



Appeal Decision

Site visit made on 30 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/H0520/W/21/3275954

Land Far West Of Romany Cottage, Bucks Drove, Ramsey St Marys PE26 2TA

- 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 Frank Cannata against the decision of Huntingdonshire District Council.
 - The application Ref 20/01782/FUL, dated 15 September 2020, was refused by notice dated 24 March 2021.
 - The development proposed is a site security manager's dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the proposal would represent a suitable location for housing, having regard to the locational policies of the development plan; ii) whether the proposal would make adequate provision for waste management, and iii) whether material considerations exist that would outweigh any identified development plan conflict so as to justify a grant of planning permission.

Reasons

Location for Housing

3. The appeal site comprises a narrow, rectangular site to the western end of Bucks Drove, an unmade lane leading from Herne Road, the main north-south road through the village of Ramsey St Marys. Bucks Drove is one of several straight lanes standing perpendicular to Herne Road which extend out into the countryside, and is several hundred metres to the north of the main built-up area of the village.
4. The lane has a number of sporadic, individual dwellings and other buildings along its length, but with large gaps between them where the land remains in agricultural use and long views of the flat, open landscape are possible. The appeal site itself is used for the storage, manufacture and repair of ice-cream vans. Buildings are concentrated to the front of the site, with two Nissen huts, a shed and a shipping container to one side, and a large portal framed building to the other side. I also saw significant external storage of vehicles, vehicle parts and other containers and equipment.
5. The main parties disagree as to whether the appeal site lies outside of the built-up area of Ramsey St Marys and so in the countryside for planning

purposes. The development plan for the area is Huntingdonshire's Local Plan to 2036 (May 2019) (the HLP). It provides a definition of a built-up area as being *a distinct group of buildings that includes 30 or more homes. Land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area.*

6. The appellant argues that the dwellings on Bucks Drove, Daintree Road and Herne Road together meet this definition. The dwellings on both Bucks Drove and Daintree Road are sporadic developments interspersed with open agricultural fields, whilst the dwellings on Herne Road are similarly separated from the main built-up area of Ramsey St Marys by open fields. Moreover, from my observations the dwellings are viewed as part of the expansive rural landscape, and relate more to the countryside than the main built-up area that lies to the south. Given this dispersed layout and rural context, I do not agree that these dwellings form a distinct group as per the HLP definition. Therefore, I agree with the Council that the appeal site does not lie within a built-up area, but is within the open countryside.
7. Policy LP10 of the HLP sets out that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan, and subject to criteria relating to loss of land of agricultural value, the character and beauty of the countryside and effects from noise, odour, light and other impacts. The supporting text of the policy sets out that its purpose is to ensure that development protects the resources and recognises the intrinsic character of the countryside. In this case, the Council accepts that there would be no loss of agricultural land, given the existing use of the site, and that the dwelling would not be harmful to the character and appearance of the area or give rise to harmful noise or disturbance. Having viewed the site and surroundings, including the presence of other dwellings nearby, I have no firm reasons to disagree. However, overall compliance with Policy LP10 is dependent on the proposal according with other relevant policies.
8. In this respect, the Council cites Policy LP20, which relates to homes for rural workers, supporting them where they are for a worker who is or will be mainly employed for the purposes of the proper functioning of an economically viable agricultural or other land-based rural business, and subject to other criteria. The proposal seeks to construct a two-storey, three-bedroom dwelling to the front of the site for use by a site security manager. The appellant sets out that the dwelling would allow a 24/7 site presence which is considered essential for security. The appellant briefly adds that other security measures, such as fencing, cameras and guard dogs, have proven ineffective at preventing break-ins that have resulted in substantial losses. Given the location and nature of the proposal, I find Policy LP20 to be relevant in this case.
9. The existing business, though located in the open countryside, is not an agricultural or land-based business, but is more commercial or industrial in nature, and so established for a number of years. That it is not agricultural was also the view taken by an Inspector in an appeal decision from 2017¹. As such, the proposal would conflict with the first criterion of Policy LP20 as the dwelling would not relate to an agricultural or other land-based business. Moreover, no evidence has been supplied by the appellant to address the other criteria of the

¹ Appeal Ref: APP/H0520/W/17/3167523

policy relating to exploration of alternative sites, conversion of existing buildings or the economic viability of the business.

10. Therefore, the proposal would not meet with the requirements of Policy LP20, and by extension Policy LP10. Though not cited in its reason for refusal, the location of the dwelling in the open countryside, detached from the nearest settlement would further conflict with the overall strategy for development set out under Policy LP2, which seeks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities, and the similar aims of the National Planning Policy Framework to locate housing should be located where it will enhance or maintain the vitality of rural communities. Consequently, the proposal would represent an unsuitable location for housing.

Waste Management

11. Policy LP4 of the HLP sets out that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. The Developer Contributions Supplementary Planning Document (SPD) (December 2011) explains that household waste management is critical in developing sustainable communities, and new housing within the District will trigger a need for the provision of waste storage containers (wheeled bins). The SPD indicates the cost of the bins will be reviewed annually. The Council states that the current contribution sought is £150.
12. Based on the evidence before me, I am satisfied that the sought contribution meets with the relevant tests for planning obligations set out in the Framework. The appellant has submitted a signed unilateral undertaking (UU) in respect of a contribution towards wheeled bin provision. However, it refers to an incorrect amount for the contribution, is missing a Title number and is not accompanied by a red line plan to identify the land to which the undertaking relates. Consequently, I find that the UU is incomplete and would not secure the necessary contribution to offset the costs of wheeled bin provision. In the absence of a completed UU, the proposal would not make adequate provision for waste management, contrary to the requirements of Policy LP4.

Other Material Considerations

13. I have had regard to the reasons advanced by the appellant in support of the proposal. However, there is little substantive evidence of a security problem at the site. No details of the nature or number of alleged incidents have been provided, nor any account of the losses suffered. It is therefore unclear as to the scale of the security risk which may exist. There is also a lack of detail as to the extent to which the other security measures referenced by the appellant have been employed, or specific reasons why they would not be effective.
14. In addition, the nature of the business differs from an agricultural use whereby a full time, on-site presence may be needed, for example to respond to emergency animal welfare situations at any time of the day or night. The nature of the site's normal occupancy by staff has not been set out, and therefore the actual times at which a security presence may be required are not known. Given this, it is unclear as to the extent of facilities which would be reasonably necessary to provide a security presence and therefore the basis for seeking a large, family-sized dwelling has not been justified. For these reasons,

I am not persuaded that the evidence of security risks in this case is sufficient to demonstrate an operational need for a dwelling of the size proposed, and I afford only limited weight to the claimed need for the dwelling in this case.

15. The dwelling would add to the District's housing stock, but even if justified on the basis of need, its occupancy would be restricted by condition per the requirements of Policy LP20 to ensure it is used in line with the purposes that justified its creation. As a result, it would not be an open market dwelling and its contribution to the District's housing stock would be limited.
16. I acknowledge that the creation of a dwelling on the site would require the removal of various containers and other equipment from the front of the site. However, the wider site would remain in its current use with the existing buildings and vehicles in situ and readily visible from the lane and nearby properties. Any improvement to the overall appearance of the site would therefore be limited.
17. I acknowledge that objections were not raised to the proposal by various consultees, and no harm has been alleged by the Council in respect of neighbours' living conditions, the standard of accommodation, flood risk, highway safety, biodiversity, adaptable and accessible homes or water efficiency. However, the absence of harm in these matters means they are neutral factors weighing neither for nor against the proposal.

Conclusion

18. For the reasons set out, I conclude that the proposal would represent an inappropriate location for housing and would fail to make suitable provision for waste management. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations set out in support of the proposal each attract limited weight and, taken together, would not be sufficient to outweigh the development plan conflict so as to justify a grant of planning permission.
19. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR