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## Appeal Decisions

Site Visit made on 16 November 2020

**by Mr Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 December 2020**

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### **Appeal A Ref: APP/V0510/W/20/3256140**

**Site South Of 1A And 1B Church Farm Barns, Short Road, Snailwell, CB8 7LJ**

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 G Peacock on behalf of Canfield House Ltd against the decision of East Cambridgeshire District Council.

The application Ref 19/01529/FUL, dated 25 October 2019, was refused by notice dated 16 June 2020.

The development proposed is conversion of existing barn to create a new dwelling.

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### **Appeal B Ref: APP/V0510/W/20/3256143**

**Barn South Of 1A And 1B Church Farm Barns, Short Road, Snailwell, CB8 7LJ**

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 G Peacock on behalf of Canfield House Ltd against the decision of East Cambridgeshire District Council.

The application Ref 20/00403/OUT, dated 13 March 2020, was refused by notice dated 17 June 2020.

The development proposed is erection of detached dwelling following demolition of existing barn.

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## **Decisions**

1. Appeal A is dismissed and Appeal B is dismissed.

## **Preliminary Matter**

2. The proposal that is the subject of Appeal B is for outline planning permission with the detailed matters of appearance and landscaping reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with Appeal B relating to matters of appearance and landscaping as a guide to how the site might be developed.

## **Main Issues**

3. The main issues with respect to Appeal A are:
  - Whether or not the appeal site represents an appropriate location for housing, having particular regard to the Council's locational strategy for development; and
  - Whether or not the proposal would preserve or enhance the character or appearance of the Snailwell Conservation Area (the CA), in addition to

consideration of the proposal's effect upon the settings of various Listed Buildings closely located to the site.

4. The main issue with respect to Appeal B is:

- Whether or not the appeal site represents an appropriate location for housing, having particular regard to the Council's locational strategy for development.

## **Reasons**

### *Locational strategy for development*

5. As set out in the supporting text to Policy GROWTH2 of the East Cambridgeshire Local Plan (April 2015) (the Local Plan), the aim of the Council's locational strategy is to ensure that growth takes place in the best locations in the District, where it is needed, where it is deliverable and where it is sustainable. Snailwell is a small rural village that contains a modest array of facilities and services, where a limited level of new development is anticipated across the plan period.
6. A development envelope is drawn around Snailwell, which defines the built-up extent of the village where development will normally be permitted. The entirety of the appeal site sits outside of the village's defined development envelope. Policy GROWTH2 sets out that outside of development envelopes, having regard to the need to protect the countryside and the setting of towns and villages, development will be strictly controlled and restricted to several main categories of development as listed within the policy.
7. These listed main categories include the re-use and replacement of buildings in the countryside and refers to Policy EMP4 of the Local Plan, which sets out that proposals for the residential re-use of rural buildings which require planning permission will only be appropriate where it can be demonstrated that business use is not viable or deliverable. This requirement is relevant to Appeal A. Furthermore, the policy confirms that proposals for the replacement of non-residential rural buildings for residential use will not normally be considered appropriate. Notwithstanding the lack of any explicit reference to Policy EMP4 in the Council's reason for refusing to grant outline planning permission, this stipulation is relevant to the consideration of Appeal B.
8. The National Planning Policy Framework (February 2019) (the Framework) promotes that recognition be given to the intrinsic character and beauty of the countryside, that housing should be located where it will enhance or maintain the vitality of rural communities and that a prosperous rural economy shall be supported. I am satisfied that Policies GROWTH2 and EMP4 are broadly consistent with the Framework's requirements. This is particularly as they offer opportunities and flexibility for certain categories, forms or types of development to come forward outside of defined development envelopes.
9. It has not been clearly demonstrated that a business use for the existing barn on-site (the building) is neither viable nor deliverable. Indeed, no evidence that the building has been advertised for sale or let for business use has been provided. This requirement is clearly set out in Policy EMP4's supporting text. Whilst reference has been made to employment space that is anticipated to come forward at allocated employment sites locally, this does not demonstrate that Policy EMP4's specific requirements related to the re-use of existing

buildings in the countryside should be disregarded. Indeed, both appeal proposals conflict with this policy and with the wider locational strategy to which it relates, as set out under Policy GROWTH2.

10. The appellant has sought to demonstrate that the site falls within the village when considered 'on the ground' and that each of the proposals represents limited infilling. Indeed, a court judgement<sup>1</sup> has been placed before me, which relates to the interpretation and meaning of 'limited infilling in villages' as set out in the Framework. It is important to note that the term is synonymous with proposals affecting the Green Belt and is an established exception to the construction of new buildings being considered inappropriate development in Green Belt locations. The appeal site is not located within the Green Belt and the court judgement is thus of limited relevance to my considerations. Indeed, I am unaware of any explicit reference to limited infilling within any relevant policy to this appeal.
11. The building is inherently agricultural in its character and appearance and has an immediate relationship to an open grassed field that is situated to its south-eastern side. It also sits in proximity to various paddocks and wooded areas located to the opposite south-western side of the site's access road. Notwithstanding its close relationship to buildings positioned inside the village's development envelope, the building reads as having an inherent association to its rural surroundings and thus not as part of the village. This is consistent with the site's position outside of Snailwell's designated development envelope.
12. For the above reasons, the appeal site does not represent an appropriate location for housing having particular regard to the Council's locational strategy for development. Both proposals (subject to Appeals A and B) conflict with Policies GROWTH2 (Locational strategy) and EMP4 (Re-use and replacement of existing buildings in the countryside) of the Local Plan.

#### *The CA and Listed Buildings*

13. The significance of the CA as a designated heritage asset is drawn in part from its range of historic buildings, including the Grade II\* Listed Church of St Peter (the Church), and the presence of undeveloped rural land. Indeed, these features are relevant to the historic evolution and rural history of the village. The special interest of the Church is drawn, in part, from its historic origins and various ornate architectural features including a prominent and distinctive round tower.
14. Also Grade II\* Listed and situated nearby is the Old Rectory and Old Garden Wall, the special interest of which is derived in part from its medieval origins and grand landscaped setting. The other Listed Buildings situated close by are Grade II Listed and include Church Farm Cottages, Church Farmhouse, Tithe Barn (to the west of and adjoining Church Farmhouse) and the Barn, Stables, Cart Sheds, Granary and Model Farmyard to Church Farmhouse. Their special interest is derived, in-part, from their visual interest and association to the rural history of the village.
15. As set out above, the building is inherently agricultural in its character and appearance and is read and experienced as part of a surrounding rural landscape. Indeed, I understand that it was originally built for the purpose for

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<sup>1</sup> Julian Wood v The Secretary of State for Communities and Local Government & Gravesham Borough Council [9 February 2015]

storing wheat straw and once functioned in this capacity. Nevertheless, the building is a relatively recent and utilitarian addition to the CA that has a somewhat domineering presence in proximity to the historic core of the village. This is perhaps most clearly illustrated in views that are available from Short Road at the appeal site's access point, from where historic assets including the Church can be observed to be concealed, at least in part, behind the building. Due to its considerable scale and massing and prominent high-level positioning, the building, even when noting its agricultural form and origins, does not contribute positively to the heritage significance of surrounding designated heritage assets (including the CA).

16. Having inspected the appeal building both internally and externally and considered the contents of a structural report<sup>2</sup>, I am content that it is structurally sound and free of any major defects. Indeed, whilst currently vacant and disused, I experienced the building to be of permanent form and appearance, as opposed to dilapidated or in need of renovation to fulfil an agricultural purpose. There is no clear reason to consider that the building would likely be removed, even over a long-term timeframe, should the appeals be unsuccessful. I do not thus accept that the proposal (subject of Appeal A) would necessarily lead to the perpetuation of built form upon the appeal site.
17. I see some merit in the Council's assertions related to a domestic use holding the potential to be at odds with a building that is agricultural in its scale and form. Indeed, it would be a large dwellinghouse and the simplicity of the building's current makeup and appearance would be diluted, most particularly by virtue of its reconfigured external elevations. I also accept that some domestic paraphernalia and parking associated to any future residential occupation of the site would result from the proposal.
18. Nevertheless, the scheme involves works that would have the effect of reducing the building's size. These works include the removal of its easternmost bay and the inseting of elevations inside the footprint of the building's portal frame structure to be retained. Indeed, the setback position of the intended south-facing elevation would play an important role in promoting a sympathetic and more understated built form, as would the intended use of natural/traditional materials and the typically consistent and rhythmmed way in which openings would be positioned to each of the building's elevations. I also note that a clear reference point to the building's agricultural origins would be provided through the retention and exposure of the building's steel frame.
19. All matters considered, I find that the proposal that is the subject of Appeal A would preserve the character and appearance of the CA and have an acceptable neutral effect upon the settings of various Listed Buildings closely located to the site. The proposal would thus not lead to harm being caused to the significance of any designated heritage asset.
20. The scheme accords with Policies ENV2, ENV11 and ENV12 of the Local Plan in so far as these policies require that proposals within or affecting a Conservation Area should be of a particularly high standard of design and seek to retain attractive traditional materials and features, and that proposals that affect the setting of a Listed Building will only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset.

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<sup>2</sup> carried out by Sigma Structures Limited, dated 17 October 2019

## **Other Matters**

21. I have noted objections/concerns raised by interested parties with respect to matters including drainage, traffic and parking impacts, the effect upon neighbouring living conditions, the effect upon wildlife, the intended method of demolition and the scale and layout of the proposed dwelling being considered under Appeal B. However, as I have found each appeal proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

## **Planning Balance**

22. Whilst the Council has published a Housing Delivery Test Action Plan (August 2019) in light of a persistent under-delivery of housing, the appellant has not challenged the Council's ability to demonstrate a 5-year supply of deliverable housing sites. Indeed, it is apparent that the appropriate buffer has been applied in the Council's calculation of its housing supply. I have thus not applied the presumption in favour of sustainable development as set out at paragraph 11 of the Framework.
23. Each proposal that is before me would deliver a single additional unit of low-energy family accommodation and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. However, even when noting the Council's past record of under delivery and the constraints associated with providing new housing within the village's defined development envelope, an additional dwelling would make only a small contribution. This is even if delivered quickly. I also note here that the anticipated figure of 10 new dwellings over the plan-period, as set out in Snailwell's Village Vision, is drawn from broad estimates of delivery contained within the District's Housing Trajectory rather than from, for example, any recent settlement-specific assessment of local housing need. When factoring in these considerations, I afford the benefit of an additional dwelling limited weight.
24. Whilst each proposal would promote an effective use of land and utilise a previously developed site, it would do so at odds with the Council's locational strategy for development and in a countryside location. On these terms I afford such benefits limited weight. Any scheme of ecological enhancement would be anticipated to provide only a restricted level of benefit given the size of the site, and thus attracts limited weight with respect to each appeal proposal.
25. In the case of Appeal A, I have found that the proposal would have a neutral effect upon the significance of designated heritage assets. With respect to Appeal B, it is the appellant's case that the demolition of the building and its replacement with a new dwelling would lead to enhancements in a heritage context. However, a dwelling of two-storey scale and of not dissimilar footprint to that proposed under Appeal A is intended. Whilst full details of appearance and landscaping are not before me at this point, I am unconvinced that the scheme for a new dwelling, when considered in overall terms, would result in any clear or substantive enhancements, either to the CA's character or appearance or to the heritage significance of any nearby Listed Building.
26. In the case of each of the appeal schemes that are before me, the benefits, when considered cumulatively, would be relatively modest and would not outweigh the significant harm and associated policy conflict associated with the

site not representing an appropriate location for housing. Each proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to decisions otherwise.

**Conclusion**

27. For the reasons given above, both Appeal A and Appeal B are dismissed.

*Andrew Smith*

INSPECTOR