
Appeal Decisions

Site visit made on 8 July 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal A Ref: APP/V0510/W/25/3363755

Land to East of 38 and 38a Chapel Lane, Wicken, Ely, Cambs CB7 5XZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Christian Cooper of James Development Company Limited against East Cambridgeshire District Council.
 - The application Ref is 24/01145/FUL.
 - The development proposed is Erection of 3 terraced two-bedroom dwellings with off-street parking and associated landscaping.
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Appeal B Ref: APP/V0510/W/24/3355259

Land to East of 38 and 38a Chapel Lane, Wicken, Ely, Cambs CB7 5XZ

- 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 Christian Cooper of James Development Company Limited against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/00288/FUL.
 - The development proposed is Erection of 4 Terraced One-Bedroom Homes with Off-Street Parking and associated landscaping.
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Decision – Appeal A

1. The appeal is dismissed, and planning permission for Erection of 3 terraced two-bedroom dwellings with off-street parking and associated landscaping, is refused.

Decision – Appeal B

2. The appeal is dismissed.

Applications for Costs

3. Applications for costs have been made by the appellant against East Cambridgeshire District Council and are the subject of separate decisions.

Preliminary Matters

4. As set out in the banner headings above, this decision letter addresses two appeals. The appeals both relate to the erection of dwellings on the same site, although the scale and nature of the proposals vary. Each appeal has been determined against its specific considerations, although I have addressed the common issues together to ensure conciseness and avoid duplication.

5. Whilst Appeal B relates to a planning application that was refused by the Council, Appeal A relates to the Council's failure to determine the planning application within statutory timescales. Although no formal decision was issued by the Council for this case, the Council's Statement of Case outlines what the likely reasons for the refusal of planning permission would have been, had a decision been made. I have relied on these putative reasons to establish the main issues.
6. Three other appeals on the same site¹ are addressed in a separate decision letter. For the avoidance of doubt, all appeals have been determined concurrently.

Main Issues

7. The main issues in the case of both appeals are:
 - whether the proposed development would have an acceptable effect on the character and appearance of the area; and
 - whether the appeal site is a suitable location for housing, having regard to the spatial strategy of the development plan.
8. For Appeal A, an additional main issue is:
 - whether the proposed development would be acceptable in terms of highway safety, with particular regard to the provision of off-street turning areas.
9. For Appeal B, additional main issues are:
 - whether the proposed development would include adequate parking provision; and
 - whether it would make appropriate provision for biodiversity.

Reasons

Character and appearance

10. The appeal site comprises a vacant and overgrown parcel of land located outside the defined development envelope of Wicken. It is bound on two sides by recently completed residential development, including detached bungalows to the rear (south) and a two-storey detached dwelling fronting Chapel Lane to the side (east). The site has clearly defined boundaries and is visually enclosed by surrounding built form, with ancillary structures such as garages and sheds present on the adjacent plot to the west.
11. The proposed developments in these appeals involve terraced housing, which would extend across almost the full width of the site. This form of development would be at odds with the prevailing pattern of development in the immediate area, which is defined by detached and semi-detached dwellings, generally set within reasonably spacious plots. Whilst the appellant has pointed to examples of terraced housing elsewhere in the village, including one on Chapel Lane, my site visit confirmed that the referenced example is in fact a pair of semi-detached dwellings. Terraced housing is not a characteristic feature of this part of Chapel Lane and would appear incongruous in this context.

¹ APP/V0510/W/24/3357194, APP/V0510/W/24/3363980 and APP/V0510/W/24/3365248

12. The proposed terrace would result in a cramped and contrived form of development, failing to reflect the established grain, density, and rhythm of the surrounding built form. The limited plot size, combined with the continuous built frontage, would erode the sense of openness that characterises the area. The design, including prominent first-floor projections in the case of the Appeal B scheme, would further accentuate the visual discordance with nearby built form.
13. In contrast to the proposals considered under the separate appeal decision, the schemes considered under this decision letter would introduce a typology and intensity of development that would not be sympathetic to the surroundings. The characteristics of the appeal site, which is largely enclosed by development, do not justify a departure from the established character of Chapel Lane, which remains distinct from the more varied and denser development found in the village core.
14. For these reasons, I conclude that the proposals would harm the character and appearance of the area. They would therefore conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, April 2015 (As amended 2023) (the LP) which seek to ensure that new development conserves and enhances the character of the area, relates sympathetically to its surroundings, and contributes positively to the local environment. They would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Suitability of location

15. Policy GROWTH 2 of the LP sets out a spatial strategy that strictly controls development outside defined development envelopes, with the aim of protecting the countryside and the setting of towns and villages. Outside these envelopes, development is limited to specific categories. The appeal proposals, comprising market housing, do not fall within any of these exception categories.
16. In the appeals considered under the separate decision letter, I found that the appeal site, although located outside the defined development envelope, was visually and functionally contained by surrounding residential development, and compatible with the character and appearance of the area. In those cases, the absence of visual harm and the integration of the development with the surrounding built form were decisive factors in concluding that the site was a suitable location for housing in accordance with Policy GROWTH 2.
17. However, the proposals under consideration in this case differ materially in their form and impact. As set out above, the proposals would cause harm to the character and appearance of the area, which is a key consideration under Policy GROWTH 2. The policy explicitly requires that development outside defined envelopes must not result in significant adverse effects on the character of the countryside or the setting of settlements. In this instance, the harm arising from the scale, form, and design of the proposed terraces is sufficient to conclude that the development would conflict with the policy.
18. As set out in my separate decisions, the question of whether the site is suitable for housing is a finely balanced one, dependent on the specific characteristics of each proposal. Although the site is enclosed and currently underused, these factors alone do not justify a departure from the spatial strategy set out in the development plan. In contrast to the schemes addressed in the separate decision

letter, the proposals in this case fail to integrate successfully with the surrounding built form and would undermine the established character of Chapel Lane.

19. Accordingly, based on the specific considerations of the proposed developments, I conclude that both proposals would conflict with the spatial strategy of the development plan set out under Policy GROWTH 2 of the LP, which seeks to direct development to appropriate locations, protect the character and setting of settlements, and ensure that new housing contributes positively to its surroundings.

Highway safety – Appeal A only

20. Policy COM 7 of the LP requires developments to provide safe and convenient access to the highway network and to be capable of accommodating the level and type of traffic generated without detriment to the local highway network. It also seeks to ensure that transport impacts are proportionately assessed and mitigated, with development only to be refused on highway grounds where the residual cumulative impacts are severe, in line with the Framework.
21. The Council has raised concerns that the Appeal A proposal fails to demonstrate that adequate independent turning for vehicles could be achieved within the site, and that the layout would likely result in vehicles reversing onto Chapel Lane, a single-track road, thereby posing a risk to highway safety. The Council's Highway Engineers reviewed the proposed parking arrangement and concluded that the turning space was unworkable, and that the layout would need to be amended to ensure each space could function independently.
22. However, based on my site visit and the evidence before me, I observed that Chapel Lane is a quiet road with low traffic volumes and slow vehicle speeds. Recent infrastructure improvements, including the installation of a lit footpath and enhanced visibility at the site entrance, have improved conditions for both drivers and pedestrians. Adequate visibility splays could be provided and maintained as part of the development, and this could be secured by condition.
23. Furthermore, numerous other properties along Chapel Lane do not feature off-street turning areas, and vehicles routinely reverse into or out of driveways without apparent detriment to highway safety. In this context, the absence of dedicated turning areas within the proposed layout does not, in itself, render the development unacceptable. The Framework advises that development should only be refused on highway safety grounds where the impacts are severe, and I am not persuaded that this threshold is met in this case.
24. Taking the above into account, I conclude that the proposal would be acceptable in terms of highway safety and would accord with Policy COM 7 of the LP and the relevant provisions of the Framework, the aims of which have previously been set out.

Parking – Appeal B only

25. Policy COM 8 of the LP requires that development proposals provide adequate levels of car parking. For residential developments outside town centres, the policy sets a specific requirement for an average of two car parking spaces per dwelling. This reflects the rural nature of the district, where public transport options are limited and reliance on private vehicles is high. The policy also recognises that

under-provision of parking can lead to on-street parking, which may compromise highway safety and the character of the area.

26. The Appeal B proposal includes only one off-street parking space per dwelling, falling short of the policy requirement. The appellant argues that the proposed level of provision is appropriate for the scale of the development and the anticipated needs of future occupiers. Reference is made to the experience of similar schemes and the view that additional parking could be provided by condition if necessary. The appellant also points to the benefits of smaller homes and the potential for reduced car ownership among certain groups.
27. However, the proposed level of parking would conflict with the specific requirement of the development plan, and I am not persuaded of any site-specific considerations to justify a departure from this approach. The development would likely result in increased pressure for on-street parking along Chapel Lane, which is a narrow road that is not well-suited to safely accommodate additional on-street parking. Whilst recent infrastructure improvements have enhanced visibility and pedestrian access, these do not mitigate the fundamental concern that the under-provision of on-site parking would lead to conflict between vehicles and pedestrians due to an increase in on-street parking. Even bearing in mind the high bar of harm set by the Framework when considering impacts on highway safety, the combination of insufficient parking and the constrained nature of the road network leads me to conclude that the impacts would be unacceptable.
28. Accordingly, I find that the Appeal B proposal would not include adequate parking provision. It would conflict with Policy COM 8 of the LP, which seeks to ensure that development provides sufficient parking to avoid harm to highway safety and local amenity. The proposal would also conflict with Policy COM 7, insofar as it would fail to accommodate the level and type of traffic generated without detriment to the safety and operation of the local highway network, and the relevant provisions of the Framework.

Biodiversity – Appeal B only

29. LP Policy ENV 7 requires all development proposals to protect the biodiversity and geological value of land and buildings, minimise harm to environmental features, and maximise opportunities for habitat creation and enhancement. Although the policy does not explicitly require measurable biodiversity net gain (BNG) for every development, it sets a clear expectation that biodiversity should be safeguarded and enhanced wherever possible.
30. The Appeal B proposal was accompanied by a BNG report, which includes a baseline assessment and sets out that a net gain in biodiversity of over 14% could be achieved. The Council has not disputed the methodology or findings of the BNG report itself. However, it maintains that, due to the prior clearance of the site, it cannot be satisfied that a biodiversity net loss has not already occurred. The Council's concern is that the baseline assessment was undertaken after the site had been cleared of vegetation, and therefore may not reflect the site's original ecological value.
31. Nevertheless, the BNG report is broadly consistent in approach and content with those submitted for the appeals addressed under the separate decision letter, where the Council ultimately accepted that BNG could be achieved and that the proposals would make appropriate provision for biodiversity. The site conditions

and ecological context are materially similar across all appeals. Whilst the timing of the baseline assessment is not ideal, the evidence provided is sufficient to demonstrate that the proposed development would deliver measurable biodiversity enhancements, including new planting, habitat creation, and ecological features.

32. In this case, the proposal includes a clear strategy for biodiversity improvement, supported by technical evidence, and would not result in demonstrable harm to protected species or designated habitats. The site's previous use as a builder's yard and the comparable findings in the other appeals further support the conclusion that the proposal would not undermine the aims of the policy.
33. Accordingly, I conclude that the Appeal B proposal would make appropriate provision for biodiversity and would accord with Policy ENV 7 of the LP, which seeks to safeguard and enhance biodiversity as part of sustainable development.

Other Matters

34. The Council states that it is able to demonstrate a five-year supply of deliverable housing sites, and there is no compelling evidence before me to dispute this position. Accordingly, I am not persuaded that the tilted balance set out in paragraph 11.d) of the Framework is engaged.
35. Nevertheless, the provision of housing would support the Government's objective to significantly boost the supply of homes, as set out in the Framework. In particular, both appeal proposals would deliver smaller homes, which have been identified by the Parish Council and local representatives as being welcome in the area. The appellant has also highlighted that the proposed dwellings would be suitable for first-time buyers, single-person households, and older residents, thereby contributing to housing mix and local affordability. These are benefits that carry weight in favour of the proposals.
36. However, the previously identified conflicts with the development plan in relation to the spatial strategy, character and appearance, and parking provision, carry significant weight. The development plan policies most relevant to these matters are broadly consistent with the Framework and continue to attract full weight in decision-making.
37. Although the benefits of the schemes are acknowledged, these are not so substantial as to outweigh the harm arising from conflict with the development plan. I am therefore not persuaded that there are material considerations of sufficient weight to justify a decision other than in accordance with the development plan.

Conclusion

38. I have identified no harm in respect of highway safety for Appeal A or biodiversity for Appeal B. However, both proposals would conflict with the development plan as a whole and the material considerations do not indicate that the appeals should be decided other than in accordance with the plan. For the reasons given above, I therefore conclude that both appeals should be dismissed.

P Storey

INSPECTOR