



Appeal Decision

Site visit made on 20 August 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/V0510/W/24/3341204

Land adjacent to 87 The Butts, Soham, Cambridgeshire CB7 5AW

- 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 & Mrs D & S Potts against the decision of East Cambridgeshire District Council.
 - The application reference is 23/01348/OUT.
 - The development proposed is two dwellings and associated works, dropped kerb and new/alterd access road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the countryside.

Reasons

3. The site lies beyond the defined settlement boundary and therefore for policy purposes it lies within the countryside. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023)(LP) states that 'Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.'. It allows for some development as exceptions to this but it is accepted by the appellants that the proposed houses do not meet any of these exceptions. It is also accepted that the council has a five-year housing land supply. The council advise that the most recent Housing Delivery Test provided a figure of 99%. It is also accepted by the appellants that the policy remains consistent with the expectations of the *National Planning Policy Framework* 2023; and that there is no separate basis on which to conclude that the policy is out-of-date.
 4. It is evident that the proposal would result in conflict with the up-to-date development plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
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5. The site lies beyond both the policy boundary and the developed area of Soham. The recently permitted houses, beyond the policy boundary, on both sides of the road, are clearly distinct from the houses on Cherrytree Lane to the south. The appeal site therefore appears as open land in the countryside, albeit adjacent to houses that form part of the physical area of the settlement. The houses would extend development further into the countryside. Despite the buildings on the opposite side of the road, there is little to distinguish this parcel of land from other areas of countryside that lie adjacent to the settlement. Its development would result in harm to the countryside and to the setting of the settlement. Allowing development in these circumstances would undermine the ability of the development plan to protect the countryside and the setting of the settlement. In addition to being contrary to LP policy GROUT 2, it would also conflict with the requirements of policy ENV 1 with regard to the settlement edge and its wider landscape setting.
6. The appellants suggest that the settlement boundary, relied on by the development plan, with regard to the market town of Soham, fails to take account of the substantial changes that have taken place to the countryside margins adjacent to the settlement boundary since the policy was adopted. The development boundary lies to the north of the houses immediately to the north of the appeal site. New houses have also been allowed on the opposite side of the road. The appellants indicate that the planning applications for these houses were lodged in 2017 and 2018. It is clear therefore that the physically developed area of the settlement does extend beyond the policy extent and that these changes have taken place or been permitted since the policy boundary was first approved in 2015. However, even if it were to be accepted that these recent permissions have extended the area of the settlement that should be considered for policy purposes, this site would still fall beyond the physical area of the settlement.
7. Whilst the physical extension of the settlement area is a material consideration, the policy area was not altered by the 2023 LP revisions and remains to be considered as part of the up-to-date development plan. I am mindful also that the permissions that allowed for this development outside the policy boundary, were accepted when the development plan was not considered to be up-to-date. A decision contrary to the now up-to-date development plan would undermine its policies.
8. The council advise that there are no objections to the revised development boundary being put forward in the emerging Soham Neighbourhood Plan. The proposed new boundary would not include this site. However, as the referendum has not yet taken place, I afford this little weight at this time.
9. I am mindful that the proposal would result in two new houses. These are shown to be of high-quality designs and they would have good sustainability credentials given their details, their position adjacent to and close to the facilities of the settlement and the biodiversity measures included. Although representing a piecemeal incursion into the open area beyond the settlement and being at odds with the character and appearance of the countryside, the proposal would gain some support from elements of LP policies HOU 2 and ENV 2 with regard to design, accessibility, biodiversity and residential amenity.

10. The new houses would offer both economic and social benefits to the adjacent community, its services and facilities. The environmental benefits from the wildflower meadow, the micro generation of energy and rainwater harvesting would also offer benefits but these would not be significant when set against the environmental harm resulting from the encroachment of development into the countryside. Whilst the existing and approved adjacent developments offer some weight in favour of this proposal, in bringing this site to be immediately adjacent to the physical edge of the settlement, the benefits overall would not be sufficient to outweigh the environmental harm from development within the countryside. In these circumstances, the houses are not considered to represent sustainable development as defined by the *Framework*.
11. Although there are matters that weigh in favour of the proposal, these do not outweigh the harm that would result to the countryside. When taken together, these benefits do not represent material considerations that suggest a decision that would be contrary to the development plan should be reached. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR