



Appeal Decision

Site visit made on 22 July 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2024

Appeal Ref: APP/V0510/W/23/3330330

Quercus, Bradley Road, Burrough Green, Cambridgeshire CB8 9NH

- 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 Threlfall Developments Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref is 22/01319/OUT.
 - The development proposed is a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for the access and appearance of the development but not for its scale, layout and landscaping. Drawings have been submitted showing the proposed access along with a layout, floor plans and elevations. I have treated the layout as illustrative.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development, with regard to development plan policy;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on protected trees.

Reasons

Whether the site is a suitable location

4. The appeal site comprises part of the side garden of Quercus, a detached dwelling within a substantial plot. The parties agree that the site is adjacent to, but outside, the development envelope of Burrough Green. The site is therefore within the countryside for planning purposes.
5. 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. Development falling within the main categories listed may be permitted as an exception, providing there is no

significant adverse impact on the character of the countryside and that other LP policies are satisfied.

6. The proposal is for a dwelling and garage. The development would not result in an isolated new home in the countryside due to the location of the site adjacent to existing development forming the settlement of Burrough Green. Furthermore, the provision of the limited facilities and services within Burrough Green would mean that future occupants of the development would not be wholly reliant on private vehicles to access such facilities.
7. Nevertheless, the site is outside of the defined development envelope of Burrough Green and does not fall within the main categories listed within Policy GROWTH 2 of the LP. Consequently, even if the development would not have a significant adverse impact on the character of the countryside, the proposal would not accord with Policy GROWTH 2 of the LP.
8. I conclude that the site is not a suitable location for the proposed development. The proposal therefore conflicts with Policy GROWTH 2 of the LP, which seeks to protect the countryside and the setting of towns and villages.

Character and appearance

9. The appeal site is part of a larger parcel of land associated with the dwelling at Quercus. The site is enclosed to the front and rear by established hedges, with the host dwelling and garage to one side. The other side boundary has several mature trees and a hedgerow, which limit views into the site on the approach to Burrough Green. Development in the area is varied in terms of the scale and appearance of the dwellings. Dwellings are typically set back within their plots behind low hedges to the front boundaries.
10. The plans detailing the appearance of the proposal show that it would be a single-storey dwelling. Whilst in outline form, the indicative plans show that the dwelling would be set back within the site and would continue the linear pattern of development in Bradley Road. The appearance of the dwelling would contribute to the varied design of development in this part of the settlement. In addition, the presence of the mature trees and established hedges to the site boundaries would limit the visual intrusion of the development on the area.
11. The site is outside of the development envelope but is within the context of the settlement of Burrough Green. While the proposal would extend the built form, the appropriate design, discreet positioning of the dwelling and the established boundary planting would respect the character and appearance of the area.
12. I conclude that the proposal would not harm the character and appearance of the area. The development therefore accords with Policy ENV1 and ENV2 of the LP, which collectively require development to create positive, complementary relationships with existing development and will protect, conserve and where possible enhance the settlement edge and be designed to a high quality, enhancing and complementing local distinctiveness. The development would also accord with Policy GROWTH 2 insofar as it would not result in a significant adverse impact on the character of the countryside.

Trees

13. To the front, side and rear boundaries of the site are trees covered by Tree Preservation Order No E1/85 Land at Burrough Green (TPO). The trees on the

site make a positive contribution to their surroundings and their loss would negatively impact on the character and appearance of the area. The East Cambridgeshire District Council Natural Environment – Supplementary Planning Document 2020 requires adequate consideration of the impact of the development on any existing trees found on-site or near to the site.

14. The proposal is in outline form and the dwelling could be sited in a position away from the protected trees. Nonetheless, access is a matter for consideration, and it would be in close proximity to trees protected by the TPO. There is no substantive evidence before me regarding the potential impact on the trees at the site. Moreover, in the absence of information which demonstrates that the development would not encroach upon the Root Protection Areas, I cannot be certain that the trees would not be adversely affected by the proposal or that sufficient measures can be put in place for their protection during construction.
15. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on the protected trees. The development therefore conflicts with Policy ENV 7 of the LP, which requires proposals to minimise harm to or loss of environmental features, such as trees and hedgerows.

Other Matters

16. The proposal would make a positive contribution to housing supply and delivery within walking and cycling distance of services, including community groups, and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. Nonetheless, the associated benefits are limited by the scale of the development proposed and would not outweigh the harm that I have identified.
17. I have taken account of the fact that the appellant sought pre-application advice. However, the pre-application advice noted that the site is outside of the development envelope and was provided at a time that the Council was unable to demonstrate a five year supply of deliverable housing sites. In addition, the advice given is not binding on the final outcome and I must assess the proposal before me on its own merits.

Conclusion

18. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. The proposed development would conflict with development plan policy for the location of housing and would undermine the Council's plan-led approach, contrary to Paragraph 15 of the Framework.
19. The proposal conflicts with the development plan. Material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR