



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/24/3343271

58 Swaffham Road, Burwell CB25 0AN

- 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 Alan Nash against the decision of East Cambridgeshire District Council.
 - The application reference is 23/00973/FUL.
 - The development proposed is described as 'Proposed 2 x single-storey dwellings, amended access, double garages, parking and site works.'
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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. During the appeal process, the Appellant has included a Preliminary Ecological Appraisal¹ and a Biodiversity Net Gain Assessment² in order to accompany their Statement of Case (SoC) and provide further information to Reason for Refusal No.2. Both statements do not change the nature of the proposal and when judging this information in accordance with the 'Wheatcroft principles'³, I see no prejudice

¹ By James Blake Associates, Dated January 2024, Job Number JBA 23/427

² By James Blake Associates, Dated 29 January 2024, Ref JBA 23/427 ECO02HH

³ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

towards either party in accepting these statements and will base my decision upon them.

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 landscape and settlement character, and the character and appearance of the locality; and
- The effect towards ecology and protected species and whether the proposal can demonstrate biodiversity net gain in line with the Local Plan.

Reasons

Suitability of the site for housing

5. The appeal site consists of a parcel of land located to the rear of Nos 58 and 58A Swaffham Road. Swaffham Road is a Classified B Road which leads into the greater conurbation of Burwell, however at this section of Burwell the experience is more transitional with the group of dwellings being the last and first section of the settlement as coming into and out of Burwell. Along this section of Swaffham Road development is very linear in character with single depth detached dwellings fronting the road edge with a consistent large setback and large gardens. There is an emphasis on visual gaps and spaces in and around dwellings, which adds a spacious feeling and quality to the area. Vegetation is also prevalent with boundary hedges and low walls and front garden planting and mature trees, with gaps between dwellings enabling long distance views to countryside beyond and the tops of trees and vegetation in rear gardens and further beyond. Dwellings appear to have been constructed during the mid-late twentieth century, with dwellings having a mix of styles, with single and double storey construction, with concrete and clay tiled roof forms. These are some of the positive characteristics and qualities of the locality which reinforces its local character and distinctiveness.
6. LP Policy ENV1 seeks that when proposing new development that there is consideration around landscape and settlement character such as how the development complements the character of existing development such as location, scale, form, design, materials, settlement pattern, and vegetation amongst others. LP Policy ENV2 is a design led policy which seeks to implement a number of design principles such as making efficient use of land, and understanding location, layout, scale, form, massing, and materials, amongst others.
7. The appeal site would be accessed from a farm track that is located between 58 and 58A, where this farm track would be maintained through the centre of the proposed development of two dwellings located to the rear of 58 and 58A. As the proposed dwellings are to the rear they do not have a relationship with Swaffham Road, which in this area is quite linear and single depth. The dwellings would also have garages located to the front of the properties with much of the sites having much more built form, and hardstanding and vehicle turning areas dominating the site which would not be in-keeping with the development surrounding. The proposed garden areas are quite small compared to the surroundings, and would not reinforce the spacious qualities and visual gaps found in this particular location. Additionally, the need to maintain farm access between the dwellings also contributes to the feeling of the

dwelling having a cramped appearance and not an organic infilling of the site. As a result the development would have an awkward and quite cramped presence which would not reinforce the positive qualities or characteristics of the locality.

8. Additionally LP Policies ENV1 and ENV2 also place an emphasis on the design of the proposed scheme. Materials such as metal roofs, buff coloured brick and timber cladding which are proposed are not materials that blend in or reinforce the positive qualities of the character of the area. Whilst I appreciate that the dwellings would be bespoke and not readily apparent in view, LP Policies ENV1 and ENV2 do not restrict the consideration of character and appearance to what is only experienced from the public realm.
9. I am also aware of a number of benefits of the proposal which relate to socio-economic factors such as making available 2 dwellings, 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.
10. Despite these benefits, the impacts of the proposed development are significant when taking into account the character of the area. Therefore, taking these findings as a whole, I conclude that the location and design of the proposed development would not be made in accordance with LP Policies ENV1 and ENV2. 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 ENV1 and ENV2 as described previously.

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

11. 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. Additionally, East Cambridgeshire Interim Guidance (dated November 2022) also states that the Council intends to seek in this interim period a minimum of 10% BNG to be achieved for all qualifying developments.
12. Whilst no information was present in the original application, the submitted Preliminary Ecological Appraisal is a Phase 1 habitat survey which adequately establishes the baseline for the site. I agree with the assessment that the baseline would be equivalent to the small area remaining as much of the site according to the report had recently been cleared of vegetation. LP Policy ENV7 also seeks to ensure that mitigatory measures are provided and that a 10% biodiversity gain is achieved by s106 Agreement. According to the Biodiversity Net Gain Assessment Report, the site itself cannot deliver 10% net gain and that it would require an off-site contribution in order to achieve this. No information has been presented in the appeal documents or the Appellant's Statement of Case as to whether this would be possible. Whilst the Biodiversity Net Gain Assessment report states that land to the rear could be used to deliver the net gain there is no mechanism to achieve this,

such as a s106 Agreement, and the said land is not included within the red line boundary of this planning application.

13. Taking the above into account, and in conclusion of this matter, based on the information provided it has not been demonstrated that the proposed development would be able to achieve the 10% net gain as sought through LP Policy ENV7.

Other Matters

14. I refer to comments from interested parties who raise concerns regarding the scheme for reasons such increased traffic, precedent for further applications, concerns over tree removal, noise pollution, and affect on the Conservation Area. The site is not within or within the setting of the Conservation Area, so the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to the Conservation Area or the provisions regarding setting under the Framework would not apply to this case. There is no overriding evidence that illustrates that precedence would occur from the approval of this site, and whilst I agree to some extent that the approval of this site would make it difficult to refuse other similar sites in the area, in any event would be needed to be tested against the merits of the application. Noise from the construction of the development could be adequately addressed via appropriate planning conditions, as could any harms to highway safety. Whilst it is concerning that vegetation has been cleared from the site including trees, to my knowledge none of the trees in question are protected.

Conclusion

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

J Somers

INSPECTOR