



Appeal Decision

Site visit made on 21 November 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/W0530/W/24/3345929

Land to rear of 8 High Ditch Road, Fen Ditton CB5 8TE

- 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 Mr A Gardiner against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/03246/FUL.
 - The development proposed is change of use of an agricultural building to 1 no 2-bed dwelling house (Use Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - Whether the proposed development would be in a suitable location, having regard to the local development strategy;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide safe, suitable access for all users; and
 - Whether the proposed development would provide suitable living conditions for future occupants, with particular regard to waste storage and collection.

Reasons

Whether inappropriate development

3. The appeal site comprises an existing agricultural building, surrounding land, and access route. The site is within the Green Belt.
4. Policy S/4 of the South Cambridgeshire Local Plan 2018 (SCLP) requires new development in the Green Belt be considered in accordance with Green Belt policy in the National Planning Policy Framework (the Framework).
5. At paragraph 142, the Framework attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green

Belts are their openness and their permanence. The Green Belt's purposes are described at Framework paragraph 143 and include keeping the unrestricted sprawl of large built-up areas in check, preventing merging of towns, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

6. Framework paragraphs 154 and 155 identify certain forms of development that are not inappropriate within the Green Belt.
7. The fifth reason for refusal, as set out on the Decision Notice, asserts the proposal would conflict with Framework paragraph 154(g) which supports limited infilling or the partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt than the existing development. However, the proposal would involve conversion of the building and would not comprise infill development. In addition, the Framework's definition of 'previously developed land' excludes land occupied by agricultural buildings, and therefore the proposal would not comprise partial or complete redevelopment of previously developed land. Therefore, the proposal would not conflict with paragraph 154(g).
8. Paragraph 155(d) of the Framework permits the re-use of buildings provided the buildings are of permanent and substantial construction, and provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt.
9. The building exterior is clad with black horizontal timber and has a metal garage door and pitched, tiled roof with rooflights. The site's planning history confirms the building benefits from planning permission. The existing building is both permanent and of substantial construction.
10. The proposed conversion of the building would not increase the scale and mass of the building. Therefore, the proposal would not have a significant spatial impact on Green Belt openness.
11. A driveway would be constructed, and a small garden area would be enclosed at the side of the building. However, residential curtilage is common in the Green Belt, and material changes of use of land are acceptable in the Green Belt provided openness is preserved.
12. The site is separated from dwellings to the north by a mature tree belt and is set back from Ditton Lane by agricultural land and screened by a vegetated boundary. The driveway, garden, and domestic paraphernalia such as cycle storage and post and rail garden fencing would be of limited prominence within the landscape. In this circumstance, I do not consider the proposal would have a significant adverse visual impact on openness.
13. To preserve openness does not mean change cannot occur. In the absence of significant spatial or visual impacts, I am satisfied the proposed re-use of the building would preserve Green Belt openness and would not conflict with the Green Belt's purposes.
14. Consequently, the proposal would not be inappropriate development in the Green Belt. The proposal would therefore satisfy Framework paragraph 155(d) and would comply with SCLP Policy S/4.

Whether in a suitable location

15. The site is located outside the development framework boundary of Fen Ditton. The development framework seeks to ensure the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations.
16. Outside development frameworks, SCLP Policy S/7(2) permits only development allocated by a Neighbourhood Plan; development for agriculture, horticulture, forestry, outdoor recreation, and other uses which need to be in the countryside; or development supported by other policies in the plan. The site is not allocated in a Neighbourhood Plan, and the proposed residential use does not necessitate a countryside location.
17. SCLP Policy H/17 supports the reuse of buildings in the countryside for residential use, provided certain criteria are satisfied. This includes, at criterion (a), that the buildings are unsuitable for employment use, or it being demonstrated through marketing that there is no demand for employment use of the building.
18. The appellant has not undertaken a marketing exercise but suggests the building would be unsuitable for employment use due to its Green Belt location and proximity to sensitive land uses.
19. Dwelling plots adjoin the site's northern boundary and there are other dwellings situated further east and south. The access route passes residential properties. The appellant suggests that operation of the site as a commercial or employment enterprise would result in external parking of commercial and HGV vehicles and open storage of equipment and materials, resulting in significant harm to living conditions at neighbouring dwellings and erosion of Green Belt openness.
20. However, Policy H/17 does not stipulate the type of employment to be provided. Whilst surrounding land uses and Green Belt policy may preclude some industrial processes and commercial activities, employment uses of lesser intensity may co-exist comfortably without harm to living conditions of neighbours or conflict with the purposes of the Green Belt. There is no certainty that the purported harms would arise, and the evidence fails to demonstrate that employment use of the building would be unsuitable.
21. In addition, criterion (e) of Policy H/17 requires the proposal provide a safe vehicular site access. I have considered the suitability of the access below. Nonetheless, it has not been adequately demonstrated that the building would be unsuitable for employment use and therefore the proposal would conflict with Policy H17.
22. Consequently, there are no policies which support a development of this type in this location. The proposal would therefore result in a small but unjustified encroachment of residential uses into the countryside. Having regard to the local development strategy, the proposed development would not be in a suitable location.
23. The proposal would therefore conflict with Policy S/7 which generally limits development outside development framework boundaries, unless supported by other policies in the development plan.

Character and appearance

24. The existing agricultural building is modest in scale and sited in one corner of a small field of grassland behind a row of dwellings fronting onto High Ditch Road. The eastern, western, and southern boundaries of the site each abut agricultural land and at the southwest corner is a row of dwellings facing Ditton Lane. Beyond a strip of agricultural land to the east is cul-de-sac development at Shepherd's Close which projects further south than the appeal building. The area therefore has a spacious rural character, comprising built development within the village and open agricultural land.
25. As discussed above, the appeal site is set back from the highway and well screened by vegetation and is of limited visual prominence within the street scene. Views of the site principally comprise glimpses of the building's roof from Fen Ditton Road and the junction with High Ditch Road.
26. The proposal would not alter the form of the building. The Council's assessment concludes the physical dwelling would not impact the character of the area but considers the expansion of the residential curtilage and associated residential paraphernalia would harm the rural character of the area. As previously discussed, the proposal would introduce domestic paraphernalia, enclose a small garden area, and would include provision of a driveway between the building and field gate.
27. However, due to the distance from the highway and extensive boundary vegetation, these features would be of limited visual prominence from public vantage points. Any views of the development would be experienced within the context of nearby residential development. Therefore, the effect on rural character would be negligible.
28. The proposal would utilise the existing access track which crosses the neighbouring field before joining the highway at High Ditch Road, near Shepherd's Close. The proposal does not suggest the appearance of the existing access track would significantly change. Therefore, I have no evidence that adverse visual impacts would arise through use of the existing access.
29. In the absence of significant visual impacts, I conclude the proposal would not harm the character and appearance of the area.
30. The proposal would therefore comply with SCLP Policy HQ/1 which requires development preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape.

Access

31. Access to the site from the highway would be via an existing private track. The track runs from beyond Shepherd's Close to a gate at the boundary of the field in which the appeal building is situated, via a field to the south. A new driveway would connect the proposed dwelling to the existing track. The proposed dwelling would be located a significant distance from the highway.
32. Grass has established over the long section of track running through the adjacent field. Visible tyre marks within the grass suggest the track is in use by agricultural vehicles or heavy machinery.

33. The appellant suggests the track is laid with hardcore below its vegetated surface. During my site visit I noted a small section of grass had been removed to reveal the material below, and photographs have been provided showing the top layer of soil removed at three points.
34. However, the extent and condition of the underlying substrate is unclear, and the track has a vegetated surface. I cannot be certain the track would provide a continuous route of suitable quality. Therefore, it has not been demonstrated the proposal would ensure a safe, suitable access for all users.
35. The proposal would therefore fail to comply with the design principles set out at SCLP Policy HQ/1, including criterion (f) which requires development achieve ease of movement and access for all users and abilities, with user friendly and conveniently accessible routes both within the development and linking with its surroundings, focusing on safe opportunities for walking, cycling, and public transport.

Waste

36. Criterion (i) of SCLP Policy HQ/1 requires development provide safe, secure, convenient, and accessible provision for facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development.
37. The RECAP Waste Management Design Guide 2012 (RECAP guidance) was adopted as a Supplementary Planning Document by Cambridgeshire County Council as planning authority for waste. The RECAP guidance sets out essential considerations when designing for effective waste management. This includes that residents should not have to move waste more than 30m to any designated storage area within the boundaries of the property, and any storage area should not be more than 25m distance from the collection point.
38. The existing access track is estimated to be 340m in length. The proposal indicates bin storage and collection would be located at the end of the access track at Shepherd's Close. Future occupants of the proposed dwelling would be required to carry refuse and recycling a significant distance from the proposed dwelling to the storage and collection area.
39. The appellant asserts that expectations of distances for waste storage and collection differ in urban and rural areas and notes Policy HQ/1 does not specify distances for provision of facilities for waste management. Whilst no objection was received from the County Council's Waste or Highway's teams, this is not evidence of absence of conflict with the development plan. Even applying the RECAP guidance flexibly, the location of the bin storage and collection facilities would far exceed the recommended distances. Therefore, the bin storage and collection facilities would not be conveniently located.
40. The appellant suggests they would be willing to accept a condition or planning obligation to secure private services for waste collection. However, I have been provided no evidence to demonstrate private collection services would be secured for the lifetime of the development, and it is unclear if provision of private services would subject future occupants to a financial burden. I cannot be certain that such a condition or obligation would satisfy the Framework's tests of enforceability or reasonableness at paragraphs 56 and 57.

41. The bin storage and collection would be a significant distance from the proposed dwelling and therefore would be inconveniently located. Therefore, the proposal would not provide suitable living conditions for future occupants.
42. The proposal would conflict with SCLP Policy HQ/1 which requires development provide convenient and accessible provision for facilities for waste management.

Other Matters

43. The appellant suggests the building benefits from a fallback position provided by the permitted development rights contained in Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q requires the developer apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. I have no certainty the appeal proposal would satisfy the limitations, restrictions and conditions specified in the GPDO, and I have been provided no evidence that prior approval has been granted. Therefore, the fallback position cannot be deemed to exist.
44. The appellant suggests the proposal would have less harm to rural character than the large boat presently stored on the site. Whilst the boat has been in situ for several years, it is not a permanent structure and does not form a part of the proposal. Whilst it is suggested the boat would be removed, I cannot be certain it would not be moved elsewhere within the site or surrounding area. Removal of the boat therefore weighs neither for nor against the proposal.

Conclusion

45. As set out above, the proposal would not comprise inappropriate development within the Green Belt and would not harm the character and appearance of the area. However, the proposed development would not be in a suitable location, would fail to provide a safe and suitable access for all users, and would not achieve suitable living conditions for future occupants.
46. The proposal would therefore conflict with the development plan as a whole and there are no other considerations which outweigh this finding. For the reasons given the appeal should be dismissed.

E Dade

INSPECTOR