



Appeal Decision

Site visit made on 5 May 2026

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2026

Appeal Ref: 6004359

Land West of Hermitage Gardens Accessed From Benwick Road, Doddington, PE15 0WL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Diocese of Ely, Ely Diocesan Board of Finance against the decision of Fenland District Council.
 - The application Ref is F/YR25/0129/O.
 - The development proposed is described as outline application for up to 37 dwellings and associated works including necessary sustainable drainage and open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. An indicative plan has been provided, illustrating the potential layout of the site and the location of the proposed access. I have considered this insofar as it demonstrates whether the site could, in principle, accommodate up to 37no dwellings.
3. In their appeal submissions, the appellant has provided an amended plan¹ seeking to reduce both the extent of the site and the scale of development to 19 dwellings. However, the Procedural Guide to Planning Appeals makes clear that the appeal process should not be used to evolve a scheme. It is therefore important that I determine the appeal based on the proposal considered by the Council and on which interested parties had the opportunity to comment.
4. Under the principles established by the Courts in *Holborn Studios Ltd*², which refined the “*Wheatcroft principles*”³ to consider such a modification would be a substantive difference and procedurally could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, I have determined the appeal based on the plans that were before the Council when it made its decision.
5. The appeal site is outside, but proximate to the Doddington Conservation Area (CA), Whilst I acknowledge that the duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not apply to the setting of a CA, Paragraph 206 of the National Planning Policy Framework (the Framework) is clear that when assessing whether a proposal causes to harm to a

¹ Rev A of PLN_002

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

³ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

heritage asset, this also includes its setting. The same considerations will apply as a matter of policy in terms of weighing harm to significance against benefits. The special interest of a heritage asset derives not only from its physical presence and historic fabric but also from its setting which comprises the surroundings in which it is experienced. The setting of a heritage asset can therefore contribute to the significance of the designated heritage asset.

6. It is understood that the emerging Fenland Local Plan 2021–2040 has been formally withdrawn. Accordingly, it is not a material consideration in the determination of this appeal.

Main Issue

7. The effect of the proposed development upon character and appearance, having particular regard to the setting of the Doddington CA.

Reasons

8. The appeal site is a relatively flat, irregular shaped parcel of land, located to the south of Benwick Road. It lies between residential dwellings to the east and the cemetery to the west. The appeal site extends significantly back from the highway and is bounded by landscaping, including hedges.
9. The Doddington CA abuts the site's eastern boundary. It is centred on the village core, defined by historic routes with significance derived from the quality and variety of its buildings and its relationship with the surrounding countryside. The wider landscape supported the settlement's early agrarian-based economy. Open spaces, including the appeal site, contribute positively to the CA's setting, special interest, and overall significance.
10. The Doddington Conservation Area Character Appraisal October 2011 (DCACA) states that the historic settlement pattern remains largely intact west of New Street and south of Benwick Road, which includes the appeal site. It also identifies surrounding open farmland, although generally outside the proposed extended CA boundary, as making essential contributions to the CA's setting, integrity and special interest.
11. The undeveloped appeal site has an open, verdant character and, alongside neighbouring parcels of land, forms valuable open space that contributes to the setting of the CA. It comprises a substantial part of a wider area identified as 'Important Open Space'⁴ in the DCACA.
12. The DCACA also highlights key viewpoints and vistas⁵ of the village and church across open farmland that enhance the CA's character and special interest. Due to the flat landscape, these includes views from Benwick Road (north-west) towards the site and views across fields to the south-west of the appeal site towards the identified Important Open Space.
13. The significance of the CA is dependent upon how it is experienced and affected by development outside it. While the setting has evolved with modern development opposite the site and sporadically to the west along Benwick Road this contrasts

⁴ Map B Natural features of the DCACA

⁵ Map D Views and vistas of the DCACA

sharply with the more open and undeveloped land to the south of the road, which better reveals the CA's significance.

14. The proposal is in outline, with layout and appearance reserved for later approval. The indicative plan shows that while some development could align with existing built form near the northern part of the site, due to the scale of the proposal development would extend well into the southern area beyond the cemetery and Hermitage Gardens. Although landscaping is proposed in the far south, it would likely be more managed than the current condition. Given the extensive depth of the site and its relationship to existing built form the proposal would not integrate effectively with the more linear pattern of development.
15. The proposal would urbanise and weaken the rural setting of the CA. Due to the flat topography, it would be readily visible, particularly on approach to the village. As this agricultural character makes a significant contribution to the CA's setting, the proposal would harm its significance.
16. For these reasons, the proposal would harm the character and appearance of the area. Development within its setting would harm the significance of the Doddington CA. It would therefore conflict with criterion (a) of Policy LP16 of the LP, which seeks to protect and enhance heritage assets and their settings in line with the Framework, as well as Policy LP18 of the LP, which requires protection, conservation, and enhancement of the historic environment and clear justification where harm is proposed.

Other Matters

17. My attention has been drawn to recent appeal decisions in the locality. While the scheme at Land west of New Street⁶ shares some similarities in terms of encroachment into surrounding open fields, as a full planning permission for 3no dwellings it is not directly comparable to the proposal before me.
18. I also note the similarities with the outline proposal for up to 3 dwellings on Land North of 27 – 47 Newgate Street⁷, particularly in terms of incursion into the countryside. However, the main issues differ, and the quantum of development is substantially smaller, limiting the weight that can be given to this comparison.
19. In relation to Bevills Close⁸, although the scale of development is more is more comparable the principal issues concerned living conditions rather than heritage matters and is therefore not directly relevant.
20. For these reasons, the evidence indicates that the appeal proposal is materially different from the schemes drawn to my attention. In any event, I have determined the appeal on its own merits, based on the evidence before me.
21. I have been provided with a draft Unilateral Undertaking (UU) which, if completed, would secure affordable housing and contributions towards libraries, healthcare and on-site open space provision. I am satisfied that these contributions are necessary to make the development acceptable and would meet the tests of the CIL regulations. While the UU is currently unsigned and undated, and not a reason for refusal, I am satisfied that if properly executed, there would be no conflict with

⁶ APP/D0515/W/23/3322060

⁷ APP/D0515/W/18/3215644

⁸ APP/D0515/W/23/3318467

the infrastructure requirements of the LP. Given that the proposal fails on other substantive grounds identified above, I have not considered this matter further.

22. A lack of objection from the highway authority is a neutral matter in the determination of the appeal.
23. Interested parties have raised other concerns but as I have found harm in relation to the main issue there is no need for me to consider these further.

Heritage Balance, Planning Balance and Conclusion

Heritage Balance

24. The proposal would harm the significance of the setting of the Doddington CA. This harm would be less than substantial within the meaning of the Framework, and I consider it to fall around the midpoint of the spectrum. In accordance with the Framework and Policy LP18 of the LP this harm must be weighed against the public benefits of the proposal.
25. The Council does not dispute the principle of development of a small village extension in a location consistent with the spatial strategy of Policy LP3 of the LP and criterion a) of LP12. The provision of new housing adjacent to a Growth Village in Flood Zone 1 is therefore a material consideration attracting positive weight. The development would also deliver short-term economic benefits during construction and on-going social and economic benefits through use of local services and facilities once the development is occupied.
26. I recognise that matters of design and layout, to be addressed at reserved matters, could provide opportunities for sustainable design and biodiversity enhancement. However, given the outline nature of the proposal the supporting evidence is limited. Moreover, good design and biodiversity net gain are core components of sustainable development and expected outcomes of the planning process. As such, the weight attributable to these benefits is limited.
27. Taken together, the benefits of the scheme are positive but attract only modest weight.
28. The Framework requires that any harm to the significance of a designated heritage asset be clearly and convincingly justified, and that great weight be given to its conservation, irrespective of the level of harm. In this case, the public benefits attract only modest weight and do not outweigh the identified harm to the significance of the CA's setting, to which great weight must be given. The heritage balance therefore weighs against the proposal.

Planning Balance

29. The Council claims a deliverable housing land supply, with the most recent figures⁹ indicating a 6.6-year supply for the period 2025–2030. The appellant disputes this, alleging under-provision within the district; however, the evidence before me does not support that position.

⁹ Fenland District Council Five Year Housing Land Supply 1 April 2025 to 31 March 2030 monitoring report (June 2025, Appendix 2)

30. Having undertaken the heritage balance, the identified harm to the setting of the CA, a designated heritage asset, provides a clear reason for refusing the proposed development. Consequently, the presumption in favour of sustainable development under paragraph 11(d) of the Framework is disengaged.
31. Even if the Council could not demonstrate a deliverable housing land supply, the harm to character and appearance, particularly the adverse impact on the significance of the setting of the CA would carry great weight. This harm, and the associated policy conflict, would not be outweighed by the scheme's benefits. Accordingly, the planning balance weighs against the proposal.

Conclusion

32. For the reasons stated above, the appeal is dismissed.

R Gee

INSPECTOR

Richborough