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# Appeal Decision

Site visit made on 14 November 2023

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> December 2023**

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**Appeal Ref: APP/H0520/W/23/3318336**

**Northbrook Equestrian Centre, New Road, Offord Cluny, Cambridgeshire  
PE19 5RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by The Shires PP Ltd against Huntingdonshire District Council.
  - The application Ref 22/01913/OUT, is dated 2 September 2022.
  - The development proposed is an outline planning application with all matters reserved, save for access, for the redevelopment of previously developed land (brownfield) and the construction of a residential development comprising up to 28 dwellings (C3).
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## Decision

1. The appeal is dismissed and planning permission for an outline planning application with all matters reserved, save for access, for the redevelopment of previously developed land (brownfield) and the construction of a residential development comprising up to 28 dwellings (C3) is refused.

## Procedural Matters

2. The planning application was submitted in outline with all matters reserved for future consideration, with the exception of access. In result, I have regard to the information submitted in respect of the reserved matters on an indicative basis only.
3. The appeal was accompanied by some revised documents, including a different indicative layout and works to New Road. Given the scale, and nature, of these changes, I consider it would not cause prejudice to any party to determine the appeal with reference to these amendments.

## Main Issues

4. The main issues relevant to this appeal are:
  - the suitability of the site as a location for a residential development, with particular regards to the requirements of the development plan;
  - the effect of the development on the character and appearance of the surrounding area;
  - the effect of the development upon highway safety;
  - the effect of the development upon flood risk; and
  - the effect of the development upon biodiversity

## Reasons

### *Suitability of the site*

5. The appeal site is outside of the boundaries of the nearest settlement and is therefore in the countryside. The appeal site is accessed via New Road, which runs alongside the front boundary. The area surrounding the appeal site is rural in nature.
6. The proposed development would replace an existing equestrian use. However, I have no reason to believe that the final development would not be of a scale comparable to the maximum threshold specified within the planning application. This means that there would be a larger number of people being resident at the appeal site.
7. This causes a concern given that the proposed development would not be in the settlement. Therefore, residents of the proposed dwellings would need to travel in order to access the services and facilities that they are likely to require on a regular basis, given the lack of facilities in the immediate surroundings of the appeal site.
8. The existing road does not feature separate environments for pedestrians or cyclists. In addition, the proposed development does not feature street lighting. This, when combined with the distance that residents would need to travel means that that cycling or walking would not be attractive travel options for the future occupiers of the proposed development. In consequence, it is likely that the proposed development would result in an increase in the overall use of private cars as a means of travel.
9. I understand that there are some public transport routes available within the nearest settlement. Whilst this may be the case, residents of the proposed development would still need to travel for a reasonable distance in order to access these public transport routes, irrespective of the frequency that the services operate from Offord Cluny. This resultant lack of convenience means that travelling by these methods is likely to be deterred and, instead, encourage travelling by private cars.
10. Although there are some services in Offord Cluny; the level, and type, are commensurate to the size of the settlement. This means that residents would need to travel to other places to access the other services that they are likely to require on a relatively frequent basis. Therefore, the lack of convenience is likely to directly lead to an increase in the overall level of journeys by private vehicles.
11. Enhancements to New Road are proposed, which include the provision of greater amounts of pavements. Even if I were to conclude that these could be provided throughout the life of the development, the lack of convenience might mean that residents would be less likely to use them. This would include periods of poor weather or darkness. Therefore, this suggestion does not overcome my previous concerns.
12. The proposed development would result in the re-use of the appeal site and could provide some affordable housing. However, such matters do not overcome my previous concerns regarding the nature of the appeal site's location.

13. I have been directed towards Policy LP33 of the Huntingdonshire Local Plan (2019) (the Local Plan). Amongst other matters, this policy relates to the effects of development upon the character of the surroundings from the conversion of buildings, the living conditions of neighbours, and the reuse of buildings. Given the effects that would arise from the location of the proposed development, I do not believe that this policy has been breached in this specific issue.
14. I therefore conclude that the appeal site represents an inappropriate location for the proposed development. The development, in this regard, would conflict with the requirements of Policies LP2, LP10 and LP16 of the Local Plan. Amongst other matters, these seek to ensure that development is concentrated in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities; that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the Local Plan; and that opportunities for the use of sustainable travel modes are maximised.

#### *Character and appearance*

15. The appeal site is in the countryside. Although the appeal site is currently used for equestrian activities, buildings are generally located in relatively small clusters. Settlements are typically nucleated in nature. The rest of the site features some structures and fences associated with equestrian activities, but these are relatively small in scale. The wider area contains a variety of fields, with subtle variations in topography. This means that the appeal site, and the surrounding area, has a predominantly open, rural, and undeveloped character.
16. The planning application was submitted in outline, with all matters reserved apart from access. However, I have no reason to believe that if planning permission were to be granted, the resultant development would not be of a scale akin to the maximum parameters outlined in the planning application.
17. Therefore, the proposed development would result in a significant increase in the overall level of built form. This would include the provision of the new dwellings, in addition to the likely provision of matters such as vehicle access routes. This means that the proposal would have a notable urbanising effect, even if the proposed development could include appropriate materials and lower ridge heights and there are no designated landscapes nearby.
18. In addition, there is a likelihood that the proposed development would feature items such as car parking areas and items such as gardens and boundary treatments. These would result in the creation of a development that would have a domestic appearance.
19. This causes a concern given that the appeal site is located in an area surrounded by fields. Therefore, the creation of a more domestic form of development would result in an erosion of the rural character. This would render the proposal an incongruous addition to the locality. I also note that, at night, it is likely that lights would also be perceptible in the proposed development. The proposal would include additional landscaping however, this would add to the form of the development.
20. I am aware of a nearby development known as The Glebe. I have not been provided with all the planning circumstances of this, which means that I can

only give it a limited amount of weight. Nonetheless, whilst I note that the development was constructed in the countryside, it was situated adjacent to the existing settlement.

21. In contrast, this site is some distance away from the settlement. Some fields are located in between The Glebe and the appeal site. Therefore, the appeal scheme would be more prominent. In consequence, the presence of The Glebe does not overcome my previous concerns.
22. In addition, the proposed development would be prominent. Owing to the proximity of the appeal scheme to the road and a public bridleway, it is likely that there would be larger numbers of passers-by. This would be exacerbated by the fact that the bridleway would run alongside one of the side boundaries of the proposed development.
23. This means that the proposed development and the loss of the existing open and less developed character and its replacement by a more urbanised appearance would be readily perceptible. This would give rise to a significant change.
24. This would be exacerbated by the relatively open field pattern within the surrounding area, which means that the proposal would be a strident addition to the locality, irrespective of the final design and landscaping in the development. The indicative plans show an area of open space that is to be placed towards the rear of the site. Although this would offer some softening of the overall development, it would not mitigate the adverse effects arising from the significant increase in built form.
25. There would be some views of the proposed development from locations further away. However, these would be relatively limited and would not give rise to a notable adverse effect upon the character of the surroundings. However, these would not overcome my previous findings.
26. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies LP10, LP11 and LP12 of the Local Plan. Amongst other matters, these seek to ensure that developments recognise the intrinsic character and beauty of the countryside; respond positively to its context; and contributes positively to the area's character and identity.

#### *Highway safety*

27. The proposed development would feature the erection of up to 28 houses and would also replace an existing business. This would be accessed via New Road. This is a relatively narrow road lacking in separate pavements and streetlighting. New Road also serves as access to some other properties.
28. I have no reason to believe that the final development would not be of a level comparable to the maximum specified in the planning application. Therefore, even though the appeal site has an existing commercial use, the development is likely to result in an overall increase in the use of New Road.
29. In consequence, the proportions of New Road, combined with the increase in its use, is likely to result in an increase in the overall risk of collisions between motorists or, potentially, with pedestrians and cyclists, irrespective of the

timing in potential peaks in vehicle movements. In reaching the latter view, I have had regard that New Road also serves as access to a bridlepath. This means that the road would feature a higher level of usage.

30. These effects would occur even though there would be visibility along the relevant length of New Road. In result of this arrangements, the development would result in an erosion of highway safety for all users, even though the proposed development could provide an appropriate level of car parking.
31. The appeal documentation includes upgrades to New Lane. These would include an increase in the width of the road, in addition to increases in the provision of an additional pavement. Whilst I have had regards to these, I note that the land on which the improvements would need to be constructed are not within the ownership of the appellant.
32. This means that there is some doubt that the proposed development would not deliver the necessary improvements required to avoid an adverse effect upon highway safety.
33. Furthermore, although New Road features a grass verge, it has not been adequately demonstrated that the verge is of sufficient topography and stability to allow for the construction and retention of the additional works as suggested in the appeal scheme. Furthermore, it is not certain as to how these would be maintained throughout the life of the development. Therefore, the presence of these suggested works would not allow me to disregard my previous concerns.
34. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict with the requirements of Policies LP11, LP12, LP16 and LP17 of the Local Plan. Amongst other matters, these seek to ensure that developments are well-designed; promote accessibility and permeability for all; that safe physical access from the public highway can be achieved, including the rights of way network, where appropriate; and incorporate appropriate space for vehicle movements.

#### *Flood risk*

35. The evidence before me indicates that three overland flood flow conveyance routes converge at the appeal site. This means that a significant proportion of the site is at a medium and high risk of surface water flooding.
36. The evidence before me suggests that the appeal site and the surrounding areas do experience surface water flooding. The appeal site, and the surrounding area, also features relatively little variation in terms of land levels.
37. In considering this appeal, I have been directed towards planning policies that seek to ensure that developments do not increase flood risk either, on site, or in neighbouring areas.
38. The proposed development, by reason of the increase in built form, would result in a greater level of impermeable surfacing. This would include the proposed houses. This would result in a diminished ability for the appeal site to absorb any rainwater. Furthermore, the proposed development would include some amendments to the overall floor levels of the proposed development.

39. In consequence, the proposed development is likely to result in water accumulating on the appeal site, or potentially being displaced onto neighbouring land. This means that the development is likely to result in an increased risk of flooding on both the appeal site and the surrounding area. In addition, the submitted documentation does not provide an adequate level of certainty that the convergence of conveyance routes would be adequately attenuated. This would mean that the proposed development would conflict with the requirements of national and local planning policies.
40. I note that the appellant has submitted a revised sequential assessment. Whilst this represents a limited number of alternative sites to accommodate the proposed development, it is still a requirement that proposals do not have an adverse effect upon flood risk on sites, or on neighbouring land. For the preceding reasons, this objective would not be adhered to.
41. Furthermore, the Council can currently demonstrate a five-year housing land supply. Whilst such supply levels do not necessarily specify a maximum level of development that should take place, it does mean that the need for new housing has been planned for. Therefore, the benefits arising from the additional homes are relatively limited and do not outweigh the previous points.
42. Some concerns have been raised regarding the maintenance of riparian routes. However, as these are likely to be in the curtilages of the proposed dwellings, the future occupiers would have an opportunity to undertake sufficient maintenance. Owing to this arrangement, it is unlikely that this would give rise to increased flood risk. However, this does not overcome my preceding findings.
43. I therefore conclude that the proposed development would have an adverse effect upon flood risk. The development, in this regard, would conflict with the requirements of Local Plan Policies LP5 and LP15. Amongst other matters, these seek to ensure that developments will only be supported where all forms of flood risk have been addressed; and that surface water has been considered from the outset.

#### *Biodiversity*

44. The proposed development would replace substantial areas of green space as part of the construction process. However, the proposal will also include the planting of several areas of landscaping. This is indicated on the submitted documentation.
45. As part of the appeal process, the appellant has submitted an updated biodiversity assessment. This has been seen by the council as part of the appeal proceedings. This documentation demonstrates that the appeal scheme could provide an increase in the overall level of biodiversity.
46. Given that it would be possible to impose conditions requiring the developments were carried out in accordance with these details, it would be possible to provide some certainty that the proposed development would deliver the necessary levels of biodiversity improvements. Such a planning condition would be necessary, reasonable, precise and related to the development under consideration.

47. I therefore conclude that the proposed development would not have an adverse effect on biodiversity. The development, in this regard, would comply with Policy LP30 of the Local Plan. Amongst other matters, this requires that developments demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated.

### **Other Matters**

48. The proposed development would generate some economic benefits arising from the construction process and the occupation of the proposed development. However, such benefits are unlikely to be of a large scale and would, in some instances, be time-limited in duration. This means that they do not outweigh the adverse effects arising from three of the main issues.

49. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

### **Conclusion**

50. Although the proposed development could deliver an enhancement to biodiversity, this would be outweighed by the harm arising from the location of the proposed development and the adverse effects on the character and appearance of the surrounding area, highways safety and flood risk. The scheme would conflict with the development plan taken as a whole. There are no other material considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed, and planning permission should be refused.

*Benjamin Clarke*

INSPECTOR