
Appeal Decision

Site visit made on 5 February 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/V0510/W/20/3260643

9 Newmarket Road, Fordham CB7 5LL

- 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 R M Smith Will Trust against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00125/FUL, dated 22 January 2020, was refused by notice dated 8 September 2020.
 - The development proposed is for two infill dwellings, with associated access, parking and infrastructure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the appropriateness of the site for two dwellings having regard to: (i) its location beyond the confines of a development envelope; and (ii) the impact to the character and appearance of the area also having regard to listed gate piers in the vicinity.

Reasons

Location

3. The Council's development plan, in the main, seeks to direct new dwellings within the boundary of development envelopes of Ely, Soham and Littleport. It also identifies scope for more limited development in the remaining settlement envelopes. This is to encourage greater accessibility to services and to safeguard against encroachment into the countryside.
4. The site is located outside of, but adjacent to, the development envelope of Fordham. The envelope boundary runs to the north of the site and extends southwards covering the dwellings on the opposite side of Newmarket Road.
5. I note that Policy 1 of the Fordham Neighbourhood Plan 2016-2036 (FNP) allows the provision of infill sites for market housing outside of the development envelope in certain circumstances. I acknowledge that the FNP is a more recent part of the development plan when considered as a whole.
6. Nonetheless, there are substantial areas where there are presently no buildings in the vicinity of the appeal site. The site itself also predominantly contains no significant physical structures. Because of the substantial gaps where there are no buildings and an intervening road network separating denser areas of

development, the proposal would not constitute 'infill' when applying the terms of Policy 1. Moreover, there is no reference to infill being a factor of Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (ECLP). As a result, market housing outside the development envelope would not be consistent with the terms of that policy either.

7. Furthermore, there is no evidence before me that the Council does not have an up to date housing land supply. Based on the Five-Year Land Supply Report for the period 1 April 2020 to 31 March 2025 there is a supply of 6.14 years. As a result, relevant housing policies of the development plan triggered by the appeal are up-to-date and I apply full weight to them.
8. Accordingly, I find that the development would be contrary to Policy GROWTH 2 of the ECLP which aims to direct new housing to defined development envelopes as the most sustainable locations, and to protect the countryside. It would also be contrary to Policy 1 of the FNP which seeks that housing is located within the approved specified allocations unless other relevant criteria indicate otherwise.

Character and appearance/heritage impact

9. The appeal site is the garden of no.9 which is referred to as the Old Lodge by the FNP and is recognised as a Locally Important Building. The immediate vicinity has a rural character, with residential properties (within the village boundary) visible on the opposite side of Newmarket Road and further afield. The roadside entrance to no.9 is marked by a pair of attractive grade II listed gate piers. Trees and greenery also form noticeable and dominant components of the areas overall character.
10. The development of the site for two dwellings would result in an urbanising effect on land which is predominantly open. The change would be noticeable and erode from the appearance of the site as a transition between the village and the countryside beyond. The resultant effect would cause harm to the visual appearance of the area.
11. I am cognisant Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires me to have special regard to the desirability of preserving the setting of listed buildings. The piers are listed for their historic interest and value. Together with the Old Lodge they mark what was historically the entrance to Fordham Abbey.
12. The development would be located within the immediate setting of the gate piers fronting the highway. Two dwellings in this location would appear incongruous and would compete visually with the setting of the piers and the Old Lodge. The change would be insensitive to the historic context of the piers as well as the Old Lodge. It would result in a damaging impact to the setting of a listed structure. Thus, I consider the harm would be less than substantial within the meaning of Paragraph 196 of the National Planning Policy Framework (the Framework).
13. I find that the development would be harmful to the character and appearance of the area and would lead to less than substantial harm to a designated heritage asset. This would conflict with policies ENV 2 and ENV 12 of the ECLP, Policy 7 of the FNP which collectively seek that development: respects local distinctiveness; prevents a detrimental impact on the visual, architectural or

historic significance of the asset; to prevent harm to the significance of a locally important building directly, or through development in its setting. It would also conflict with Section 16 of the Framework which seeks to conserve and enhance the historic environment.

Planning Balance and Conclusion

14. In accordance with the Framework this subsequently leads me to weigh up the public benefits of the proposal. I accept that there are benefits linked to the scheme in terms of further boosting housing supply, but they do not amount to public benefits which would outweigh the harm identified to the setting of the piers. This results in demonstrable conflict with the Framework because potential harm to the heritage asset does not have a clear and convincing justification. The Framework requires great weight to be given to the conservation of designated heritage assets.
15. Overall, I have found that the appeal scheme would conflict with the Council's development plan. The benefits of the scheme in terms of increasing housing supply and choice would not outweigh the harm to the objectives which seek to: direct new housing into the most sustainable locations within settlement development envelopes; or the harm to the character and appearance of the area having regard to the setting of heritage assets. Accordingly, there are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed.
16. For the reasons given above the appeal does not succeed.

Matthew Shrigley

INSPECTOR