Unilateral Undertaking aims to secure financial contributions towards meeting the need for refuse storage arising from the development. I consider that the measures in the Undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. However, I have some concerns about the document itself, its execution and thus whether the Council could rely on it to secure the contributions. For example, the title plan number is not completed, and the plan referred to in section 2 is not included.
23. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, as it stands, and for the reason given in the previous paragraph, I am not satisfied that the submitted Unilateral Undertaking would make adequate provision for refuse storage to meet the additional needs arising from the development in accordance with LP Policy LP 4 and the Developer Contributions SPD Adopted December 2011.
24. I acknowledge the presumption in favour of sustainable development as set out in the Framework as well as the paragraphs relating to effective use of land and rural housing. However, while I recognise that the development would not be isolated in the terms of the Framework, given the development plan conflict identified above, these have not altered my overall decision.
25. I note the concerns regarding the service provided by the Council including during the pre-application stage. However, I have determined the appeal based on its planning merits and given the harm identified above, this has not altered my overall decision.

Conclusion

For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR