



Appeal Decision

Site visit made on 29 November 2024

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/J0540/W/24/3348517

Abrahams Cottage, Crowland Road, Eye, Peterborough PE6 7TT

- 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 Andrew Bacon against the decision of Peterborough City Council.
 - The application reference is 24/00002/OUT.
 - The development proposed is described as 'Outline application for three bungalow dwellings on land previously used for light commercial use with layout secured and all other matters reserved.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the Council in their appeal documents reference the paragraphs of the National Planning Policy Framework 2023 (the Framework). Since the submission of the appeal, the 2023 version of the Framework has been superseded by the 2024 version which was published on the 12 December 2024. The wording of the relevant paragraphs of the new Framework remain unchanged from the 2023 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2024 Framework within my decision.
3. The appeal documents contain two application forms, one dated 01/01/2024 and one dated 24/01/2024. The Application Form dated 01/01/2024 appears to be the original form submitted and in the Description of the Proposal section has all of the matters boxes ticked which would imply that it is a full application, which contradicts the appellant's Planning Statement which notes that they wanted only the principle considered and all matters to be reserved. According to the Planning Officer's report the Council requested to the Appellant that the matter of Layout needed consideration, and therefore the new Application Form dated 24/01/2024 was submitted which now shows only the Layout Matter box ticked. I have considered the proposed scheme on this basis that the application was made in outline, with Layout to be determined at this stage; and appearance, access, scale and landscaping as reserved matters.

4. An illustrative elevation and floor plan¹ showing the appearance and floor plan of a dwelling has also been provided to which the Council has had regard. I confirm that I have also dealt with the appeal on this basis.
5. Given the above, I have taken the description of the proposed development from the Council's Decision Notice which accurately describes the scheme being applied for.
6. I note discussion in the Planning Officer's Report with regards to the existing lawfulness of buildings and uses on the land. It is not for me under a Section 78 appeal to determine the current correct and legal development of the existing structures or uses. I have therefore made my decision on this basis of the existing conditions and to the development plan and relevant material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under s191/192 of the Town and Country Planning Act if they believe the lawful development/use is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

Main issue

7. The main issues are:
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area, the character and appearance of the locality and the sustainability of the location; and
 - The effect of the proposed layout upon character and appearance of the location.

Reasons

Housing Strategy

8. The appeal site consists of an irregular shaped parcel of land that has an existing access from Crowland Road. The appeal site is largely undeveloped and contains a shipping container and with cars parked on site. Crowland Road is one of the main roads leading into the settlement of Eye, where the main high street of the settlement contains a number of shops and services which is located south of the A47, and also an A-road service area at the A47 round-a-bout. The appeal site is located outside of the built up area of Eye in a small built up area extending along Crowland Road referred to as Eye Green, however would be approximately 150 metres walking distance from the edge of the built up area, and approximately a kilometre from the A47 junction. Adjacent to the appeal site are 4 smaller parcels of land; to the south is a two storey dwelling located close to the road edge, with surrounding parcels of land having what appears to be small single storey buildings and caravans located to the rear. It would appear that the appeal site and the surrounding small parcels of land has some former connection with a light industrial type use located within the countryside. Large boundary walls and fences are also present along Crowland Road frontage. Surrounding these four parcels of land are agricultural fields and due to the flat topography of the site, there are long distance views to the surrounding countryside and beyond. These are some of the positive

¹ General Layout 001

characteristics and qualities of the locality which reinforces its local character and distinctiveness.

9. The housing strategy for the area consists of the Peterborough Local Plan (LP) where Policy LP2 specifies a settlement hierarchy that seeks that development is directed to the village envelopes of the City of Peterborough, large villages, medium villages and small villages. Outside of these villages development of dwellings is considered to be within open countryside, where development is restricted to uses associated with the effective operation of rural economy such as agriculture and horticulture; affordable housing that meets the exception test as per LP Policy LP8, development in accordance with Policy LP11, minerals and waste development, and development identified within a Neighbourhood Plan. Additionally, Policy LP8 seeks that housing development meets housing needs, where houses need to be of suitable size, tenure and types to meet the needs as identified in the Strategic Housing Market Assessment. I note that the Decision Notice mentions that the site has failed to meet the 'Exception test' as per LP Policy LP8, however the exception test from the wording of LP Policy LP8 specifically and only relates to the provision of affordable housing outside but adjacent to village envelopes which would not appear relevant to the consideration of this scheme. As such I have assessed the development as per the broad nature of the policy as discussed.
10. Paragraph 83 of the Framework and relevant Case Law² shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. Paragraph 84 of the Framework suggests a number of principles to apply to rural housing such as avoiding isolated homes in the countryside, unless circumstances apply such as essential needs for rural workers, optimal uses for heritage assets, reuse of redundant buildings or the subdivision of an existing residential building. Paragraph 73 of the Framework also supports the delivery of small sites which can deliver housing and is an additional consideration to this scheme.
11. I note that LP Policy LP11 is mentioned in the Council's Decision Notice, with the Officer Report assessing the scheme against Part D which relates specifically to new dwellings in the countryside that are constructed for the purpose of housing agricultural workers, forestry workers and other enterprises. The proposal is for 3 market dwellings and not agricultural or rural economy related worker's dwellings, and hence I do not find this policy relevant to the determination of this appeal.
12. In assessing the suitability of the appeal site for rural housing there is a clear conflict with the spatial strategy identified at LP Policy LP2 which seeks that development is directed to land located within settlement boundaries of identified settlements which the appeal site is clearly within open countryside. However in assessing the suitability of the site there is a formal footpath opposite the site, that contains street lighting which provides pedestrian access to the built up area of the settlement of Eye Green within relatively close walking distance. The nearest bus stop at Eye Green, Northern Cross is located within a close and safe walking distance and has quick and hourly services into Peterborough and surrounding villages which could give some alternative to the use of a private vehicle. The site would be

² Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610
<https://www.gov.uk/planning-inspectorate>

approximately a kilometre from the main area of services which might be possible to walk, and certainly within cycling distance and relatively safe given that the speed limit is 30 miles per hour between the appeal site and the built-up area of the village. The site would therefore not be 'isolated.'

13. Whilst I have not been presented with the Strategic Housing Market Assessment which would identify whether this type of development would support a local need as per LP Policy LP8, I am also aware of a number of benefits of the proposal. Some of these benefits include socio-economic factors such as making available three dwellings that may support local housing needs, 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.
14. In conclusion of this matter, whilst there are some benefits to the proposed development in terms of its physical and functional relationship with surrounding settlements, the essential need as identified by LP Policy LP8 or the Framework has not been sufficiently demonstrated. As such the benefits of the proposed scheme are not outweighed by the conflict with LP Policy LP2 and need has not been demonstrated in accordance with LP Policy LP8 or the Framework.

Character and Appearance

15. The appeal site displays a number of positive characteristics which contribute to the local distinctiveness of the area, being experienced as an undeveloped parcel of land within the open countryside. Whilst there is a scattering of development in this particular location, the buildings have an informal layout and are not experienced as an overly residential feel or experienced as one would expect for a small settlement or hamlet of housing. The proposed three dwellings would be located off a small cul-de-sac and would be detached from Crowland Road and would not have a visual relationship with the street. The formal layout of the dwellings with small formal rear gardens would not be in-keeping with the development surrounding where there is a much more informal and scattered presence of development than proposed and which has more commonality with its open countryside location. Given the size of the proposed plots, the proposed dwellings would have a cramped appearance and would not have the presence of a more organic infilling of the site. As a result the development in principle would have an awkward and quite cramped presence which would not reinforce the positive qualities or characteristics of the locality.
16. I can appreciate comments from the Appellant's Statement of Case (SoC) that the site would result in a use that would be less intensive than previous light-industrial uses which would have less vehicular movements which would have limited benefit. Whilst there are dwellings nearby, they are single buildings with an informal layout, rather than the small formal group of dwellings as proposed in this scheme. The proposed development would have an awkward presence, the dwellings would not address the street or relate well to the dwellings surrounding, in terms of its positioning or context. The proposal of 3 dwellings creates an in-principle uncharacteristic scheme which does not reinforce the local character or distinctiveness of the area.

17. In conclusion of this matter it is clear to me that the proposal would unacceptably harm the character and appearance of the locality, and erode and encroach upon the open countryside character. The proposed scheme would therefore conflict with LP Policy LP 16 which seeks that development meets a number of design principles such as responding to site context, local patterns of development, building form and layout, amongst others.

Conclusion

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

J Somers

INSPECTOR