



Appeal Decision

Site visit made on 8 September 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022.

Appeal Ref: APP/H0520/W/22/3297921

Land rear of 21 Colne Road, Bluntisham PE28 3LU.

- 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 Ms Jane Hart against the decision of Huntingdonshire District Council.
 - The application Ref 21/01414/OUT dated 18 June 2021, was refused by notice dated 16 March 2022.
 - The development proposed is erection of up to two dwellings and access with all other matters reserved.
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Decision

1. The appeal is allowed and outline planning permission is granted for construction of up to two dwellings and access with all other matters reserved at Land rear of 21 Colne Road, Bluntisham PE28 3LU in accordance with the terms of the application, Ref 21/01414/OUT dated 18 June 2021 and subject to the conditions at Schedule A below.

Preliminary Matters

2. The application for the proposed development is in outline with all matters reserved other than access which is to be determined in full. However, the application was also accompanied by an indicative layout referring to some of these matters which I have treated as being for illustrative purposes.
3. The proposal is chargeable development in respect of the Community Infrastructure Levy (CIL). The collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such the requirement for and any enforcement of the payment of a contribution in relation to the development is not for consideration at this appeal.

Main Issues

4. The main issues in this case are:
 - Whether the appeal site is an appropriate site for housing on the edge of Bluntisham given the development plan policies.
 - The effect of the proposed development on the character and appearance of the countryside and surroundings on Colne Road.

Reasons

5. The appeal site is located on the east side of Colne Road and to the rear of No 21 which is a semi-detached, two storey house to a traditional design. The appeal site

is entirely located within the residential curtilage and garden land to No 21 and partially occupied by large outbuildings – a substantial double garage and large chalet style outbuilding as well as smaller sheds all of which it is proposed to remove as part of the development.

6. Colne Road is developed on its east side with a continuous ribbon of development predominantly along the road frontage with development to the rear being principally outbuildings. A number of houses however are set well back in the plots and away from the road frontage, a case in point being Colne End Cottages immediately adjacent to the appeal site.
7. The site is separated from undeveloped countryside and open farmland to the east by a low hedgerow. An unmade lane extends eastwards from Colne Road into the field which is proposed to provide access to the new residential development.

Whether the site is an appropriate site for housing

8. Bluntisham is identified as a small settlement in the *Huntingdonshire District Local Plan* (HDLP) under Policy LP9 within the built-up area of which development will be permitted. It has been put to me that the appeal site is outside the built-up area for Bluntisham relating more to open countryside and therefore subject to the more restrictive Policy LP10 of the HDLP.
9. However, the built-up area limits are not spatially defined for Bluntisham on the Policies Map, the HDLP instead setting out on page 53 how the built-up area will be assessed. It states that *"the built up area will include individual plots and minor scale development opportunities which would provide infill and rounding off opportunities on land which is physically, functionally and visually related to existing buildings"*. The implementation guidance goes on to state that *"pockets of undeveloped land exist in some locations which relate to nearby buildings.The built up area will include elements of the grounds of large curtilages that relate closely to the buildings, for instance formal gardens, ancillary parking and hard tennis courts"*. The explanatory table goes on to explain what should be excluded from built up areas and includes *"isolated properties or areas of ribbon and fragmented development which are physically and visually detached from the main built form"*.
10. I accept that the site is part of the ribbon development along Colne Road but from my observations on site there is no discernible end to the development as one leaves Bluntisham, certainly on the east side of the road and No 21 and its curtilage is not physically and visually detached from the built form. Moreover, this would be a minor development opportunity which would be physically, functionally and visually related to the existing buildings of No 21 and entirely within its curtilage separated from the open countryside to the east by a clearly defined hedgerow.
11. I am therefore not persuaded that, applying the HDLP tests, the site should be considered as outside the built up area as described. The Council has invited me to conclude that the buildings of St Helens Primary School mark the end of the built up area and for example the school playing fields to the rear are excluded from the built up area. However, there is no discernible gap between the school buildings and the houses to the north and they, including No 21, form a continuous run of development all the way into Colne. Moreover, allowing for the angle of Colne Road running south west to north east the appeal site, were it to be developed, would not constitute any greater depth of development than is the case with the main

school building. I am therefore not persuaded by the argument that the school logically marks the end of the built up area.

12. Although I note that the quality of the agricultural land is probably Grade 2 and as such development should be avoided, I am not persuaded that in this case the grading is relevant. The underlying quality may be Grade 2 but the site is already within a residential curtilage and in part is already developed with garage, outbuildings and extensive hardstanding. Its development for residential would not therefore lead to any additional loss of Grade 2 agricultural land.
13. Moreover containing the development to within the existing curtilage means that there would be no encroachment on open countryside and no extension of the ribbon of development on the east side of Colne Road. It is a fact that the linear development of the two villages along Colne Road, on the east side at least, has already resulted in the complete merging of the villages. The access track up the side of No 21 does not constitute a key gap and the development would have minimal impact on a coalescence that has already taken place. By any reasonable assessment the ability of either settlement to maintain their individual identity has already been largely lost.
14. For the reasons above, the principle of development in this particular case could be acceptable. The site if developed would not be an encroachment into open countryside and therefore there would not be conflict with HDLP Policy LP10 and it is the provisions of Policy LP9 that would apply. For the same reasons there would be no conflict with paragraph 174 of the Framework provided, amongst other things, that the intrinsic character and beauty of the countryside is recognised and that there would be no adverse impact on the character and appearance of the surrounding area and the countryside to the east - matters to which I now turn.

Character and Appearance

15. As set out above the pattern of development on Colne Road is a virtually continuous ribbon of development between Bluntisham and Colne on the east side of the road other than the undeveloped gap of the recreation ground. Although for the most part this ribbon is not developed in depth there are exceptions, one such being Colne End Cottages immediately adjacent to the appeal site. These cottages establish a rear building line further to the east than the proposed development on the appeal site. Thus when viewed from the open field east of the appeal site the effect would be that the new development would appear contained by Colne End Cottages. It would not intrude into open countryside and development would not be dominant provided that the design at the reserved matters stage results in a modest scale of development that would not exceed the scale and mass of the cottages and would remain subservient to the existing semi-detached pair at Nos 19 and 21.
16. Viewed from the northern approach from Colne the appeal site would be well screened by trees along the road boundary and along the watercourse. Whilst I accept there is a more open view through to countryside on the approach from the south the new housing would be still contained to a degree by Colne End Cottages particularly when they are more visible in the winter. Whilst there would be some visual impact from this viewpoint, as the design and appearance of the development is a reserved matter there would appear to be no reason why an appropriately scaled and detailed design could not be achieved. A sensitive design could preserve the intrinsic character and beauty of the countryside beyond and reflect the surrounding traditional forms of development at No 21 and Colne End

Cottages. In this way the development would not be in conflict with Policy LP2 setting out the spatial strategy and requiring settlement and countryside character to be protected and LP11 and LP12 seeking design appropriate to the character and appearance of the surroundings.

17. I acknowledge that the development would result in the removal of some existing hedgerow along the south side of the proposed access as a result of the required widening. However, the trees along the ditch would remain and a landscaping condition could be imposed to protect these and which would require replacement planting proposals thus the effect of any initial loss could be mitigated.
18. It has been put to me that the development of the two houses and its associated 'paraphernalia' would lead to intensification of development and increased urbanisation contrary to the open and rural character of the area. For a number of reasons I am not persuaded that this is necessarily the case. First, there are already large outbuildings on the appeal site which would be removed to accommodate the development so the site does not currently have an entirely open rural form. Both the garage and the chalet building have large developed footprints although I accept they are low in height. Secondly, with regard to the possibility of domestic paraphernalia and the wish to retain some openness to the appeal site, at least in part this could be controlled by the removal of permitted development rights relating to subsequent enlargement of the houses and the development of outbuildings allowing the Council to retain control over character and appearance. Finally, whilst I accept that development must be considered on its own merits, the permission granted for Greenacres, referred to by the appellant, even though I accept this was for infill on the frontage, nevertheless amounts to intensification of development in the ribbon deemed acceptable by the Council in that case.
19. In drawing the discussion on character and appearance to a conclusion there would be some visual impact from the development viewed along the access track from Colne Road. However, for all the reasons above and in the context of what is a large residential garden and hardstanding with substantial existing outbuildings, I am not persuaded that the impact on the character and appearance of the surrounding area including the open countryside to the east would be significant and would not conflict with Policies LP2, LP9, LP11 and LP12 of the HDLP.
20. In any event, the status of the application as an outline only establishes the principle of the development and I would expect the reserved matters application to bring forward a high quality of design that respected the setting and built form as required by HDLP Policies LP11 and LP12. For example, this could be achieved by designing modestly-sized dwellings, restricting their height, maximising new landscaping and retaining and protecting existing trees and hedgerows.

Other Matters

21. I acknowledge from the documents before me that the Council in this case can demonstrate just over a 5.5 year supply of housing land and that the latest available Housing Delivery Test published in January 2022 does demonstrate that housing delivery is well ahead of target. It has been put to me that the proposed housing is not therefore needed and the policies concerned in the delivery of housing can be considered up to date.

22. Notwithstanding this, the Framework supports the delivery of sustainable housing development and the requirements are not a cap but a minimum to be met with the aim of supporting the Government's objective to significantly boost supply. The Framework encourages the development of small sites which can usually be quickly built out. The appeal site is such a site in a sustainable location where Bluntisham has a reasonable level of services including a primary school close to the site and it would make a small contribution to housing supply.
23. The Council's case officer report initially raised two further potential reasons for refusal although these were not carried forward in the decision notice. These related to ensuring an adequate width to the access lane if it is to serve both the residential development and the field to the east and ensuring the houses would be built to accessible and adaptable standards. However both these matters could be satisfactorily controlled by the imposition of conditions, as discussed below, in order to meet the relevant policies of the HDLP - Policy LP17 and Policy LP25.
24. Third parties at the consultation stage on the application have raised three matters of concern – that the development would lead to loss of privacy and noise for the occupiers of No 23 Colne Road and added light pollution from the new housing. Regarding privacy, the layout of the development and the design are reserved matters. Whilst the likely layout is for the two dwellings to face onto the access lane there is no reason why a reasonable separation distance to the south facing windows in Colne End Cottages could not be achieved. With respect to noise, whilst I accept there would be noise and disturbance during construction this would be relatively short term and can be mitigated by a construction management plan. Thereafter noise levels are unlikely to be any higher than might already occur from use of the garden of No 21. In respect of light pollution the detailed design of the dwellings should avoid the use of rooflights and it will be possible to control the design at the reserved matters stage to restrict external lighting.

Conclusion and Conditions

25. In reaching my decision I have had regard to the matters before me. For the reasons above I am satisfied that the site can be considered part of the built up area and that subject to careful design at the reserved matters stage there is no reason why the proposed development of up to two dwellings should have any significant impact on the character and appearance of the surrounding area, the current built form or the open countryside to the east. The appeal should therefore be allowed and outline planning permission (with access not reserved) granted for up to a maximum of two dwellings on the appeal site subject to conditions.
26. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. In addition to the standard conditions attached to outline permissions regarding submission of reserved matters, although not proposed by the Council, a condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. This is required as access is not a reserved matter and detailed plans regarding access arrangements are approved as part of this permission.
27. A condition needs to be added in the interests of securing safe access and adequate width at the start of the access lane to ensure highway safety is not prejudiced in accordance with Policy LP17 of the HDLP.

28. The Council proposes two conditions with respect to reserved matters regarding layout dealing with provision for refuse storage and collection of refuse and in respect of the design, scale and materials of boundary treatments proposed. These are necessary to ensure appropriate provision is made in keeping with the character and appearance of the area.
29. The Council proposes that the housing is built to provide accessible and adaptable homes because HDLP policy LP25 requires development to meet the needs of all potential users. Normally as this is laid out in the Building Regulations it would not be appropriate for a condition to replicate this. However, as the Building Regulations are not mandatory in this regard and the appellant has raised no objection to the proposed condition, it is not unreasonable to apply it in the interests of helping to futureproof new housing stock.
30. The Council proposed two conditions to deal with landscaping and ecological and biodiversity matters one requiring submission of a landscaping scheme and one requiring a Landscape and Ecological Management Plan, to ensure biodiversity net gain is achieved. These are necessary both to ensure the green character of the site is retained in accordance with HDLP Policies LP31 and to protect and enhance biodiversity as required in HDLP Policy LP30. Although not requested by the Council I have adapted the landscaping policy to ensure additional screening on the eastern boundary with the open countryside to augment what is currently a low hedge. As this would constitute a material change to the condition the views of the main parties have been sought. No objections have been received.
31. In order to safeguard the character and appearance of the surrounding area two further conditions are also required – control over finished floor levels and control over all external materials. These are necessary in pursuit of HDLP policies on design LP11 and LP12.
32. In order to prevent surface water flooding it is necessary to ensure the satisfactory drainage of surface water from the site, through the effective operation of sustainable drainage features over the lifetime of the development. The Council proposes a controlling condition to ensure the development accords with HDLP Policy LP15.
33. Finally, although not proposed by the Council, in view of the location of the proposed residential development and neighbouring development it is necessary that the Council retain control of development that would otherwise be permitted under Class A, B and E of Part 1 to Schedule 2 of the *General Permitted Development Order 2015 (as amended)* relating to enlargement of the properties and the erection of outbuildings etc in order that in all respects the developments remain appropriate in scale to the surrounding housing and to their plots. As this would be an additional condition to those proposed the views of the main parties have been sought. No objections have been received.

P. D. Biggers

INSPECTOR

Schedule A Conditions

1. Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before the development commences and the development must be carried out as approved.
2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: PPS21-2387-ELP1; PPS21-2387-EBP1; PPS21-2387-PBP1 (Access proposals only).
5. The Reserved Matters for layout and landscaping shall include access showing a minimum width of 6m and be hard surfaced and drained for a length of 12m from the existing carriageway edge with 10m radius kerbs.
The details shall also include an area within the site for vehicles to park and turn. The development shall be implemented in accordance with the approved details and parking and turning areas shall not thereafter be used for any other purpose.
6. The submission of Reserved Matters for landscaping, appearance, and layout shall include full details of bin storage and collection points. Storage and collection of bins shall be provided in accordance with the approved details and thereafter retained.
7. The submission of Reserved Matters for layout, appearance and scale shall include plan details with dimensions, materials, finishes and colours of all boundary treatments, screen walls and fences to the perimeter and the plot of the garden, including a timetable for carrying out the works. The works shall be carried out in accordance with the approved details and timetable.
8. The submission of Reserved Matters for appearance and layout shall include a scheme demonstrating the provision of a maximum of two dwellings to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing. The dwellings shall be built to these standards and retained in accordance with the approved details.
9. The submission of Reserved Matters for landscaping shall provide for additional boundary screening on the eastern boundary with open countryside and will include details of the following:
 - (a) Planting proposals giving location, species, number, density, and planting size.
 - (b) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.
 - (c) Areas of grass turfing or seeding and other surface materials.
 - (d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.
 - (e) Details of all hard landscaping works, paving materials etc.

(f) Details of the long-term management and maintenance proposals for the new planting.

(g) A scheme for works for protective fencing of the retained trees and hedges (including those lining the ditch on the northern boundary of the appeal site) applying the appropriate working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition, and construction - Recommendations; or similar replacement standard);

(j) A timetable for implementation of the landscape works.

The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding, or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development.

Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

10. The submission of Reserved Matters for landscaping shall be submitted with a Landscape and Ecological Management Plan for written approval by the local planning authority, which shall include a detailed scheme and timetable for the enhancement of the site demonstrating that biodiversity net gain and ecological enhancement will be achieved across the site. The proposed ecological and biodiversity enhancement and protection measures shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained thereafter.

11. The submission of Reserved Matters for appearance shall include details of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) in the construction of the dwelling and any associated buildings. The development shall thereafter be carried out in accordance with the approved details or particulars.

12. No development shall take place until detailed drawings showing the existing ground levels and the proposed ground and finished floor levels have been submitted to and approved in writing by the Local Planning Authority unless the existing and proposed levels details are submitted and approved as part of any reserved matters application. The development shall be implemented in accordance with the approved details or particulars.

13. No development shall take place until a surface water drainage scheme for the site which accords with the adopted Cambridgeshire Flood and Water Sustainable Drainage Systems (SuDS) SPD 2017, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Class A (Enlargement of a dwelling house), Class B (Additions to the roof of a dwelling house) or Class E (Buildings incidental to the enjoyment of a dwelling house) of Part 1 to Schedule 2 of the order shall be erected without specific application to the Local Planning Authority for planning permission.