



Appeal Decision

Site visit made on 19 September 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2023

Appeal Ref: APP/W0530/W/22/3313661

Land north of Thriplow Road, Fowlmere SG8 7QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mulberry Land against the decision of South Cambridgeshire District Council.
 - The application Ref 22/03406/OUT, dated 22 July 2022, was refused by notice dated 7 December 2022.
 - The development proposed is an outline application for the development of up to nine self and custom build dwellings, with all matters reserved except access, along with all ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in Outline, with all matters reserved apart from access. I have therefore had regard to any details which pertain to the reserved matters on an indicative basis only.

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for the proposed 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.

Reasons

Suitability of the site

4. The appeal site consists of an undeveloped field located outside of the allocated settlement boundaries. The appeal site is near to the residential development of The Triangle. In addition, the appeal site is near to dwellings in the nearby roads of Cambridge Road and Thriplow Road. Beyond the appeal site is open countryside.
5. The proposed development would be sited outside of the allocated settlement boundaries. This occurs even though there are some developments nearby. In result, the proposed development would result in a breach of this policy.
6. Having established that the proposed development would represent a breach of the development plan, it is necessary to consider whether any harm would

- arise from this breach. Although the proposed developments would be located near to the settlements, the level of services and facilities on offer within this are of a level commensurate with a small rural village.
7. Although the planning application was submitted in outline form, access was not a reserved matter. Therefore, the development would be accessed from Fowlmere Road, with a further pedestrian access being proposed. This means that although the proposed development would be near to some other dwellings, residents of the development would need to travel to access the settlement.
 8. This poses a concern given that the surrounding road network features a limited environment for pedestrians or cyclists and also lacks street lighting. This means that, on some roads, anyone looking to travel by this means would need to share the road with vehicles, some of which may be travelling at greater speeds. This is likely to deter people from travelling either on foot or by bicycle during periods of darkness or inclement weather.
 9. In result, it is likely that occupiers of the proposed development would need to travel to other settlements to access the full range of facilities that they are likely to require on a day-to-day basis. Due to the road network, it is likely that journeys, such as on foot, to the nearest bus stop within the village would be discouraged. This would also deter travelling to nearby settlements by these means.
 10. The proposed development would feature a pedestrian route. However, although for some residents this would provide a shorter journey into Fowlmere, the level of services in the settlement would not prevent journeys to other local locations.
 11. The development also includes areas for recreation. Due to the appeal site's location, it is likely that these would be primarily utilised by the occupiers of the proposed development. In result, this does not overcome my preceding concerns.
 12. Therefore, it is likely that occupiers of the proposed development would be reliant upon private cars as the primary means of travel. This would conflict with the requirements of the Development Plan and, from this, harm would emanate.
 13. I therefore conclude that the proposed development would be unsuitably located. The development, in this regard, would fail to comply with the requirements of Policies S/2; S/6; S/7; S/10; and TI/2 of the South Cambridgeshire Local Plan (2018) (the Local Plan). Amongst other matters these seek to provide land for housing in sustainable locations; that development in the rural area will be limited; consistent with other policies in the Local Plan; identify group villages; and reduce the need to travel, particularly by car.

Character and appearance

14. The appeal site is a field near several dwellings in The Triangle, Cambridge Road and Thriplow Road. The site is undeveloped in nature and surrounded by hedges and trees. This ensures that the site has a rural character. The wider area is open countryside and rural in nature. In consequence, the appeal site and the surrounding area can be characterised as being verdant and open.

15. Although the application was submitted in outline, I have no reason to believe that the final development would not have a quantum akin to the indicative details provided within the planning application. Furthermore, the proposed development would include large areas of hardstanding associated with the proposed access.
16. In addition, the proposed development would also result in the provision of residential dwellings. As part of these, it is likely that items of domestic paraphernalia would be placed in the gardens of the new dwellings. These would fall outside of the definition of development.
17. These items, in unison, would result in the creation of a more engineered appearance which would conflict with the predominantly rural and open character that is a feature of the appeal site and the surrounding area. This would render the proposed development an incongruous addition to the locality.
18. In addition, the development would result in the loss of areas of grassland in the field, as well as a section of the hedge in Fowlmere Road in order to facilitate the installation of the proposed access. These measures would also erode the site's character. This would appear discordant when viewed alongside the rural character of neighbouring land.
19. In reaching this view, I have had regard to the presence of dwellings in The Triangle. However, these are viewed against a backdrop of the settlement and therefore do not have the same effect on the rural character of the surrounding area as the proposed development would have.
20. Furthermore, there are some dwellings in Thriplow Road and Cambridge Road. However, these dwellings generally feature some gaps between them. In consequence, they retain the surrounding area's more open character. In contrast, the proposed development would result in an enclosing, and urbanising effect upon the surrounding area. Therefore, the presence of dwellings does not allow me to disregard my previous concerns.
21. I understand that the intention is to retain the site's landscaping. However, the screening effect offered is only partial. Therefore, views into the site and of the proposed development would be possible. In addition, the screening effect offered by the planting and trees may vary depending on future health. In result, the presence of the existing landscaping would not overcome my previous concerns.
22. In addition, it is likely that any new landscaping would potentially take a significant period to become established and therefore would not offer any meaningful screening for some time. Therefore, the potential for this does not overcome my preceding concerns.
23. These matters are of concern due to the general prominence of the appeal site. In addition to views from various adjoining lands, the proposed development would be readily perceptible from the public highway.
24. Furthermore, the significant increase in built form would be readily perceptible from several different nearby properties, such as from upper floor windows. This means that the development would be experienced by a great number of people. This would render the proposed development a strident addition to the locality.

25. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies S/7; HQ/1 and NH/2 of the Local Plan. Amongst other matters, these seek to ensure that new developments are of a character appropriate to the location; and respects and retains or enhances the local character.

Other Matters

26. The Council has a duty to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district.
27. The proposed development would result in the provision of plots that could be used for self-built accommodation. The evidence before me indicates that there is an under delivery of such housing within the locality. Given that the evidence before me includes a completed legal agreement that would ensure that the proposed development would be delivered for this type of accommodation, there is some certainty that it would occur.
28. Owing to the shortfall in the delivery of self-built accommodation, I give the benefits arising from the scheme in this regard a significant amount of weight.
29. Therefore, given that significant harm to the character and appearance of the area would arise; and the significant harm that would arise from the proposed development's location, the benefits of the scheme in terms of self-built accommodation are outweighed by the higher order harms. I therefore do not find that this suggestion overcomes my previous findings.
30. It has been suggested that I apply the provisions of Paragraph 11(dii) of the National Planning Policy Framework. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is referred to as the 'tilted balance'.
31. If I were to agree with this, the benefits include the delivery of self-built accommodation, which can be attributed a significant amount of weight.
32. In respect of other points, any economic benefits arising from the construction process and delivery of the New Homes Bonus are likely to be relatively small in scale and, in some instances, time limited in duration. Therefore, they can only be given a limited amount of weight.
33. Although the development would deliver increased Council Tax receipts, these are intended to deliver services required by the future occupiers of the development. Therefore, they can only be attributed a limited amount of weight.
34. Improved pedestrian connections and open space would be of some benefits. However, these would be diminished owing to the proposal's location outside of the settlement and therefore have limited accessibility. In result, these carry a limited amount of weight. Although the proposed development would deliver some improvements to biodiversity and the environment, the benefits would be tempered by the loss of the existing field. In consequence, they can only be given a limited amount of weight.

35. Overall, the higher level of harm to the character and appearance of the surrounding area, combined with the significant harm arising from the unsuitable nature of the appeal site's location are such that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations do not indicate the decision should be taken otherwise than in accordance with the development plan.
36. My attention has been drawn to various previous appeal decisions. However, these are located in differing locations to the appeal site. In result, the effects that arise from each scheme would also be also different. Therefore, the weight to be given to any adverse effects and benefits from a scheme would depend on the individual circumstances of each scheme. In result, the presence of previous appeal decisions do not allow me to overcome my findings in respect of this specific appeal.
37. In submitting the application for planning permission, the appellant was attempting to overcome previous reasons for the refusal of planning permission. Whilst this is a matter of note, it does not overcome my previous findings.

Conclusion

38. The scheme would conflict with the development plan taken as a whole. There are no material considerations, including the 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