

## Appeal Decision

Site visit made on 19 December 2016

**by Rachel Walmsley BSc MSc MRTPI**

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

**Decision date: 24 January 2017**

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**Appeal Ref: APP/V0510/W/16/3158114**

**Land Adjacent Field View, Cowbridge Hall Drove, Little Downham, Ely, Cambridgeshire CB6 2UQ**

- 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 & Mrs BL & GH Taylor against the decision of East Cambridgeshire District Council.
  - The application Ref 16/00159/OUT, dated 8 February 2016, was refused by notice dated 4 April 2016.
  - The development proposed is outline proposal for 4 detached dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Council refused the planning application on three grounds. One of these grounds concerned the effect of the proposed development on the living conditions of future occupiers with regards to smell from the Waste Water Treatment Works nearby. The Council has confirmed within its appeal statement that this reason for refusal has since been overcome and therefore does not wish to pursue this objection as part of the appeal. I have dealt with the appeal on this basis.
3. It is evident from the evidence before me that the Council is unable to demonstrate a five year supply of housing land. This has not been disputed by parties and therefore it is on this basis that I have considered the appeal.
4. The application was submitted for outline planning permission with all matters reserved. I have dealt with the appeal on this basis, treating all drawings as illustrative.

### Main Issues

5. These are:
    - (i) whether the proposal would be sustainable development given the site's location; and,
    - (ii) the effect of the proposal on the character and appearance of the area.
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## Reasons

### *Policy approach*

6. There is no dispute that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (the Framework) explains that, where the Council cannot demonstrate a 5 year supply of housing, *relevant policies for the supply of housing should not be considered up-to-date*. Policy GROWTH 2 of the Local Plan<sup>1</sup> directs development, including housing, to locations within the district. This policy is therefore a housing supply policy.
7. Paragraph 14 of the Framework, at bullet point four, inset two, states that where specific policies listed in the Framework indicate that development should be restricted, permission should not be granted. The site is not within an area that is restricted by the protections listed at footnote 9 of paragraph 14.
8. Bullet point four, inset one of paragraph 14, together with policy GROWTH 5 of the Local Plan, state that where relevant policies are out of date, permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*.

### *Sustainable development*

9. The appeal site constitutes part of Hawkley field and adjoins Cowbridge Hall Road and existing built development to one side of the site. Parties' views differ on whether the appeal site is within the village. The development envelopes referred to in the Local Plan and shown on the Inset Maps of the Policies Map show that the appeal site is outside the village boundary of Little Downham. For policy purposes, therefore, the site is within the countryside. Indeed it was apparent from my observations on site that with three of the site's sides devoid of built development, the site has a closer affinity with the countryside than existing built form.
10. Although not an unreasonable distance from the village and from bus stops on Ely Road (the B1411), the site would be accessed from Cowbridge Hall Road. The road is rural in character with a grass verge on either side and devoid of a pavement or lighting. I note the appellant's suggestion that a footpath could be constructed along Cowbridge Hall Road however this is not part of the development proposed and is not before me for consideration.
11. The absence of a pavement and street lighting means that occupiers would not have a safe or accessible means to walk to the village to access services and facilities to meet their daily needs. The grass verge does not provide a surface that would be easy to walk on or push a pushchair along. Furthermore, I am not convinced that light from the street lights on the B1411 would illuminate the route from the appeal site to compensate for the lack of street lighting along Cowbridge Hall Road. Irrespective of speed limits, pedestrians would have little choice but to walk in the road which in turn would be harmful to their safety.

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<sup>1</sup> East Cambridgeshire District Council, East Cambridgeshire Local Plan (April 2015)

12. Given the unsuitable means for walking, it is highly probable that occupiers would use the private car; the convenience of the car would win over the inaccessibility of Cowbridge Hall Road. The effect of allowing a development in a functionally isolated location would result in unsustainable journeys, contrary to a core land use planning principle of the Framework which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The number of journeys made between the four dwellings and local services and facilities would also be notable, exacerbating the harm found.
13. In all, therefore, I find that the proposed development would be an unsustainable form of development given the site's location, contrary to the Framework and to Policy GROWTH 2, although the weight that I can attach to this conflict is limited given the Council's lack of a 5 year supply of deliverable housing sites.

#### *Character and appearance*

14. The appeal site is part of a large field; bound on two sides by agricultural land, on another by Cowbridge Hall Road and on the fourth by existing houses and a small industrial estate. The land surrounding the site is therefore largely open and rural in character. Further away from the site existing houses within the village are visible but their distance from the site means that they do not impact on the open and rural character described.
15. The indicative plans show how four houses could be accommodated on the site, parallel with Cowbridge Hall Road. Whilst the houses would continue the line of existing built development, they would introduce built form into an area that is largely rural and open in character. The development would, therefore, reinforce the presence of built form within the countryside, appearing overly dominant and a stark contrast to its surroundings.
16. The indicative plans suggest that the form and layout of the development would be rudimentary with little of its form or layout that would complement the character of the rural landscape. Whilst suggested landscaping could help soften the visual impact of the development, landscaping would not overcome the harm found as a result of the layout of the development and the dominance of the built form.
17. The proposal would therefore be out of keeping with the character and appearance of the area and therefore would be contrary to policies ENV1 and ENV2 of the Local Plan and paragraph 60 and 61 of the Framework which seek development that is well designed, complements local context and seizes opportunities to preserve, enhance or enrich local character.

#### **Other considerations**

18. Some residents currently living in and around the village and along Cowbridge Hall Road do not have access to a pavement. I also understand that residents living next to the appeal site have walked along the road without experiencing highway safety problems. However, this evidence is anecdotal and without details of these trips and their frequency, does not constitute detailed proof that pedestrians can walk in the road safely to access local services and facilities on a regular basis.

19. The village is well established, built before the Framework was adopted. Existing development, therefore, would not have been subject to the same policy considerations as at present and therefore does not set a precedent that carries any weight. Notwithstanding this, existing development is not a *fait a compli* for subsequent development; each case must be decided on its own merits.
20. The appellant refers to a development being built within 140 metres of the appeal site. I have no details of this proposal to consider its relevance to the current appeal.
21. The appellant suggests that the site could be supported by a dial-a-bus service and would be served by a new leisure facility which includes a cinema, restaurants and a swimming pool. I have no details of either of these to comment further or consider them benefits in favour of the proposal. I also have no details of developments which the appellant suggests have been given planning permission with no better connection to services and facilities than the current proposal to give them weight.
22. The Council raises no concerns for overlooking and based on the evidence before me I find no reason to take a different view. This is neutral in the planning balance.

### **Balancing and Conclusion**

23. Returning to bullet point 4, inset one of paragraph 14 of the Framework, I have found that prospective occupants would not have acceptable access to services and facilities to meet their daily needs. The development therefore would be an unsustainable form of development given its location. I have also found that the development would be harmful to the character and appearance of the area.
24. Weighed against this is the benefit four dwellings would bring to the Council's housing supply. The Council has a shortfall in housing land supply and four dwellings would make a welcome contribution. The development would also benefit the local economy, creating jobs during construction and supporting local employment in the longer term.
25. In the context of the Framework and policy GROWTH 5, the adverse impacts of allowing the development would not be significantly and demonstrably outweighed by the benefits. The development would therefore be contrary to policies ENV1 and ENV2 of the Local Plan and the Framework, although the weight that I can attach to the conflict with the Local Plan is limited in light of the Council's lack of a 5 year housing land supply. Notwithstanding this, the development would conflict with the Framework as discussed and would therefore be an unsustainable form of development and harmful to the character and appearance of the area. For this reason the appeal is dismissed.

*R Walmsley*

INSPECTOR