



Appeal Decision

Site visit made on 2 July 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/W0530/W/24/3339684

43 Ermine Way, Arrington, Cambridgeshire SG8 0AG

- 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 Mrs Bethany Chattey against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/02997/FUL.
 - The development proposed is the erection of 1 No. dwelling on land to the East of 43 Ermine Way.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area, the effect of the proposal on the character and appearance of the area and on biodiversity.

Reasons

Housing strategy

3. The appeal site forms part of the garden to No 43 Ermine Way (No 43), which is located, with a small group of houses, near but outside of the development framework for the village of Arrington. In such a location, Policy S/7 of the Council's Local Plan says, amongst other things, that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
4. The appeal site does not form part of a valued landscape and is not isolated, in the context of paragraph 84 of the National Planning Policy Framework (the Framework) (2023), given the position divorced from, but near to, Arrington and its connection with the footpath. Nonetheless, it is countryside for planning policy purposes irrespective of the domestic residential nature of the houses and gardens within the group. Moreover, the presence of fields and the garden centre around the group of houses along with the divorced nature of the site from Arrington are characteristics that reflect a countryside location. Accordingly, the erection of a dwelling within the garden of No 43 would still represent encroachment within the countryside at odds with the housing strategy for the area.

5. The main parties have not directed me to any other policies in the Local Plan which would support residential development at the appeal site and there is no Neighbourhood Plan in place for this area. It follows that the proposal would represent encroachment within the countryside.
6. I therefore find that the proposal would not represent an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area and there would be conflict with Policy S/7 of the Local Plan. This policy is consistent with the Framework to the extent that it identifies opportunities for villages to grow and thrive and recognises the intrinsic character and beauty of the countryside.

Character and appearance

7. No 43 is currently set back within the site and, due to the existing boundary treatment and its size, is not a prominent dwelling from the public realm. In this regard, the visual gap and its soft open qualities to the front of the dwelling makes a modest contribution to the semi-rural characteristics of the group of housing in the countryside.
8. Due to the positioning nearer the boundary, the proposed dwelling would have a stronger presence in the public realm, particularly during the winter months when increased views are likely through the boundary vegetation. In this regard, it would change the nature of the group to a small degree and reduce the undeveloped gap by the incremental increase of visible built development.
9. Notwithstanding the Council's position regarding the value of the gap, I do not consider that this change would be harmful. Due to the positioning of Nos 51, 43 and 41A set back, there would remain spacious gaps either side of the proposed dwelling before the higher density terraced housing. Moreover, the soft qualities of the front boundary would be unaltered with the proposed dwelling utilising the existing access arrangements. In this regard, I am satisfied that the semi-rural characteristics of the group in its countryside location would remain, and it would not appear overtly dense.
10. The Council has raised no concerns in relation to the design and appearance of the dwelling and I agree, its scale, massing, design, and materiality would all be compatible with its surroundings. Taken together, it would satisfactorily respond to its context in the wider landscape.
11. I therefore find that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, I find no conflict with Policy HQ/1 of the Local Plan or the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that as appropriate to the scale and nature of the development, proposals must be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area.

Biodiversity

12. The application submission included a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment with a metric used, which indicated that a biodiversity net gain of 3.92% for habitats could be achieved. Although the Council had concerns about the particular metric used to calculate this figure, it does not dispute that improvements to biodiversity could be achieved utilising

the area to the west of the access road, which is currently an artificial unvegetated unsealed surface and would be planted with neutral grassland.

13. Both parties accept that this could be secured by way of a condition were I minded to allow the appeal. I agree with these findings and am satisfied that the level of survey work and its findings accords with the advice in Circular 06/2005¹.
14. I therefore find that the proposal would not have an unacceptable effect on biodiversity and would accord with the requirements of Policy NH/4 of the Local Plan and the provisions of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that new development must aim to maintain, enhance, restore, or add to biodiversity. Opportunities should be taken to achieve positive gain through the form and design of development.
15. The Council have also referred to the Environment Act 2021. However, given the date of the application in 2023, the Environment Act's requirements in relation to biodiversity net gain do not apply to this proposal and is not determinative in relation to this matter.

Planning Balance

16. Notwithstanding the Council's current housing supply position, the proposal would deliver an additional dwelling, boosting the supply of market housing and make an effective use of the site, with potential for modest biodiversity gains. These matters would garner support from the Framework. As a single dwelling, the overall social and economic benefits would be limited. Nonetheless, these benefits weigh in favour of the scheme.
17. The combination of the distance to Arrington, the narrowness of the footpath, busy nature of the road and lack of street lighting leads me to conclude that the footway would not be a particularly attractive route to walk to Arrington's small number of facilities. There are bus stops nearby giving access to other settlements and the Framework does acknowledge that opportunities for sustainable transport solutions in rural areas are reduced. Nonetheless, given the location of the appeal site in comparison to services and facilities in the area, I find that future occupiers would not have particularly good access to services and facilities.
18. Taken together, whilst there is no specific policy conflict identified by the Council in relation to the accessibility of the site, its location in relation to services and facilities does not weigh in favour of the scheme. In this regard, I do not consider that a house in this location would promote sustainable development in rural areas as supported by paragraph 83 of the Framework. Moreover, the absence of harm in relation to the impacts on the character and appearance of the surrounding area and other considerations are neutral matters that weigh neither for nor against the proposed development.
19. I have found that Policy S/7 of the Local Plan is consistent with the Framework when read as a whole, and thus not out of date. Moreover, the conflict with it is a matter that weighs significantly against the proposal. Indeed, the Council's spatial strategy would be undermined if the appeal was allowed, bearing in mind that Paragraph 15 of the Framework reminds decision-makers that the

¹ Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System

planning system should be genuinely plan-led. This reflects the primacy of the development plan set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

20. Moreover, paragraph 15 of the Framework says that plans should be succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social, and environmental priorities; and a platform for local people to shape their surroundings. From the evidence before me the Council has a 6.5-year supply of housing and thus there is no substantive evidence that the Local Plan is failing to provide a framework for meeting housing needs.
21. Accordingly, to allow development contrary to the provisions of the development plan in such circumstances would undermine and dilute the plan-led system and the future pattern of development in the area. Moreover, allowing this appeal would make it more difficult to resist further planning applications for similar developments. The cumulative effect of such ad-hoc developments would further undermine the spatial strategy.

Other Matters

22. I have been referred to several planning appeals. However, I do not have full details of the schemes and the circumstances that led to the respective decisions. From the evidence before me, none of the appeal decisions are directly comparable to the appeal scheme in terms of its geographical location and Authority area and thus policy wording, along with the relationship to the settlement, services, and facilities. I have, in any case, made my own assessment of the proposal based on the plans, evidence and policies before me.

Conclusion

23. Drawing the above together, the proposal would conflict with the development plan when read as a whole.
24. I have taken account of all the other matters raised, including the benefits of the proposal. However, a net gain of a single dwelling, would only have limited benefits. As such, I find there to be no material considerations, in this instance, that would indicate that the appeal decision should be taken other than in accordance with the development plan.
25. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR