
Appeal Decision

Site visit made on 7 September 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/W0530/W/22/3292100
48 The Grip, Linton CB21 4NR.

- 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 Johnson against the decision of South Cambridgeshire District Council.
 - The application Ref 21/02445/FUL dated 14 May 2021, was refused by notice dated 4 August 2021.
 - The development proposed is single storey dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. A third party concern has been raised stating that the owner of the private access drive has not consented to the use of the drive by additional vehicles nor granted additional rights of access. Whilst I note these comments, this is a private legal matter. It does not prevent the grant of any planning permission but may prevent the implementation of any such permission if not resolved. As such I have not considered this matter in my determination.

Main Issues

3. The main issues are:
 - whether the appeal site is an appropriate location for housing development in terms of the development plan;
 - the effect of the proposed development on the character and appearance of the surrounding area and
 - whether there would be an adverse impact on the living conditions of future occupiers of the development as a result of proximity to the Industrial Estate.

Reasons

4. The appeal site forms part of the large garden to No 48 The Grip which is itself part of a small number of large, detached, single storey houses located along a private drive off the Grip on the south western edge of Linton.
5. The appeal site sits on the southern side of the access drive, open to it and backing onto the treed embankment of the former railway.

Whether the appeal site is an appropriate site for housing development

6. The *South Cambridgeshire Local Plan* (SCLP) at Policy S/7 establishes development frameworks for the South Cambridgeshire settlements within which development of unallocated land will normally be permitted subject to criteria being satisfied, in particular that it is appropriate to the character of the area. Whilst the appeal site is within the development framework for Linton, specifically in respect of this settlement, Policy H/6 places a restriction on windfall residential development in a defined area (including the appeal site) south of the A1307.
7. The reason that this policy restriction has been imposed is because of the severing effect of the A1307 whereby the main part of the village and its services and facilities lie to the north of the road and continued development to the south would not be sustainable because of poor and unsafe access.
8. Observing the situation on site nothing has changed in respect of this constraint, the policy remains relevant and the appeal proposal would be contrary to it.
9. It has been put to me that the development would be windfall development on brownfield land. Even if this constituted an exception to Policy H/6 (and no such exception is made) it was apparent from the site visit that this was open garden land with no evidence of any previous structure visible.
10. The principle of development on the appeal site would therefore not be acceptable.

Character and Appearance

11. The development along the private access drive that already exists takes the form of large, detached, single storey dwellings in large plots. Whilst I acknowledge that the appeal proposal would take a similar built form and could be developed as an accessible dwelling in accordance with the principles of sustainable construction, it would be in a much smaller plot. Moreover, currently the development along the drive is one sided with the southern side of the drive (where the appeal site is located) undeveloped and open creating a tranquil semi-rural character.
12. It has been put to me that it is not the plot size that establishes the character of the area but rather the lawned and treed areas along the drive. However, it is these that would be reduced by the insertion of the new dwelling even if all trees were retained as proposed. I am not therefore satisfied that openness could be retained by attention simply to restricting boundary treatments.
13. Whilst I have been invited to conclude that the appeal site is about the only piece of land that could be developed and therefore no danger of precedent I am not satisfied that this is the case. Were the appeal to be allowed and the appeal site developed as proposed there is a reasonable prospect of similar development being repeated on the remaining land along the southern side of the access drive which would be difficult for the LPA to resist. The result of the appeal proposal would be a change in the open character of the area and a more intensive form of development contrary to the established development pattern.
14. The *National Planning Policy Framework* (the Framework) at Section 11 encourages the efficient use of land. However at paragraph 124 it states that this should not be at the expense of maintaining an area's prevailing character and setting including residential gardens and in this respect, for the reasons

above, the proposal fails. Policy HQ/1 of the SCLP reflects the Framework and requires development to be to a high quality making a positive contribution to its local and wider context. Quite apart from the in-principle conflict with Policy H/6 by proposing development in a location where it should be restricted, the form and nature of development in intensifying built form on the private access drive is contrary to its character and therefore at odds with Policy HQ/1.

Living Conditions

15. The appeal site as stated backs onto the Grip Industrial Estate. However it is separated from the estate by a substantial embankment and tree and shrub cover it is therefore unlikely that dust, dirt and light pollution would be issues that would adversely affect living conditions for future occupants.
16. In terms of noise, it is also likely that the embankment would have some mitigating effect and on the site visit, whilst some background noise was apparent, it was not intrusive at the time. Nevertheless, I accept that this was simply one point in time and that in the absence of a noise assessment the impact of the industrial estate's proximity on living conditions remains unclear.
17. SCLP Policy SC/10 requires developers proposing residential development close to an existing noise source to demonstrate that noise and disturbance will not give rise to problems for future occupants. The appellant has failed to demonstrate this through a noise assessment and despite having the opportunity in submitting this appeal to submit a noise assessment, having seen the third reason for refusal, he declined to do so. I have been invited to conclude that the embankment would provide sufficient mitigation for noise pollution but, as above, this is unproven.
18. For the above reasons, ie the potential impact on living conditions for future occupants, the proposal would conflict with the policy objectives of SCLP Policy HQ/1 seeking to protect the health and amenity of occupiers from unacceptable impacts such as noise and Policy SC/10 requiring developers to demonstrate that existing uses would not give rise to noise and disturbance.

Other Matters

19. I accept that the proposal would provide an additional dwelling and make a very minor contribution to housing supply. However, additional provision is not required as the Greater Cambridge area reportedly has around 6.5 years supply of housing and the South Cambridgeshire performance against the Housing Delivery Target, as at 2020, is standing at 114%. It is clear from the evidence before me that the current SCLP policies influencing housing provision are not impeding supply and those policies, including the Policy H/6 restricting development to the south of Linton are not out of date. Paragraph 11 of the Framework and the 'tilted balance' is not therefore engaged.
20. I note that the appellants are looking to downsize from their current home at No 48 and wish to stay close to the industrial estate where the appellant currently operates businesses. However, this in itself would not justify overriding adopted SCLP policies.

The Planning Balance

21. In a situation where Paragraph 11 of the Framework is not engaged the requirements of Paragraph 12 stand. I am not persuaded that the material considerations of a very modest gain in housing provision and the appellant's

personal wish to downsize carry sufficient weight to warrant a departure from the adopted policies of the SCLP. To do so would undermine the plan-led system and lead to an ad hoc approach to planning, destroying consistency. Accordingly, in accordance with Paragraph 12 of the Framework the appeal should be dismissed.

Conclusion

22. In reaching my decision I have had regard to the matters before me and for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR