



Appeal Decision

Site visit made on 5 November 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH November 2024

Appeal Ref: APP/H0520/W/24/3344908

Land adjacent to the Nurseries, Earith Road, Colne PE28 3NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Crann Mor Developments Limited against the decision of Huntingdonshire District Council.
 - The application Ref is 23/02313/FUL.
 - The development proposed is erection of 2 dwellings with new access following the demolition of an existing store building and glasshouse.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 dwellings with new access following the demolition of an existing store building and glasshouse at Land adjacent to the Nurseries, Earith Road, Colne PE28 3NL in accordance with the terms of the application, Ref 23/02313/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this case are: a) whether the proposal would represent a suitable location for housing, having regard to relevant local plan policies; b) the effect of the proposed development on the character and appearance of the surrounding area; and c) whether sufficient provision has been made for wheeled refuse bins.

Reasons

Location for housing

3. The appeal site is a broadly rectangular parcel of land which lies to the south-east of Colne on the north-eastern side of Earith Road. It was formerly a plant nursery but now comprises a large steel framed storage building sited parallel to the Earith Road frontage with remnants of the former nursery use to the rear. The greenhouse shown as existing on the 'Existing Drawing' has, however, now been demolished.
4. Colne is defined as a 'small settlement' in the Huntingdonshire Local Plan to 2036 (2019) (LP). LP Policy LP9 supports development within the built-up area, subject to certain conditions, and also development on land well-related to the built-up area where it accords with specific opportunities allowed for through other policies in the plan. The Council's case is that the appeal site falls outside the built-up area of Colne and consequently should be considered against LP

Policy LP10, which relates to development in the countryside. There is no disagreement between the parties that Colne may be regarded as a built-up area, which is defined under the LP as a distinct group of buildings that includes 30 or more homes. It also adds that 'Land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area.'

5. The LP goes on to set out in a table a number of specific scenarios, as implementation guidance, of what is included or excluded from the built-up area. With regard the appeal site, the Council points to the built-up area *excluding* 'isolated properties or areas of ribbon and fragmented development which are physically and visually detached from the main built form.' Conversely, the appellant refers to two scenarios which are *included* within the built up area, namely: 'individual plots and minor scale development opportunities which would provide infill and rounding off opportunities on land which is physically, functionally and visually related to existing buildings' and 'existing commitments for residential.....on sites which are physically/functionally related to the settlement.'
6. It is clear from the scenarios given in the implementation guidance that individual sites may exhibit elements of more than one scenario, due to their particular location, layout and characteristics. Therefore, a judgement is required having regard to the particular evidence in each case.
7. I observed on my site visit that Earith Road comprises ribbon housing development and that on its north-eastern side (from the Holm Fern Drove junction) the pattern of development is fragmented and sparser than the rest of the village. The appeal site is not, however, isolated and it clearly has a visual and physical relationship with the detached bungalow ('the Nurseries') which it adjoins, currently sharing a single point of access. Travelling in either direction on Earith Road, I also observed that the appeal site is viewed alongside other houses (on both sides of the road) and notably from the south-east it is viewed in the context of the existing house and outbuildings broadly opposite the Nurseries, and beyond, the linear development of Brook Farm Drive which extends from Earith Road to the west.
8. Although fragmented in places, the south-east extent of built form is marked by a tree and hedge line which extends along the south-east boundary of the appeal site and returns along its eastern side. This, I found, creates a clear separation from the open countryside to the south and the built form and areas of residential curtilage within the village of Colne, and the appeal site appears a natural rounding off opportunity.
9. It has also been drawn to my attention that planning permission was granted in February 2021 (20/00702/FUL) for a single detached dwelling and garage broadly on the same site as now before me, save slightly shorter in its depth (*the 2021 planning permission*). The appellant's evidence is that this permission has been implemented and remains extant; this has not been disputed by the Council in their own evidence. There is therefore an existing commitment for residential on the site.
10. In light of the above, I find that the appeal site most closely aligns with the scenarios that it is a minor scale rounding-off development opportunity on land physically and visually related to other houses in the village *and* is an existing commitment for residential. Therefore, in my judgement, the appeal site should

be considered as part of the built-up area, rather than open countryside. Consequently, the proposal would be supported under LP Policy LP9 where the amount and location of development proposed is sustainable in relation to:

- a) level of service and infrastructure provision within the settlement;
 - b) opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport;
 - c) effect on the character of the immediate locality and the settlement as a whole.
11. The Council's evidence has not raised concern in respect of the level of services and infrastructure provision in Colne, or sustainable travel modes, rather concluding that the appeal site is 'considered to be within a sustainable location with options for leisure pursuits in both Colne and Earith.' Whilst it is a relatively small settlement, Colne benefits from a church, pub and community hall and the appeal site is reasonably close to the larger village of Earith with a wider range of facilities and services that new residents could support. I observed that there are bus stops on East Street (to the north-west of the appeal site), but have been provided with no information regarding the destination or frequency of the service(s). The level of service may not negate the need for a private car, however I am mindful of the guidance at paragraph 109 of the National Planning Policy Framework (the Framework) that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I therefore find that the proposal would comply with criteria a) and b) of LP Policy LP9. I deal with criteria c) under the heading below.

Character and appearance

12. As described above, the appeal site currently comprises a large steel framed storage building sited parallel to the site frontage and it is proposed to demolish this and replace it with 2no. detached houses with integral garages. The 2no. houses would be served by a shared access from Earith Road, arranged as an L-shape around a central courtyard providing access to the garages and the parking and turning area.
13. One house (Plot 2) would be sited behind the other (Plot 1) and it is accepted that this form of tandem development is not a particular characteristic of the area, with most of the development on either side of Earith Road characterised by a single house on a plot, set relatively close to the site frontage. However, the plots are typically deep and an assortment of outbuildings and garages can be observed from the road, extending well beyond the rear building line of the houses. I also observed that Brook Farm Drive, a recently built cul-de-sac of 7no. houses, has a linear form which projects away from the road. The layout and pattern of development in the surrounding area is therefore varied.
14. The proposal has been designed such that Plot 1 fronts Earith Road, set back so it broadly aligns with the front building line of the adjacent bungalow. It would have low eaves to the front (with dormer windows in the roofslope) and would be a true 2-storeys to the rear with facing gables to the south-east and north-east elevations. Plot 2 is set close to the rear boundary of the site (offset a maximum of around 3.5m) and although a similar floor area, it is lower in

height than Plot 1 with a split ridgeline to accommodate additional first floor space without increasing height. It is accepted that this materially differs from the 2021 planning permission, which included a detached garage (with accommodation above) sited on the rear boundary, and that Plot 2 would not appear as an ancillary outbuilding. It would, however, result in a clear hierarchy in the form and massing of development as it projects from Earith Road, with the frontage house (Plot 1) being the more prominent. In this regard, it would not be out of keeping with the layout and pattern of existing housing development either side of Earith Road.

15. In addition to being set well back from Earith Road, Plot 1 would be offset from both side boundaries by around 5m, which I find generous, and the house would therefore appear well related in scale to its plot width. I observed that the recently completed infill houses (Yew House and Oak Tree) further to the north-east on Earith Road are less generous in their spacing. Both Plots 1 and 2 have reasonably sized gardens and the arrangement of buildings around a central courtyard would not be uncharacteristic for a rural village. I do not therefore find that the proposal would appear very high density, or suburban in nature, rather a well-designed scheme in keeping with its wider context.
16. There is variation in the age, design (including height and roof form) and materials of houses in the surrounding area, which includes those houses on Brook Farm Drive, which incorporate a striking mono-pitch roof design and brick and timber cladding. The proposed houses would be constructed in gault brick with pantiled roof (Plot 1) and a combination of brick and timber with a slate roof (Plot 2). Whilst the design incorporates contemporary detailing – notably the metal dormers, recessed windows and oversailing eaves – it uses traditional forms and materials and would not be out of keeping with the varied design of the surrounding area I have described. Further, I note that the house approved pursuant to the 2021 planning permission was itself modern in design incorporating a double height, largely fully glazed, facing gable sited centrally within the front elevation.
17. When approaching the village from the south-east, the offset gable of Plot 1, with the recessed first floor window and balcony, would be visible, as would the long but low roof profile of Plot 2. Views of the proposed development would, however, be filtered by the existing conifer hedgerow which would be retained on the south-east boundary and by the trees and hedge along the field boundary adjacent Earith Road. It would further be viewed in the context of the mono-pitched roofline of Brook Farm Drive and accordingly the proposed development would not appear either unduly prominent, or an incongruous addition at the entrance to the village.
18. I therefore conclude on the second main issue that the proposed development would not cause harm to the character and appearance of the surrounding area. Consequently, it would accord with criterion c) of LP Policy LP9. As I have found that the proposal falls within the built-up area, LP Policy LP10 and LP33 relating to development, or conversion of buildings, in the countryside are not applicable. The appeal proposal further accords with LP Policy LP11 and LP12 because it is well-designed, responds positively to its context, would create an attractive and appropriately scaled built frontage which would enhance the townscape, and successfully integrates with adjoining buildings. Finally, the appeal proposal would accord with the principles of good design in both the Framework and National Design Guide (2021).

Unilateral Undertaking (UU)

19. LP Policy LP4 lists waste recycling facilities amongst a number of items for which contributions may be required to make a development acceptable in planning terms. The 2021 planning permission was subject to a UU requiring payment of £300 to cover the wheeled bin contribution for 2no. houses and this payment was made by the appellant on implementation, but following the Council's decision in respect of the current appeal proposal. The Council advise that the fee for wheeled bins is now £170. The appellant has submitted as part of this appeal a signed UU made under section 106 of the Town and Country Planning Act 1990 (the Act), dated 28th August 2024, which makes up this shortfall.
20. I am satisfied that this contribution is necessary to ensure proper waste disposal is provided for the development and therefore it meets the tests set out in paragraph 57 of the Framework and the Community Infrastructure Levy Regulations 2010. Further, on the basis of the submitted UU, the proposed development would accord with LP Policy LP4, and the guidance in the Council's *Developer Contributions Supplementary Planning Document (2011)*, which notes that the cost of wheeled bin provision is reviewed annually.

Conditions

21. The Council have provided a list of suggested conditions, which I have considered with regard to paragraph 56 of the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability and to prevent unnecessary duplication. The appellant has had the opportunity to comment and has confirmed no issues with the Council's suggested conditions.
22. In addition to the statutory time limit for implementation, a condition setting out the approved plans is necessary to provide certainty. Details of external materials to be used in the construction of the development and a hard and soft landscaping scheme are required to secure a satisfactory appearance.
23. I note that a Written Scheme of Investigation (WSI) for an Archaeological Evaluation (produced by Cotswold Archaeology) has been approved pursuant to condition no.18 of the 2021 planning permission. However, the approved Proposed Trench Plan that forms an Appendix to the WSI overlays the layout for the single house scheme. I have no evidence before me as to whether Cotswold Archaeology would propose the same location of trenches for the appeal scheme now before me. I therefore find it necessary to impose a condition requiring a programme of archaeological work secured in accordance with a WSI.
24. Cycle storage is required to be provided in accordance with LP Policy LP17.
25. A Biodiversity Method Statement is also required to provide details of how the recommendations, mitigations and enhancements set out in the preliminary ecological appraisal are to be carried out. A condition is required to ensure protection of existing trees. This condition is necessary, with a pre-commencement trigger, as protection is required from the outset of development to avoid harm.

26. Conditions are also required to ensure the development meets with the optional requirements of the Building Regulations in respect of water efficiency and accessible and adaptable buildings, as required by LP Policies LP12 and LP25.
27. Conditions are necessary to ensure the site access, parking and turning areas and provision of a pedestrian footway are provided to the requisite standard, including with respect to surfacing and water run-off, in the interest of highway safety. Finally, I find it necessary, again in the interests of highway safety, that permitted development rights afforded by Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 are removed such that no gates can be erected across the approved access unless approved by the Local Planning Authority.

Conclusion

28. For the reasons given above, I conclude that the appeal is allowed.

R. Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plan 001 Rev A, 29.11.2023; Site Layout 020 Rev B, 29.11.2023; Floor Plan/s 025 Rev A, 29.11.2023; Floor Plan/s 026 Rev A, 29.11.2023; Elevations 030 Rev A, 29.11.2023; Elevations 031, 29.11.2023; Elevations 032, 29.11.2023; Elevations 033, 29.11.2023; Section 040, 29.11.2023; and Section 041 29.11.2023.
- 3) No development shall take place above slab level, other than demolition, until full details of all proposed external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development above slab level (aside from demolition) shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) indications of all existing trees and hedgerows on the land and details of any to be retained; planting plans (which show the relationship to all underground services); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - b) boundary treatments indicating the positions, design, materials and type of boundary treatments to be erected;
 - c) a hard landscaping plan, indicating location, manufacturer, type, colour and size;
- 5) No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme; and
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

- 6) The cycle storage facilities (shown on plan 020 Rev B) shall be implemented in accordance with the approved plans before the development to which it relates is occupied or the use commenced and shall be retained and only used as such.
- 7) No development shall take place until a Biodiversity Method Statement, which provides details of how the recommendations, mitigations and enhancements contained within the Updated Preliminary Ecological Appraisal prepared by Torc Ecology, dated 16th of August 2023 and submitted to the Local Planning Authority (LPA) on the 29th of November 2023 will be carried out, has been submitted to and approved in writing by the LPA. The details shall include but not be limited to; specification, location, timing, an implementation programme, maintenance, and monitoring. The development shall be carried out in accordance with the approved details.
- 8) The development hereby permitted shall be carried out in accordance with the submitted tree protection measures contained within the submitted Arboricultural Impact Assessment Version V1 prepared by Argenta Tree Surveys, dated October 2023 and received by the Local Planning Authority on the 30th of November 2023. The measures shall be implemented prior to the commencement of any development, demolition, clearance or other preparatory operations including excavations and shall be retained intact for the duration of the construction works.

Any trees, shrubs or hedges covered by the protection measures which die or become severely damaged within five years from the completion of the construction works shall be replaced with trees, shrubs or hedge plants of similar size and species.

- 9) The dwelling(s) hereby permitted, shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' (or replacement standard), prior to occupation. Such provision shall be maintained for the lifetime of the development.
- 10) The dwelling(s) hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G (or replacement standards) prior to first occupation. Such provision shall be maintained for the lifetime of the development.
- 11) The dwelling hereby permitted shall not be occupied until the vehicular access shown on approved plan 020 Rev B has been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:
 - The construction specification;
 - Details of measures to be taken to prevent surface water run-off onto the public highway;
 - Details showing that the access road shall be constructed with a minimum width of 5.2 metres for a minimum distance of 10 metres, when measured from the nearest edge of the highway carriageway;
 - A 2m footway and pedestrian drop crossing connecting the development to the existing footway network to the northwest;

- A metalled surface for a minimum distance of 5m along the access road from its junction with the public highway.
- 12) Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out in accordance with the approved plan 20 Rev B and thereafter retained for that specific use.
- 13) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.