
Appeal Decision

Site visit made on 25 February 2022

by Richard Aston DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH April 2022

Appeal Ref: APP/W0530/W/21/3283776

64 Hay Street, Steeple Morden, South Cambridgeshire SG8 0PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Rebecca Wright against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01518/PIP, dated 1 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is erection of a single residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal, accordingly, noting the Council do not object in terms of land use or amount.
4. I visited the site in advance of the 22 March 2022 deadline for Final Comments to be made. Comments were received from the appellant, but I did not consider it necessary to make a further visit.

Main Issue

5. With reference to the PPG, to the Council's reason for refusing the application and my reading of the evidence before me, the main issue is whether the site is suitable for a single residential dwelling, with particular regard to its location, having regard to the adopted spatial strategy.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615.

Reasons

6. The appeal site is formed by the recent extension of the rear residential garden of No. 64 Hay Street, a detached dwelling in a spacious plot. Apart from part of the access from Hay Street the appeal site is located outside of, but adjacent to, the Steeple Morden Development Framework boundary which runs north to south across part of the rear gardens of properties on this side of Hay Street. The appeal site therefore lies within a countryside location for the purposes of the South Cambridgeshire Local Plan 2018 (SCLP).
7. Part 2 of Policy S/7 of the SCLP restricts development in the countryside to allocations in a Neighbourhood Plan and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies.
8. Paragraph 2.50 of the supporting text to Policy S/7 explains that the approach is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. I also note paragraph 2.50 refers to countryside development being generally restricted to uses that need to be located there and that the plan includes some flexibility for reusing existing buildings, and for development which supports the rural economy.
9. Residential development is not specified in Policy S/7. However, outside a Development Framework residential development could be required in association with one of the specified or other uses which need to be located in the countryside or where it is supported by other policies. In my view these other policies are, for example, those that relate to a countryside dwelling of exceptional quality or affordable housing under a rural exceptions policy, and not policies which may support general residential development in the countryside.
10. My reading of the policy does not therefore support the appellant's interpretation that 'other policies in the plan' means any other policy that might be considered relevant, such as Policy H/16 for development in residential gardens. To my mind, such an interpretation would be inconsistent with the approach and objectives of the spatial strategy.
11. The position of the policy in the 'Delivering High Quality Homes' chapter is not determinative as the chapter does not solely relate to development in the countryside. Nonetheless, matters of encroachment into the countryside and accessibility underpin the spatial strategy and Policy S/7, are relevant to the site's location and in both approaches are important considerations to which I now turn.
12. Dealing with encroachment first, the appeal site appears to have been incorporated into the garden of No. 64², requiring the diversion of an existing footpath immediately to the rear. Woodland Grange, a large residential building granted planning permission in 2006³, sits within extensive open grounds, with detached garaging and an extensive car park to the rear of the appeal site's eastern boundary on the opposite side of the footpath. Development is predominantly linear along Hay Street and single dwelling lies to the rear of No. 58, within the settlement framework boundary. Whilst residential built form

² LPA ref: 20/03657/FUL.

³ Appendix A of appellant's statement.

does have a staggered building line on this side of Hay Steet it is not markedly so.

13. In combination with similar parcels of land to the rear of properties on this side of Hay Street, which are outside the Development Framework, are free from significant development and contain mature trees and soft landscaping, I observed a green corridor with a sense of openness and strong affinity to the countryside. Uses and buildings are low key and notwithstanding the presence of domestic paraphernalia and boundary fencing the site and such other land positively contribute to the spatial and visual break formed by the corridor and the character of the area.
14. As a Group Village, Steeple Morden contains fewer services and facilities than larger Rural and Minor Rural Centres, allowing for some basic day-to-day requirements. The settlement framework boundary here is a clear example of the need for the Council's approach in the SCLP to the 'cutting' of some gardens as a positive development control tool in smaller villages with few facilities and little or no public transport. It is therefore not an 'arbitrary' line as the appellant contends⁴.
15. The appeal site may well be in residential use as garden land but the effect of development as encroachment on the countryside may be in the form of a loss of its openness or intrusion. A single dwelling in this location would create a noticeably smaller residential plot than those that prevail in the immediate locality. It would likely contain built form of a much greater scale, coverage, and extent of built form than would be permitted for a residential garden use.
16. In this particular location it would inevitably result in the loss of some of the trees and soft landscaping that exist on the site and overall, a diminution of openness and the site's spatial and visual contribution. Such a change would be clearly perceived and experienced by users of the public footpath and from surrounding land and in this location a single dwelling would result in gradual encroachment and the harmful erosion of the countryside.
17. In assessing harm, it is not determinative whether permitted developments rights should have been withdrawn from the land as it is questionable whether such rights exist on extended garden land and there is no substantive evidence before me in this appeal that demonstrates the appeal site should be considered as curtilage. In any event, I must form my own view and the Council's approach is clear that flexibility should apply to such areas of land where framework boundaries cut across rear gardens. This is also a proposal which would be highly likely to result in far greater spatial and visual effects than any buildings incidental to the enjoyment of a dwellinghouse that might be capable of being constructed.
18. Even if my interpretation above of Policy S/7 is incorrect, Policy H/16 b (i) requires there to be no significant harm to the character of the local area. For the above reasons and notwithstanding technical details would be addressed at a later stage, a dwellinghouse in this location would cause harm sufficiently important to be worthy of attention and in my view the harm would be significant. The proposal would therefore still conflict with Policy H/16.

⁴ Paragraph 13 of the appellant's statement.

19. Turning to accessibility, opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In this location and although I have not been provided with the details the site is served from Hay Street by a single rural bus service. However, a single rural service does not indicate to me that the appeal site would be 'well served' by 'various' sustainable transport modes as the appellant contends and does not automatically demonstrate a sustainable location.
20. I observed some limited facilities in the village commensurate with its role in the spatial hierarchy and these could be accessed by most occupiers via a short walk or cycle. Nonetheless, the ease of accessibility onto the A505 would also provide quick and convenient vehicular access to the wider array of services and facilities within the larger settlements of Baldock, Royston and beyond.
21. In such a rural location some occupiers might well use the bus but would probably rely more heavily on private motor vehicles to access employment, retail and other necessary day-to-day services and facilities further afield. The number of trips associated with a single dwelling would not be significant but ultimately such reliance would cause some minor environmental harm because the proposal would not be located where it would contribute to a cumulative reduction in harmful greenhouse gas emissions, improve air quality and public health.
22. For these reasons, the site is not suitable for a single residential dwelling, having particular regard to its location and the adopted spatial strategy. The proposal would conflict with Policy S/7 of the SCLP, the aims and objectives of which I have already set out above.

Planning balance and conclusion

23. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications, including those for Permission in Principle must be determined in accordance with the development plan unless material considerations indicate otherwise.
24. It is not in dispute that the Council can currently demonstrate a 5-year housing land supply, although this is not a ceiling on development. The proposal would be windfall development and contribute to the supply of housing. A single dwelling may also have a positive effect on the vitality of this rural community and provide temporary economic benefits during construction. Overall, the social and economic benefits from a single dwelling would still be minor.
25. Whilst for the purposes of the SCLP the appeal site is in the countryside the presence of buildings in the immediate vicinity of the appeal site, including Woodland Grange, means that for the purpose of assessing whether it is Previously Developed Land (PDL) in my judgement it is in a 'built-up' area. The appeal site is therefore excluded from the definition of PDL in the Framework⁵. In any event, national policy is clear at paragraph 119 that decisions should promote an effective use of land whilst safeguarding and improving the environment, which I have found would not be the case here.
26. Set against these there would be environmental harm due to countryside encroachment and from increased greenhouse gas emissions due to increased vehicle trips. The proposal would conflict with a recently adopted spatial

⁵ Annexe 2: Glossary to the Framework.

strategy of an up-to-date development plan. Although there are social and economic considerations that weigh in favour of the proposal, I give greater weight to the harm and conflict that I have identified.

27. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
28. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR