



Appeal Decision

Site visit made on 16 October 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 15th December 2017

Appeal Ref: APP/V0510/W/17/3173726

Land adjacent to 14a 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. A. Edwards against the decision of East Cambridgeshire District Council.
 - The application Ref 16/01536/FUL, dated 6 November 2016, was refused by notice dated 2 February 2017.
 - The development proposed is a self-contained annexe with hydrotherapy suite and site works to accommodate special medical requirements of the applicant.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would comply with the spatial strategy of the East Cambridgeshire Local Plan April 2015 (LP) in terms of the location of the development and the effect of the development on highway safety.

Reasons

3. The appeal site is located in a small group of dwellings in an otherwise rural area and other development and currently forms part of the land around 14a The Cotes. From the evidence before me, the adopted highway is in excess of 200 metres away from the site and is accessed via a private roadway known as Blackberry Lane. There is also access available onto a driveway off the main section of road of The Cotes (with the driveway also being referred to as The Cotes).
4. The proposed annexe would be detached from the existing dwelling and would contain a bedroom, a wetroom, a kitchen/dining room, and a combined space shown as a sitting area and a physio area. These facilities indicate that the proposed annexe could be occupied independently with the submitted drawing also indicating a curtilage to the annexe. The proposal also includes a further building at the opposite corner of the site which would house a hydrotherapy suite.
5. Given the detached nature of the proposal with its own distinct curtilage (together with the facilities shown on the submitted drawings), to my mind, it would be functionally separate from the existing dwelling and would be likely to be occupied as an independent dwelling.

6. It has been indicated that the Appellants daughter (and family) would occupy the existing dwelling, and that the proposal should be kept separate from the proposed development to enable his daughter family to lead their own independent life. To my mind, this adds weight to my view that the annexe would be occupied independently of the main dwelling as opposed to a functionally linked annexe.
7. In addition to the above, the plans also indicate an existing annexe on the site (marked as 14b The Coates). From my site visit this also has a separate curtilage and it is not clear from the evidence before me how this building relates to the overall use of the site.
8. My attention has been drawn to previous appeal decisions¹ which related to new dwellings in broadly the same location (one each side of the existing dwelling) which were dismissed on the basis of the reliance of the future occupiers of the developments on the private motor vehicle and the relative isolation to services.
9. Given my conclusions on the lack of functional linkages to the existing dwelling (and that the annex would for all intents and purposes be occupied as an independent dwelling), there is little difference between the previous and current appeal developments in respect of this issue. In addition to that, little evidence has been provided to me to indicate that the occupiers of the proposal would not be heavily reliant on the private motor car to access the most basic level of services.
10. Turning to the design and scale of the proposed buildings, these would not appear out of scale or character with the variety of differing building in the vicinity of the site. However, that does not outweigh the harm I have found.
11. My attention has been drawn to numerous other proposals for new dwellings in Barway, Wardy Hill, Mepal, Isleham, Fordham and Soham, including five applications on Great Fen Road. However, very limited details of these have been provided to me and I am unable to judge whether these are comparable to the appeal development. Moreover, each application must be considered on its individual merits.
12. For the above reasons the proposal would be in conflict with the spatial strategy for East Cambridgeshire and would be contrary to Policy GROWTH2 and COM7 of the LP which amongst other matters seek to direct new development to the most sustainable locations, reduce the need to travel (particularly by car) and have regard to the need to protect the countryside.

Highway safety

13. The proposal would invariably involve an additional amount of traffic along The Cotes and/or Blackberry Lane. However, given the nature of the development the amount of additional traffic would clearly be limited.
14. I also note that this issue was effectively considered in the previous appeal decisions at the site. The previous inspector considered that there would not be a severe residual cumulative impact on highway safety.

¹ APP/V0510/W/16/3143840 & APP/V0510/W/16/3143272

15. The Council have indicated that the speed limit along The Cotes is 60mph, which has not changed since the last appeal decision. From my site visit, I saw that traffic speeds were significantly lower than 60mph, although I acknowledge that this was only a snapshot in time. Notwithstanding that, given the geometry and layout of the road, it is highly unlikely that speeds of 60mph would be typical.
16. Taking all of the above into account, I consider that the development would provide a safe and suitable means of access to the site for all people.
17. For the above reasons, the development would provide a suitable access and would accord with Policies ENV2 and COM7 (in respect of a safe access) of the LP which amongst other matters seek to provide a safe means of access to the highway.

Planning balance

18. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework, the housing supply policies in the LP are not up-to-date.
19. Consequently the fourth bullet point of paragraph 14 of the Framework comes into force. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
20. As in the previous appeal decision, the occupiers of the annex would be heavily reliant on the private motor car to access the most basic levels of services and facilities. It is clear that this would conflict with the environmental dimension of sustainable development as well as social aspect in relation to isolation from community facilities. This would also conflict with paragraph 55 of the Framework in this respect. These factors weigh heavily against the proposal.
21. The development would provide some minor economic benefits to the rural area through the construction process, and in generating further economic activity through increased population in the rural area. In respect of the other aspect of the social dimension, the proposal would bring some minor social benefits in that it would provide much needed additional housing. I also have had regard to the personal circumstances of the Appellant, in that there is an undisputed need for care and medical needs. These factors weigh in favour of the proposal.
22. From the evidence before me, it is unclear what the shortfall in the Council's five year housing land supply is. Notwithstanding this, the proposal is unlikely to have any significant effect in reducing the deficit.
23. Against this background, to my mind, the harm identified (including the conflict with the LP and the Framework) significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

24. Taking all matters into consideration, including support for the proposal from the Parish Council and health professionals, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR