



Appeal Decision

Site visit made on 6 October 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/W0530/W/20/3252178

Church View, Newmarket Road, Stow Cum Quy CB25 9AQ

- 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 Mr Flack against the decision of South Cambridgeshire District Council.
 - The application Ref S/3651/19/OL, dated 23 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of two dwellings.
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Procedural Matters

1. The application was made in outline with all matters reserved except access. As matters of layout, scale, appearance and landscaping are reserved for future determination, I have made my decision on the basis that the layout shown on plan Ref P01 is indicative only.
2. The appellant has submitted a Heritage Impact Assessment (HIA) and a Supporting Landscape Statement (SLS) with the appeal, neither of which formed part of the planning application. I consider that no one would be prejudiced as a result of me accepting these documents at this stage. I have therefore made my decision on this basis.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - 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;
 - whether the proposal would preserve the setting of the nearby listed building, St Mary's Church;
 - whether the proposal would provide suitable access to services and facilities, and

- if the proposed development is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development and the effect on openness

5. Policy S/4 of the South Cambridgeshire Local Plan–2018 (LP) defers to Green Belt policy in the Framework and is therefore consistent with it. The Framework directs decision-makers to regard new buildings in the Green Belt as constituting inappropriate development, with some specified exceptions. Two of the exceptions are "*limited infilling in villages*" and "*limited infilling or the partial or complete redevelopment of previously developed land...*".
6. Both parties refer to a previous appeal decision related to the site, APP/W0530/W/17/3176076, which was for the erection of one dwelling. I have had regard to this appeal decision, which was dismissed. The Inspector considered that the site was not in a village and that the gap between the boundary of 'Church View' and the church building was too wide for the site to be considered an infill plot; as such, the proposal did not constitute limited infilling in a village. The current proposal differs to the one dealt with in the previous appeal as it is for 2 dwellings rather than one. Additionally, since the appeal was determined the Council has adopted a new Local Plan and the Framework has been updated.
7. Although the rear of the appeal site is only around 75 m from the boundary of the development framework of the village of Stow Cum Quay, my interpretation on the ground is that the site does not read as being within the village. This is due to the site being located on the A1303 (Newmarket Road), and not on the B1102 (Church Road), where the nearest part of the development framework to the site is. The A1303 is well separated from Church Road. Between the rear of the appeal site and the development on Church Road there are allotments, a graveyard and fields, all of which prevent the site from being visible from, and perceived as part of, the village. Consequently, as the site is not in a village the proposal cannot fall within the exception of "*limited infilling in villages*" allowed for in the Framework.
8. I am not clear why the appellant considers the site to be within the curtilage of developed land, and therefore why he considers it to be Previously Developed Land (PDL). It may be that he considers the site to be residential garden associated with the curtilage of 'Church View'. Should this be the case, my view is that, although the grassed area had been mown at the time of my visit, I have no compelling evidence before me that leads me to conclude that the land in question lawfully forms part of the residential garden or domestic curtilage of 'Church View'.
9. Notwithstanding the above, nor do I have full details of the site's history. However, the evidence I do have suggests that the land was a paddock associated with a stable block, the redevelopment of which resulted in the dwelling 'Church View'. Unless the use of the site has changed in the intervening period, as equine stables and associated paddock constitute PDL, it may be contended on these grounds that the land is PDL. However, even if I accept this contention, the definition of PDL in the Framework states that it

should not be assumed that the whole of the curtilage of any PDL should be developed. Furthermore, the exception of *"limited infilling or the partial or complete redevelopment of previously developed land..."* is subject to a proposal not having *"...a greater impact on the openness of the Green Belt than the existing development..."*.

10. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt has both spatial and visual dimensions. I note that the Inspector in the previous appeal did not differentiate between these 2 aspects, and rather considered the concept of openness as a whole.
11. The proposal would introduce buildings where there are currently none. The dwellings would require parking/turning areas and associated outdoor amenity space. I consider that 2 dwellings, associated parking/turning areas, parked cars and the likely introduction of domestic paraphernalia within the gardens/resultant domestic curtilages, would reduce the spatial openness of the Green Belt.
12. The Inspector in the previous appeal concluded that the proposal would result in significant harm to the openness of the Green Belt. The current proposal is for 2 dwellings rather than one, though it is suggested that they would be at a lower height than the dwelling in the previous appeal. However, I consider the harm to spatial openness would be at least, if not more than, that which would have resulted from the one dwelling proposed in the previous appeal. I therefore conclude that the proposal would significantly reduce the spatial openness of the Green Belt.
13. The site is located between 'Church View' and the church grounds of St Mary's Church, which has numerous trees within and around it. There are around 6 or 7 dwellings immediately to the east of 'Church View', allotments and paddocks beyond the northern boundary of the site, extending to Church Road, and the A1303 passes the front, southern boundary.
14. Apart from there being no boundary treatment between the site and the domestic curtilage of 'Church View', the site is bounded internally along the other 3 boundaries with timber fence panels around 2 m high. Within the site there is also a section of well-established hedge along the western boundary and several small trees along the northern boundary. The fence along the southern boundary has a mature hedge on its southern side, around 2.3 m high. This hedge would be removed to accommodate the proposed access and required visibility splays.
15. Although the hedge would be replanted, or it could be replaced, there would be an access opening along the front, southern boundary around 5 m wide. The opening would result in there being a view into the site where one currently does not exist. Although scale, layout, appearance and landscaping are reserved matters, I consider it likely that the proposed development would be particularly visible from the footpath, cycle path and A1303 that pass the southern boundary of the site. As such, I consider that the proposal would have an impact on the visual openness of the Green Belt. However, subject to appropriate landscaping, which could be secured by conditions if I was minded to allow the proposal, this would only be of a limited degree.

16. As the proposal would harm the spatial openness of the Green Belt significantly and result in a limited degree of harm to its visual openness, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal cannot fall within the exception of "*limited infilling or the partial or complete redevelopment of previously developed land...*" allowed for in the Framework. I therefore conclude that the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition.

Effect on the character and appearance of the area

17. Although the site is located on the main A1303 road and relatively close to the roundabout and junctions with the A14 it is still in the countryside. The small clusters and rows of development off the A1303 near the appeal site are physically separated from the built-up extents of the village and do not read as part of it. They constitute limited forms of development off a main road that runs through the countryside. There are fields opposite the site, in between the 2 short rows of development to the east of the site, between the A1303 and the village and all around the village. As such, I consider the character and appearance of the area within which the site is located to be rural.
18. I consider the openness of the site performs an important function of preventing the coalescence of built form of the dwellings to the east of the site and the church to the west. As such, the site makes a positive contribution to the rural character and appearance of the area. The proposed development would fill the existing open space, which I consider would erode, and therefore harm, the character and appearance of the area.
19. As such, the proposal does not accord with policies HQ/1 and NH/8 of the LP which, among other things, require development to preserve or enhance the character of the rural area and not to have an adverse effect on the rural character of the Green Belt.

Effect on the setting of the listed building

20. The site is adjacent to the eastern boundary of the curtilage of St Mary's Church. The church is a Grade II* listed building (LB); only a small number of LBs are graded nationally at this level. I have a duty to give considerable importance and weight to the desirability of preserving the setting of a LB. Also, the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
21. The church dates to the 12th Century and derives its national significance from the historic and aesthetic values relating to its built fabric and past uses. I consider the immediate setting of the Church and its grounds to comprise the 2 main roads, A1303 and B1102, that pass the southern and north-western boundaries of the church and its grounds, the broadly triangular piece of public amenity space between the 2 roads in front of the western boundary of the church and a strip of open land north-east/east of the church boundary wall. This strip of land consists of an area used for graves, an area used for allotments and the appeal site. I consider the immediate setting as described does not make a significant contribution to the significance of the LB.

22. As noted, the church grounds have numerous trees in and around them, which screen the church to a considerable degree; though I appreciate the screening will not be as dense when the trees have shed their leaves. Nor do the trees screen the upper part of the church tower, which can be seen from several mid-range viewpoints. I note that the Inspector in the previous appeal concluded that the proposed development would have a neutral effect on the setting of the LB. Although the proposal would reduce the gap between 'Church View' and the church yard more than the previous proposal, visually this would only be seen when close to the site travelling east to west along the A1303 and the adjacent foot and cycle paths. The mid-range views that include the church tower would not be harmed by the proposal. I therefore conclude that the proposal would have a neutral effect on the setting of the LB. As such, the proposal would accord with Policy NH/14 of the LP and heritage policies in the Framework, which seek to preserve and enhance the significance of heritage assets, including their settings.

Whether the proposal would provide suitable access to services and facilities

23. Paragraph 79 of the Framework advises that development of isolated homes in the countryside should be avoided, unless specific circumstances apply. Given that the proposed dwellings would be adjacent to an existing row of dwellings I consider the proposal would not result in isolated homes in the countryside.
24. Paragraph 78 of the Framework advises that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I consider future occupiers of the proposed dwellings would, all be it to a small degree, enhance and assist in maintaining the vitality of the village community, due to using the services and facilities that are available in the village.
25. Policies in the Framework seek to promote sustainable travel and applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, bearing in mind context and location. The Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should also be considered in decision-taking.
26. As the range of services and facilities available in the village are limited, future occupiers of the proposed dwellings would primarily rely on the private motor car for most journeys. However, I consider the services and facilities that are available would meet some of the day to day needs of future occupiers and that they are readily accessible on foot or by bicycle. In addition, although the bus services available are not extensive, there would be opportunities for future occupiers to use public transport to access a range of services, facilities and employment opportunities not too far from the site, in Cambridge for example.
27. Bearing the above factors in mind, I conclude that the proposal would not conflict with the general sustainability requirements of the LP or the Framework and future occupiers of the proposed dwellings would have suitable access to a range of services and facilities to meet their everyday needs.

Other considerations & very special circumstances

28. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.
29. The proposal would provide 2 dwellings that would contribute to the housing needs of the area. Although 2 dwellings would make a relatively small contribution, it would support the Government's objective of boosting the supply of homes. I therefore attach moderate weight to this aspect. I acknowledge 2 dwellings is double that of the one dwelling proposed in the previous appeal. However, this does not mean that the weight attached to this proposal should be double that which the Inspector attached in the previous appeal. I also note the advice in sub paragraph 68 'c' of the Framework, which states that great weight should be given to the benefits of using suitable windfall sites for homes. However, for the reasons outlined thus far, as I do not consider the site to be suitable for the proposal of 2 dwellings, I do not attach great weight to this aspect.
30. The proposal would provide some economic benefits, during the construction phase and the contribution of future occupiers to the local economy. As the economic benefits would be small-scale, I attach limited weight to this aspect. Future occupiers would also contribute socially to the local community, though this is an aspect I also attach limited weight to.
31. The appellant has drawn my attention to several appeal and court decisions to consider in support of the proposal. I do not have the full details of these cases before me and cannot be certain that any are directly comparable to the current proposal. My conclusions here are based on the specific circumstances of the site/ However, I have had regard to them, in particular the conclusions reached which have implications wider than the specific cases dealt with, and I have determined the appeal on its merits taking account of such matters.
32. I have concluded that the proposal does not constitute limited infilling in a village and that the proposal would have a greater impact on the openness of the Green Belt than the existing development. Therefore, the proposal constitutes inappropriate development in the Green Belt. I have also concluded that the proposal would harm the character and appearance of the area.
33. Notwithstanding my conclusions regarding setting of the LB and access to services and facilities, in accordance with the Framework, substantial weight is attached to any harm to the Green Belt. I conclude that the harm by reason of inappropriateness, resulting from harm to openness, along with the harm to the character and appearance of the area, have not been clearly outweighed by other considerations as outlined above. Consequently, there are no very special circumstances that justify allowing the development. As such, the proposal does not accord with policies S/7 and S/11 of the LP, which relate to development within development frameworks, neighbourhood plans, certain specified uses (which the proposal does not fall within) and development in infill villages. The proposal also does not accord with Policy S/4 of the LP or Green Belt policy in the Framework.

Conclusion

34. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR