



## Appeal Decision

Hearing Held on 5 September 2018

Site visit made on 5 September 2018

**by John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> September 2018**

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**Appeal Ref: APP/W0530/W/18/3194884**

**Land to the west of Chrishall Road, Fowlmere, Royston SG8 7RY**

- 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 Colegrove Estates Ltd against the decision of South Cambridgeshire District Council.
  - The application Ref S/2757/17/FL, dated 1 August 2017, was refused by notice dated 24 January 2018.
  - The development proposed is described as a full application for 15 dwellings, construction of access and provision of open space.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council published the Inspectors' report into the Emerging Local Plan (ELP) on September 3<sup>rd</sup> 2018. Since this was two days prior to the Hearing I allowed the appellant an extension of time to make representation on the implications thereof in the interests of fairness. I have taken any response into account in my decision.
3. Between the determination of the planning application and this appeal, a revised version of the National Planning Policy Framework ('the Framework') was published. I invited comments from the Council and the appellant as to whether it had any implications for the appeal. Again, I have had regard to any responses received and the 2018 iteration of the Framework in reaching my decision.

### Main Issues

4. There are three main issues. These are the:
  - Whether or not the appeal site is an appropriate location for new housing having regard to the development plan and the Council's supply of housing sites;
  - The effect of the proposed development on the living conditions of existing neighbouring occupiers; and
  - The effect of the proposed development on the character and appearance of the area.

## Reasons

### *Appropriate Location*

5. The appeal site is located outside of the defined settlement framework of Fowlmere. In planning terms and by definition therefore it is in the countryside. Fowlmere is classified as a group village by Policy ST/6 of the Local Plan<sup>1</sup>. Group villages, according to ST/6, are generally less sustainable locations for new development than the larger rural centres and minor rural centres since they have fewer services and facilities that would cater for only some basic level day to day needs. Fowlmere itself benefits from a primary school, two public houses and a restaurant as well as some recreational facilities and a village hall. There were uncorroborated comments made at the Hearing that at least one public house has since closed. The village has no general store, post office, health care facilities or sufficiently diverse employment opportunities. In terms of day to day needs therefore, Fowlmere is far from well served. Consequently, ST/6 allows for limited new housing development, within settlement frameworks, up to an indicative maximum of eight dwellings.
6. There is a single bus service that links Fowlmere with further afield and passes through six times a day, six days per week. Whilst regular, it doesn't strike me as being sufficient to rely upon. There are train stations in nearby Shepreth and Foxton which connect with Cambridge. The appellant estimated these were in the region of three miles from the appeal site which, in my view, is too far to say that walking is feasible day to day for the majority taking into account the type and rural nature of surrounding roads and the less able. The appeal scheme proposes a total of 15 dwellings which is higher than the indicative policy stated maximum by more than a marginal degree. Almost double in fact. ST/6 does allow for a higher number than the indicative maximum but only where a scheme looks to develop a brownfield site, which the appeal site is not. It is also outside of the defined settlement framework, in the countryside.
7. Putting the scale and location of the proposed development in the context of what Fowlmere has to offer it seems to me that the appeal scheme would serve to promote unsustainable patterns of development. In essence, it would not discourage a substantial increase in the use of the private car which is the least sustainable travel option. There would be some harm caused as a result of this alongside harm as a result of conflict with ST/6 in the terms I have set out above.
8. The approach of ST/6 is to be taken forwards as part of ELP Policy S/10, almost verbatim. The Council received the Inspectors' report into the ELP on September 3<sup>rd</sup>, two days prior to the hearing. The report found the ELP sound subject to recommendations, none of which affect the principles of S/10. I therefore attach significant weight to S/10 as the development plan's direction of travel for development concerning group villages.
9. As part of finding the ELP sound, the Inspectors concluded that the Council, along with Cambridge City, could demonstrate the supply of housing sites as required by the Framework<sup>2</sup>. I accept this was by using the Liverpool method<sup>3</sup>

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<sup>1</sup> South Cambridgeshire District Council: Development Control Policies Development Plan Document 2007

<sup>2</sup> The National Planning Policy Framework 2018

but this was justified given the supply is predicated on a number of large scale strategic sites. The plan was submitted for examination in 2014. Hearings took place between November 2014 and April 2015 as well as between June and July 2017.

10. I acknowledge the appellant's comments regarding the potential delivery rate of the larger sites, the method my colleagues used for calculating and agreeing the supply figure as well as how long the adoption of the plan was in the making. However, the relevant test for the deliverability of a site for the purposes of calculating a supply is to be satisfied that it is reasonably likely to be able to be delivered in the relevant period and based on the evidence. Whether it ultimately will or won't is a matter for ongoing monitoring and future assessments to consider.
11. The finding of the required supply of sites, plus the requisite buffer, was as the result of a lengthy process of hearing and cross examining evidence and other influencing factors at public inquiry to be sure that the stated supply would be robust and deliverable based on the relevant criteria for assessing it. The appellant's arguments, valid points though they raise, would not be sufficiently strong when measured against the thoroughness of the ELP examination process and what fed into it.
12. With this in mind, I do not see a situation where I would reduce weight<sup>4</sup> to the policies of the adopted development plan which, at the time of making my decision, is the adopted Local Plan. In addition, I ascribe significant weight to the relevant policies of the ELP which in this particular case carry forward the approach of ST/6 as I have set out above. With all of this in mind, there seems no sufficiently compelling reason why I should take a decision, with regard to this main issue, other than in accordance with the development plan. The appeal site would not therefore be an appropriate location for new housing.

#### *Living Conditions*

13. The appeal scheme would develop a greenfield site on the edge of the existing settlement. To the immediate north west of the appeal site is Appleacre Park, a contained and clustered development of park homes. The dwellings that make up Appleacre are by virtue of a number of historic planning permissions. One such granted in 1992<sup>5</sup> permitted the siting of six static caravans close to the boundary that abuts the appeal site. Whilst through discussion at the Hearing it was established that this planning permission only specified the number of pitches and not the exact location of them, due the narrowness of the development site and Appleacre's infrastructure, it is more likely than not that the permitted six units would line up, abreast, against the boundary shared by the appeal site. The site's license, it was also heard, states that no units can be closer than three metres to its boundary.
14. There was some debate when it came to the site visit as to precisely how many units were inside the area defined by the 1992 planning permission. Nonetheless, and taking into account the above, it seems to be the case that up to a total number of six units could fall in reasonably close proximity to the northwestern boundary of the appeal site and their respective rear gardens

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<sup>3</sup> Calculation and making up of shortfall by spreading it out over the life of the plan rather than the first five years thereof

<sup>4</sup> Paragraph 11 of the Framework

<sup>5</sup> Local Planning Authority Reference: S/1158/92/F

- would abut the shared boundary. Both parties agreed that there should be no lesser expectation of private amenity for a park home as opposed to a conventional single dwelling.
15. The rear elevations of plots 7 through 11 would face the concerned dwellings on Appleadre but would, in my view and having regard to the Council's relevant guidance, be sited sufficiently far away for any perceived overlooking to impinge on privacy. Similarly, the separation between plot 12 and the northwestern boundary would be sufficient to ensure that the occupiers of the Appleadre dwellings would not be subject to an unacceptable over bearing effect.
  16. Of concern to me however is the siting and angle of plots 3 and 4 relative to Appleadre and where the north easternmost dwellings thereon could be sited, having regard to the planning permission earlier referenced. The first floor rear windows of these units, which serve bedrooms, would have a direct line of sight towards the closest Appleadre dwellings. I am left in little doubt that clear views could be had of the small areas of land to the rear of the units where residents would expect a reasonable degree of privacy. As well as the effect of overlooking, the proximity and height of these plots would have something of a looming presence, exacerbating their overall impact.
  17. I note that a landscape buffer is proposed for the shared boundary which would go some way to reducing the harm I have identified here. However it would have to be of some significant height to overcome my concerns sufficiently and this would take some time to fully establish even with the planting of semi mature specimens. In addition, and at the height it would have to be, I would have some concerns as to how oppressive and enclosing it would be for residents living on the Appleadre side.
  18. For the reasons I have set out above, the proposed development would be harmful to the living conditions of existing neighbouring occupiers. Such that it would fail to accord with Policy DP/3 of the Local Plan. This policy, amongst other things and along with the Framework seeks to ensure that new development should not have an adverse impact on residential amenity and that a good standard should be provided for existing and future occupiers of land and buildings.

#### *Character and Appearance*

19. The appeal site is a roughly rectangular plot of open and undeveloped land that abuts the built extremities of the village. It is laid to tall overgrowth and bar where it abuts Appleadre, it is bounded by substantial mature trees which all but screen it from wider views.
20. Plots 1 through 6 of the proposed development would reflect the linear pattern of buildings that extend along Chrisall Road running towards the village edge. They would be set further back into the site but will nonetheless have a street facing elevation. There would be a structured formality to the scheme as a whole, further acknowledging of presentation to the street in the immediate area. The contained and clustered nature of the development would read well alongside Appleadre Park. There is a difference in scale already read when considering Appleadre's wider context but in effect the existing village edge at this point is characterised by a contained cluster of housing development which would be replicated further southeast.

21. There would be a change to the character and appearance of the area and one may legitimately say that given an open and undeveloped site would be covered by housing some harm may arise. However, and when considering the layout, form and design of the appeal scheme in the context of how enclosed the site is from a landscaping point of view it would be hard to conclude that the proposed development would be so harmful to the character and appearance of the area that it would be sufficient a ground on which to withhold planning permission. With this in mind, I do not consider the proposed development would conflict with Policy DP/2 of the Local Plan. This policy, amongst other things and along with section 12 of the Framework, seeks to ensure that new development is of a high quality, preserves or enhances the character of the area and is compatible in terms of scale, mass, form and design.

### **Other Matters**

22. I acknowledge that there is a pressing need for new housing in both the region and the country as a whole and there have been a number of studies in support. This would not however translate to development at all costs. It still needs to be the right housing in the right place. In addition, planning applications for such need to be judged against the provisions of the development plan as a fundamental tenet of the process. Furthermore, there is no compelling evidence before me to state that the need has to be met by the development of the appeal site.
23. The development of the site would bring benefits in terms of the provision of housing, additional affordable housing and contributions to the local economy through jobs and expenditure. Given the scale of the development this would however be limited and would be set against demonstrable harms in any balance, mostly of an environmental nature that result in development plan conflict. In the context of the Framework's three key objectives to achieving sustainable development therefore, I cannot be satisfied it would.
24. The appeal scheme would seek to contribute towards open space, play equipment, education provision and local infrastructure. This would be as a planning obligation, through a bilateral agreement which has been completed and submitted with the appeal. Its provisions were discussed at the Hearing. Be this as it may, the contributions set out are either required by policy or as a means to mitigate the effects of the proposed development. Consequently I do not consider them to be benefits.

### **Conclusion**

25. Whilst I have found that the appeal scheme would not harm the character or appearance of the area, this would not lessen that which would arise out of both the principle and its effect on the living conditions of existing neighbouring occupiers. Accordingly, and taking into account all other matters raised, it is for these reasons that the appeal is dismissed.

*John Morrison*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr Colin Blundell	Appellant
Miss Kate Wood BA (Hons) MRTPI	Pegasus Group

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Keith Barber	Solicitor to the Council
Miss Judit Carballo	Cambridgeshire County Council
Mr Douglas Edwards QC	Instructed by the Council
Mr James Fisher	South Cambridgeshire District Council
Miss Jenny Nuttycombe	South Cambridgeshire District Council
Mr David Roberts	South Cambridgeshire District Council
Mr Luke Simpson	Adams Hendry (on behalf of the Council)

### THIRD PARTIES:

Mr Bernard Hart	Local Resident
Cllr Mrs Deborah Roberts	Vice Chair Parish Council
Cllr Mr Lawrence Wragg	Chair Parish Council
Mr James Young	Local Resident

## DOCUMENTS SUBMITTED AT THE HEARING

### APPELLANT:

- Appeal decision APP/W0530/W/16/3148949

### COUNCIL:

- Statement explaining contributions sought by Cambridgeshire County Council
- List of neighbour notifications
- Drawing reference 217.18 revision D showing street scene views