



Appeal Decision

Site visit made on 12 September 2005

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 11 OCT 2005

Appeal Ref: APP/V0510/A/05/1182116

Land adjoining 2B Moor Road, Fordham, Ely, Cambridgeshire CB7 5LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr I & Mrs J Bridgeman against the decision of East Cambridgeshire District Council.
- The application ref: 05/00080/OUT, dated 24 January 2005, was refused by notice dated 21 March 2005.
- The development proposed is a 1½-storey dwelling.
- The application is for outline planning permission and all details of the development have been reserved for future consideration.

Decision

1. I dismiss the appeal.

Reasons for the decision

2. 2B Moor Road is a dwelling on the edge of the village and it borders open countryside. The development plan for the area includes the East Cambridgeshire Local Plan. Government policy relating to housing in rural areas is set out in Planning Policy Statement 7 (PPS7).
3. No 2B has an extensive curtilage, part of which is outside the village development envelope defined in the Local Plan. The dwelling would be built on this part and the main issue in the appeal is the effect that it would have on the character and appearance of the countryside.
4. Policies 9 and 10 of the Local Plan state that there will be strict control over development outside development envelopes, subject to certain exceptions, none of which apply in the appeal. Para. 3.15 of the Plan states that the purpose of the envelope is to broadly define the built-up area of the village and to identify those areas where development may be appropriate. I am required to determine the appeal in accordance with the Plan unless material considerations indicate otherwise.
5. I note that para. 3.15 uses the word "broadly" and that the line of the envelope cuts across the curtilage of No 2B without following any physical feature or the historic boundary of the site. However, the line is not illogical, since it provides a stop to further development and maintains a "soft" area between buildings and the open countryside.
6. I appreciate that the dwelling would be partially screened by trees and hedges and would be less prominent when viewed from open countryside than the housing on the

edge of the village to the south-east. However, I do not consider that this justifies development that would be contrary to the Plan. Para. 6.13 of the Plan states that "the fact that a single house on a particular site will be unobtrusive is not by itself a good argument for development, since it could be repeated too often, causing harm to the character of the countryside and undermining the settlement strategy". Para. 9 of PPS7 indicates that strict control should be exercised over new house building in the countryside (including single dwellings) away from areas allocated for housing in development plans.

7. I conclude that no considerations arise in the appeal that would indicate that my decision should be otherwise than in accordance with the Plan. I have therefore withheld planning permission.



INSPECTOR



Appeal Decision

Site visit made on 6 September 2011

by **Ian Radcliffe BSC (Hons) MCIEH DMS**

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

Decision date: 23 September 2011

Appeal Ref: APP/V0510/A/11/2150842

Land to the rear of 2b Moor Road, Fordham, Ely, Cambridgeshire CB7 5LX

- 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 Webb against the decision of East Cambridgeshire District Council.
 - The application Ref 10/00869/FUL, dated 13 October 2010, was refused by notice dated 13 December 2010.
 - The development proposed is a detached dwelling.
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Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the proposal, having regard to national and local planning policy, on the character and appearance of the countryside.

Reasons

3. The East Cambridgeshire Core Strategy, in keeping with the Local Plan which it superseded, has placed the appeal site outside the development envelope for Fordham. As a consequence, for the purposes of planning policy the appeal site is within the open countryside. In order to protect the quality and character of the countryside Planning Policy Statement 7: '*Sustainable Development in Rural Areas*' (PPS7) requires that local planning authorities strictly control new housing. The Council exerts this control via its spatial strategy (policy CS1) and housing allocations (policy CS2) contained within the Core Strategy.
4. The form of Fordham is characterised by linear development along the roads through the village, with development in depth consolidating the village core. The appeal site is located on the north western edge of the settlement where the almost entirely linear nature of development which peters out assists with the gradual transition from the village to the open countryside. The recently confirmed garden extension at No 2b is consistent with this morphology.
5. The appeal site located to the rear of No 2b would develop land in depth behind existing housing. This would consolidate development at the village edge, encroach upon the countryside and interfere with the gradual transition from the village to the open countryside. In the absence of the proposal relating to any of the exceptions cited in policy CS2, the urbanising effect on the

immediate area would have a significant adverse effect on the character and appearance of the countryside, and the relationship of the village to it.

6. It is the responsibility of the development plan process, rather than the role of individual appeals, to determine the boundary of settlements. For this reason, and the reasons given above, I attach little weight in favour of the proposal to the contention that the position of the appeal site outside the development boundary for the village is an anomaly.
7. The design of houses in the village is varied. As a consequence, the U shaped form of the proposed dwelling would be acceptable. However, I share the concerns of the Council that the roof lights in the front roof slope and dormer above the front entrance porch, would result in a cluttered appearance which would harm the integrity of the design. Planning Policy Statement 1: *'Delivering Sustainable Development'* (PPS1) is instructive in that it advises that poor design should not be accepted.
8. Taking all these matters into account, I therefore conclude that the proposal would unacceptably harm the character and appearance of the countryside and constitutes poor design, contrary to the objectives of PPS1, PPS7 and policies CS1, CS2 and EN2 of the Core Strategy. Policy EN2 requires the protection of the character and appearance of a locality through high quality design that respects local design features.

Other matters

9. Financial contributions have been sought in relation to the provision of infrastructure and community services. However, no agreement has been submitted by the appellant and no details of the amount of money sought, why it is necessary, or how it would directly relate to the development has been submitted by the Council. As a consequence, it has not been shown that the financial contributions are necessary to make the development acceptable in planning terms. I have therefore not taken the absence of an agreement from the appellant as evidence that infrastructure and services would be harmed.

Ian Radcliffe

Inspector



Appeal Decision

Site visit made on 6 August 2013

by **S Stevens BSc (Hons) MSc Dip TP DMS MCI MRTPI**

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

Decision date: 7 October 2013

Appeal Ref: APP/V0510/A/13/2195467

2b Moor Road, Fordham, Ely, Cambridgeshire CB7 5LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs I Bridgeman against the decision of East Cambridgeshire District Council.
 - The application Ref 12/00725/OUT, dated 20 August 2012, was refused by notice dated 12 October 2012.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's officer report and decision notice refer to the requirement for developer contributions for infrastructure, community services and facilities. In February 2013 the Council introduced a Community Infrastructure Levy and it acknowledges that the reference in the second reason for refusal to a S106 obligation is no longer relevant. The Council has also stated that the third reason for refusal included in the decision notice was an error and should have been included as an explanatory note. I have dealt with the appeal having regard to the above.
3. The application was for outline planning permission with all matters reserved.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

5. The appeal site is located along a narrow road, which contains a few bungalows and houses located close to the junction with Carter Street. Much of the appeal site is adjacent to open fields and the site has a wide frontage, which narrows to the rear with the existing dwelling located towards the back of the plot. Part of the plot of No 2b, including the existing dwelling, lies within the settlement boundary as defined in the East Cambridgeshire Core Strategy 2009 (the Core Strategy) but the part that forms the appeal site is outside the settlement boundary.
6. Policies CS1 and CS2 of the Core Strategy set out a settlement hierarchy, which guides the location and distribution of new development to support sustainable development, protect the character of each settlement and seek to avoid urban sprawl. Fordham is designated as a 'limited service centre' and has a defined

settlement boundary. Land outside the boundary is considered to be countryside where development is only allowed for certain specified reasons.

7. The existing properties within the settlement boundary are generally well screened with the trees and hedges that form a distinct boundary between the built up area and open countryside. The appeal site lies outside the developed settlement area and although it is partially screened by hedges, a dwelling would be visible when viewed from the open countryside and from the road, especially when travelling towards Carter Street. It would be clearly seen as being outside the existing built up area. No evidence has been put forward by the appellant that the proposed development would fulfil one of the exceptions identified by the Council.
8. I accept that the highway authority has not raised any objection on highway safety grounds and that a dwelling could be designed so that it would not affect the living conditions of nearby residents. The appellants refer to the certificate for lawful existing use for the front of the plot for use as a residential garden for No 2b. They also refer to the new outbuilding at the front of the site and argue that this must have extended the settlement boundary so as to include the appeal site. This is not the case as the settlement boundary can only be changed as part of the Development Plan process. Therefore the appeal site remains outside the settlement boundary. In such circumstances it is the policies in the Core Strategy that relate to the countryside that should be applied to this proposal.
9. Reference is also made to Section 85 of the National Planning Policy Framework that gives guidance on defining boundaries. This guidance relates to the Green Belt which is not a factor in this appeal and, in any event, it is not the role of planning appeals to redefine boundaries established through the Development Plan process.
10. The appellants also refer to a number of other matters, which I have had regard to. The hedge that has grown up around the site frontage does provide limited screening but the site and any proposed dwelling would still be visible from the road and surrounding countryside. Reference is made to the previous cottages on the site, which by inference implies the site was previously developed land. No evidence has been submitted to support or refute this and therefore there is insufficient information upon which to attach anything other than minimal weight to this consideration. My attention has also been drawn to another development in Fordham called Rule Gardens. I have little information on this and therefore do not know the full circumstances that led to the decision to grant planning permission.
11. Having had regard to all the matters raised by the appellants, when consider as a whole, they do not outweigh the harm to the countryside that I have identified. I conclude that the proposal would unjustifiably extend the built up area into the countryside. This would represent unnecessary urbanisation and would harm the character and appearance of the countryside. The proposal is therefore contrary to Policies CS1 and CS2 of the Core Strategy that seek to focus new development in identified settlements in order to protect the character and appearance of the countryside and avoid urban sprawl.
12. For the reasons given above I conclude that the appeal should be dismissed.

Sarah Stevens

INSPECTOR