
Appeal Decision

Hearing Held on 15 September 2020

Site visit made on 16 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal Ref: APP/W0530/W/20/3252075
77 Station Road, Over CB24 5NL

- 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 Mr Don Hutchinson against the decision of South Cambridgeshire District Council.
 - The application Ref S/4327/19/FL, dated 9 December 2019, was refused by notice dated 6 February 2020.
 - The development proposed is described as, 'a single dwelling on land to the south of 77 Station Road, Over, with access and parking'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. While I note the two reasons for refusal, from the wider evidence, the main issue is:
 - whether the proposed development would accord with the Council's strategy for the location of housing including the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site is located outside of the development framework for Over. Policy S/7 of the South Cambridgeshire Local Plan Adopted September 2018 (SCLP) states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
4. From the evidence before me, the site is not allocated within a Neighbourhood Plan and is not intended for any of the countryside uses stated in this Policy.
5. SCLP Policy S/10 lists Over as one of a number of Group Villages and states that residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the development frameworks of Group Villages, as defined on the Policies Map. While the appellant considers the wording of this Policy to be permissive rather than restrictive, since the site lies outside Over as defined on the Policies Map, the proposal would not strictly accord with this Policy.

6. A Certificate of Lawfulness¹ was granted for the existing use of the site as residential garden land. SCLP Policy H/16 permits the development of land used or last used as residential gardens for new dwellings subject to a number of criteria including where there would be no significant harm to the local area taking account of the character of the local area and the proposed siting, design, scale, and materials of construction of the buildings among other things.
7. There is a dispute among the parties as to whether accordance with SCLP Policy H/16 would result in accordance with SCLP Policy S/7, given that the latter Policy accepts development that is supported by other policies in the plan.
8. While part (a) of SCLP Policy H/16 specifies development for a one-to-one replacement of a dwelling in the countryside under Policy H/14, part (b) does not include such a reference either to countryside or village areas. However, the explanatory text to this Policy is focussed on development within villages.
9. As such, since the Policy is directed at new dwellings within villages, there is no express support either within the wording of part (b) of the Policy, or in the explanatory text for new dwellings in residential gardens outside the development framework.
10. During the hearing the appellant's agent referred to case law which considered whether the interpretation of the term 'village' should rely on the position on the ground rather than development plan policies. However, since that case, as noted by the appellant, was in the context of the Green Belt policies within the National Planning Policy Framework (Framework), it is not directly relevant for this appeal. In any event, from the evidence before me, and my observations during the site visit, the site is part of a small cluster of dwellings that is physically separated from the built up area of Over by agricultural fields and would not be within a village for the purposes of this appeal.
11. Accordingly, while SCLP Policy S/7 permits development where supported by other policies in the plan, this would not include SCLP Policy H/16 which relates to the development of residential gardens.
12. One of the primary aims of SCLP Policy S/7 is to ensure that the countryside is protected from gradual encroachment.
13. The site lies at the end of a modest ribbon of dwellings that are set in generous plots. The wider area has an open, spacious and rural character with sporadic groups of housing. The plot comprises a grassed area adjacent to the host property, No 77 Station Road (No 77) and the land slopes upwards towards the rear of the site. Given the undeveloped nature of the land there are views from No 77 across the site towards orchards to one side and across the road towards open countryside. While it is a mown and tended area of land that is largely bordered by hedgerow, the open character of the site enhances the surrounding countryside.
14. I note the comments of the Inspector for the previous appeal relating to an outline planning application on the site², in particular their assessment of the

¹ Council ref: S/0490/18/LD

² Appeal ref: APP/W0530/W/18/3204159

character of the site and wider area. From the evidence before me, including the updated LVIA³, I have no reason to disagree in this particular regard.

15. The proposal consists of a single dwelling and garage with a rectangular footprint and pitched roof that would have lower ridge and eaves heights than No 77. The proposed buildings would roughly echo those of No77 in massing, scale and materials and would be set slightly further away from the road than the host dwelling. In addition, I note the proposed landscaping including an ecological pond and planting along the boundaries.
16. The new dwelling would therefore respect the nature and form of other houses in the ribbon of development. However, by being at the end, it would extend the length of built development further and so would constitute unacceptable encroachment, eroding the sense of openness currently provided by the undeveloped nature of the garden.
17. I also acknowledge the evidence regarding the accessibility of services and facilities including the bus service and facilities within Over and that the appellant considers the site to be physically and functionally linked to the village. However, even if the proposal was in a suitable location for housing with regard to the accessibility of services and facilities, since SCLP Policies S/7 and H/16 do not expressly support new market housing in the countryside, the proposed scheme would not accord with these Policies.
18. Consequently, I conclude the proposed development would conflict with the Council's strategy for the location of housing, unacceptably eroding the open character of the surrounding countryside and would conflict with SCLP Policy S/7 which directs development to within development frameworks. It would also not accord with SCLP Policy S/10 which permits development within Group Villages. In addition, the proposal would not accord with the Over Village Design Guide Supplementary Planning Document Adopted January 2020 in this respect.
19. Since the proposal would harm the local character, the proposal would not conflict with SCLP Policies HQ/1 and NH/2, which seek, among other things, development that would preserve or enhance the character of the local area and distinctiveness of the local landscape. However, a lack of conflict with these Policies do not override the conflict with SCLP Policies S/7 and S/10 identified above and have not altered my overall decision.

Other Matters

20. I acknowledge the evidence regarding SCLP Policies S/2, S/3 and S/6. However, there is limited evidence before me to demonstrate that the proposal would meet local needs and given the conflict with SCLP Policy S/7 and the Council's strategy to direct new market housing to within development frameworks, I am not persuaded that the scheme would accord with these policies. In any event, while I have had regard to these Policies, given the identified development plan conflict, they have not been determinative for the outcome of this appeal.
21. 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

³ Landscape & Visual Impact Assessment By Elizabeth Greenwood CMLI, F Arbor A.

be isolated in the terms of the Framework, given the development plan conflict identified above, these have not altered my overall decision.

Conclusion

22. For all the reasons given above, I conclude that the proposed development would be contrary to the development plan as a whole and should be dismissed.

R Sabu

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Mason	Senior Planner Carter Jonas
Mr Don Hutchinson and Mrs Pat Hutchinson	Appellants
Matthew Hare	Carter Jonas
Ms Aoife Hand	Carter Jonas
Ms Emily Grapes	Carter Jonas
Mr Robert Preston	Carter Jonas

FOR THE LOCAL PLANNING AUTHORITY:

Tom Gray	Planning Officer South Cambridgeshire District Council
Michael Sexton	Principal Planning Officer South Cambridgeshire District Council