



Appeal Decision

Site visit made on 22 February 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/W0530/W/22/3296144

Warren Lodge Fowlmere Road, Fowlmere SG8 6EZ

- 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 H Shelton against the decision of South Cambridgeshire District Council.
 - The application Ref 21/04473/FUL, dated 6 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is 'machinery and store building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's submission clarifies that the proposed building would be used for the storage of machinery associated with maintaining the associated land, including for forestry purposes. I have considered the proposal on this basis.
3. Whilst the Council's Decision Notice did not reference Policy S/7 of the South Cambridgeshire Local Plan (LP), adopted September 2018, or the District Design Guide: High Quality and Sustainable Development in South Cambridgeshire, Supplementary Planning Document (SPD), adopted March 2010, both are referenced within the Council's Statement of Case and the appellant has had the opportunity to respond to both within final comments. I have had regard to both, in reaching my decision.
4. A set of revised plans were provided to, and considered by the Council, during the course of the application, which amended the red and blue line of the application site. I have determined the appeal based on these revisions as I am satisfied that any interested parties would not be prejudiced.
5. The site plan includes annotation of the neighbouring property to the north of Fowlmere Road as Mill House. However, correspondence provided to the Council confirms that this property is named Paddlesworth and I noted this name at my site visit. I have therefore used the name Paddlesworth in my decision.

Background and Main Issues

6. During the course of the appeal, the Highways Authority has withdrawn its objection to the proposal on highway safety grounds and the Council does not provide any detailed information in relation to this third reason for refusal

within their Statement of Case. However, I note that interested parties also raised this issue at the planning application stage.

7. Noting the above, the main issues in the appeal are (a) whether this is a suitable location for the proposed development having regard to the local development strategy, including the grading of agricultural land, (b) the effect of the proposed development upon the character and appearance of the area, (c) the effect of the proposed development on highway safety, and (d) the effect of the proposed development on the living conditions of the occupiers of the neighbouring property known as Paddlesworth, with regard to noise and disturbance.

Reasons

Suitability of the location

8. The appeal site is mainly comprised of grassland and woodland, to the rear of the dwelling Warren Lodge. There is an existing building and a number of structures grouped together, enclosed by trees and fencing, located centrally within the site. A number of miscellaneous items are also stored in and around this area, including vehicles. I observed two further storage containers, to the southern part of the site.
9. The appeal site lies beyond the 'development framework' of Fowlmere, as defined by LP Policy S/7. As such, it is within the countryside, where LP Policy S/7 only provides support for development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside, or where supported by other policies in the plan, in order to protect the countryside from encroachment.
10. The appellant has confirmed that the proposed building would be for the storage of machinery associated with the maintenance of the land, which includes forestry. This demonstrates a locational need for such a proposal within the countryside, meeting the requirement of LP Policy S/7.
11. However, I am advised that the appeal site comprises Grade 2 agricultural land (very good quality). Whilst I note that the site is not presently used for agricultural purposes, it could be in the future. A lack of agricultural use at the present time does not alter the agricultural quality of the land. LP Policy NH/3 sets out the circumstances when the irreversible loss of such land would be acceptable and includes where the need for the development overrides the need to protect the agricultural value of the land.
12. As noted above, there is an existing building on the land suitable for the storage of this type of machinery. I noted at my site visit that it was in use for such purposes. Noting the size of the holding and the images provided of the machinery to be stored for land management purposes, there is no information before me that suggests that this existing building is unsuitable or insufficient to provide the necessary storage. On this basis, I am unable to conclude that there is a demonstrable need for a further building of this type, which would override the need to protect the agricultural value of the land.
13. As such, this would not be a suitable location for the proposed development. The proposal conflicts with LP Policy NH/3, which recognises the value of agricultural land and seeks to protect that value unless there is sufficient overriding need for a particular development. It would also be contrary to

paragraph 174 of the NPPF, which recognises the economic and other benefits of the best and most versatile agricultural land.

Character and appearance

14. The area is largely characterised by flat, agricultural land, interspersed with woodland and hedgerows, as well as farm buildings and some sporadic housing. Both the appeal site and Warren Lodge are set back from Fowlmere Road, to the rear of a further dwelling, Paddlesworth. A public footpath runs along the eastern boundary of the site, adjacent to the River Shep.
15. The proposed building would be positioned within a clearing, away from the existing cluster of buildings on the appeal site itself, and separate from the dwelling Warren Lodge. The siting of the proposal away from existing development would appear disjointed and obtrusive, resulting in additional encroachment of the built form into the countryside, further urbanising this rural landscape setting, to the detriment of the visual amenities of this countryside location.
16. My attention has been drawn to the fact that a number of properties in the area benefit from numerous outbuildings within their grounds. Whilst I observed that this was the case for some properties, outbuildings were generally grouped close to the main dwelling, which is not the case with the appeal proposal.
17. Further, whilst the scale of the proposed building would not be overly large, the proposed building would be of a design and proportions similar to a triple bay garage/carport and the proposed materials of brick with timber boarding and tiled roof, would reinforce a domestic appearance. Existing trees and hedges would provide some screening of the proposal from the wider area. However, public views would be possible from the footpath along the river. The domestic appearance of the proposed building would be at odds with the rural setting, resulting in harm to the character and appearance of the area.
18. To conclude on this main issue, the proposal would result in harm to the character and appearance of the area. The proposal conflicts with LP Policy HQ/1, which requires that all new development preserves or enhances the character of the local rural area through place responsive design, responding to local context and respecting local distinctiveness. Further, the proposal would not meet the requirements of the NPPF in terms of ensuring design that adds to the overall quality of the area and is sympathetic to local character and landscape setting.
19. The Council's Statement of Case also references conflict with LP Policy S/7 in relation to this main issue. However, I note that the requirements of LP Policy S/7 criteria 1a apply only to proposals falling within development frameworks, which this scheme does not.

Highway safety

20. As the proposed building would be used for the storage of machinery for management of the associated land holding, there is no compelling evidence before me to suggest that the appeal scheme would result in any material intensification of the existing access. In these circumstances, a Transport Statement would not be necessary and so I find no conflict with LP Policy TI/2, which only requires the submission of such a document where it is necessary to

mitigate any likely impacts. I am satisfied that there would be no material intensification of the use of the access, and so the proposal would not give rise to any additional highway safety concerns. The proposal therefore complies with the NPPF insofar as it requires that new development does not have an unacceptable impact on highway safety.

Living conditions

21. The proposal would add a further building to the appeal site, but this would not automatically trigger any intensification of the existing use. Noting the separation distance between the appeal building and the nearest neighbouring property at Paddlesworth, I am satisfied that any noise or disturbance arising from the use of the proposed building would not harm the living conditions of occupiers of this neighbouring property.
22. Further, whilst the existing access to the appeal site passes this neighbour, I have concluded above that there is no compelling evidence to suggest the appeal scheme would result in any material intensification in the use of this access. As such, there would be no material harm to the living conditions of the occupiers of Paddlesworth by way of noise and disturbance arising from any intensified use of the access.
23. To conclude on this main issue, the proposal would not result in harm to the living conditions of the occupiers of Paddlesworth, with regards to noise and disturbance. The proposal therefore complies with LP Policy HQ1, which seeks to ensure that new development protects the amenity of neighbouring occupiers. It would also meet the requirements of the NPPF in terms of achieving a high standard of amenity for existing and future users.

Other Matters

24. Planning permission (S/3511/17/FL) exists for a storage and machinery building at this location. I have not been provided with the siting for this approved development and so I cannot confirm if this is the storage building I observed at my visit. The appellant indicates that the appeal proposal would more suitably serve their current and future needs than the previously consented building, yet I am not provided with any detailed explanation as to why this is the case, or any mechanism to rescind this earlier permission, in favour of the appeal scheme.
25. I note that the site is not located within a Conservation Area or close to any listed buildings or other heritage assets. This carries no weight for or against the proposal.

Conclusion

26. Whilst the development would not result in any material harm to highway safety or to the living conditions of occupiers of neighbouring properties, this lack of harm is a neutral matter, which does not outweigh the unacceptable harm the development would have resulting from its location on Grade 2 agricultural land, without demonstrating any overriding need, and the harm to the character and appearance of the area. For these reasons, the appeal scheme would conflict with the development plan, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

27. The appeal should therefore be dismissed.

S Brook

INSPECTOR