



Appeal Decision

Site visit made on 18 June 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/V0510/W/23/3334739

Land North of The Kings Head, Dullingham off the Newmarket Road (B1061)

Grid Reference Easting: 563047, Grid Reference Northing: 257980

- 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 Young against the decision of East Cambridgeshire District Council.
 - The application Ref is 23/00972/FUL.
 - The development proposed is erection of a single, two storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the site is suitable for the development, having regard to the locational strategy in the development plan; and
 - whether material considerations exist that are sufficient to outweigh any conflict with development plan policy in respect of the above issues.

Reasons

Character and appearance

3. The appeal site once formed part of the garden of The Kings Head public house. It lies on a steep bank and is laid to grass, although it retains some structures associated with its former use, including a brick-built outdoor bar and remnants of some play equipment. Trees and hedging mark the boundary between the site and Brinkley Road, and there is dense woodland to the north. The Garden House, which is a detached dwelling, lies immediately to the south of the appeal site and separates it from The Kings Head. The prevailing character within the nearest part of the village is of large buildings on spacious plots.
4. The proposed dwelling would be a long, narrow structure with a simple form and ridgeline that would broadly reflect some other buildings in the locality. However, the proposed building would be sited close to the boundary with The Garden House. Therefore, there would be a disproportionate amount of bulk

and mass introduced at the edge of the site. Moreover, the separation space between the proposed dwelling and The Garden House would be uncharacteristically narrow and would fail to relate well to the relationship between other buildings in the area, which are typically separated by generous space and intervening vegetation. Therefore, due to the proposed site layout and the proximity of the proposed dwelling to the neighbouring property, the development would be incongruent to local character.

5. Parts of the site are reasonably well-screened by trees and hedgerows, including the dense woodland to the north. It follows that there would be limited material harm caused to longer views towards the site from the surrounding countryside. However, close views of the proposed dwelling would be available through gaps in the boundary hedging, and there is no guarantee that the vegetation would be retained in the longer term. Moreover, the proposed dwelling would be sited to align directly with the vehicular access from Brinkley Road. Therefore, even if the existing boundary trees and hedgerow were to be retained, there would be direct and unobstructed views of the dwelling from the street.
6. I acknowledge that the dwelling would be erected on a steep bank above the street, and that its bulkiness would be reduced through the stepping down of its ridge height towards the road. However, due to its proximity to the street frontage, and its elevated position above the road, the dwelling would be a dominant structure that would undoubtedly draw the attention of passers-by. Moreover, the bin and bicycle storage area would be positioned next to the site entrance, and therefore would add visual clutter to views from the street. Consequently, due to the alignment of the building with the open site access, the development would be unduly prominent in close public views. It would therefore detract from the established character at this edge of Dullingham village.
7. Taking all of the above into account, I conclude that the proposal would cause harm to the character and appearance of the area. Therefore, there would be conflict with Policies ENV1 of the East Cambridgeshire Local Plan April 2015 (As amended 2023) (LP) insofar as it expects proposals to demonstrate that their location, scale, form, and design, amongst other things will protect, conserve and where possible enhance, the settlement edge. There would also be conflict with Policy ENV2 of the LP, and the National Planning Policy Framework (the Framework) which, taken together and amongst other things, seek high quality design that complements local distinctiveness.

Whether the site is suitable

8. Policy GROWTH2 of the LP states that the majority of development will be focused on the market towns of Ely, Soham, and Littleport. However, Policy GROWTH2 also allows for housing within defined development envelopes provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.
9. The appeal site straddles the development boundary of Dullingham village, and the proposed dwelling would be sited within the village extent. However, I have found there would be unacceptable harm caused to the character and appearance of the area. Therefore, there is no express support for the proposal provided for in Policy GROWTH2.

10. Moreover, a large part of the proposal, including part of the garden, parking area, and turning head would be located on land outside of the development boundary. In such locations, Policy GROWTH2 restricts development to certain categories, none of which apply to the appeal proposal.
11. Consequently, the site would be unsuitable for the proposed development, having regard to the locational strategy in the development plan. There would be conflict with Policy GROWTH2 of the LP insofar as development inside development boundaries is only supported where there would be no significant adverse effect on the character and appearance of the area, and insofar as it restricts development outside defined development boundaries.

Other material considerations

12. As set out above, the proposal would be contrary to the spatial strategy for the area as set out in Policy GROWTH2 of the LP. There would also be conflict with Policies ENV1 and ENV2 of the LP due to the harm that would be caused to the character and appearance of the area. The conflict with these policies is sufficient to bring the proposal into conflict with the development plan when read as a whole. A grant of planning permission would therefore only be justified where other material considerations exist that outweigh the conflict with the development plan.
13. In that regard, I have been referred to two appeal decisions¹ on nearby sites where there were material considerations that indicated developments that conflicted with the spatial strategy set out in Policy GROWTH2 of the LP should be allowed. I have had regard to these decisions insofar as they show that each scheme must be considered on its own merits and with regard to the unique set of circumstances present for each development proposal.
14. There would undoubtedly be some social and economic benefits arising from the proposal. These benefits would include the delivery of an additional dwelling, which would contribute towards the national objective to significantly boost the supply of homes. The Framework also identifies the importance that small sites can make to the delivery of housing. However, the contribution that would be made to housing delivery by a single dwelling would be modest. Consequently, these benefits carry moderate weight in favour of the scheme.
15. Whilst there is no longer a physical or functional link between the appeal site and The Kings Head, it clearly once formed part of its curtilage, and there is no substantive information before me to indicate it has established an alternative use. Indeed, due to the presence of the brick-built external bar, which is a fixed structure, along with remnants of play equipment, the site retains the character of a pub garden. Therefore, in the absence of any definitive evidence to persuade me otherwise, the site falls within the Framework's definition of previously developed land (PDL), where development is generally supported by national policy.
16. The appeal site is in close proximity to the services and facilities in Dullingham. Therefore, the delivery of a dwelling on the site would help to enhance or maintain the vitality of rural communities, in accordance with the Framework. Moreover, the woodland boundary to the north of the site provides a natural buffer at the edge of this former pub garden, and separates it from the

¹ Appeal ref. APP/V0510/W/20/3249240, dated 3 September 2020 and Appeal Ref. APP/V0510/W/21/3283673, dated 22 February 2022.

expansive open countryside beyond. Consequently, whilst there would be marginal encroachment onto land outside of the development boundary as defined in the LP, the proposal would support the underlying objectives of Policy GROWTH2 of the LP, which include the protection of the countryside and the wider setting of towns and villages.

17. However, whilst the Framework supports the effective use of land and the siting of rural housing where it would support rural communities, it also requires decisions to take account of the desirability of maintaining an area's prevailing character. I have found the proposal would cause undue harm to the character and appearance of the area. Therefore, I conclude that, in the particular circumstances of this appeal proposal, the material considerations are not sufficient to outweigh the conflict with the development plan.

Other Matters

18. The site lies within the setting of the Grade II listed Dullingham House registered park and garden (RPG). Its special interest lies partly in its formal landscape design. The site also lies within the setting of the Dullingham Conservation Area (CA), which derives its significance, in part, from the rich architecture of its buildings, and the relationship between the village and the RPG. Neither party has identified any harm would be caused to the RPG or its setting, and therefore to its significance as a designated heritage asset. Furthermore, neither party has identified any harm would be caused to the significance of the CA through development within its setting. Based on the evidence, I have no reason to take a different view.
19. There is limited evidence of objection to the scheme from interested parties or consultees. However, the lack of objection does not in itself render a development acceptable in planning terms.
20. The appeal proposal has evolved following the withdrawal of previous planning applications at the site. However, I have considered the appeal scheme on its own merits and based on the evidence. Therefore, that there have been previous proposals for development at the site is not determinative to my conclusions.

Conclusion

21. The proposal conflicts with the development plan and the material considerations, including the provisions of the Framework, 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.

E Catchside

INSPECTOR