



Appeal Decision

Site visit made on 28 February 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 4TH April 2019.

Appeal Ref: APP/V0510/W/18/3214207

Land at Bury Lane, Haddenham CB6 3PR

- 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 Derwyn Hardwick (Laragh Homes Development Ltd) against the decision of East Cambridgeshire District Council.
 - The application Ref 18/00803/FUM, dated 11 June 2018, was refused by notice dated 4 October 2018.
 - The development proposed is the erection of 24 dwellings with access from Bury Lane, including affordable housing, open space, children's play area, drainage basin and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 21 February 2019 the Council withdrew its emerging Local Plan and consequently the emerging policies now have no status. The East Cambridgeshire Local Plan 2015 (LP) remains the adopted Local Plan for the district.
3. A planning agreement has been prepared in relation to affordable housing, the provision and maintenance of Public Open Space, and to education contributions. These are not significant contested issues between the parties.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is agricultural land currently in use for the keeping of horses, adjacent to but outside of the village settlement boundary. While there are residential properties near the eastern boundaries of the site, on Aldreth Road and Bury Lane, most of the land is surrounded by open countryside.
6. There is a long and expansive view of the countryside from the junction of Aldreth Road and Bury Lane, across the appeal site, due to a gap in the dwellings that line Aldreth Road. Because of the screening effects of built development along Aldreth Road, which follows a natural ridge, there are very limited other views from it in the same direction of the wide-open and largely

flat rural landscape which is a Fenland Landscape Characteristic¹. Similar views across the site exist passing from the junction into Bury Lane, as experienced by walkers including those accessing public footpath 110/08 into the Haddenham Conservation Area (CA) adjacent to the site's northern boundary.

7. Accordingly, the site exerts a positive and valuable contribution to the character of the village, in providing openness at the fringe of the settlement and in a key position which allows the rural Fenland setting of Haddenham to be reinforced by the distinctive landscape views the openness affords.
8. I note a previous appeal² (the dismissed appeal) for 30 dwellings on the same site. The Inspector in that appeal dismissed it due to what he regarded as the significant negative effect on the character of the locality. I also note the changes which have been made to the proposals which have resulted in the current appeal scheme, which go some way to addressing concerns raised in the dismissed appeal. Amongst these are: reducing the number of dwellings; reducing build density; increasing the area and proportion of the site to be designated as open space; reducing the number of two storey dwellings; locating lower storey dwellings at more visually sensitive locations in respect to views from Aldreth Road/Bury Lane; setting back plot 1 and 2 properties further from Bury Lane with retention of frontage hedge; a planting scheme; and a reduction in depth of the developed part of the site so that the furthest of the new properties from Aldreth Road would broadly align with the established village boundary in respect to the rear curtilage of the Bury Lane properties to the north.
9. However, notwithstanding the above changes, the appeal proposal would create a housing development which would sub-urbanise the site and be visible at least in part in the key vista I have outlined in paragraph 6 above. The topography of the site entails that the land slopes away from Aldreth Road. Although this would have the effect of making the new dwellings furthest from Aldreth Road less prominent and reduce visual impact in terms of their effect on long views to the horizon, they would still adversely affect the immediate countryside setting. And in featuring as sub-urban additions to the vista as a whole, they would adversely impact on the overall appreciation of the Fenland setting notwithstanding being visible in the foreground below the horizon. Further, the new dwellings nearest Aldreth Road would exert a more marked intrusion upon longer views of the countryside, despite the proposed set back.
10. In making my finding I have considered the Landscape & Visual Impact Assessment (LVIA) submitted with the application. Figures 20 and 21 provide photographic representations of the view of the proposed development from the Aldreth Road/Bury Lane junction, with vegetative screening as predicted at 1 year and 15 years after development. The representations are notably with planting in full leaf rather than in winter where there would be less screening and softening effects by foliage. In my judgement, even were I to accept the effectiveness of the planting in providing "some mitigation" as per page 25 of the LVIA, the built form of the housing development would have a considerable adverse visual impact on the positive contribution that the site currently provides to the rural character of the area by way of its openness on the fringe of the settlement and by the way of the associated views across it to the countryside and Fenland landscape. The planting would also take some time to

¹ Cambridgeshire Landscape Guidelines, Area 8: Fenland

² APP/V0510/W/18/3196127, decision date 12 November 2018

grow to maturity to provide the screening suggested in Figure 21 and there would be unacceptable harm to the character of the area in the intervening years.

11. I acknowledge that the site currently has some existing vegetation that provides some screening of views into the countryside beyond. However, such trees and hedges are in keeping with the countryside character while the introduction of the built form of the appeal proposal would be incongruous to it. Although there is existing development nearby, notably in Bury Lane to the north, those properties do not affect the openness of the site or sit within the key views of the countryside as seen from the junction with Aldreth Road and across the appeal site.
12. While the proposed development would be situated outside the CA, and both the appellant and the Council appear to agree that the effect on its setting would be unaffected, there have been concerns raised by the Parish Council. The LVIA finds that there would be limited visibility of the appeal proposal from within the CA, with the roof of a single storey dwelling in sight from public footpath 110/08. Evidence submitted by the Parish Council concludes that there would also be longer distance views of the proposal within the CA from the north. However, taking all into account, I do not find that there would be harm to the setting of the CA since views of the development from these orientations within the CA would be limited or distant and experienced in the context of existing development along Aldreth Road outside of the CA. However, this does not diminish the considerable harm that the proposal would otherwise cause to the character and appearance of the area for the reasons in the preceding paragraphs.
13. Therefore I find that the proposed development would cause considerable harm to the character and appearance of the area and as such is in conflict with Policy ENV1 of the LP which seeks to protect key views into and out of settlements, and to protect settlement edges and their wider landscape setting. The Policy also seeks to ensure that proposals are informed by, and sympathetic to, and respect the distinctive character areas defined in the Cambridgeshire Landscape Guidelines.

Other Matters and Planning Balance

14. The appellant has raised the matter of the Council having recently granted planning consent (17/01756/FUM) in Haddenham for 54 new homes. However, as stated by the appellant that was under a different policy context and in any case I have considered this appeal on its own merits.
15. The appellant has also referenced appeal decisions in making an argument that appeal proposals can be allowed despite housing land supply requirements being met by a Council. This is not disputed. In any respect, both parties agree that the housing supply policies of the LP are out-of-date with the revised National Planning Policy Framework (the Framework), since the Council cannot demonstrate a 5-year housing land supply. The Council can demonstrate slightly less than a 4-year supply of deliverable housing sites.
16. The appeal scheme would not have an impact on protected areas or assets listed in footnote 6 of the Framework and therefore, the tilted balance in Paragraph 11d) is engaged as an important material consideration. This states that planning permission should be granted unless the adverse impacts of the

proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

17. The delivery of 24 homes would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing, which the Council are currently not doing due to the housing supply deficit. The appellant has cited appeal decisions³ made within the last year in the same council area to mark the under-supply of housing and put forward the case that the supply of 24 homes in this context should be afforded significant weight. However there is a material difference with the cited cases which involved much larger housing schemes (100 dwellings and 77 dwellings). Taking all into account, the delivery of 24 dwellings including 30% affordable housing would be a benefit of moderate weight. The proposal could also provide revenue to the Council and support the local economy through construction jobs and from the potential of future residents to spend locally. The scheme, as agreed through the planning obligation, would also provide for education contributions and for the provision and maintenance of Public Open Space. Overall, the benefits of the proposal are matters of moderate weight in favour of the proposal.
18. The appeal scheme would result in considerable harm to the character and appearance of the rural area. These adverse impacts would conflict with Paragraphs 127 and 170 of the Framework as the scheme would not be sympathetic with the local landscape setting and would fail to recognise the intrinsic character or beauty of the countryside. Overall, the adverse impacts of the proposal are of a magnitude which weighs heavily against the grant of planning permission.
19. Consequently, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. This does not indicate that the proposal should be permitted in spite of its conflict with the development plan.

Conclusion

20. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is dismissed.

Andrew Walker

INSPECTOR

³ APP/V0510/W/17/3186785 -Land rear of 98-118 Mildenhall Road, Fordham
APP/V0510/W/17/3191847 -Land off Mepal Road, Sutton, Cambridgeshire