



Appeal Decision

Site visit made on 21 January 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/H0520/W/21/3275251

Former Photographic Factory, Sawtry Way, Wyton, PE28 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Michael George on behalf of the George Pension Trust against Huntingdonshire District Council.
 - The application Ref 19/02106/FUL, is dated 3 October 2019.
 - The development proposed is described as 'the conversion of the former photographic factory at Sawtry Way, RAF Wyton into 15 residential units'.
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Decision

1. The appeal is dismissed, and planning permission refused.

Applications for costs

2. An application for an award of costs was made by Michael George on behalf of the George Pension Trust against Huntingdonshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Amended drawings have been deposited with the appeal and these propose several changes to the scheme considered by the Council. The changes were submitted at the outset of the appeal, are modest in extent and no party has suggested that I should not consider them. As such, there would be no prejudice in me accepting these drawings, which is what I have done.
4. A revised version of the National Planning Policy Framework (the 'Framework') has been published since the application was submitted. Similarly, the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (adopted July 2021) has been adopted. The Council and appellant have had a chance to provide comments on these changes.

Main Issues

5. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit this appeal. The Council has confirmed through putative reasons for refusal that, had it been able to do so, it would have refused the proposal due to concerns over the impact on the character and appearance of the area and the mix of dwellings. Moreover, and although not a putative reason for refusal, the Council has also raised clear concerns regarding the effect of odour on the living conditions of future occupants. As a result, these are the principal controversial matters that form the main issues.

6. Accordingly, the main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area;
- Whether the proposal would provide adequate living conditions for future occupants, with particular reference to odour; and
- Whether the proposal would provide an adequate mix of homes.

Reasons

The effect on character and appearance

7. The appeal site encompasses a former Second World War era photographic factory, which was once part of a large complex operated in association with the nearby military air base. The site is now largely overgrown and appears to have returned to nature save for extensive areas of hardstanding and the appeal building. As a result, the appeal structure appears to sit in a rural field. The building has a flat roof and a generally functional and utilitarian appearance. That said, there is some detailing around the recessed porch and the window placement has some rhythm. The building is now in a poor state due to vandalism and exposure to the elements. That said, I share the view of the appellant, as supported by an Internal Condition Survey, that the building is a solid and durable structure capable of conversion.
8. The appeal site sits in an isolated position surrounded by arable fields. Hedged boundaries significantly soften and filter views of the appeal building. However, it is possible to see the building from the public footpath to the west and from Sawtry Way when looking along the access drive. When moving along the footpath to the west of the appeal site it is possible to take in extensive views of the shallow river valley of the River Great Ouse and this provides a sense of being in open countryside. In this respect, the appeal site is experienced as part of the pleasant gently undulating open and exposed countryside south of Sawtry Way, which is typical of the Western Claylands Landscape Character Area and the Central Claylands¹.
9. As explained above, the building has a functional utilitarian appearance born out of its military origins. A valid approach to converting the building would be to work with its existing envelope and thus retain its original form and historic association with the nearby Royal Air Force base. In this respect, such a conversion would be a response to the history and context of the site as well as retaining the generally low and unobtrusive profile. Another valid approach suggested by the Council's Urban Design Team is to explore a 'barn-style', as this would similarly respond to the rural context provided by the surrounding arable landscape.
10. The scheme as proposed does not seek to retain the existing form and character of the building. Instead, there appears to have been some attempt to follow the 'barn style' approach by proposing a new pitched roof finished in pan tiles. This would make the building more prominent but would have a rural feel. In responding to the Council's Urban Design Forum, the scheme's architects explain that the proposal is an attempt to respond to the rural setting.

¹ As defined in The Cambridgeshire Landscape Guidelines 1991 and The Huntingdonshire Landscape and Townscape Assessment 2007

11. However, I share the Council's concerns regarding the use of dormer and horizontal windows as this would afford the building a very domestic appearance. The same could be said of the roof lights, modern front doors and patio doors and railings. In this respect the building would not have a convincing rural aesthetic and therefore would not respond positively to the rural setting.
12. It would be possible to experience the urbanising impact of the building's conversion from the footpath directly to the west of the appeal site as well as several other viewpoints identified in the appellant's Landscape and Visual Assessment (LVA), which appear to have been considered in the summer and therefore do not show the appeal site at its most exposed. Nevertheless, even the appellant's own LVA explains that the appeal building once converted would have an initial moderate adverse impact from View Point 2 (VP2). I consider the same could be said of the impact from VP5.
13. The roof pitch would be shallow but that is a consequence of the span of the building. The roof would be too dominant if it were steeper and therefore, on balance, this aspect would be acceptable. Similarly, I share the appellant's view that the red line site area is not too large in this instance because most of the site could be soft landscaped and need not have a domestic character.
14. Nevertheless, the building overall would have an appearance more akin to an urban block of flats, a point reinforced by the brickwork, and this would appear incongruous in an isolated rural setting. The proposed use of garage blocks would also be an overly domestic feature. This would be particularly unfortunate as they would be sited to the front of the building where they would be visible from Sawtry Way. As a result, the proposal would not be an appropriate contextual response.
15. In reaching this view I acknowledge that a residential conversion of the appeal building would inevitably lead to some domestication. However, the proposal would result in the existing structure having a particularly domestic appearance that has little relationship to its rural setting. This would harm landscape character. The discordant presence of the converted building would also be visible from the public footpath to the west of the site despite the buffer that would be provided by the intervening 'field' marked blue on the site plan. The proposal would therefore harm the character and appearance of the area.
16. In reaching this view I have carefully considered the potential for a comprehensive landscaping scheme, which would soften the presence of the car parking, boundary treatment, the rear gardens of the proposed houses and the site more generally. This approach is supported by local landscape guidelines, which includes an aim to provide fresh landscape treatment to unsightly buildings associated with old airfields. The landscaping scheme shown on the drawings appears very promising, especially the high number of trees that would be planted. In this respect, and save for the garages, the domestic paraphernalia associated with the conversion would not be harmful.
17. However, in this instance I am not satisfied that soft landscaping would mitigate the presence of a structure that would be so out of place. This is because planting could fail or be removed in the future, exposing a discordant building in what is otherwise an open landscape. It would be more prudent to design a sensitive building in the first instance and then soften it with landscaping.

18. The proposal would include some horizontal timber boarding that could be left to silver and weather over time, thereby providing a more natural finish. However, The Huntingdonshire Design Guide seems to suggest that horizontal boarding was used on rural buildings, and this was often pitched to a dark colour. The extent of timber used would be modest in any event. It would not mitigate for the harm identified.
19. Due to its condition the existing structure is unattractive and can reasonably be considered a detractor in the landscape. A sensitive conversion could remedy this. However, given its low profile the building is not especially prominent and therefore it does not currently impinge significantly on the visual amenity of land outside the appeal site. The appeal scheme on the other hand, would be overly domestic and taller with prominent dormer windows. Its negative impact on the landscape would be greater.
20. Similarly, I have considered the 'fallback position' of the apparently extant permission² to convert the building to a business use. However, I have not been provided with details of what has been approved and therefore I cannot be certain the proposal would have a similar or lesser impact to that which has been approved. The approved red line site area would be larger than the appeal scheme now before me, but there is nothing to say the entire site would be used for business purposes. In any event there is little to suggest the fallback position is now anything more than theoretical given the passage of time and lack of action.
21. The site is currently overgrown but such an unmanicured appearance is not uncommon in the countryside and can engender a rural character. As such, this is not something that needs to be remedied.
22. I have carefully considered the findings of the LVA provided by the appellant and share the view that the proposal would have no impact on the Ouse Valley Landscape Character Area due to the distance. However, the impact on the landscape character and visual amenity of the Western Claylands and Central Claylands Landscape Character Areas has been underplayed for the reasons already outlined, especially the reliance over time on landscaping to screen what would otherwise be a discordant building. I have similarly considered the views of the Council's Urban Design and Landscape Officers, but nevertheless share the overall view of the Council that the proposal would be harmful for the reasons I have set out.
23. The proposal would adhere to some of the detailed guidance in the Huntingdonshire Design Guide, such as the proposed use of flush facades, enlivened gables, and a simple roof. Nevertheless, for the reasons already given the proposal overall would not respond positively to the rural context.
24. In conclusion, the proposal would harm the character and appearance of the area. It would therefore be contrary to Policies LP10, LP11 and LP12 of the Huntingdonshire Local Plan to 2036 (LP), which seek to secure proposals that are contextually appropriate, respond positively to the area's character and identity and recognises the intrinsic character and beauty of the countryside. These aims are consistent with Paragraph 130 of the Framework.

² Council reference 06/02191/S73

Whether the proposal would provide adequate living conditions for future occupants, with particular reference to odour

25. The appeal site is located a short distance to the north of a Water Recycling Area. Such facilities are capable of omitting odour. To this end the Minerals and Waste Local Plan (MWLP) establishes a Consultation Area (CA) around them. The Council submits that the appeal site falls within a CA formally identified in the MWLP and I have no reason to doubt this.
26. The supporting text to Policy 16 of the MWLP explains that each CA has been considered based on individual local circumstances. As a result, the establishment of CAs appears to have followed an objective approach and is not arbitrary. Policy 16 states that unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against granting permission for development which would be a building regularly occupied by people. A dwelling would fall into this category.
27. Despite the requirements of Policy 16, an odour assessment has not been provided. The appellant has directed me to a letter from Cambridgeshire County Council (CCC) which predated the adoption of the MWLP (it is dated the 20 January 2020). This letter removed an initial holding objection due to the absence of an odour assessment. The change was predicated on confirmation from Anglian Water that it does not consider an odour assessment is required. Anglian water arrived at this view following an initial desk-based assessment that confirmed the appeal building would be 150m from the boundary of the Water Recycling Area.
28. However, this response predates the adoption of the MWLP and the significance of the 150m distance is not explained. Moreover, the advice suggests sensitive development (the appeal scheme) would be 'unlikely' to be impaired. This is not the same as saying it would not be. It does not appear to be a finding based on any technical data or assessment or a site visit. Thus, an odour assessment would provide a greater degree of certainty. As a result, I am not satisfied the advice from CCC and Anglian Water is sufficient in this instance to justify departing from the requirements of the MWLP. Likewise, I have already explained why the fallback position of a business conversion is not determinative in this instance.
29. I therefore conclude that the proposal fails to satisfactorily demonstrate that future occupants would not be subject to odour nuisance to the extent it would harm their living conditions. As a result, the proposal is at odds with Policy 16 of the MWLP as well as Policy LP14 of the LP. These policies are consistent with Paragraphs 130 and 187 of the Framework.

Whether the proposal would provide an adequate mix of homes

30. To offer a genuine choice of different sizes and types of homes in the district, and create sustainable, inclusive, and mixed communities, Policy LP25 of the LP states that major scale development that includes housing will be supported where it provides a mix of sizes, types and tenures. Policy LP25 goes on to explain that a proposal should set out how it responds to the evidence and guidance provided by housing market assessments, housing needs assessments, local housing strategies and other local studies. Significantly, the policy does not, as the Council suggests, require any stated mix. Instead, the test in the policy is whether any proposed mix has responded to the available

evidence base. Paragraph 7.16 of the LP reinforces this by explaining that the evidence should be 'taken into account'.

31. The Council has referred to the Cambridge sub-region Strategic Housing Market Assessment (SHMA), which provides guidance on the mix of housing for Huntingdonshire up to 2031. This is now a little dated (it dates from 2013) but seems to be the most up to date evidence. The suggested mix is up to 4% one-bedroom homes, 16-42% two-bedroom homes, 26-60% three-bedroom homes and up to 30% four or more-bedroom homes.
32. The appeal scheme includes 1-, 2-, 3- and 4-bedroom homes. The mix is approximately 33% 1-bed (5 homes), 33% 2 bedroom (5 homes), 20% 3 bedroom (3 homes) and 14% 4-bedroom homes (2 homes). In a scheme comprising 15 homes this would be quite a wide mix. In fact, even if the SHMA guidance is applied as a requirement then the proposal would adhere to the mix for 2- and 4-bedroom homes and the under provision of 3-bedroom homes would be marginal (only a 6% shortfall).
33. The proposal would result in an over provision of 1-bedroom homes against SHMA guidance, but the broad thrust of Policy HWNP16 of the NP³ is to secure one- and two-bedroom homes to assist downsizing. This policy is aimed at windfall sites in the village, but the need for 1 and 2-bedroom homes is nevertheless set out in Paragraph 11.11. Policy LP25 postdates Policy HWNP16 of the NP and therefore carries greater weight, but that does not mean the aims of Policy HWNP16 should be disregarded, especially as Policy LP25 does not set out a specific mix. Accordingly, I am satisfied the housing mix would be diverse and has responded to local policy, evidence and guidance.
34. The Council has suggested that the number of 1-bedroom homes should be reduced because the site is in the countryside and subject to limited sustainability. I take this to mean it is not particularly well related to services and facilities. Be that as it may, there is an evidence base through the NP for smaller properties and therefore the proportion of 1-bedroom homes can be justified despite the site's accessibility to services and facilities.
35. In conclusion, the proposal would provide a adequate mix of homes that would respond to local evidence. As such, the proposal would adhere to Policy LP25 of the LP and Policy HWNP16 of the NP in so far as it is relevant.

Other Matters

36. As the appeal has failed on the main issues the proposal would have no effect on the setting of the Houghton and Wyton Conservation Area and therefore I have not considered this matter further.
37. The appellant has provided me with a copy of a signed planning obligation. The planning obligation is in the form of a unilateral undertaking and covers several matters including a financial contribution towards wheeled bins and a mechanism for managing the communal areas. It also outlines a mechanism for securing an off-site affordable housing contribution.
38. The contribution towards wheeled bins is aimed at mitigating impacts and is not a benefit of the proposal. Similarly, the communal landscape area is unlikely to function as public open space given its remoteness from a

³ Houghton and Wyton neighbourhood Development Plan 2018 - 2036

settlement and limited size. As such, it is likely to be a communal open space for future occupants and would not have wider benefits in respect of access to public open space. On the other hand, the delivery of a contribution towards affordable housing would be a benefit.

39. On the assumption that the mechanism in the planning obligation is sound and properly drafted, it would deliver a contribution equivalent to 3/15th of an independent site value based on a fully open market development. This would probably be a reasonably modest but helpful contribution aimed at delivering the equivalent of three affordable housing units. On this basis, it is a benefit of moderate weight.
40. Although not a putative reason for refusal, the Council are of the view that the proposal would result in a net loss of biodiversity contrary to Policy LP30 of the LP. It has arrived at this conclusion by recategorizing the proposed wildflower meadow as modified amenity grassland and the pond as a sustainable drainage feature. However, even if I were to accept the Council's proposition that such a recategorizing would result in a net loss to biodiversity, that loss would be 'small' and therefore could be addressed with other measures on the adjoining land in the control of the appellant. Moreover, it would be possible to impose conditions requiring the wildflower meadow and pond to be properly managed and therefore the recategorization may be unnecessary. Thus, there would be mechanisms in place to ensure that a small net gain in biodiversity occurs. This is a matter of modest weight in favour of the proposal.
41. The evidence supplied by the appellant confirms that there is a bat roost within the appeal building. As a result, there is a strong likelihood that bats are present and likely to be affected by the proposal. As the roost would be lost, it is likely that mitigation and compensation would be required. This is set out in the Ecological Impact Assessment. There is nothing of substance before me to indicate that the measures set out would not be sufficient to allow a licence to be granted by Natural England. If the scheme had been otherwise acceptable, a planning condition could have been imposed to ensure the measures outlined are delivered and that the proposal would therefore adhere to development plan policies relating to the protection and enhancement of protected species.

Planning Balance

42. The proposal would provide an acceptable housing mix but would harm the character and appearance of the area and has failed to demonstrate that the living conditions of future occupants would be acceptable in respect of odour. As a result, the proposal would be at odds with Policies LP10, LP11, LP12 and LP14 of the LP and Policy 16 of the MWLP. These policies are consistent with the Framework, which seeks to secure attractive contextually sympathetic development with a high standard of amenity. The conflict with them therefore carries full weight. Accordingly, the harm I have identified, and the subsequent policy conflict, is a matter of significant weight against the proposal.
43. Weighed against this is that the proposal would result in new homes, the occupants of which would be able to support the vitality of the rural community. However, the practical effect of this has not been demonstrated. For example, there is nothing to suggest local services are failing for lack of patronage. Given the scale of the proposal, this would be a moderate benefit.

44. The Council are currently able to demonstrate a five-year housing land supply and therefore it is in the process of significantly boosting the supply of housing. In this context, the benefits to housing supply from fifteen new homes would be modest. Moreover, for the reasons already set out, there would be moderate benefits towards the provision of affordable housing and modest benefits to biodiversity. The proposal would also result in the reuse of previously developed land and the more efficient use of an existing building. Being a smaller scheme, it could also be delivered quickly by a n SME⁴ developer. The proposal would also provide some support to the construction industry, but this would be time limited and minor in scale.
45. Overall, the significant adverse impacts of the proposal would outweigh the cumulative benefits of the scheme. This does not indicate the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

46. The proposed development would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

Graham Chamberlain
INSPECTOR

⁴ Small Medium Enterprise