



## Appeal Decision

Site visit made on 20 June 2023

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 June 2023**

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**Appeal Ref: APP/H0520/W/23/3314558**

**Higham Farm, The Heath, Bluntisham, Huntingdon, Cambridgeshire**

**PE28 3LQ**

- 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 Graham Chapman against the decision of Huntingdonshire District Council.
  - The application Ref 21/01165/FUL, dated 5 July 2021, was refused by notice dated 16 August 2022.
  - The development proposed is to convert one out house to a three-bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues relevant to this appeal are:
  - the suitability of the appeal site as a location for a residential development, with particular reference to the requirements of the development plan, and the effect of the development upon the character and appearance of the surrounding area;
  - the effect of the development upon biodiversity; and
  - whether the effects of the development of such that a financial contribution for refuse collection would be necessary and reasonable.

### Reasons

#### *Suitability of the site and character and appearance*

3. The appeal site is located outside of settlement boundaries and contains the existing structure. This is the site of the proposed development and comprises a building with no doors and windows, and with a substantial open section on the front elevation. The structure does not have a roof. The proposed development would result in an increase in the overall level of built form, given that the building would feature an additional storey and that the open section of the existing building would be removed. Furthermore, the proposal would include the insertion of doors and windows into the structure.
4. As the structure has a discernible mass and presence, combined with its relatively permanent construction, the existing structure could be accurately described as being a building. However, by reason of the scale of the works that would need to be undertaken, these could not be accurately described as being a conversion. In addition, there is limited evidence before me that

indicates that the existing walls could support the proposed increase in built form. Therefore, the proposed development cannot be accurately described as being a conversion. Instead, it would be a new building.

5. In considering this appeal, I have been directed towards Policies LP10 and LP20 of the Huntingdonshire Local Plan (2019) (the Local Plan). Amongst other matters, this covers the provision of dwellings for rural workers. However, the proposed development would not fulfil this use. In addition, Policy LP10 requires the assessment of the building's effect on the character of the vicinity.
6. The appeal site consists of a predominantly rural site. The appeal site contains a single dwelling, constructed to a traditional style of architecture. In addition, the appeal site contains some outbuildings, as well as some buildings elsewhere that are constructed to a functional style of architecture. The wider area is predominantly rural in nature and is used for agriculture.
7. The development would result in an overall increase in the level of built form arising from the proposal's proportions. In addition, as a dwelling, the style of architecture of the proposed development would be more domestic in nature. This would conflict with the prevailing character, even though the proposed development would not result in the loss of any agricultural land.
8. In addition, the proposed development would be located close to the existing dwelling. In consequence, the height of the development and its relationship with the existing dwelling would result in a loss of the surrounding area's more open character.
9. Although the surrounding area features some buildings, these are constructed to a more functional style of architecture as a result of their purpose. In light of this, the proposed development would be discordant, even though the proposal may bring some improvements to the condition of the building.
10. In addition, as a domestic dwelling, there is a reasonable likelihood that occupiers of development may from time to time place items of domestic paraphernalia within the grounds of the proposed dwelling. Such items, although necessary for people to live at the property, are likely to fall outside of the definition of development and therefore could not be reasonably controlled through the imposition of a planning condition. This would occur even though the proposed development would use the existing areas of hardstanding for car parking. These items would, in consequence, result in a much more domestic and urban form of development which would conflict with the prevailing rural landscape.
11. This gives rise to a notable concern given the general prominence of the appeal site. Owing to the general open nature of the surrounding area, the proposed elements would be perceptible from some distance away. This would be exacerbated by the presence of open field boundaries in the vicinity and the generally level topography. Therefore, the proposal would be particularly notable and adverse.
12. Although the appeal site features some fences and trees as boundary treatments, the proposed development would remain, at least in part, visible. Therefore, the proposed development would be prominent, and the presence of boundary treatments would not overcome my concern. In addition, any

additional planting would take some time to become established. This would not mitigate the effects of the development.

13. The appeal site is near to a relatively recent residential development. However, this development adjoins the settlement. In addition, it is separated from the appeal site by a field. Therefore, there is a clear delineation between the appeal site and this existing development. Therefore, this development does not mean that the appeal site is in a settlement.
14. It has been suggested that the appeal proposal could be constructed under Permitted Development rights. However, it has not been demonstrated how this would be achieved. Therefore, I have not given this suggestion a significant amount of weight.
15. However, even if I were to conclude that the proposed development represents a conversion of the building, I have been directed towards Local Plan Policy LP33. Amongst other matters, this sets out the criteria by which conversions should be defined. I have no reason to believe that the development would not meet these criteria. However, the policy is also clear that any such development should lead to an enhancement of the development's setting.
16. I therefore conclude that the proposed development would be inappropriately located and would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies LP10; LP11; LP12; LP20; and LMP33 of the Local Plan. Amongst other matters, these seek to ensure that developments recognise the intrinsic character and beauty of the countryside; provide homes for rural workers; and support rural buildings, subject to certain criteria; draw inspiration from the natural environment; and contributes positively to the area's character and identity.

### *Biodiversity*

17. The appeal site is in a predominantly rural area. Beyond the appeal site there are several mature trees, in addition to other landscaping. Therefore, the wider area has the potential to support a habitat of notable species, such as bats. In consequence, the existing building, and its environs, have the potential to be used for foraging. This is particularly the case given that the open nature of the existing building.
18. By reason of the nature of the developments, that would be a notable change to the built form. In result, it is likely that the development would prevent the foraging within the vicinity by species that inhabit the surrounding area.
19. This gives rise to a concern as the appeal documentation does not include any form of survey into the presence of any such species. Therefore, it is not possible to ensure that their wellbeing would not be harmed by the proposed development. This is particularly relevant given the open nature of the wider area.
20. In consequence, it is not possible to establish whether any mitigation would be required to be installed at the appeal site, in order to overcome any loss of habitat or foraging grounds arising from the construction of the proposed development.

21. I have given consideration as to whether or not it would be possible to impose a condition that would require the submission and agreement of mitigation by the council. However, without certainty regarding the extent of any such species in the surrounding area, it would not be possible to draught a condition with sufficient precision. In result, such a condition would not meet the statutory test of reasonableness. Therefore, such a condition would not overcome my previous concerns.
22. In addition, the evidence before me does not indicate that the proposed development would deliver a net gain in biodiversity. Furthermore, even if no gain is possible, the appeal documentation does not set out the reasons why.
23. I therefore conclude that the proposed development would have an adverse effect on biodiversity. The development, in this regard, would conflict with the requirements of Policies LP30 of the Local Plan. Amongst other matters, this requires that developments demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated; and provide biodiversity net gain, where possible.

#### *Refuse collection*

24. The proposed development would be for the provision of a new domestic dwelling. The submitted plans show that there would be three bedrooms within the proposed scheme. In result it is likely that several people would be residents within the building simultaneously.
25. This gives rise to concern as there is a likelihood that with so many people being resident, that refuse would be generated. This would require regular collection in order to prevent any adverse effects upon living conditions or the wider environment.
26. In considering this appeal, I have been directed towards Policy LP30 of the Local Plan which amongst other matters seeks to ensure that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. For environmental reasons, a regular refuse collection is necessary. The evidence before me indicates that this should be secured through a form of legal agreement that would provide a financial contribution.
27. However, the evidence before me does not include such a legal agreement. Therefore, I have no mechanism before me which would ensure that the money would be paid to the council at an appropriate juncture. In result, I have no means of ensuring that refuse collections will be provided.
28. The appellant's Final Comments suggest that a Unilateral Undertaking will be provided. However, there is no such document before me. In consequence, I am unable to give this point weight in my assessments.
29. I therefore conclude that the proposed development would not provide suitable provision for the collection of refuse. The development, in this regard, would conflict with the requirements of Local Plan Policy LP30.

#### **Other Matters**

30. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

## **Conclusion**

31. The proposed development would be unsuitably located; would have an adverse effect on the character and appearance of the surrounding area and biodiversity; and would not provide an appropriate mechanism for the collection of refuse. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR