



Appeal Decision

Site visit made on 30 August 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/W0530/W/23/3317656

College Farm, Common Road, Weston Colville, Cambs CB21 5NS

- 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 Prof Sarah Franklin against the decision of South Cambridgeshire District Council.
 - The application Ref 22/03193/FUL, dated 11 July 2022, was refused by notice dated 5 September 2022.
 - The development proposed is replacement of an existing shed next to a listed building and change of use of adjacent agricultural land to residential to complete construction of a cart lodge.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use of adjacent land to residential to complete construction of a cart lodge. The appeal is allowed and planning permission is granted insofar as it relates to replacement of an existing shed at College Farm, Common Road, Weston Colville, CB21 5NS in accordance with the terms of the application, Ref 22/03193/FUL, dated 11 July 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved amended plans: 'Shed/Store Proposed Plans and Elevations' and 'Proposed Block & Location Plan' received 10th September 2023.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials as detailed on the planning application form.

Preliminary Matters

2. As the proposal relates to the setting of a Grade II listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The impact on the listed building was not included as a reason for refusal and the appellant did not address it as part of their appeal. However, as a result of the proximity of the proposal and the listed building, and my duty set out above, I sought comments on this matter from the main parties. I have taken their responses into account in determining the appeal.

4. Amended plans were submitted with the appeal. They propose a single-storey shed as opposed to a one and a half storey shed as originally proposed. No alterations are proposed to the cart lodge. As the amendments effectively reduce the scale of the shed and given the absence of concerns in relation to the shed as originally proposed, and that the Council have had the opportunity to comment on the amended plans, no procedural unfairness would result. Therefore, I have made my decision based on the amended plans.
5. At the time of my site visit a hardstanding was present in the approximate position of the proposed cart lodge and other preparatory works had commenced. Irrespective of this, I have made my decision based on the proposed plans.
6. A revised National Planning Policy Framework was issued on 19th December 2023 (the Framework). The changes within the Framework do not materially alter the cases of either main party. My decision has been taken having regard to the revised Framework.

Main Issues

7. The main issues in this appeal are:
 - Whether or not the proposed development would be in an appropriate location, including with regard to local plan policies and the character and appearance of the area;
 - The impact of the proposal on the significance of 'College Farmhouse' (Ref: 1331021), a Grade II Listed building, having regard to its setting; and,
 - Whether the development would be safe from flooding.

Reasons

Location

8. The appeal site lies outside of, and is set away from, the development framework of Weston Colville. For the purposes of planning policy, it lies in the countryside.
9. The appeal site can be split into two distinctly separate parcels. The proposed shed would be sited within the residential garden and relatively close to the appeal dwelling. An orchard lies adjacent to the garden within which the cart lodge is proposed.
10. Policy S/7 of the South Cambridgeshire Local Plan 2018 (Local Plan) sets out that outside development frameworks, development and redevelopment will only be permitted for, amongst other things, agriculture, horticulture, forestry, outdoor recreation, and other uses that need to be located in the countryside or where supported by other policies in the local plan.
11. Despite its close proximity, the orchard is well screened from the existing property due to an assortment of trees and vegetation. This part of the appeal site exhibits an air of tranquillity commensurate with its countryside setting. The limited built form and the predominant verdant character of the site and its surroundings reinforce its rural character.

12. Paragraph 2.52 of the text accompanying Policy S/7 sets out that development within gardens which fall outside development frameworks may not necessarily be unacceptable. Indeed, the proposed replacement shed would lie within the appeal dwelling's garden and outside the development framework but would be sympathetic in appearance and character to its established residential use. Conversely, the cart lodge would be located outside the residential garden and in the countryside.
13. In this regard, the appellant cites the presence of an electricity pole and associated infrastructure within the dwelling's curtilage as a barrier to an alternative location for the cart lodge. Furthermore, the appellant states that there are impediments resulting from the prevalence of mature trees close to the existing driveway, which host a large bird population. Consequently, and in order to avoid damage to vehicles from bird waste, it is put to me that the appellant's vehicles are forced to park on the highway for much of the year.
14. Whilst these may be valid concerns, I saw on my site visit that not all of the garden area was occupied by mature trees and that a good deal of garden space exists around the dwelling. There is no evidence before me to suggest that the potential to provide suitable shelter for vehicles has been assessed in detail in relation to the dwelling's surrounding amenity space. Moreover, no persuasive reasons have been advanced as to why a structure of more modest proportions, or a less intrusive means of accommodating vehicles, could not be provided within the garden surrounding the dwelling.
15. The proposed cart lodge would adopt a traditional design style utilising rustic materials. However, an appreciation of the relationship with the site and local context is an important component of good design. In this regard, the proposed building's front elevation would be dominated by two large sets of double doors which, when combined with its position at the end of a driveway, would give the building the unmistakable appearance of a domestic garage.
16. Therefore, even if I was to accept the appellant's assertion that an alternative garden location would be practically impossible, the proposed building's large scale and overtly domestic appearance, which would be visible from Common Road, and the resultant encroachment of inappropriate built form into the countryside, would be at odds with the verdant, rural character of the orchard and its surroundings.
17. I recognise that the proposed building would be used in part for agricultural purposes. Be that as it may, it would also be used for domestic garaging, which is also conveyed by its appearance as a domestic outbuilding.
18. As such, a need for the cart lodge proposed in this countryside location has not been established. It would not be in an appropriate location and would harm the character and appearance of the area. Therefore, this element of the proposal would conflict with Policies S/7, S/2, HQ/1 and NH/2 of the Local Plan which require, amongst other matters, that development preserves or enhances local character, improves the environmental conditions of an area and is high quality and well-designed. For these reasons it would also conflict with paragraph 135 of the Framework which requires that development is sympathetic to local character.

19. Nevertheless, I find that the replacement shed would be locationally appropriate and would not harm the character and appearance of the area, in compliance with the policies above.

Heritage

20. According to the list description, the Grade II listed building likely dates from the late 17th century. It is now used as a single dwelling and retains a dominant, traditional thatched roof which, along with the building's timber framing and modest proportions, reinforces its vernacular appearance. The cottage's garden is partially enclosed on all sides by vegetation and trees of varying height and prevalence which contributes to an intimate verdant setting, befitting of this humble rural cottage, contributing to its special interest.
21. Despite the intimate relationship between the existing shed and the dwelling, principally due to its modern construction, the shed is not curtilage listed. Its replacement with a building similar in style and footprint, and only slightly taller, would not make it significantly obtrusive. Moreover, its rearward position would ensure that the listed building's façade and expansive roof, those being principal components of its architectural interest, would not be harmed. Like the Council, I find no harm to the building's special interest through harm to its setting in relation to the replacement shed.
22. Insofar as the proposed cart lodge is concerned, whilst I have already concluded that it would harm the rural character of the area, this part of the site is distinctly separate and screened from the listed building's residential garden, and this garden largely defines its setting. As a result, I find no harm to the setting in relation to the proposed cart lodge either.
23. Given the above, I conclude that the proposal would preserve the special historic interest and setting of the Grade II listed building, thus satisfying the requirements of the Act, and relevant policies in the Local Plan and the Framework.

Flood Risk

24. The appeal was accompanied by a Flood Risk Assessment (FRA) although the Council have provided no additional comments on the FRA as part of the appeal process despite having the opportunity to do so.
25. The appeal site lies within flood zones 2 and 3 which represents a medium and high probability of flooding respectively. The Environment Agency Surface Water Flood Map also suggests that the site lies within an area of low to high risk of flooding from surface water.
26. The proposed buildings would be either householder or non-habitable forms of development and there is no suggestion by the Council that a sequential test or exception test would be necessary in this case¹. Several mitigation measures are set out in the FRA, including the use of flood resistant design measures such as waterproofing the ground floor of the shed. The appellant has also confirmed that they would register with the EA flood alert warning service. Given the scale and non-habitable nature of the scheme, this would be an appropriate flood mitigation response in the circumstances.

¹ Also confirmed in footnote 60 of the Framework – the proposal being householder/non-residential extension less than 250m²

27. As such, the development would be safe from flooding. It would comply with Policy CC/9 of the Local Plan which requires, amongst other matters, that a flood risk assessment is provided, that suitable flood mitigation and protection measures are incorporated and that there would be no increase to flood risk elsewhere. It would also meet the requirements of the Framework.

Other Matters

28. I appreciate that the recent planting of the orchard at the appeal site has re-established a horticultural use and the appellant has carried out improvements to the watercourse, planted hedgerows and completed other beneficial works. I do not doubt that biodiversity benefits have accrued as a result, and improvements to the site's appearance are now evident. Whilst the overall benefits are laudable, there is no substantive evidence to persuade me that the orchard's future prosperity would be dependent on a domestic building of the scale and type proposed in this appeal.
29. The appellant also states that siting the cart lodge close to the listed building would harm its setting. In the same way I responded to the other constraints outlined by the appellant in my reasoning, other options within the confines of the appeal property do not appear to have been properly explored, so other alternatives cannot be ruled out. In any event, the scale and design of the cart lodge in its proposed location would harm the area's character. Moreover, the continued use of the appeal dwelling for residential purposes is not dependent on the outcome of this appeal, thus the scheme would not secure its optimal viable use².
30. Despite a lack of street lighting and the potential for the existing electricity infrastructure to obscure clear views along Common Road, in the absence of substantive evidence to indicate tangible local highway safety issues, I see no reason why the exercise of due care of drivers reversing out of the existing driveway would not adequately mitigate accident risk. Therefore, that the proposed cart lodge would allow vehicles to exit onto the highway in forward gear is a consideration which carries limited weight.
31. Overall, I attribute limited weight to each of the matters above, but when taken together these considerations are of insufficient weight to outweigh the harm I have identified.
32. Whilst the Council raises concerns relating to the change of use of the orchard to a residential garden, that does not appear to reflect the specifics of the development applied for in this case. As detailed on the application form and the appellant's statement, the proposal within the orchard would be limited to the cart lodge and land which it would occupy. Any concerns relating to uncharacteristic domestication of the wider parcel of land could be mitigated by the imposition of an appropriate planning condition. Be that as it may, this consideration does not mitigate the harm I have identified.
33. Whilst concerns about the way in which the planning application was handled have been raised by the appellant, those are matters between the main parties and do not affect the outcome of this appeal, which has been considered on its planning merits.

² Paragraph 208 of the Framework

Conditions

34. No planning conditions are recommended by the Council. However, I have imposed conditions relating to a time limit for implementation, and accordance with the approved amended plans and materials. These conditions meet the relevant tests set out in paragraph 56 of the Framework. These conditions apply to the proposed replacement shed only, as clearly set out.

Conclusion

35. Whilst there would be no unacceptable flood risk and no harm to heritage assets, the cart lodge element of the proposal would be in an unsuitable location, harmful to the character and appearance of the area. It would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding.
36. The proposed replacement shed would align with the development plan, indicating approval.
37. Therefore, for the reasons given above, I conclude that the appeal should be allowed in part and dismissed in part.

M Woodward

INSPECTOR