



Appeal Decision

Site visit made on 18 June 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/D0515/W/23/3334653

**Fitton House, Fitton End Road, Newton in the Isle, Cambridgeshire,
PE13 5EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs C Morris against the decision of Fenland District Council.
 - The application Ref is F/YR23/0347/F.
 - The development proposed is demolition of existing outbuilding and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the appeal site is a suitable location for a new dwelling having regard to national and local planning policies; ii) the effect of the development on the character and appearance of the area; and iii) the effect of the development on highway safety.

Reasons

Suitability of the site location

3. Policy LP3 of the Fenland Local Plan 2014 (local plan) seeks to create strong, sustainable, cohesive, and inclusive communities by focussing growth in and around larger settlements, enabling a larger number of people to access jobs, services, and facilities locally. This is to help reduce the need to travel, as well as making best use of existing infrastructure in built-up areas. The Policy sets out a settlement hierarchy identifying the most sustainable settlements where most new housing and employment growth should be located. Newton is defined as a 'small' village in the settlement hierarchy, where very limited residential infilling may be supported.
4. Policy LP12 of the local plan relates to development in rural areas. It is clear at Part A(a) of that policy that development sites must be in or adjacent to the existing developed footprint of villages, and that in those places defined as 'small' or 'other' villages in the settlement hierarchy, only infill sites will normally be considered favourably. This means that infilling will only be supported within the existing developed footprint of these villages and not on land adjacent to or outside of these areas. The developed footprint of the village is defined in the footnote to Policy LP12 as the continuous built form of

the settlement excluding groups of dispersed, or intermittent buildings that are clearly detached from the continuous built-up area of the settlement.

5. Although the appeal site is between two dwellings and the proposal could be defined as infill development, it is within a group of dispersed dwellings and not within the built-up footprint of the village of Newton. As such, it would fall under the 'elsewhere' category under Policy LP3. Development in such locations is restricted to, amongst other things, that which requires a rural or countryside location and is demonstrably essential to the effective operation of local agriculture, horticulture, forestry or outdoor recreation. Such development would be subject to a restrictive occupancy condition. The proposal clearly does not fall within any of these categories.
6. Due to the location of the site, future occupants would be required to travel to nearby towns and villages to access services and facilities. There is no public footpath or street lighting along the 60mph roads leading to the site and I have not been advised that there is any regular public transport. Based upon my observations of the site and the information before me, access to the site by means other than private car appears to be extremely limited. Future occupiers of the proposed dwelling would therefore use a car for most of their journeys, which is the least sustainable option.
7. I therefore conclude the site is not a suitable or sustainable location for a new dwelling. Consequently, the proposal would be contrary to Policies LP3 and LP12 of the local plan and would undermine the Council's sustainable approach to housing delivery. It would also be contrary to the National Planning Policy Framework with regards to achieving sustainable patterns of development.

Character and appearance

8. The site is currently occupied by a large single storey timber outbuilding which is separated from Fitton House by a large parking and turning area. It is surrounded on its other three sides by mature trees and hedges. Due to its limited height, its low shallow roof pitch, simple design and materials, and its landscaping, it blends discreetly into its surroundings and is clearly viewed as an ancillary structure, which is typical of a rural area and does not appear untidy or unsightly in any public views.
9. The proposed new dormer bungalow due to its high steep pitched roof and its proximity to the site frontage would be visually prominent. Furthermore, the modern design would not reflect that of the very traditional Fitton House or other nearby traditional rural cottages and barn conversions.
10. Whilst the documents submitted state that no trees or hedges would be removed, there is no assessment before me to confirm that the proposed dwelling would not encroach into the root protection or low hanging canopy areas of the adjacent mature trees, potentially resulting in harm to or the loss of these features, which make a positive contribution to the character and appearance and biodiversity value of the area. Based upon my own observations, it is likely that the hedgerow along the frontage of Fitton House would also need to be removed or significantly cut back to improve visibility from the site access.
11. I therefore conclude that the proposal would harmfully detract from the rural character and appearance of the area contrary to Policies LP12 and LP16 of the

local plan which require, amongst other things, that development incorporates and retains natural features such as trees and hedgerows, makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting and does not adversely impact, either in design or scale terms, on the landscape character of the surrounding area.

Highway safety

12. The proposed new dwelling would share the existing vehicular access to Fitton House, from Fitton End Road, which is a country lane subject to the national speed limit of 60mph. The appellant states that visibility splays of 2.4m x 215m and 2.4m x 180m can be achieved, which are below the required standard of 2.4m x 215m in both directions. No traffic surveys have been undertaken that would justify a lower standard being accepted. Whilst I acknowledge that the access is existing, its use would be intensified by the creation of an additional dwelling. I also note that there are bends in the road, but these are not particularly sharp, and as such would be unlikely to significantly reduce the speed of vehicles travelling at the legal limit. Comments made by Planning and Highway Officers in relation to a different access to serve a different development are not relevant to this case, which I have considered on its own merits and in accordance with current policies.
13. Furthermore, the verges alongside the highway in this area are very narrow, with dense high hedges encroaching close to the edge of the carriageway. It is evident from the plans provided, and even more so on site, that the splays shown are obstructed by boundary hedgerows on both the appellants land across the frontage of Fitton House, and on land on the opposite side of the road, which is outside of the appellants control. Having reversed into the existing access driveway during my visit, I was able to see very little at all, when trying to exit and when checking for oncoming traffic, due to the existing boundary hedgerows.
14. The removal of hedgerows would be detrimental to the rural character of the area. Whilst it may have been feasible, had the proposal been acceptable in all other respects, to use planning conditions to secure the removal of the existing hedgerow along the frontage of Fitton House, and replacement hedge planting set further back from the road, this would not address the restricted visibility elsewhere along the road by hedges outside of the appellants ownership.
15. I therefore conclude that due to the substandard visibility, the increased use of the existing access would be detrimental to highway safety, contrary to Policy LP15 of the local plan, which requires development schemes to provide well designed, safe and convenient access for all.

Other Matters

16. Reference has been made to other dwellings that have been granted planning permission in the local area. I do not have the full details of these cases, but it is apparent from the appellants description that different circumstances applied. As such, I can afford these other decisions very little weight, and I have determined this case based upon the relevant policies and material considerations before me. There is no evidence before me to suggest that the relevant policies should be considered out of date due to a housing land supply shortage or any other reasons.

17. I note that the dwelling is proposed for use by the appellants family, however permission is sought for an independent dwelling as opposed to an ancillary annex, the occupancy of which would be restricted to family members or guests.
18. I acknowledge that it is proposed to use sustainable methods of providing heating and electricity and to recycle and minimise the use of water. Whilst this weighs in favour of the proposal it does not outweigh the other harms I have identified.
19. It is suggested that the Council did not deal with the application in a positive and proactive manner. However, in this case even if the appellant had gone to the additional time and expense of negotiating an acceptable design solution and instructing a traffic speed survey to try and justify reduced visibility splays, it would not have overcome the fact that the site is in an unsuitable and unsustainable location for new residential development.

Conclusion

20. The proposed development would conflict with the development plan and there are no other considerations before me that outweigh this conflict. For the reasons given above, the appeal is therefore dismissed.

R Bartlett

INSPECTOR