
Appeal Decision

Site visit made on 17 August 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/V0510/W/24/3339594

Land off Mill Drove, Soham (Easting: 558887, Northing: 272478)

- 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 S Moore against the decision of East Cambridgeshire District Council.
 - The application reference is 23/00773/OUT.
 - The development proposed is described as 'Proposed erection of 1 no private detached dwelling, associated works, car parking and altered access.'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. It is noted that the Reasons for Refusal in the Council's Decision Notice cited the East Cambridgeshire Local Plan 2015. Since the determination of the planning application, on the 19th October 2023 the Council adopted an update of the Local Plan which has been subject to independent examination and which supersedes the policies of the 2015 Local Plan. The Council have supplied copies of the policies under the 2023 East Cambridgeshire Local Plan (LP) which remain the same numbers as existing and contain amendments to the contents of some of the policies, such as housing delivery numbers and the 5 year land supply position which has been updated. The Council have commented that this change in policy does not change any of the considerations or elements of the reasons for refusal. I have therefore made my decision on this basis and have only referred to the adopted policies of the LP in this decision
3. The application was made in outline, with the principle and Access to be determined at this stage; and appearance, layout, scale and landscaping as reserved matters. However, an illustrative concept plan¹ has also been provided to which the Council has had regard. I confirm that I have also dealt with the appeal on this basis.

¹ 'Indicative Site Plan,' Drawing No.P-6975-02, July 2023

Main issues

4. The main issues are:

- Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area, the character and appearance of the locality and the sustainability of the location;
- The effect of the development upon the character and appearance of the surrounding locality;
- The effect of the living conditions of future occupiers, with particular regard to noise from the adjacent railway;
- The effect towards ecology and protected species and whether the proposal can demonstrate biodiversity net gain.

Reasons

Suitability of the site for housing

5. The appeal site consists of a parcel of land located along Mill Drove, which is a narrow road towards the south-east of the settlement of Soham. Mill Drove leads into the Settlement of Soham, and at the point of the appeal site is travelling through open countryside with this land being outside of the confines of Soham. Soham is a reasonably sized settlement with a number of dwellings, as well as a high street with services such as a public house, supermarket, restaurant, school, college, and retail services to cater for day-to-day needs of the local population. There is also a train station located to the west of the settlement that has services every 2 hours to Ipswich and Peterborough and is approximately 14 minutes walking distance from the appeal site. Along the High Street there is an hourly bus service to Ely, which is approximately 15 minutes walk from the appeal site.
6. Mill Drove at the point of the appeal site is a single width carriageway which takes traffic in both directions with no footpaths, kerbs or street lighting. The location of the appeal site did not have a feeling of being related to a settlement, it was tranquil and had an intrinsic rural experience with long range views to open countryside surrounding. A train line also passes along the rear boundary of the site with a level crossing located a short distance to the north of the appeal site. Whilst I appreciate that there is a single dwelling to the opposite side of Mill Drove, the appeal site is significant in that its undeveloped character that is part of the rural countryside that surrounds the settlement of Soham. These are some of the characteristics of the site which reinforces its local character and distinctiveness.
7. LP Policy GROWTH2 is the main policy for the delivery of housing in the local area by providing a locational strategy. This policy seeks to implement the local level spatial strategy where development is focused towards settlements of Ely, Soham, and Littleport. Whilst the policy seeks to emphasise development within the confines of the settlements, for development outside settlements, there is a need to consider the impact upon the character of the countryside and that other LP policies are satisfied. I note discussion in the Appellant's Statement of Case (SoC) with regards to the policy in that they feel the policy is out of date. Given the recent examination and adopted LP, I do not share the same views and attribute full weight to this policy

which in my opinion is in accordance with the direction of the National Planning Policy Framework (the Framework).

8. Paragraph 83 of the Framework and relevant Case Law² shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. Paragraph 70 of the Framework also supports the delivery of small sites which can deliver housing and is an additional consideration to this scheme.
9. One of the main arguments put forward by the Appellant is in relation to the appeal site having a dwelling opposite, and a farm and commercial facilities in the vicinity, and that the appeal site is within 14 minutes walk of the train station and 15 minutes walk from the High Street. Having visited the site, the character is rural, the presence of a dwelling opposite and commercial facilities in the vicinity do not give the site any type of relationship to the surrounding village but reinforces the undeveloped rural nature of the locality. There are no footpaths, street lighting, reliable bus routes within a short walk and lack of footpaths would make access difficult for pushchairs, wheelchairs, bicycles or persons with mobility impairments. The lack of street lighting, levels of light during poor weather conditions and the need to navigate this narrow road would also be further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle.
10. Taking the above into account, there are also concerns over the impact towards the character and appearance of the development. The amount of urbanisation caused by the need for a driveway to access the Road, the additional residential paraphernalia and lighting that comes with a more formal residential use which in my mind would have a much altered experience and feeling than currently experienced.
11. I am also aware of a number of benefits of the proposal which relate to socio-economic factors such as making available a family home, economic benefits in terms of short term employment opportunities from the construction of the scheme and expenditure locally from future occupants; increasing the vitality and vibrancy of nearby settlements and the local community. I also note other benefits such as contributing to the supply of housing; the deliverability of small sites; the development of underused or under-utilised plots which improves the mix of housing. These benefits weigh moderately in favour of the development.
12. Despite these benefits, the impacts of the proposed development are significant when taking into account the housing strategy for the area, the character of the area and the sustainability credentials of the site. The lack of nearby services or facilities and inconvenient distances to cover by unlit and inadequate pathways would be unlikely to deter the use of the private car. Consequently, the appeal location is not very sustainable or well-connected to facilities to give an overriding social or environmental benefit in this countryside location.
13. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the housing strategy,

² Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610
<https://www.gov.uk/planning-inspectorate>

and whilst there are benefits of the scheme in terms of its economic credentials, these benefits do not outweigh the harm caused to the social and environmental dimensions. The proposed scheme taken as a whole would therefore be contrary to LP Policies GROWTH2 as described previously.

Character and Appearance

14. As described previously, the appeal site is undeveloped and contains a number of positive elements which contribute positively to the local distinctiveness of the rural landscape. I disagree with the Appellant's SoC which describes the appeal site as within an area that is 'relatively built up' as I did not experience this on my site visit. Whilst there is a dwelling and a farm opposite, the overriding character was one of a rural character which was reinforced by the undeveloped nature of the surrounding area, the long distance views and the rural road.
15. I can appreciate the design rationale where the Appellant indicates that they seek to replicate a building which is agricultural looking, however the principle of developing the site with residential development, driveway and the associated residential paraphernalia would be in contrast with the rural character which is predominant in this location.
16. Taking this into account, the proposal in principle would present an unacceptable encroachment into the rural area that causes detriment towards the character, appearance and local distinctiveness of the area. As such the scheme would be contrary to LP Policy ENV1 (which seeks that development should be informed by and be sympathetic to the distinctive landscape character); and LP Policy ENV2 which seeks high quality designed developments which enhance and complement local distinctiveness, and respect the surrounding context.

Living Conditions

17. A railway line adjoins the rear boundary of the site with the Indicative Site Plan stating that an acoustic fence would be provided, but no further supporting information, such as an acoustic report which gives more technical studies as to noise levels and whether these can be successfully mitigated. Whilst the Appellant feels that there would be no impact and that an appropriate acoustic fence is achievable, this has not been evidenced. I have considered the Appellant's suggestion that this could be achieved by a pre-commencement condition, however a pre-commencement condition would contain some level of certainty that a satisfactory result could be achievable. Given that the application seeks to establish the principle of the development, this is not possible without understanding the effects caused by the railway towards the living conditions of the future occupiers, and whether this would indeed be achievable.
18. Taking the above into account, I have not been presented with any evidence that provides a convincing argument that there are no significant detrimental effects towards living conditions and whether mitigation can be achieved given the appeal site's proximity to the railway line. Consequently, the scheme has failed to demonstrate compliance with LP Policy ENV2 (which seeks that development not have significant detrimental effects to living conditions) and LP Policy ENV9 (which seeks that development proposal minimise the effects of noise pollution).

Ecology and protected species and whether the proposal can demonstrate biodiversity net gain

19. LP Policy ENV7 seeks that development protects the biodiversity and geological value of land and buildings and minimises harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The policy is also accompanied by a Natural Environment Supplementary Planning Document (SPD) which seeks that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
20. The application seeks to establish the principle of development of the site so there is a need to establish a baseline of the constraints from a natural environment perspective, such as protected flora, fauna and the ability to provide a net gain in biodiversity. Given that there is no information presented within the appeal as to the baseline measure of biodiversity of the site, there is no indication as to whether the site of the dwelling is suitable in principle or the potential effect that developing the site could have upon protected species (if any).
21. Whilst the site is large and may be capable of providing biodiversity net gain, without any baseline information it is not possible to establish whether the principle of the development is appropriate. As such the suggestion by the Appellant that this matter could be dealt with by a pre-commencement condition would not be appropriate.
22. Taking the above into account, based on the information provided it has not been demonstrated that the proposed development would not cause adverse detriment to natural environment, and would therefore be contrary to LP Policy ENV7 which is supported by the SPD.

Conclusion

23. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR