

Appeal Decision

Site visit made on 12 March 2024

by P Eggleton BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/V0510/W/23/3330986

Crow Hall Farm, Northfield Road, Soham, Cambridgeshire CB7 5UF

- 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 Alan White against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00545/FUL, dated 3 May 2022, was refused by notice dated 3 August 2023.
 - The development proposed is a single storey, four bed, detached dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by East Cambridgeshire District Council against Mr Alan White. The application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the site is a suitable location for residential development.

Reasons

4. The proposed dwelling and associated garden would be situated in part of a grassed field in the countryside. The adjacent farm and other dwellings and buildings in the vicinity are described as forming part of the hamlet of Broad Hill. The form of development, particularly close to the appeal site, is relatively scattered, representing sporadic development along this country lane. The hamlet has no facilities for day-to-day requirements. The settlement of Soham lies to the south. The edge of that settlement is in the region of a mile distant along Northfield Road which has no pavements or lighting. The centre of Soham and the railway station are more than two miles away. Whilst accessible by bicycle, pedestrian access, despite the rural paths and tracks, would be suited to mainly recreational use. Most trips associated with a family sized dwelling would be likely to be by private vehicle.
 5. The appellant accepts that the site is outside an existing settlement boundary. It is in the open countryside. There is no doubt that the site fails to comply with the development plan locational strategy set out in policy GROWTH 2 of
-

the East Cambridgeshire Local Plan 2015 as amended 2023 (adopted on 19 October 2023) (LP). The policy sets out that, outside of the defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.

6. The weight given to the council's policy has varied over the period of the application and appeal; and the preceding application for a house on the same site that was approved. However, the proposal must be considered on the basis of the current position. The LP is up-to-date and the council are able to demonstrate more than a five year supply of housing sites. Proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise.
7. A number of matters have been put forward to support the proposal. The house would be built to high environmental standards, higher than those previously accepted. The appellant, whilst resident, would be close to the farm and as such, travel would be reduced. The proposal is put forward as a self-build dwelling which would assist in meeting the statutory requirements of the Self-Build and Custom Housebuilding Act 2015 (as amended) with regard to providing enough serviced plots to meet the demand for self-build and custom housebuilding. The proposal is not supported by a legal agreement to ensure that the legislative requirements would be met and it has also not been demonstrated that the council cannot meet its requirements in this regard. Nevertheless, the addition of a self-build dwelling and these other matters, offer weight in favour of the proposal.
8. The main consideration put forward by the appellant relates to the planning history. Permission was granted for a dwelling on this plot on 11 April 2017. At the time of this first decision, policy GROWTH 2 was out-of-date as the council could not demonstrate a five year supply of housing land. The proposal would however have been assessed against the requirements of the *National Planning Policy Framework* which has not altered significantly in this respect with regard to the 2023 revision. I do not have the background documents for that decision and I understand that it was made contrary to the officer's recommendation. However, it must be assumed that the council, found that any adverse impacts of granting that permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It would not be reasonable for a decision maker to reach a different conclusion with regard to the Framework balance given the limited changes to the proposal. In these circumstances, although the accessibility of the site is limited, this shortcoming must be outweighed by the benefits of the dwelling.
9. The economic benefits from the development of the dwelling; the social benefits of an additional house and the contribution future occupants would make to the area both socially and economically, must remain the same. The council accepted that there would not be harm with regard to the character and appearance of the area. Any harm due to the limited accessibility of the site and the harm to developing in the countryside must not have been considered to significantly and demonstrably outweigh these benefits. The appellant should be able to expect that the council would be consistent in relation to the weight assigned to those individual matters and in relation to the Framework balance. Although the Framework's guidance within paragraph 14 differs given the up-

to-date development plan policies, the previous decision should be given very considerable weight.

10. Other appeal decisions have been referred to by the appellant, particularly appeal reference APP/V0510/W/21/3282449 associated with the approval of 175 dwellings just outside the settlement boundary of Soham. That decision was based on a finding by the Inspector that policy GROWTH 2 was out-of-date, despite a positive housing supply figure. Although arguably of some relevance at the time of the council's decision, the situation has been taken over by the adoption of the revised LP.

Conclusions

11. The proposal is clearly at odds with the up-to-date development plan policy with regard to the location of new development. It would fail to satisfy its objective with regard to the need to protect the countryside.
12. I afford very considerable weight to the decision previously made by the council with regard to a similar development on this site and the Framework balance reached at that time. I also afford weight to the self-build nature of the proposal and the environmental credentials of the proposed design. However, even if the self-build element had been properly approached, supported by a legal agreement and evidence of likely shortfalls provided, the weight I would afford to all these matters when taken together, would not be sufficient to outweigh the harm associated with the conflict with the development plan, specifically policy GROWTH 2.
13. Although the potential for a positive decision to undermine the development plan would be reduced given the unique planning background relating to this site, on balance, I conclude that the material considerations do not indicate that a decision contrary to the development plan should be made. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR