



Appeal Decision

Hearing held on 31 July 2024

Site visit made on 31 July 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/D0515/W/24/3344721

Land East of 208 Fridaybridge Road, Elm PE14 0AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs K Cage against the decision of Fenland District Council.
 - The application Ref is F/YR23/0759/O.
 - The development proposed is to erect up to 8 x dwellings involving the demolition of an existing dwelling (7 The Stitch) and an outbuilding (outline application with all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's site address as this more accurately describes the location of the appeal site. I note that the appellant has also used this in their appeal form. I have also used the Council's description of development as this is more precise.
3. The planning application was submitted in outline with all matters reserved. I have had regard to the submitted plans but have regarded all elements of these drawings as indicative, apart from the maximum number of units proposed (as set out within the development description).

Main Issues

4. The main issues are:
 - whether the appeal site is suitable for housing, having regard to the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with regard to noise and disturbance;
 - the effect of the proposed development on parking provision and highway safety; and
 - the effect of the proposed development on trees and biodiversity.

Reasons

Site and location

5. The appeal site comprises a parcel of land positioned to the north of The Stitch and east of Fridaybridge Road. It is separated from those roads by a row of established residential properties. The site is principally used for the keeping and grazing of horses. An existing dwelling known as 7 The Stitch also forms part of the site. While established development exists to the south and west of the site, with garden land to the east, the area to the immediate north is rural in character, made up predominantly of paddocks and open fields.
6. Policy LP3 of the Fenland Local Plan (LP, 2014) sets out the spatial strategy for the district. It focuses the majority of growth in and around the district's market towns. However, the policy also sets out other locations for the delivery of growth. This includes Limited Growth Villages. These are identified as settlements where a small amount of development and new service provision will be encouraged and permitted to support their continued sustainability. The policy sets out that such development may be appropriate as a small village extension. The Limited Growth Villages are listed and include Coates, Elm, Friday Bridge, Leverington and Parson Drive. There is no dispute between the Council and appellant that Elm, in which the appeal site is located, forms a Limited Growth Village.
7. LP Policy LP12 concerns development in rural areas. It sets out that new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide open character of the countryside. Under this policy, development proposals must meet a set of criteria, including (a) which requires a development site to lie in or adjacent to an existing developed footprint of a village. While the Council does not consider the majority of the appeal site to fall within the developed footprint of the village, the established properties along The Stitch (including No 7) and Fridaybridge Road do. The main part of the appeal site could, however, be reasonably described as being adjacent to the developed footprint of the village.
8. Another requirement of LP Policy LP12 is that at (c), which sets out that a development must not have an adverse impact on the character and appearance of surrounding countryside and farmland. Based on the evidence before me, together with my observations on site, I am of the view that the majority of the appeal site, principally accommodating a series of paddocks, has a more rural than urban character, positively contributing to the verdant and open landscape to the north. This is further exemplified by the mature trees that dominate the centre of the appeal site, and which mark the eastern boundary. This is in stark contrast with the enclosed garden plots to the south and west of the site, which typically have clear boundaries and a strong domestic character. Those properties also front onto established roads, an arrangement typical of the area.
9. The proposed development would be at odds with this, introducing built form where this is not currently the case, aside from some modest ancillary structures. Whilst the proposed dwellings would likely be of a similar scale (for later approval) to established properties within the surrounding area, these, combined with the new access roads and likely domestic paraphernalia typical of residential development, would have a harmful urbanising effect on the site

and surrounding area, visible from the multiple private vantage points of properties along The Stitch and Fridaybridge Road and from public vantage points through gaps between properties.

10. I accept that the form and layout of the proposed development, positioned beyond a row of established properties, would have some similarities with other residential developments in the surrounding area, including at Mill Way, Bullfinch Way and Bar Drove. However, while those developments do form part of the character of the area, their existence does not automatically mean that development of this nature should be accepted in any location. Moreover, Mill Way and Bullfinch Way are historic, while the development along Bar Drove fronts onto an historic highway rather than forming backland or tandem development, and is more in keeping with the properties along The Stitch.
11. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of LP Policies LP12 and LP16. These policies, in summary, seek to ensure that the character and appearance of the countryside is not harmed, and that developments make a positive contribution to the local distinctiveness and character of an area, including in respect of landscape character. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as good design and the protection of the countryside is concerned.

Living conditions

12. The proposed development would likely include a new vehicular access that would run between existing properties within the Stitch (Nos 5 and 9). Even were that not the case, a new road would run along the rear of some properties within The Stitch in order to provide access to up to 8 proposed dwellings.
13. At present, the appeal site is used only for purposes linked to 208 Fridaybridge Road. This involves relatively low-key domestic and equestrian activities. Any existing vehicle activity within the site is likely to be limited and infrequent.
14. A development comprising up to 8 dwellings would unlikely result in a significant number of trips overall. The appellant set out at the hearing that this would likely average 6 car movements per dwelling per day. Nevertheless, the likely position of the site access, the new road through the site and any inevitable parking and turning areas are such that the starting, manoeuvring and passing of cars would take place close to several properties and their private gardens. Such activity, however minimal, would result in a greater level of disturbance than is currently the case. This would be to the detriment of the living conditions of the occupiers of nearby properties, in particular Nos 5 and 9.
15. The appellant contends that this matter is reserved and that the indicative access could be re-sited. However, I must consider the matters in dispute at this stage and the relocation of the access in the future would not overcome the likely impact from increased vehicular comings and goings. The appellant also raised at the hearing that surface materials could be conditioned to limit surface noise. While this is acknowledged, I have no evidence before me that this would sufficiently limit any potential noise levels and, in any case, would not overcome the previously referenced comings and goings of vehicles and engine noise.

16. For the above reasons, I conclude that the proposed development would harm the living conditions of the occupants of nearby properties, with regard to noise and disturbance, contrary to the relevant provisions of LP Policies LP2 and LP16, which in summary seek to protect the living conditions of neighbours. This is in a similar vein to the objectives of the Framework insofar as living conditions are concerned.

Highway safety and parking provision

17. The appeal site is currently accessed from Fridaybridge Road. The proposed vehicular and pedestrian access would be positioned on The Stitch, in the location of No 7.
18. The highways authority has raised concerns relating to a visibility splay that would be required at the entrance to the site, in that details illustrating the recommended dimensions have not been provided.
19. The appellant, at the hearing, set out that the recommended size of visibility splay required by the Council could be accommodated at the site and that this could be provided at the reserved matters stage. Based on the evidence before me and my observations on-site, I do not disagree with those findings. The indicative access point would be in the position of the existing No 7 The Stitch, which is of a typical plot width. I consider that such a matter could satisfactorily be reserved for later approval. Moreover, there is no substantive evidence before me to indicate that there are, or would be, any issues relating to pedestrian safety either at present or because of the proposed development.
20. The Council has conceded that matters relating to parking provision could be satisfactorily dealt with at the reserved matters stage, if the appeal was allowed. I have no reason to disagree with that position.
21. Overall, I conclude that the proposed development would be acceptable in respect of highway safety and parking provision, subject to the submission of further details of the visibility splay at a later stage. The proposed development would accord with the relevant provisions of LP Policy LP15. This policy, in summary, seeks to ensure that proposals provide safe and convenient access. This is in a similar vein to the provisions of the Framework insofar as highway safety is concerned.

Trees and biodiversity

22. The appellant has provided an Ecological Impact Assessment¹ in support of the proposed development. This report sets out that no further surveys for protected species are required and proposes a series of required mitigation measures, safeguards and enhancements. Subject to these being implemented, something which could be secured by condition, it is concluded that there would be no significant adverse effects.
23. In addition to the above, an Arboricultural Implications Assessment² has been submitted. The assessment sets out that, in general, Category A (good quality) and Category B (moderate quality) trees should be retained. Category C trees are of poor quality.

¹ Prepared by Glaven Ecology, January 2023.

² Prepared by Andrew Belson, January 2023.

24. The submitted arboricultural report sets out that several trees are recommended for removal because of their health, condition or suitability of the site. I have no reason to disagree with those findings.
25. Several other trees are, however, required to be removed to accommodate the development. This includes several Category C trees but also some Category B trees. Notwithstanding this, the scheme is indicative. It could come in many forms and could be designed to avoid harm to the better quality trees on the site. Consequently, I consider that a condition could satisfactorily be imposed to require a full and updated arboricultural report and/or ecological assessment to accompany the reserved matters stages.
26. Overall, I conclude that the proposed development would be acceptable in respect of trees and protected species, subject to conditions, in accordance with the relevant provisions of LP Policy LP19. This policy, in summary seeks to ensure that development proposals conserve, enhance and promote the biodiversity of the natural environment. This is in a similar vein to the relevant provisions of the Framework insofar as the protection of trees and biodiversity is concerned.

Other Matters

27. My attention has been drawn to other appeal cases, including at Upwell Road, March and Atkinsons Lane, Elm. These cases are acknowledged. However, the Upwell Road case related to a much larger scheme of up to 110 dwellings, with a focus on sustainability. The matters in dispute at the Elm site also focussed on the sustainability of the location, rather than character and appearance. Whilst matters of sustainability have also been referred to within the appeal case before me, this is not the only matter in dispute. The cases are situated on different sites, relate to different types of development and are not directly comparable. I have considered this appeal, including its relationship with the surrounding area, on its own individual circumstances.
28. I accept that the proposed development would have some benefits, including social and economic benefits. It would boost housing supply in a reasonably sustainable location, which is an objective of the Government, and would provide employment during construction. There would also be some increase in trade to local services and businesses once the dwellings became occupied. However, these moderate benefits do not outweigh the harm that I have identified above and, accordingly, do not lead me to an alternative conclusion on the main issues.
29. I also accept the appellant's argument that the site is not high grade agricultural land and acknowledge a referenced site allocation, elsewhere, for housing on agricultural land. However, this does not mean that development should automatically be accepted here where harm has been identified. In any case, the two separate sites are not being considered as options for the development before me.
30. The matter of self-build has been raised by the appellant. However, the application documents, including application form, do not refer to the scheme as providing any self-build plots. Moreover, there is no mechanism before me to secure this approach, should the appeal be allowed. This matter does not weigh in favour of the appeal.

Conclusion

31. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

APPEARANCES:

FOR THE APPELLANT:

Kevin Cage	Appellant
Sally Cage	Appellant
Jason Parker	Appellant's agent

FOR THE LOCAL PLANNING AUTHORITY:

Danielle Brooke	Senior Development Officer
David Rowen	Development Manager
Lewis Maude	Highways Officer

OTHERS:

Rachel Cook	Resident
Alan Gillham	Resident
Mark Adams	
Simon Lemmon	