The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/W0530/W/23/3315524
3-9 Milton Road, Impington, Cambridgeshire CB24 9NF

- 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 Mrs Neale of MIN Ltd. against the decision of South Cambridgeshire District Council.
- The application Ref 22/04845/FUL, dated 4 November 2022, was refused by notice dated 18 January 2023.
- The development proposed is the demolition of four existing buildings and construction of 5 new dwellings and associated landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. For the banner heading above, I have taken the site address from the appeal form, which corresponds to the address used by the Council, and accurately describes the appeal site. I am satisfied that no prejudice would be caused to any party by me proceeding to determine the appeal on this basis.

3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. All references to the Framework in this decision relate to the revised document. The main parties have had the opportunity to comment on the relevance of the revised Framework. I have taken account of the appellant's comments on the revised Framework in determining the appeal.

Main Issues

4. The main issues are:

   - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
   - Whether the appeal site is an appropriate location for an additional dwelling, with particular regard to the Council's settlement strategy.
   - The effect of the proposal on the character and appearance of the area.
   - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

Whether inappropriate development

5. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived spatially and visually.

6. Paragraph 154 of the Framework, states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to several exceptions. The exception in Paragraph 154.g) of the Framework, states that the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development, would not be inappropriate.

7. Policy S/4 of the adopted South Cambridgeshire Local Plan (Adopted September 2018) (the SCLP), states that new development in the Green Belt will only be approved in accordance with national Green Belt policy. SCLP Policy NH/8 allows development in the Green Belt where it does not have an adverse effect on the rural character and openness of the Green Belt, and SCLP Policy NH/9(1.e.) states that the partial or complete redevelopment of previously developed sites in the Green Belt, will be inappropriate development unless it would have no greater impact on the openness of the Green Belt and the purpose of including land within it. These policies of the SCLP are consistent with the Framework and therefore I afford them substantial weight in determining this appeal.

8. The main parties agree that the appeal site falls within the definition of previously developed land (PDL) as set out in the Framework's glossary. Based on the evidence before me, I have no reason to disagree. The effect on openness depends on factors such as the scale of a development and whether it harms openness, which can be perceived spatially and visually. Neither the Framework nor the Council's planning policies to which I have been referred, quantify what might constitute a 'greater impact' on the openness of the Green Belt. As such, it is a matter of applying planning judgement to the circumstances of the appeal before me. In so doing, I have had regard to the appellant's Landscape, Visual and Green Belt Appraisal (LVGBA).

9. In spatial terms, the appellant's schedule of volumes and footprints shows a small reduction in the volume of buildings on the site and a greater reduction in the footprint of buildings. No alternative figures are before me in this appeal. Based on the quantitative evidence before me the proposed buildings would not lead to a loss of openness in spatial terms. However, the additional dwelling would represent a more intensive use of the appeal site, bringing the accumulation of additional domestic paraphernalia and parked vehicles, which taken together, would cause a modest degree of harm to the openness of the Green Belt in spatial terms.

10. In visual terms, the proposed dwellings would be taller than the existing dwellings in respect of the roof eaves and ridge levels, leading to a slightly bulkier appearance in the street scene. They would comprise a terrace and a pair of semi-detached dwellings that would be separated by a gap that is wider than the gap between the existing buildings. As such, the proposed dwellings

would spread further across the width of the appeal site than the existing dwellings. Consequently, a relatively significant portion of the volumes of the proposed dwellings would spread beyond the extents of the existing dwellings and towards the open fields on either side of the appeal site. Whilst the proposed dwellings would not spread as far across the site as the existing garages/outbuildings to be demolished, those smaller buildings are low rise structures that are substantially screened in longer distance views by trees and hedgerows alongside the road and site boundaries. In contrast, the proposed dwellings would be clearly visible above the lower height vegetation.

11. In visual terms the greater spread of the proposed dwellings across the site and towards the side boundaries with the open fields would have a greater impact on the openness of the Green Belt in visual terms. Consequently, the proposed development would have a moderate adverse effect on the openness of the Green Belt, albeit to a localised extent. The removal of chicken runs, hutches and runs, and storage sheds from rear gardens would have very little impact on openness.

12. Even if permitted development rights could allow the existing dwellings to be extended and their footprints and volumes increased, I have limited details showing how this could be achieved. I have assessed openness based on the existing development on the appeal site.

13. The exception in Framework paragraph 154.d), states that the replacement of a building is not inappropriate development provided the new building is in the same use and not materially larger than the one it replaces. At the very least, based on the evidence before me, the proposed building containing 3 terraced dwellings would be materially larger than the building it would replace. Therefore, the proposal would not accord with this exception.

14. The appeal site lies outside of the development framework of the village and one of the five purposes of the Green Belt, as set out in Paragraph 143.c) of the Framework, is to assist in safeguarding the countryside from encroachment. The single storey rear wings of the proposed dwellings would extend further back into the garden areas from the road than the existing dwellings, albeit not as far back as some of the existing outbuildings. As such, there would be no discernible encroachment into the countryside. However, this is a neutral factor which weighs neither in favour nor against the appeal proposal. Although the Council's refusal reason found conflict with the exceptions in Framework paragraph 155[1], I have no substantive evidence to justify assessing the proposal against the exceptions in this paragraph.

15. The appeal proposal would not result in settlements merging or material negative effects on the overall qualities of the setting of Cambridge as a whole or its history. However, for the reasons given above the proposed development would, in totality, harm the openness of the Green Belt in spatial and visual terms. As such, I conclude that it would have a greater impact on the openness of the Green Belt than the existing development and this results in it being inappropriate under the exception in Framework paragraph 154.g).

[1] Previously Paragraph 150 in the 2021 National Planning Policy Framework.

Whether an appropriate location for new housing

16. SCLP Policy S/8 identifies Histon and Impington as a 'Rural Centre', where development will be permitted within the development framework, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development. The appeal site lies outside of the Histon and Impington development framework, so is located within the countryside for planning purposes. Although the dwellings on the opposite side of Milton Road fall within the development framework, development on this side of the road is largely absent save for the appeal site.

17. SCLP Policy S/7 states that outside development frameworks, only allocations within Neighbourhood Plans and development that needs to be located in the countryside for specific purposes, or supported by other policies in the SCLP, will be permitted in order to seek to ensure that the countryside is protected from gradual encroachment. Policy HIM03 of the Histon and Impington Neighbourhood Plan 2020 – 2031, 'Made' on 20 May 2021 (the NP), states that new residential development will, in principle, be supported if it is located within the development framework.

18. The appeal site is not allocated in the NP, nor is there any substantive evidence that the additional proposed dwelling needs to be located outside of the development framework and in the countryside. In the context of the development plan, which directs development into existing settlements unless exceptions are met, the proposed additional dwelling would result in fundamental conflict with the provisions of SCLP Policy S/7.

19. The appellant's uncontested evidence indicates that the site is within a reasonable and accessible walking distance of services and facilities to meet the daily needs of prospective residents of the additional dwelling. The site also has access to a wider range of services and facilities in larger settlements, particularly Milton and Cambridge, which are accessible from nearby bus stops. The footpath on the opposite side of the road, which has streetlights, appears to provide pedestrian access towards the village. Nonetheless, these factors would not outweigh the harm that would arise from the delivery of an additional dwelling outside of the plan-led approach, which is an important element of sustainable development.

20. I conclude on this issue that the appeal site is not an appropriate location for the proposed additional dwelling, with particular regard to the Council's settlement strategy. It would therefore conflict with SCLP Policy S/7 and Policy HIM03 of the NP.

Character and appearance

21. The appeal site lies opposite the linear development on this part of Milton Road and has a close visual relationship with the open fields to either side and to the rear. As such, it differs from the opposite side of the road, which is broadly characterised by long rows of dwellings fronting the road, including a tall dense hedgerow which substantially screens the dwellings fronting onto St Georges Way.

22. Aside from the issue of openness assessed above, the proposed dwellings would be sited in a broadly similar position to those that currently occupy the site. Existing planting along boundaries would continue to soften the

development and its transition to open fields. Although taller and slightly bulkier than the existing dwellings, the proposed dwellings would not appear significantly larger in character and appearance terms. The gaps between the proposed dwellings and the spaces around them would avoid a cramped appearance.

23. The additional proposed dwelling would result in a small number of additional parked vehicles and the accumulation of paraphernalia. However, this would not be visually harmful in the context of the other parked vehicles on the appeal site frontage. Paraphernalia in rear gardens would be substantially screened in public views by the existing boundary planting. Appropriate surface treatments and soft landscaping could be secured by condition to avoid a harsh frontage to the development. The removal of some poor condition outbuildings on the site frontage would have a small beneficial visual effect in localised views from the road.

24. Taken together, the proposed dwellings would be different in appearance to the existing dwellings on the site. The car parking layout and ancillary storage buildings would be more orderly and formal than the existing situation. However, the extent of this visual change would be relatively localised, including from the viewpoints in the appellant's LVGBA. The resulting visual effects would not contrast harmfully with the surroundings of the appeal site, which include the rows of dwellings opposite, nor lead to the harmful urbanisation or visual intrusion into the countryside.

25. For these reasons, I conclude on this issue that the proposed development would not harm the character and appearance of the area. As such it would comply with SCLP Policy HQ/1 and NP Policy HIM01, which, amongst other objectives, seek to preserve or enhance the character of the urban and rural areas, and respond to the context of the wider area. However, an absence of harm is a neutral factor that does not weigh in favour or against the proposal.

Other considerations

26. The poor condition of some of the outbuildings on the site frontage causes a limited degree of visual harm. In this context the removal of these buildings attracts limited weight in favour of the proposal.

27. I have limited information regarding a mechanism to secure the cessation of the use of parts of the gardens of the dwellings to create a new woodland. Even if I had, the creation of this woodland would take many years to establish. The parts of the gardens on which the woodland would be created are mostly devoid of buildings and structures. Therefore, I give limited weight to the woodland's potential enhancement of the Green Belt, and it does not alter my conclusions on the appeal proposal's effects on inappropriateness and openness.

28. The proposed woodland would likely contribute to delivering biodiversity enhancement. However, I have limited details to quantify the potential benefit of the biodiversity enhancement and therefore it weighs only modestly in favour of the proposal.

29. The existing dwellings are of some age and their replacement with energy efficient new dwellings, including generating energy through on-site renewable sources, would likely deliver a reduction in carbon emissions and better living

conditions for future occupiers. Existing materials could be recycled and reused in the proposed development. However, I am not convinced on the evidence before me that the appeal proposal is the only solution for dealing with the draughty conditions of the existing dwellings and improving their energy inefficiency. I have limited quantitative evidence on the reduction in carbon emissions from the proposed development and whether any reduction would be tempered by the energy usage of the proposed additional dwelling. As such, on the evidence before me the combined environmental benefits of the proposal weigh moderately in its favour.

30. The proposal would make use of PDL, in accordance with Framework Paragraph 124.c), however the appeal site is not situated within a settlement and the reuse of a relatively small area of PDL attracts only modest weight in its favour. I have limited evidence that the appeal site comprises despoiled or degraded land in need of remediation. In any case, I am not satisfied that the appeal proposal would be the only means of remediating the land. As such, this matter carries little weight in favour of the proposal.

31. The additional dwelling would make efficient use of land and make a small contribution to the housing supply in the area. However, in the context of the Council's housing land supply position, the additional dwelling attracts limited weight in favour of the proposal. The proposed dwellings would generate short-term employment opportunities and economic activity associated with the construction works, and long-term benefits through the additional resident household supporting the businesses and services within the economy. Even accounting for the additional temporary labour required through demolition, given the relatively small scale of the development, the economic benefits that would accrue from it would be relatively small and weigh modestly in its favour.

Other Matters

32. No statutory consultees or local residents have objected. The main parties agree that subject to appropriate planning conditions the appeal proposal would not harm the living conditions of the occupiers of nearby properties or highway safety, and further development under permitted development could be controlled by condition. I find no basis in the evidence to conclude that harm to existing trees could not be avoided. However, even if I were to agree that there is an absence of harm in these respects, an absence of harm is neutral and does not weigh either in favour or against the development.

33. Framework Paragraph 146 relates to the tests for changing Green Belt boundaries through a Local Plan, which is different from the 'very special circumstances' test which applies to proposals for inappropriate development in the Green Belt. As such, this paragraph has limited relevance to my considerations and does not alter my conclusions on the main issues.

Planning Balance and Conclusion

34. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the proposal's harm to openness and resultant inappropriateness. The other considerations do not clearly outweigh the totality of harm to the

Green Belt, by reason of its harm to openness and resultant inappropriateness. The conflict with the Council's settlement strategy adds further weight against the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.

35. Even if, in accordance with the Paragraph 11.d) of the Framework, there were no relevant development plan policies, or the policies which are most important for determining the appeal were out-of-date, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed. As such, the Framework's presumption in favour of sustainable development does not apply to the appeal proposal.

36. The proposal would therefore conflict with SCLP Policies S/4, S/7, NH/8 and NH/9, and NP Policy HIM03, the relevant objectives of which are set out above, and the Framework. This results in conflict with the development plan, when read as a whole. Having considered all matters raised, the material considerations do not indicate that a decision should be taken other than in accordance with that plan. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR