



Appeal Decision

Site visit made on 19 December 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 12th January 2024

Appeal Ref: APP/W0530/W/23/3319121

The Old Stables, Cambridge Road, Wimpole, Cambridgeshire SG8 5QB

- 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 Bob Frame (Scandia Hus) against the decision of South Cambridgeshire District Council.
 - The application Ref 22/02354/FUL, dated 17 May 2022, was refused by notice dated 1 November 2022.
 - The development proposed is the construction of a new 3-bedroom detached dwelling with detached open bay garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the receipt of an Arboricultural Impact Assessment and Tree Survey as part of the appeal documentation, the Council is no longer pursuing the fourth reason for refusal.
3. The appellant also provided a Preliminary Ecological Appraisal and Preliminary Roost Assessment but the Council has maintained its third reason for refusal, principally because of further survey information being required on the presence or absence of Great Crested Newts and the lack of a Biodiversity Net Gain (BNG) Assessment. A revised Preliminary Ecological Appraisal and a BNG Assessment have subsequently provided by the appellant.
4. On 19 December 2023 an updated version of the National Planning Policy Framework (the Framework) was published but this does not materially alter the assessment of the appeal scheme.

Main Issues

5. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the biodiversity interest of the appeal site.

Reasons

Character and Appearance

6. The appeal site comprises an area of unkempt land fronting Cambridge Road. In this location there is a ribbon form of development associated with other dwellings which front the road. To the east and west of the site the

neighbouring dwelling contribute to a spacious appearance of the streetscene along this part of Cambridge Road. There is also a cluster of dwellings located to the west of the site which has a different character.

7. However, neither the site nor the other near-by dwellings are included within a village framework boundary as defined by Policy S/7 in the South Cambridgeshire Local Plan (LP). Further, the site and near-by dwellings do not form part of Wimpole which is identified as an infill village under LP Policy S/11. Accordingly, for the purposes of LP Policies S/6 and S/7 the site is within the countryside and the proposed dwelling does not fall within the categories of housing which would need to be located within the countryside.
8. Although there is a storage building in poor condition within the site, the erection of the proposed 2-storey dwelling would, as claimed by the Council, not be compatible with this countryside location. The appeal scheme would have a significant urbanising effect by introducing a greater built form of development onto a site which has a semi-rural character and contributes to the spacious appearance of the streetscene. This character is established by the frontage hedgerow and other vegetation within the site which can be viewed from the road. Accordingly, there would be a conflict with LP Policies NH/2 and HQ/1 which refer to development respecting and retaining local character and being compatible with its location.
9. The appellant acknowledges there is a conflict with the development plan policies but has identified other material considerations which should weigh in the favour of this appeal succeeding, including that the site is related to the cluster of residential properties and, as such, it would not be an isolated dwelling within the countryside. The site not being in an isolated location is given significant weight in the determination of this appeal.
10. Although not within a village framework, planning permission was granted by the Council for a similar design of dwelling on land to the west of the site (Ref S/4225/17/FL), known as The Old Stables, which has been constructed albeit currently the subject of further building works. The evidence available indicates that a key factor in the favourable determination of the previous application was the lack of a 5-year supply of housing land. There is no dispute that the Council can currently identify a 5-year housing land supply and, as such, the presumption in favour of sustainable development which applied to the previous application does not apply to this appeal. Accordingly, only limited weight is given to this other planning permission in the determination of this appeal.
11. The appellant's claims about the location of the appeal site being in an accessible location have been noted, including that the previous application must have been considered to be in an accessible location. However, other than the petrol filling station, there are very limited facilities and services available within the surrounding area. Future occupiers would have a high degree of reliance on private car trips to access facilities and services. For these reasons, only limited weight is given to the accessibility of the site to local facilities in the determination of this appeal.
12. By reason of the existing building, the appellant claims that the site should be categorised as previously developed land as defined in the Glossary to the Framework. Further, in the rural area the Framework also refers to the use of previously developed land being encouraged where suitable opportunities exist.

However, although this modest sized building is still visible, because of the hedgerow and vegetation the structure is substantially blended into the landscape. As has already been identified, its suitability for housing is reduced because it is not well related to the edge of a defined settlement in the Local Plan. In the determination of this appeal only limited weight is given the categorisation of the site as previously developed land

13. When taken together, the other material considerations which have been identified and are specific to this appeal scheme are judged not to be of such significance that they cumulatively outweigh the identified conflict with the relevant development plan policies. For this reason, it is concluded that the location of the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, there would be a conflict with LP Policies S/6, S/7, NH/2 and HQ/1.

Biodiversity Interest of the Appeal Site

14. There is a pond near to the appeal site which the Council claims needs further assessment for the presence of Great Crested Newts which are a protected species. However, the appellant advocates that a more proportionate approach is adopted to undertaking Great Crested Newts surveys.
15. Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System* refers to it being essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before planning permission is granted to establish whether the development, if carried out, would be likely to result in harm to the species or its habitat. Paragraph 99 of Circular 06/2005 also advises against using planning conditions to require surveys, except in exceptional circumstances. The Circular does not provide any clarification regarding exceptional circumstances.
16. The original Preliminary Ecological Appraisal commented upon by the Council did not identify that there are Great Crested Newts within the pond or the appeal site. The revised Preliminary Ecological Appraisal noted that the pond is isolated from other water bodies and that if a Great Crested Newt population is present then it would be low in number with the pond unlikely to be used for breeding purposes. I am satisfied that because of the individual circumstances of the pond identified by the appellant and the availability of other land adjacent to the pond there would not be harm caused by the proposed development to this protected species and its habitat. Exceptionally, a condition could be imposed to require additional surveys to be undertaken prior to any commencement of development, including site clearance.
17. From what could be observed and as identified in the revised Preliminary Ecological Appraisal there are existing areas of hardstanding within the site and the remainder is scrubby grassland with a hedge along the road frontage. The BNG Assessment provided by the appellant has not been considered by the Council and, as such, is given limited weight in the determination of this appeal. However, if this appeal was successful the Assessment gives some degree of confidence that a condition could be imposed to require the formal submission of a BNG Assessment to demonstrate that biodiversity would be maintained or enhanced as part of the proposed development.

18. For these reasons, it is concluded that the proposed development would not cause unacceptable harm to the biodiversity interest of the appeal site and, as such, there would not be a conflict with LP Policy NH/4 which is concerned with development not causing significant harm to protected species and aiming to maintain, enhance, restore or add to biodiversity.

Conclusion

19. Although the proposed development would not cause unacceptable harm to the biodiversity interest of the appeal site, this matter is significantly and demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR