The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/H0520/W/23/3331158
Land to the rear of Ramadie and The Elks, Earith Road, Colne, Cambs PE28 3NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Mr & Mrs Pettit against the decision of Huntingdonshire District Council.
- The application Ref is 23/00717/PIP.
- The development proposed is the demolition of former piggery and storage barn and the construction of three dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address has been nominated as "Ramadi" and "Ramadie" in various current and historical documentation. I have used the latter spelling here as this is what appears on the application form.

3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages; the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.

4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

5. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, the amount of development, flood risk, highway safety and ecological effects.

Reasons

7. The appeal site comprises a broadly rectangular parcel of land formed of part of the rear garden to Ramadie, a number of outbuildings and part of an open field. A dog-leg to the north east forms the access with Earith Road. The site is flanked on two sides, and partly on the third, by the rear gardens to the linear pattern of houses addressing East Street and Earith Road. It is otherwise open to fields beyond.

8. The Huntingdonshire Local Plan to 2036 (HLP) does not explicitly define 'Built-Up Areas' but allows for a balanced judgement when it relates to development proposed in Small Settlements which are set out in policy LP9. Under the ambit of this policy, Small Settlements may have development which is within the Built-up Area, or, well-related to the Built-up Area. Failing these tests, as provided for in accordance with this policy or other policies of the HLP, the proposed development should be considered in relation to policy LP10 - The Countryside where the intrinsic character and beauty of the countryside is a key consideration.

9. Most of the site in question is predominantly an open field with outbuildings clustered towards the east and, that is bounded, to some extent, by gardens to other properties. Largely however, it is clearly not within the built-up area of Colne and, with the small exception of those outbuildings to the immediate rear of the house itself, nor is it part of the garden to Ramadie. The Inspectors assessment in relation to the previously permitted conversion of the pigsty to a dwelling[1] ('the conversion appeal') suggests the same. This assessment noted that the conversion appeal site did not extend further west than the residential gardens to the south. The same does not apply here as the site is significantly larger. The development site proposed here is only bounded on two sides, with a small part of the third side adjoining outbuildings to Pennycross. It is distinctly different to the to the conversion appeal and 69 The Highway[2] where most sides were enclosed and there was a clear separation from the countryside beyond.

10. In this case, the remaining boundaries of the site are open and undefined, forming part of a field. This field bears little other association or attachment to the remainder of Colne and as such it is not well-related to the Built-up Area. The part of the development site beyond the western limits of the conversion appeal therefore falls to be assessed in relation to the provisions of policy LP10. Development of it would erode the character of the countryside in this fringe location to the detriment of the intrinsic character and beauty of the countryside. I therefore conclude that the location of the development would conflict with policy LP10 of the HLP.

11. Turning to concerns relating to flooding, the site is within Flood Zone 1 (lowest probability of flooding). However, the Council's Strategic Flood Risk Assessment 2017 has identified the site as being within in an area of high groundwater flood risk. Policy LP5 of the HLP states that development will only be supported where all forms of flood risk have been addressed. This is supported by Paragraph 165 of the Framework, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is

[1] APP/H0520/W/18/3196395
[2] APP/H0520/W/19/3233872

necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

12. Neither a sequential test nor Flood Risk Assessment (FRA), to demonstrate that the proposal is appropriate at this location, and that there are no suitable available alternative sites at a lower flood risk, have been submitted with the appeal. As it has not been demonstrated that it would not be possible for the development to be located in an area with a lower risk of flooding, then it has not been satisfactorily established that the location is acceptable in this respect.

13. While specific details of the drainage could be supplied as part of a subsequent application for technical details consent, the absence of both a sequential test and FRA means that it cannot be said with certainty that the location, in principle, would be acceptable on flood risk grounds given its location in an area of high groundwater flood risk. I therefore conclude that the development conflicts with policy LP5 of the HLP and provisions of the Framework which require all forms of flood risk to be addressed.

14. In other regards, limited information has been provided with the appeal in relation to the access with the highway and in relation to ecological impacts. However, this is commensurate with the nature of the permission in principle stage process, which purely seeks to determine whether the location, land use and amount of development is acceptable in principle. These aspects are more appropriately determined as part of the technical details consent stage. Indeed, even then, there can be no guarantee that purely because a permission in principle has been granted, that a technical details consent will follow. It takes approval of both stages for a planning permission to be secured.

15. There are concerns relating to the access with the highway, particularly with regard to the interaction of the access with a traffic calming feature – in the form of a build-out that narrows the carriageway. However, I am mindful of the advice of Cambridgeshire County Council, as Highway Authority, which suggests that a safe access could be achieved, although additional detail will be required. Thus, whilst I accept that there is limited information provided to indicate that a safe and suitable access can be delivered, these details could come forward as part of a technical details consent application. Indeed, such details could include conditions, and/or a legal agreement, to reposition the traffic calming feature, were that to be considered necessary.

16. For similar reasons, I am satisfied that despite the lack of inclusion of an ecological appraisal, such details would be required to be forthcoming as part of any technical details consent application. In reaching this conclusion, I am mindful of the size of the site, its current land use, the number of dwellings proposed and consequent opportunities for ecological enhancements or mitigation to be incorporated into any technical details consent application.

Conclusion

17. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR