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## Appeal Decisions

Site visit made on 21 June 2016

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2016**

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### **Appeal A Ref: APP/V0510/W/16/3143840**

#### **Land adjacent to 14a (plot 1) The Cotes, Soham, Cambridgeshire CB7 5EP**

- 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 B Edwards against the decision of East Cambridgeshire District Council.
  - The application Ref 15/01139/FUL, dated 23 September 2015, was refused by notice dated 8 January 2016.
  - The development proposed is a dwelling, parking, access and associated site works.
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### **Appeal B Ref: APP/V0510/W/16/3143272**

#### **Land adjacent to 14a (plot 2) The Cotes, Soham, Cambridgeshire CB7 5EP**

- 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 B Edwards against the decision of East Cambridgeshire District Council.
  - The application Ref 15/01138/FUL, dated 23 September 2015, was refused by notice dated 8 January 2016.
  - The development proposed is a dwelling, parking, access and associated site works.
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## **Decisions**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is dismissed.

## **Procedural Matter**

3. As set out above, there are two appeals relating to plots on either side of 14a The Cotes. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document.

## **Main Issues**

4. The main issues in both appeals are:
    - i) the accessibility of the sites to services and facilities by means other than the car;
    - ii) the effect of the proposals on highway safety;
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- iii) whether or not the proposals would make adequate provision for waste collection; and
- iv) consideration of housing land supply and implications for planning policy.

## **Reasons**

### *Accessibility*

- 5. The host property is a bungalow which is accessed via a track leading back from The Cotes which also serves a number of other dwellings. The sites are on either side of the bungalow. To the rear is a parallel footpath (Blackberry Lane) which also provides vehicular access to the host property.
- 6. The appeal sites are stated to be 180 metres and 240 metres back from the highway. They are in the countryside and away from the built up area of Soham albeit within a loose grouping of dwellings. The site is outside the village framework for Soham as defined in the development plan.
- 7. Soham is a market town which includes a wide range of facilities but those facilities are some distance away from the appeal sites. A primary school is said to be accessible by a footpath across fields and shopping facilities are said to be about a mile away. I noted on my visit that there are sources of employment nearby. I also saw that the adjoining section of road is unlit and has no footpaths. Given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities.
- 8. Policy COM 7 of the East Cambridgeshire Local Plan (LP) (2015) requires that development is designed to reduce the need to travel, particularly by car and to promote sustainable forms of transport. The relative isolation of the sites with respect to services and facilities would not accord with that policy.
- 9. Neither would the proposal accord with the National Planning Policy Framework (the Framework) which has as a core planning principle encouragement of the use of walking, cycling and public transport.
- 10. The appellant says that the Council has approved applications in less sustainable locations than the appeal site. The details of those cases are not before me but individual circumstances vary and the other cases referred to do not alter my conclusions on this main issue.

### *Highway Safety*

- 11. The Cotes is subject to the national speed limit of 60 mph but the appellant has measured actual vehicle speeds along the road which are significantly lower than the speed limit. The visibility in both directions from the main vehicular access meets the required standards for the vehicle speeds as measured.
- 12. The appellant has a right of vehicular access along Blackberry Lane. It appears from the plan that it is intended that the proposed dwelling on plot 2 would have access onto that route as well as the main access track. I saw that the visibility to the north west of the junction of Blackberry Lane with The Cotes is obstructed by the curvature of the road and a hedge growing close to the highway. No evidence has been provided regarding the visibility available to

the north west of that access but this would appear to be restricted. However a condition could be imposed to prevent access along that route if the appeal in respect of plot 2 were to be allowed.

13. The track providing access to the sites is of single vehicle width although there are a number of passing places along it. Its limited width would restrict two-way traffic movement and this in turn may cause drivers to wait on The Cotes for a vehicle to emerge. The Inspector in the previous appeal<sup>1</sup> noted that it is unlikely that any waiting or manoeuvring vehicle would significantly affect highway safety. I concur with that finding in view of the general standard of the road, the forward visibility available and the measured vehicle speeds.
14. For the reasons given in both appeals there would not be any severe residual cumulative impact on highway safety. The proposals would accord with policy COM 7 of the LP in terms of providing safe means of access to the highway.

#### *Waste Collection*

15. The RECAP Waste Management Design Guide is not before me but the Council says that this recommends a maximum distance of 55 metres from the public highway for bin collection points. The proposals in both appeals would substantially exceed that guidance. However the access track serves other dwellings, including dwellings at the far end of the track which are a greater distance away from the highway than the appeal sites.
16. The appellant has pointed out that at a site visit by members and officers of the Council a refuse collection vehicle was observed travelling along the track. Policy ENV2 of the LP expects development proposals to comply with the RECAP guidance. Although the proposals would not accord with that policy expectation the evidence indicates that in practical terms the sites are served by a waste collection service and the proposals would be adequately provided for in this respect.

#### *Housing Land Supply*

17. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the Framework. Where this is the case, policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework presumes in favour of sustainable development and states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
18. I have found that the occupiers of the proposed dwellings in both appeals would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development.
19. The dwellings would accord with the social dimension in terms of helping to address the identified housing shortfall but would make very modest contributions in this respect. The isolation of the sites from community facilities would however weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing.

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<sup>1</sup> APP/V0510/A/14/2218569

20. The construction of the dwellings would accord with the economic dimension to a limited extent in terms of providing employment and benefitting the local economy.
21. The isolated location of the sites with respect to services and facilities and the reliance on the private car for transport significantly weigh against both proposals. Those adverse impacts would significantly and demonstrably outweigh the limited weights that I give to the benefit of the proposals in each appeal. I have found that the proposals would not harm highway safety and that they would be adequately provided for in terms of waste collection. However for the reasons given when considered as a whole the proposals would not represent sustainable development.
22. In the previous appeal the Inspector took into account the lack of a five year housing land supply at that time. In the interim the LP has been adopted but this has not altered the situation regarding the lack of a five year housing land supply.

### **Conclusion**

23. For the reasons given I conclude that both appeals should be dismissed.

*Nick Palmer*

INSPECTOR