



Appeal Decision

Site visit made on 13 December 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023.

Appeal Ref: APP/H0520/W/22/3300802

Agricultural building between 7 and 9 King Street, Somersham PE28 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Team C Properties Limited against Huntingdonshire District Council.
 - The application Ref: 21/01374/FUL, is dated 11 June 2021.
 - The development proposed is erection of 3 detached dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council's case and its putative reasons for refusal are set out in a Statement of Case submitted in response to the appeal.
3. Planning permission was granted by the Council at the site for two residential dwellings with garages in September 2018 (ref: 18/01200/FUL) at a time when development plan policies were considered to be out-of-date. The appeal proposal is for three 5-bedroom detached dwellings with associated garages and private amenity space.
4. The appellant contends that all the pre-commencement conditions for permission ref: 18/01200/FUL have been discharged by the Council. In addition, I am advised that trenches for the garage foundations were dug on the site on 5 September 2021, before the 6 September 2021 date when the permission would have lapsed. Contrary to the view of the Council in its submissions that the permission has lapsed, the appellant considers that the permission is extant and represents a fall-back position.

Main Issue

5. Based upon the Council's statement, I consider that the main issue in this appeal is whether or not the appeal site would be a suitable location for the proposed development having regard to development plan policies which seek to achieve sustainable patterns of development and to protect the character and appearance of the countryside.

Reasons

6. The appeal site is a field which has a disused agricultural building. It is located at the edge of the village of Somersham and next to existing dwellings at King Street. To the north of the site there are extensive allotment gardens and to west there is meadow land. There is residential development at the other sides of the appeal site, with the closest dwelling being the detached house of No.7 King Street. The appeal site is bounded by trees and hedges on three sides.
7. The development plan includes the adopted Huntingdonshire Local Plan to 2036 (the Local Plan). The Council can demonstrate a 5-year housing land supply and the Local Plan may therefore be considered as up to date. The appellant does not dispute this but draws my attention to paragraph 60 of the National Planning Policy Framework (the Framework) which refers to the government's objective of significantly boosting the supply of homes and that it is important that a sufficient amount of land and variety can come forward where it is needed.
8. Somersham is defined as a Key Service Centre in the Local Plan. The Council has advised that the extent of settlements' built-up areas is not defined on maps in the Local Plan but are to be judged on a site-by-site basis. The explanatory text to the Local Plan indicates that the 'built-up area' should be considered to be the 'existing built form' but excluding buildings that are detached from the settlement, gardens and undeveloped curtilage land at the settlement edge, where these are more related to the countryside than the village and agricultural buildings. In this respect I find that the extent of the existing built development at this location is well defined. The appeal site is at the settlement edge and more related to the countryside. I find therefore that the appeal site is within the open countryside. Consequently, the proposed development conflicts with Local Plan policy LP 10 because it fails to comply with any of the limited and specific opportunities allowed for development in the countryside in the development plan.
9. The appellant has advised that the proposal would involve a density of 13 dwellings per hectare. I agree that this would be generally consistent with housing density in the area and less than the nearby density of housing at King Street to the east of the site which is estimated at around 20 dwellings per hectare. Nevertheless, the appeal site is in a transitional position outside the settlement where there is a well-used access route to allotments and the wider countryside. The proposed development of relatively large houses and gardens at the appeal site would diminish the transitional nature of the site at its position between the existing built development and the wider countryside. Consequently, a cul-de-sac development of the density proposed would be harmful to the character and appearance of the site and locality. The appellant has referred to the density of a development of 45 houses on the western side of Somersham. However, the site circumstances of that development would have differed from those at the appeal site.
10. The existing hedgerows and trees are positive features of the site which provide a verdant setting for people using the access to the allotments and countryside beyond. The appellant has indicated that the tree belt and hedgerows which currently screen the site from King Street will be retained. However, in view of the proposed layout for 3 large dwellings it is possible that

there could be future pressure to cut back vegetation at the site to improve the outlook or received sunlight for the proposed dwellings and their gardens, in particular at the southern end of the site next to proposed plot 1.

11. I find that the appeal site would not be a suitable location for the proposed development having regard to development plan policies which seek to achieve sustainable patterns of development and to protect the character and appearance of the countryside. The proposal would therefore conflict with Local Plan policy LP 11 which seeks to ensure that development responds positively to its context, has drawn inspiration from the key characteristics of its surroundings and does not give rise to impacts that would adversely affect the enjoyment of the countryside by others. It would also conflict with Local Plan policy LP 2 which, amongst other things, requires development to contribute positively to the area's character and identity.

Other Matters

12. Neighbouring residents have objected to the proposal on the grounds that it is unclear how visitor parking could be accommodated in the development, that there would be a significant increase in car movements in what is a busy part of King Street. In addition, objectors consider that the proposed development could result in dangerous vehicle manoeuvres at the outside of a bend in the road. However, the Highway Authority has raised no objection to the proposal subject to the imposition of conditions. It considers that the submitted details of vehicle visibility splays, the access width and tracking would be acceptable. Any gates would have to be hung inwards and set back a minimum of 10 metres from the near edge of the highway carriageway. That would allow vehicles to pull off King Street and park in front of the gates if they were closed. I therefore find that the proposal would have no significant harmful effect on highway safety and would not conflict with Local Plan policy LP 17.
13. An objection was received by the Council to the effect that the access point had changed and cars using it would affect their view and privacy and result in glare from headlights in the evenings. However, the access point would be similar to that approved under permission ref: 18/01200/FUL.
14. The occupiers of No.7 King Street have objected on the basis that the two first floor windows for the house at plot No.1 would allow overlooking of their garden and house resulting in loss of privacy. The windows in the side elevation of the proposed house at plot 1 would be around 13 metres from that boundary. Moreover, there are trees within the property of No.7 near the boundary and also a large outbuilding with a pitched roof and decking in the north-western corner of the rear garden of No.7. The outbuilding and tree and shrub cover would restrict any significant overlooking of the house and rear garden of No.7 from the opposing windows in the proposed house at Plot No.1. One of the windows in the proposed dwelling would serve a bathroom and could be conditioned to be obscure glazed. The other window would serve a bedroom. I consider that there would be no significant loss of privacy for neighbours at No.7 subject to such a condition and if the screening effect of intervening trees and shrubs remained.
15. Matters of flood risk and ecology, including biodiversity net gain, may be resolved through the imposition of appropriate conditions.

Conclusion

16. The proposed dwellings would be well related to benefit local services in Somersham in accordance with paragraph 79 of the Framework. The increased density of development at 3 dwellings compared to the previously approved scheme for 2 dwellings would also represent a more efficient use of the land in accordance with national policy in the Framework. I have found above that there would be no significant harm to highway safety, residential amenity, ecology and flood risk subject to the imposition of conditions.
17. Having regard to paragraph 60 of the Framework the proposal would only create one additional dwelling compared with the previous permission and the benefits to the housing land supply and local economy would therefore be limited. I find that the benefits of the proposal would be outweighed by the harm to the character and appearance of the countryside from the proposed form and scale of development. Whether or not the site has an extant permission, the proposal would represent an undue intensification of use and over-development of this site at a transitional location within the countryside.
18. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR