



Appeal Decisions

Site visit made on 24 October 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2024

Appeal A Ref: APP/W0530/W/23/3320880

Land south of Horseheath Green, Horseheath, Cambridgeshire CB21 4QY

- 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 Huber against the decision of South Cambridgeshire District Council.
 - The application Ref 22/05367/FUL, dated 12 December 2022, was refused by notice dated 9 March 2023.
 - The development proposed is for the adaptation and reuse of redundant buildings to 2 x residential dwellings.
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Appeal B Ref: APP/W0530/W/23/3324898

Land south of Horseheath Green, Horseheath, Cambridgeshire CB21 4QY

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 Huber against the decision of South Cambridgeshire District Council.
 - The application Ref 23/01510/FUL, dated 20 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is for the adaptation and reuse of redundant buildings to 2 x residential dwellings.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The site address was noted as Cardinals Yard, Cardinals Green on the application forms. The Council's decision notice and appeal forms refer to the site as land south of Horseheath Green which I have used here as this appears to have been most commonly used.
4. There are two appeals relating to this site as set out above. Although I have considered each on its individual merits, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.
5. Appeal A, the earlier submission, sought approval for two dwellings. Appeal B is for a largely similar scheme, however key differences are a change to the design of the units including their roof form and elevational treatment. Appeal B includes an additional structural assessment of the existing buildings.
6. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes could affect the main issues in this case, the

parties were invited to make further comments. Neither party wished to make further material comments in this regard.

7. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

8. The main issues are:

- a) the effect of the proposal on the character and appearance of the area, and
- b) whether the site represents a suitable location for housing, having regard to its accessibility to services and facilities, whether the buildings are capable of conversion having regard to their function and alterations required and development plan policy on development in the countryside.

Reasons

Character and appearance

9. Cardinal's Green and Horseheath Green form small hamlets of, almost exclusively, detached houses in generous plots within a well landscaped and verdant setting resulting in a spacious countryside character to the area. The buildings that are the subject of this appeal comprise three, variously interlinked and irregularly shaped structures, largely of wood construction under corrugated roofs. The existing buildings on the site are somewhat ramshackle in nature. However, due to their low profile, wooden construction and the substantial boundary screening, the buildings are inconspicuous in, and not harmful to, the street scene. They appear characteristic of this rural location and make a neutral contribution to the area in this respect. The site is fringed by a mixed hedge which, even considering its inclusion of non-native species, makes a positive contribution to the rural characteristics described above. There is a sole point of access to the south onto Mill Green. Given that this hedge forms the boundary to the site, the likelihood of its removal is low.
10. The proposed development would introduce residential use to this site along with the likely associated domestic accoutrements such as garden furniture, washing lines, play equipment and the like. The plot sizes would be smaller than others nearby and the dwellings would be close to the road. This would result in an urban character to the proposed development and would undermine the area's spacious countryside character in a harmful manner.
11. Furthermore, the change in materials and increase in roof height, in both cases, but most notably in appeal A, would render the proposed dwellings visible and more prominent in the street scene than the existing buildings. This would be emphasised by their proximity to the road which would be unusual in this rural hamlet and further highlighted by their position on this corner which is effectively the "centre" of the two hamlets.
12. I recognise that replacement planting of the hedge along the Mill Green frontage could be of a native species as an alternative to the existing evergreen. However, the cutting back, or restriction on new planting, to achieve the required visibility splays from the access would exacerbate views of the site, including domestic paraphernalia, resulting in the development being highly conspicuous. Indeed, the splay requirements (shown on plan JTP DR1)

suggest that much of the hedging would have to be limited to less than 0.6 metres to maintain sight lines for almost half the Mill Green frontage thus increasing views of the site and reducing any planting screen.

13. Therefore, these highly prominent and clearly domestic buildings and gardens would unacceptably erode the spacious rural character of the area and have a harmful urbanising effect.
14. Reference to the decision at Shudy Camps¹ is of note. However, this scheme redeveloped a site which already contained an existing dwelling. Moreover, the Inspector in that case considered that the site was dominated by a number of run-down buildings and the redevelopment constituted an important enhancement. Not only did that Inspector not find harm to the character and appearance of the area, but also an enhancement, and these are not my conclusions here. Therefore, that scheme is markedly different to that before me now.
15. For these reasons I consider that the proposed developments would not enhance the immediate setting or be sensitive to the area's character. Both appeals A and B would therefore fail to comply with the requirements of policies HQ/1 and H/17 of the SCLP and provisions of the Framework. These policies seek to protect the character of the area and enhance the immediate setting.

Location for housing

Development plan

16. The site is located outside a Development Framework and thus falls within the ambit of part 2 to policy S/7 of the South Cambridgeshire Local Plan 2018 (SCLP). This policy specifies certain uses that are acceptable in the countryside and the development proposed in this instance does not fall into one of these specified categories. It is therefore contrary to the development plan in this regard. Policy S/7, in effect, is a restriction on development that is not needed in the countryside, outside defined areas. In this regard, and in the circumstances of this case, it is somewhat inconsistent with the more recent Framework.

Conversion of buildings

17. In order to provide an opportunity for development in the countryside without the impact that new buildings have on the landscape, Policy H/17 of the SCLP sets out specific requirements for the re-use of buildings within the countryside for residential purposes. The policy has a number of facets; of relevance to this case are that an employment use of the buildings should be explored prior to a residential one being considered, the buildings should be structurally sound, enhance the immediate setting and be sensitive to the area's character.
18. Numerous arguments have been presented to suggest that the site is unsuitable for an employment use. The location of the site, its condition and context may render it a less desirable proposition than similarly sized sites in nearby towns or more easily accessible locations. However, the site and buildings have historically functioned in an employment use. Whilst the current cost estimates to upgrade the buildings may not presently be an attractive

¹ APP/W0530/W/22/3302928

option, this does not preclude the use of the buildings in their current format. Even if the buildings were unsuitable, without the marketing exercise required by policy H/17, such an argument remains an unproven assertion. The marketing exercise required by H/17a has not been fulfilled and the proposed development does not comply with this element of the policy.

19. Appeal A contained a brief summary of the condition of the buildings whilst appeal B incorporated a more detailed structural appraisal. The structural appraisal included details of those works required to make the buildings suitable for residential use. The close time frames between appeals A and B leads me to conclude that the buildings are unlikely to have changed in their general condition between the two applications and appeals. Moreover, the structural appraisal in appeal B is more focused in its attention. As such, whilst I have had regard to the report in appeal A, I am also relying on the findings of the appraisal from appeal B.
20. The structural appraisal identifies numerous issues with the existing buildings. These include unreinforced cracking floors, minimal foundations, damp, rot and unviable supporting timbers. Works required include steel frame supports, replacement structural timbers, new walls, lowering of floors or raising of roofs and new foundations.
21. I recognise that the extent of these works varies between buildings, however in combination they are of such extent that this amounts to a significant and almost complete rebuilding. The form of the buildings would be retained in only the most nominal sense. This is evident in the elevations for both appeals A and B where the wall facings are notably different and, in appeal A, where the roof form is entirely new.
22. Therefore, I am not satisfied that these buildings are unsuitable for employment use and consequently the proposed development would not maintain the vitality of rural communities. Furthermore, due to the fact that the properties are not capable of conversion to residential use, this proposal would have an impact on the locality which I have previously identified to be harmful.
23. I therefore conclude that that both Appeal A and Appeal B would not comply with policies H/17 and E/14 of the SCLP and Chapter 6 of the Framework. These policies restrict the loss of employment uses without marketing and require buildings to be capable of conversion.

Accessibility

24. Policy S/2 of the SCLP promotes sustainable development. The policy seeks to ensure that all new development provides, or has access to, a range of services and facilities that support healthy lifestyles and well-being for everyone and to maximise potential for journeys to be undertaken by sustainable modes of transport including walking, cycling, bus and train. This is also a fundamental tenet of the Framework and its aim to promote sustainable patterns of growth. It is reflected in the development plan by SCLP policy S/3.
25. The site is within the small hamlets of Cardinal's Green/Horseheath Green. These hamlets themselves are within walking distance of the slightly larger village of Horseheath which includes a small post office and public house. Hourly bus services are available from within the village and along the A1307.

26. The market town of Haverhill with its wider range of shops and services is more distant, being approximately 4 miles from the appeal site. Whilst there would be some opportunities to walk and cycle or use the limited bus service, the probability is that occupants of the proposed dwellings would use the private car for most trips. The developments would therefore be car dependent, and this would conflict with the aims of national and local policy.
27. However, I am mindful that the existing use is as an employment use, albeit presently vacant, which will be an attractor for car trips by workers. Whilst I do not have any firm evidence on trip generation, the likelihood is that the vehicle movements created by the proposed development would be offset, to a greater or lesser extent, by the current land use. This would be a material consideration to weigh against the harm arising from the location away from services and facilities and the resulting car dependence.

Summary

28. To summarise, the proposal would conflict with policy S/7 of the SCLP. This conflict is not determinative as the policy is a restriction on development that is not needed in the countryside, and it is therefore inconsistent with the Framework. However, there would also be conflict with policies S/2, S/3, E/14 and H/17 of the SCLP relating to sustainable development and the conversion of buildings in the countryside for residential use. These policies are broadly consistent with Framework objectives, and I have attached the conflict significant weight. Additional harm would arise from the location of the site away from services and facilities, although this would be mitigated by the fact that the existing employment use could generate its own vehicle trips.

Planning Balance and Conclusion

29. The proposed developments would provide benefits, in that they would provide the economic and social benefits through the provision two new dwellings of a size for which there is an identified need in the local area, and which would make an effective use of the site on previously developed land. However, given the scale of development, the extent of the contribution that these schemes would make in this regard is limited.
30. On the other hand, the works proposed do not amount to a conversion. Employment use of the site has not been explored through marketing and the proposed developments would be harmful to the character of the area and would not be suitable to this countryside location. The proposed developments therefore conflict with the development plan, read as a whole. Consequently, there are no other material considerations before me that are sufficient to outweigh the harm I have identified.
31. Both appeals A and B are dismissed.

Nick Bowden

INSPECTOR