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# Appeal Decision

Site visit made on 4 May 2022

**by C Coyne BA (Hons) DipTP MRTPI**

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

**Decision date: 12<sup>th</sup> July 2022**

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**Appeal Ref: APP/W0530/W/21/3283614**

**Land at Church Farm Buildings, Park Street, Dry Drayton CB23 8BZ**

- 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 Kentmere Homes Ltd. against the decision of South Cambridgeshire District Council.
  - The application Ref 21/02835/FUL, dated 16 June 2021, was refused by notice dated 20 August 2021.
  - The development proposed is erection of single storey detached dwelling of three bedroom design with associated amenity space, parking, bin and cycle storage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
  - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
  - the effect of the proposed development on the rural character of the area and its landscape; and
  - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

## Reasons

*Whether inappropriate development*

3. The National Planning Policy Framework (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy S/4 of the adopted South Cambridgeshire Local Plan (SCLP) only allows development in the Green Belt where it is in accordance with national policy. Consequently, I consider policy S/4 to be broadly consistent with the Framework and I afford it full weight.

4. It is not disputed that the appeal site does not constitute previously developed land as its former use was agricultural. It is, however, a matter of dispute as to whether the proposal constitutes limited infill development within a village.
5. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework. One such exception is where a proposal would constitute "*limited infilling in villages*". There is no specific definition of 'limited infilling' within the Framework. However, infilling is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or at the very least, consolidation of a largely built-up area.
6. The appeal site is located next to an existing detached dwelling. However, there are no other buildings on the other side of the site or on the other side of this existing adjacent dwelling. Furthermore, based on the submitted plans the front elevation of the proposal would also be set back from the corresponding elevation of the neighbouring property. Therefore, the proposal would not result in the completion of an otherwise substantial built-up frontage of several buildings. For these reasons the appeal scheme does not have the characteristics normally associated with limited infill development in a village and therefore cannot be treated as being within the exception identified in paragraph 149 e) of the Framework.
7. Consequently, the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework. I therefore conclude that the proposal would be inappropriate development in the Green Belt in conflict with the aims of the Framework. It would therefore also conflict with the aims of policy S/4 of the SCLP.

*Openness, Green Belt purposes and rural character*

8. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy NH/8 of the adopted South Cambridgeshire Local Plan (SCLP) only allows development in the Green Belt where it does not have an adverse effect on the rural character and openness of the Green Belt. Consequently, I consider policy NH/8 to be broadly consistent with the Framework and I afford it full weight.
9. The submitted site plan (Drawing No. 107-PD-100 Revision A) shows the appeal site in relation to the now demolished agricultural buildings that were previously in situ. This plan also shows that the proposal would have a spatial footprint greater than the portion of the demolished agricultural building that it would replace. It would therefore not preserve the openness of the Green Belt in this regard thereby having an adverse spatial impact.
10. In addition, the plan shows that part of the proposal's footprint would also be located on a portion of open land where there is currently no development and where there were no previous agricultural buildings. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of a detached dwelling on the appeal site would therefore bring about development on land where there is presently none. Accordingly, the proposal would spatially reduce the openness of the Green Belt thereby harming it. The proposal would therefore have an adverse spatial impact on the openness of the Green Belt in this regard also.

11. The appellant has argued that the appeal scheme would represent a significant reduction in spatial footprint and volume when compared to the now demolished agricultural buildings that were previously on the site i.e., comparing the footprint and volume of the one proposed dwelling with the combined footprint and volume of these agricultural buildings. However, according to the evidence before me, these demolished agricultural buildings have been replaced with approximately 5 dwellings and two work/live units.
12. Furthermore, when making a comparison with the demolished building which had part of its footprint on the appeal site, it appears that they have compared the footprint of the proposed dwelling with that of the entire footprint of the demolished building rather than just the portion of it that overlaps with the appeal site. Consequently, while I acknowledge that one of the other demolished former agricultural buildings has neither been converted nor replaced this is in a part of the wider site that is outside the appeal site boundary.
13. In any event, even if this meant that the spatial footprint and volume of the proposal was slightly less than the demolished building, it would not overcome the substantial harm to the openness of the Green Belt that the proposal would cause by bringing about development on land which is currently permanently open. The proposal would thereby fail to preserve the openness of the Green Belt, nonetheless. Moreover, it would also not have a lesser spatial footprint and volume than the portion of the demolished agricultural building previously on the appeal site that it would replace.
14. In terms of the proposal's visual impact, the submitted Landscape and Visual Impact Assessment dated July 2017 (LVIA) concluded that the original redevelopment of the wider site at Church Farm buildings would not cause significant harm to the landscape resource of the site as it would be visually well contained and have a limited relationship with the wider landscape setting. It also argued that significant weight should be afforded to the removal of the buildings on the land. However, based on the submitted plans and evidence many of these buildings appear to have been either converted or had a new building erected on a similar spatial footprint meaning that in my view this benefit is limited.
15. In addition, the benefit that the existing buildings would provide as a visual backdrop would only be apparent from certain vantage points looking towards them. This would not be the case when looking from an opposite vantage point such as directly in front of the appeal site with a view outward towards the now open land beyond which would be blocked by the proposal. The proposal would therefore visually reduce the openness of the Green Belt in this regard.
16. Moreover, as the proposal would bring about development on a portion of land where there is presently none and there previously was none, it would also represent an encroachment into the open countryside. As such it would also fail to make a positive contribution to its local and wider context or preserve the character of the rural landscape.
17. Consequently, I conclude that the proposal would cause spatial and visual harm to the openness of the Green Belt by not preserving it in conflict with paragraph 137 of the Framework and that it would also represent an encroachment of development into the countryside. It would therefore also conflict with the aims of policy NH/8 of the SCLP. I also conclude that it would

materially harm the rural character of the area and its landscape thereby failing to meet the relevant requirements of policies S/7 and HQ/1 of the SCLP.

#### *Other Considerations*

18. In support of the proposal the appellant has stated that the proposed dwelling would complement the existing homes that are currently being created and provide an additional family home within this part of Dry Drayton. However, while the proposal would provide a social and economic benefit from its construction and subsequent occupation, given its scale this benefit would be limited. As a result, I afford this consideration limited weight.

#### **Planning Balance and Conclusion**

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
20. I have found that the proposal would amount to inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. I afford this harm substantial weight in the planning balance. I have also found that it would cause harm to the rural character of the area and its landscape. In addition, I have afforded limited weight to the other considerations put forward in favour of the proposal. Consequently, overall, I conclude that the harm by reason of inappropriateness, the harm to openness and the other harm, is not clearly outweighed by the identified other considerations so as to amount to the very special circumstances required to justify the proposal.
21. Accordingly, I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR