



Appeal Decision

Site visit made on 6 September 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/V0510/W/22/3292372

10 Fourth Drove, Little Downham CB6 2ES

- 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 Alex Mathias against the decision of East Cambridgeshire District Council.
 - The application Ref 21/01608/FUL, dated 5 November 2021, was refused by notice dated 16 December 2021.
 - The development proposed is change of use of existing workshop garage to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

3. The appeal site is located on Fourth Drove, a single track no through road that has detached dwellings and agricultural buildings predominantly located along one side. The buildings are surrounded by agricultural land to the front and rear. The appeal site is not located within a defined development envelope and is therefore located in the countryside, which is agreed by both parties.
4. Policy GROWTH 2 of the East Cambridgeshire Local Plan, adopted 2015 (LP) sets out the locational strategy for new development and seeks to ensure that growth is sustainable by keeping the majority of new development focused within the market towns and villages of the district. Outside of defined development envelopes, development is restricted to those exceptions listed within the policy. The Council, in their appeal statement, states that the proposed development does not meet any of the exceptions listed.
5. One exception detailed within Policy GROWTH 2 is the re-use and replacement of existing buildings in the countryside, subject to Policy EMP 4 of the LP. The appellant, in their appeal statement, recognises that Policy EMP 4 allows for the re-use of existing rural buildings that are no longer needed for their original purpose. The appellant states that the building is currently under-utilised, however, no evidence has been provided to substantiate that the building is "no longer needed for its original purpose". Furthermore, the supporting text to Policy EMP 4 states that the policy relates to the re-use and replacement of non-residential buildings in the countryside, such as barns and other agricultural buildings. The appeal building comprises an outbuilding associated

with the host dwelling and therefore Policy EMP 4 is not applicable to the determination of the proposed development. On this basis, I confirm that the proposed development would not comply with any of the exceptions listed within Policy GROWTH 2.

6. The appellant, however, considers that Policy GROWTH 2 allows for any other form of development outside of those listed as an exception, providing it does not have a significant adverse impact on the character of the countryside and that other LP policies are satisfied. On my reading of the policy, the exceptions are only those that are listed, and these exceptions will only be permitted if they have no significant adverse impact on the character of the countryside and other LP policies are satisfied. To read the policy in any other way would not be consistent with its aims, which is to strictly control development within the countryside.
7. The nearest development envelopes to the appeal site are Little Downham and Littleport. However, they are located a considerable distance from the appeal site, the route between them has no pavement or street lighting for a significant distance, and there is a speed limit of 60mph. No bus stops are located in close proximity of the appeal site. The general condition of local infrastructure, together with the distance, is such that travel to these villages by more sustainable means such as walking and cycling would be highly unlikely. Consequently, the occupiers of the proposed development would likely rely on the private car to access services, employment, education and healthcare to support their day-to-day living. This is the least sustainable travel option and therefore the erection of a dwelling on the appeal site would serve to promote unsustainable patterns of development.
8. In reaching the conclusion above, I accept that the provision of one new dwelling would provide some support for the vitality of the rural community; however, this would be limited due to the location of the site outside the development envelopes of the nearest villages and the access constraints of the site.
9. In relation to the main issue, the proposed development would not comply with Policy GROWTH 2 of the LP which seeks to distribute development in a hierarchical manner in the interests of encouraging sustainable patterns of development and to strictly control development outside of defined development envelopes to protect the countryside. In addition, the proposal would not comply with the National Planning Policy Framework (NPPF) in respect of promoting sustainable development in rural areas.

Other Matters

10. The appellant has provided examples of decisions issued by the Council for other developments involving the approval of new dwellings on Fourth Drove. Two approvals refer to a site between No 4A & 8 Fourth Drove¹ and a further two approvals refer to a site between No 8 Fourth Drove and the appeal site². The latter of the two decisions for each site involve a re-submission when the original application was still extant. All four decisions were issued when the Council could not demonstrate a 5-year housing land supply and therefore the presumption in favour of sustainable development, as detailed within the NPPF,

¹ 16/00815/FUL and 18/00390/FUL

² 16/01253/FUL and 19/01088/FUL

was engaged that required planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicated that development should be restricted.

11. The Council has stated that they have been able to demonstrate a 5-year housing land supply since April 2020 and currently has a housing land supply equivalent to 7 years. This has not been disputed by the appellant. It is also not disputed between the parties that the Council delivered 95% of its housing target. The Council have therefore passed the Housing Delivery Test. Therefore, the policy tests against which the appeal has to be considered differ considerably from when the previous applications were determined. Accordingly, the examples provided are not directly comparable to the proposal before me.
12. I note that these decisions considered the residential clusters north of Little Downham (including Fourth Drove) to be small rural settlements in which a new dwelling could improve their sustainability and that the introduction of a new dwelling would keep these communities alive. However, in my opinion, these small groups of dwellings, farms and businesses interspersed with agricultural fields, do not comprise a small rural settlement. Notwithstanding this, the contribution one dwelling would make in this regard, would be limited.
13. The appellant considers that the proposed dwelling would help the Council's shortfall in housing delivery, as they state that it has only delivered 95% of its housing target and refers to the results of the Housing Delivery Test (2021). However, a Council is deemed to have passed the Housing Delivery Test if they are able to deliver 95% or more of their housing target. Furthermore, the provision of one additional dwelling would make a limited contribution to the Council's housing delivery.
14. There has been no objection raised by consultees in respect of matters such as highways or flooding, or by the relevant Officers in respect of drainage or environmental health. The proposed development would also not result in an isolated home in the countryside, nor would it appear cramped. The proposed dwelling and the existing dwelling at No 10 Fourth Drove would have adequate outdoor amenity space and, as the building is already in-situ, it would not adversely affect the intrinsic character of the countryside. However, these are all neutral factors that do not outweigh the harm I have identified in respect of the main issue.

Conclusion

15. For the reasons given above, having considered the development plan as a whole and all the other material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR