



Appeal Decision

Site visit made on 3 December 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/V0510/W/24/3346945

Welsumme Farm, Weirs Drove, Burwell, Cambridgeshire, CB25 0BP

- 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 Mr Malcolm Daines-Smith of William Marcel Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref is 23/01149/OUT.
 - The development proposed is creation of new dwelling house comprising 4 plus bedrooms and associated double garage accessed via existing site entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission, with landscaping as a reserved matter. I have therefore treated any landscaping shown on the appeal site in the submitted plans as indicative.
3. The National Planning Policy Framework was updated in December 2024. There are no substantive changes related to this appeal, so the views of the main parties were not sought in relation to the update.

Main Issue

4. The main issue is whether the appeal site is in an acceptable location having regard to local and national policies.

Reasons

5. Policy GROWTH 2 of the East Cambridgeshire Local Plan (the Local Plan) provides the locational strategy for new development in the district. It states, amongst other things, that the majority of development will be focused on the market towns of Ely, Soham and Littleport. Outside of those towns more limited development will take place in villages which have a defined development envelope. Beyond those settlements development will be permitted in accordance with a defined list.
6. The appeal site is outside of the development envelope of Burwell. Paragraph 3.5.5 of the Local Plan supports the delivery of new housing on small windfall sites within and outside settlements. However, GROWTH 2 states that outside of defined development envelopes the only new homes that will be permitted as an exception will be affordable housing schemes or dwellings for essential rural workers. Paragraph 3.5.5 does not therefore indicate that small windfall sites outside settlements are suitable for market housing. The proposal does

not meet any of the other exceptions for development on the defined list. The development therefore conflicts with the locational strategy set out in policy GROWTH 2 of the Local Plan.

7. The development envelopes were last reviewed when the Local Plan was introduced in 2015. However, whether a policy is deemed to be out of date is not a question of age, rather it is a matter of its consistency with the National Planning Policy Framework (the Framework). This seeks to significantly boost the supply of homes. However, it also requires that development be sustainable, including by focusing development on locations which are or can be made sustainable. Policy GROWTH 2 seeks to focus development on the most sustainable locations, and therefore is consistent with the Framework so is not deemed to be out of date.
8. The council granted outline planning permission for a house on the appeal site in 2020. This weighs in favour of the appeal proposal, as like developments should be determined in a like manner. However, at the time of granting that permission the council did not have a five year supply of deliverable housing land. In that case, the benefits of granting permission were not found to be clearly and demonstrably outweighed by the conflict with the development plan. The council is now able to demonstrate a five year supply, and the development plan is up-to-date. As there is a change in circumstances since that permission was granted, this permission only attracts moderate weight in my determination of this appeal.
9. The council has raised no objection to the proposed development in terms of its detailed design, impact on neighbour living conditions or other considerations. As the proposal is for a house of comparable scale to others on the site and would be distant from any houses on neighbouring sites, I see no reason to disagree. The absence of harm on these points is a neutral consideration in my determination.
10. The appeal proposal would deliver a new house on a site in existing residential use. This would support the government's objective of significantly boosting the supply of homes. The site is small, and the development could be delivered quickly. There would be economic benefits during construction, as well as support for local services and facilities from future occupants of the dwelling. As the appeal proposal is for a single house, these benefits attract limited weight overall.
11. The conflict with policy GROWTH 2 of the Local Plan attracts full weight in my determination of this appeal. The proposed development therefore conflicts with the development plan. The identified material considerations taken together do not attract such weight as to indicate that the appeal should be decided other than in accordance with it.

Conclusion

12. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR