



Appeal Decision

Site visit made on 6 December 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/H0520/W/22/3298028

Newfields, Earith Road, Colne PE28 3NL

- 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 Stephen King against the decision of Huntingdonshire District Council.
 - The application Ref 21/01424/FUL, dated 20 June 2021, was refused by notice dated 12 November 2021.
 - The development proposed is two 4/5 bedroom detached house with integral double garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has indicated that they are satisfied that there is sufficient land within the highway verge to secure the implementation of the required visibility splays by condition. Given that the Council is no longer contesting the second reason for refusal, I have defined the main issues accordingly.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the proposed development is in a suitable location for housing having regard to its effect on the character and appearance of the area together with the loss of best and most versatile agricultural land (BMV);
 - whether the proposed development would provide adequate provision for refuse.

Reasons

Suitable location for housing

4. The appeal site is located on the periphery of Colne and comprises a grassed paddock. The settlement is characterised by dwellings of varying age, scale and appearance although the row of nearby properties occupy similar positions within their plots and predominantly front Earith Road.
5. Policy LP 9 of the Huntingdonshire Local Plan to 2036 (Local Plan) defines Colne as a Small Settlement. For the purpose of the said policy, a built-up area is recognised as a distinct group of buildings that includes 30 or more homes or land which relates more to the group of buildings rather than to the surrounding countryside. Whilst the appeal site lies within the Parish boundary of Earith, when assessed against the above criteria and given its proximity to Colne, it cannot be

reasonably argued that the appeal site is located within, or well-related to the settlement of Earith.

6. A parcel of land separates the appeal site from the existing row of dwellings which lead out of Colne. The site boundary does not immediately adjoin built development on any side, nor does it have any strong boundary features that enclose it as part of the built-up area. Therefore, whilst well-related to the settlement in terms of physical proximity, I find that the appeal site primarily relates to the countryside and is not within a built-up area as defined above.
7. The supporting text to policy LP 9 explains that Small Settlements are generally less sustainable and therefore the Local Plan makes no allocations for development in such locations. The strategy does however set out a role for limited development where this would contribute to the social and economic sustainability of Small Settlements. To this end, Policy LP 9 indicates that proposals located on land well-related to the built-up area may be supported where they accord with specific opportunities allowed for through the other policies of the development plan. The proposed development relates to the erection of 2 open market dwellings and therefore would not meet any of the specific opportunities listed within Local Plan Policy LP 9.
8. Within the settlement I observed only a public house and Community Hall. Therefore, even if I were to agree that the appeal site was located within a built-up area, given the limited services and facilities within Colne it is likely that future occupiers, contrary to the sustainability objectives of Policy LP9 would need to travel to access services and facilities elsewhere on a regular basis.
9. Whilst the scale, form and siting of the proposed development would be largely in keeping with the existing pattern of development, the intervening parcel of land, albeit intended to address drainage issues would sever the proposed dwellings from the existing row. As such, despite the implementation of additional landscaping, the proposal would relate more to its rural surroundings than the built environment. Accordingly, the proposal would be a discordant form of development and would undermine the intrinsic character and beauty of the countryside. The harm identified would be further exacerbated by the removal and pruning of trees within the site frontage and formation of 2 new access points. The fact that the proposal would not affect protected trees or a designated heritage asset and is located outside of a flood risk area does not alter my findings in this respect.
10. For the purpose of the Agricultural Land Classification, the appeal site is classified as Grade 2 BMV. Whilst the appellant indicates that the appeal site is currently used as an extension to the garden area of Newfields, I am advised by the Council that no planning permission has been granted for this purpose. A fact which is not disputed by the appellant.
11. The appeal site is bound by post and rail timber fencing and mature trees. Although there were football goals erected on the land, the appeal site has the appearance of a paddock and visually connects with the adjoining agricultural land. Although the proposed development would contribute to the supply and mix of housing in the area and would offer self-build opportunities, the provision of 2 dwellings would make no meaningful difference to housing supply. I am therefore not persuaded that the housing contribution would outweigh the irreversible loss of BMV.
12. My attention has been drawn to a number of consented schemes, which the appellant contends are of a similar location, design or scale. On the basis of the evidence, I am unable to establish the precise location of the schemes or make any

informed comparisons regarding the design and scale. With regards to BMV, the Council indicate that the determination of the referenced schemes pre-dated the adoption of the current Local Plan. That said, the desire to protect BMV has been a longstanding objective of National Policy, the key measure being whether the loss would be outweighed by planning benefits. It would appear that the schemes referred to by the appellant were much larger. Therefore, whilst only an assumption, in the planning balance, their contribution to housing land supply may have outweighed the loss of BMV. In any case, given the details provided, I afford the examples limited weight.

13. For the above reasons, I find that the proposed development would harm the character and appearance of the area and would result in the irreversible loss of the BMV thus providing an unsuitable site for housing. The appeal proposal is therefore in conflict with Policies LP 2, LP 9 and LP 10 of the Local Plan. Collectively, and amongst other aspects, these policies seek to ensure the provision of sustainable development which safeguards the intrinsic character and beauty of the countryside whilst avoiding the irreversible loss of BMV. The proposal is also inconsistent with the Huntingdonshire Landscape and Townscape Assessment 2007 which, in combination with the Huntingdonshire Design Guide seeks to conserve and enhance the area's countryside, villages and towns by ensuring proposals make a positive contribution to the character of the area. I also find the proposal to be inconsistent with the objectives of the National Planning Policy Framework (the Framework) which seek to promote sustainable housing development which recognises the intrinsic character and beauty of the countryside and also the benefits of the best and most versatile agricultural land.

Refuse provision

14. Policy LP 4 of the Local Plan explains that contributions towards the provision of infrastructure, and the meeting of economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. Further guidance within the Developer Contributions Supplementary Planning Document 2011 (SPD) suggests that household waste management is critical in developing sustainable communities and therefore seeks to secure appropriate householder waste storage containers (wheeled bins) on sites via a Unilateral Undertaking (UU).
15. I am advised by the appellant that no UU was requested by the Council during the processing of the planning application. Nevertheless, on the basis that a UU does not accompany the appeal, there is no formal mechanism before me to secure the necessary contribution. The proposal therefore fails to provide adequate waste storage containers contrary to Local Plan Policy LP 4 and Part H of the SPD.

Other Matters

16. Questions concerning matters of Council procedure and consistency have been brought to my attention by the appellant. Whilst mindful of the comments made, these have no bearing on my considerations of the planning merits.

Conclusion

17. In concluding this appeal, for the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations including the Framework, the appeal is dismissed.

H Wilkinson

INSPECTOR