



Appeal Decision

Site visit made on 4 November 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/D0515/W/24/3341309

Ingham Hall Gardens, Parson Drove, Cambridgeshire PE13 4JY

- 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 Mrs G Bellamy against the decision of Fenland District Council.
 - The application Ref is F/YR23/0852/O.
 - The development proposed is residential development of up to 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved apart from means of access. The drawing showing the proposed layout of the dwellings has therefore been assessed as being for indicative purposes only.
3. The appellant has drawn my attention to the draft Fenland Local Plan 2021 – 2040 Draft Local Plan Consultation (2022) version (DLP). However, this is only at consultation stage, and has not yet been subject to an examination process to determine its soundness. Whilst the appeal site is proposed to be allocated for housing development within the DLP, the Council have suggested that this allocation may not come forward due to the objections received. As such, the inclusion of the site in the draft DLP carries only limited weight.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to the development plan including its effect on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - whether the proposed development would provide adequate living conditions for occupiers of the proposed dwellings with particular regard to provision of refuse facilities.

Reasons

Location of the proposed development

Development plan

5. Policy LP3 of the Fenland Local Plan (2014) (FLP) sets out a spatial hierarchy to manage sustainable growth and sets out a settlement hierarchy which ranks settlements according to their size and range of services and facilities. Parson Drove is identified as a Limited Growth Village where a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability. It also states that such development may be appropriate as a small village extension.
6. Policy LP12 of the FLP further supports new development in or adjacent to the existing developed footprint of the village where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. It also requires such proposals to have demonstrable evidence of clear local community support for the scheme. The rectangular shaped appeal site contains agricultural land and grassland with small areas of trees and shrubs. It is bordered to the north by the rear boundaries of six of the dwellings located on Ingham Hall Gardens and by fields/agricultural land on all other sides, with a small sewage treatment plant (STP) located to the east. Therefore, the site falls outside of but adjacent to the continuous built form of the settlement of Parson Drove and the requirements of Policy LP12 of the FLP apply.
7. Policy 1 of the Parson Drove Neighbourhood Development Plan 2019 to 2031 (2020) (NP) states that Parsons Drove village will be allowed to grow by 20% in the number of dwellings from the April 2011 baseline of 327 dwellings (66 dwellings between 2011 and 2031). The main parties have not confirmed whether or not this requirement or the lower figure of 10% specified in Policy LP12 of the FLP has been met. Even if it hasn't, no substantive evidence to confirm that there is no other suitable land available to meet the housing needs of Parson Drove, in or adjacent to the built form of the settlement, taking into account any constraints such as flood risk, has been provided. Furthermore, it has not been suggested that the Council is unable to meet its current housing land supply requirements. On this basis, there does not appear to be any urgent need to develop the appeal site for housing.
8. Even if there was, Policy 2 of the NP is relevant and this suggests that proposals for the creation of new dwellings will be supported provided that they are of an appropriate scale for the parish, typically fewer than 5 dwellings, in order to encourage smaller developments. Only exceptionally are proposals for 5 or more dwellings considered appropriate and they must be accompanied by clear demonstrable evidence of positive community support for the scheme via a thorough and proportionate pre-application community consultation exercise; and be supported by the Parish Council.
9. The appellant's Community Involvement (2022) report (CI) suggests that pre-application consultation found that the majority of respondents were in support of the proposed development and have highlighted the greater proportion of consultation responses supporting the planning application.

10. However, the Parish Council suggest that the results in the CI were potentially influenced by the offer of a monetary contribution towards community enhancement.
11. The response forms provided in the CI requested respondents to confirm their preferred option out of three suggested by the appellant. Option 1 was 'proposed development of 9 dwellings and community enhancement'. Option 2 was 'proposed development of dwellings'. Option 3 was 'no development'. This was followed by a question 'should planning permission be approved for the 9 dwellings, what would you like to see the £50,000 community enhancement spend on?'. Whilst this may not have been intentional, this phrasing could have generated support for the proposed development. Indeed, many of the letters of support received by the Council refer to a sum of money that could be used to provide a community benefit which does not form part of the appeal proposal.
12. As part of the proposed development, the appellant has offered to replace the STP as a benefit to the existing residents in the area. However, there is no detailed information before me explaining the need for such a replacement, how this is relevant to the proposed development or how this would be delivered. Moreover, there is no legal mechanism before me to secure it. Even if there was, such a planning obligation may not be necessary to make the proposed development acceptable in planning terms.
13. As such, the findings set out in the CI do not therefore represent clear demonstrable evidence of positive community support for the scheme. Furthermore, the proposed development is not supported by the Parish Council.
14. In this regard, the proposed development would conflict with Policy 2 of the NP which requires sites proposing 5 or more dwellings to have clear demonstrable evidence of positive community support for the scheme and to be supported by the Parish Council. The proposed development would also be contrary to Paragraph 15 of the National Planning Policy Framework (the Framework) that confirms that the planning system should be genuinely plan-led and to provide homes in a sustainable manner.

Character and appearance

15. Parson Drove is a village containing a mixed form of ribbon development on both sides of the road, with many of its buildings fronting onto Main Road. The NP recognises Ingham Hall Gardens to be one of two significant estates on the south side of Main Road. The detached bungalows in the cul-de-sac share similar characteristics in terms of their modest scale, similar plot sizes and use of similar materials and roof forms. This provides a spacious and cohesive street scene and assists with the transition of built development in the village and the countryside beyond. Furthermore, the open and undeveloped nature of the appeal site makes a positive contribution to the character and appearance of the countryside adjacent to the developed footprint of Parson Drove.
16. Whilst layout and design are reserved matters, the indicative plan suggests that the proposed dwellings would be set around a cul-de sac connecting to Ingham Hall Gardens, with bungalows on the north side (Plots 1-5) and chalet style bungalows over two floors on the south side (Plots 6-9). The proposed development would extend the developed footprint of Parson Drove further to the south, beyond the main southern extremity of the village formed by the

rear boundaries of dwellings along Ingham Hall Gardens, Brewery Close and John Bends Way. Whilst the proposed development would not extend the existing linear features of the settlement, there would still be conflict with the requirement of Policy 12 of the FLP to ensure that development is in keeping with the core shape and form of the settlement.

17. Mature landscaping is present outside of the appeal site, including a line of mature trees on one side of the appeal site and mature landscaping around the STP. Land to south of the appeal site is open. The parameters of the proposed development indicate that the proposed dwellings would be likely have a similar arrangement to that indicated meaning that plots along the south side of the site would in particular, be visible from the surrounding countryside. Views from public vantage points are limited. Even so, the proposed development would likely be appreciable from Murrow Bank on entry into the village through gaps between trees. The proposed development would also be visible from private vantage points including from some dwellings located on Ingham Hall Gardens.
18. The indicative plan suggests that proposed landscaping would be limited to planting within the rear gardens of dwellings. However, this would be unlikely to provide a sufficient planting buffer to mitigate the visual incursion of the built form beyond Parson Grove into the countryside. Whilst noting that the proposed number of dwellings is a maximum number, an alternative indicative drawing to show that a substantial buffer could be provided for the parameters of development proposed has not been provided. Even if it had, it would take time for an effective planting buffer to screen the proposed development to establish. Furthermore, there is no substantive evidence to suggest that existing off-site landscaping is in the control of the applicant and there would be no control over its retention in the future, which if removed would add to the harm identified.
19. Overall, the introduction of residential development on the site would have an urbanising effect that would project beyond the core shape of the settlement, interrupting the open and undeveloped nature of the appeal site to the detriment of the rural setting of Parson Drove.
20. In this regard, the proposed development would conflict with Policies LP12 and LP16 of the FLP that seek to ensure that development does not result in an adverse impact on the character and appearance of the surrounding countryside and farmland, is in keeping with the core shape and form of the settlement, makes a positive contribution to the local distinctiveness and character of the area and enhances its local setting.
21. For the same reasons, the appeal proposal would conflict with the Framework, notably paragraphs 128 d), 135 c) and 180 b), which support development that maintains an area's prevailing character and setting; seeks to ensure that developments are sympathetic to local character and recognises the intrinsic character and beauty of the countryside.

Findings on the main issue

22. Taking the above into account, I conclude that the site is not a suitable location for the proposed development having regard to the development plan and the effect of the proposed development on the character and appearance of the area.

Living conditions for neighbouring occupiers

23. The main access to Ingham Hall Gardens off Main Street provides access to the bungalows on the estate, including those on Brewery Close. The proposed site access would utilise the existing STP and field access, to the side of 24 Ingham Hall Gardens (No 24) and in front of Numbers 37, 39 and 41 Ingham Hall Gardens (Nos 37, 39 and 41). With the exception of the occasional access to the STP and agricultural land, existing traffic to the estate is largely limited to residential traffic.
24. The amount of traffic using Main Road and Ingham Hall Gardens would increase as a result of the proposed development. Even so, the traffic movements associated with 9 additional dwellings would represent a small proportion of traffic movements in the village and estate overall. Moving vehicles may occasionally be heard by occupiers of dwellings along the route. Vehicles headlights may also be visible at night. However, it does not follow that this would equate to harmful levels of noise or disturbance, particularly as the majority of the route to the development is already in frequent use and blinds and curtains are already likely to be utilised.
25. Nos 24, 37, 39 and 41 currently experience less passing traffic compared to other parts of Ingham Hall Gardens due to their end of cul-de-sac location. Even so, there is no substantive evidence to suggest that the proposed development would result in a level of activity over and above that would ordinarily be expected in a residential area such as this.
26. I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. In this regard, the proposed development would not conflict with Policies LP2 and LP16 of the FLP which require development proposals to provide and maintain effective, sustainable and safe transport networks and to not adversely impact on the amenity of neighbouring uses.

Living conditions for future occupiers

27. The distances between the boundaries of the proposed dwellings and the nearest refuse collection point is unknown given that the proposed layout is illustrative. Whilst the appellant suggests that they aim to secure kerbside refuse collection, the Council have confirmed this may not be possible as the highway authority may not adopt the proposed access road.
28. On this basis, it is possible that occupiers of some of the proposed dwellings would need to take their bins to the nearest waste/recycling collection point on Ingham Hall Gardens. This distance could exceed the 25 metres recommended in the RECAP Waste Management Design Guide 2012 and greater distances could be more difficult for disabled or more elderly occupants of the proposed dwellings to navigate. There is currently no alternative agreement in place to secure refuse collection should the access remain private. Whilst the Council have suggested a condition requiring the submission and approval of a refuse collection strategy in the event the appeal is allowed, this would not ensure the provision of kerbside refuse collection as this is a matter which cannot be fully controlled with the planning regime.
29. I conclude that it has not been demonstrated that the proposed development would provide adequate living conditions for occupiers of the proposed

dwelling with particular regard to the provision of refuse facilities. In this regard, the proposed development would conflict with Policies LP2 and LP16 of the FLP which require development proposals to provide adequate, well designed facilities for the collection of waste, to plan for housing that reflects changes that occur over a lifetime so people are not excluded by design as they grow older and frailer and to promote high levels of residential amenity.

Other Matters

30. Matters relating to highway safety including fire appliance turning, wildlife, biodiversity, trees, the provision of agricultural land, flood risk, drainage, security and the relationship of the development with neighbouring occupiers (with regards to outlook and privacy) are not in dispute. The proposal would also increase the choice and mix of homes in the area and could be suitable for disabled people or existing residents looking to downsize, freeing up family homes in the village. It would make a small yet beneficial contribution to the supply of homes and may encourage the younger generation to stay in the village. The growth of the village and the sites close proximity in walking distance to the village along well-lit pavements could help to support existing facilities, services and businesses. It could also support services and facilities within larger settlements, including Wisbech and Peterborough. There would be job creation during construction. However, there is nothing to suggest that there is a critical need for housing which conflicts with the requirements of the development plan. In this context, these factors do not justify the harm identified.
31. Interested parties and the appellant have suggested that favourable pre-application advice has been received from the Council in the past. Furthermore, the appellant suggests that there was community support for a similar previously refused outline planning application for housing on the appeal site (Council reference F/YR21/0233/O) and that they submitted the application on the basis that they assumed the Council no longer viewed it to be unacceptable based on the DLP. However, the Council is not bound by the informal comments made at pre-application stage, and for the reasons set out, the proposed development would be unacceptable and conflicts with the development plan.
32. An interested party has suggested the proposed dwellings would be self-build. However, there is nothing before me to suggest that the proposal would meet any unmet need on the Council's self and custom housebuilding register, and there is no mechanism before me to secure this in any event.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR