
Appeal Decision

Site visit made on 25 February 2014

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 14 April 2014

Appeal Ref: APP/W0530/A/13/2207789

Land at Kings Cottages, Clayhithe Road, Horningsea, Cambs CB25 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Arthur Free against the decision of South Cambridgeshire District Council.
 - The application Ref S/1416/13/OL, dated 26 June 2013, was refused by notice dated 11 September 2013.
 - The development proposed is an "outline application for single dwelling, local needs, infill plot".
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis and, as such, have considered the drawings showing floor plans and elevations as being indicative.
3. The evidence before me refers to an accompanying Design and Access Statement. It has subsequently been clarified that the application was submitted after the publication of amendments¹ removing the requirement for such statements. Nonetheless, additional information was requested by the Local Planning Authority to which the appellant provided a 'Green Belt Justification Statement'. I have determined this appeal taking into account the submitted Green Belt Justification Statement dated 7 August 2013.

Background and Main Issues

4. The appeal site is a small plot of land between a modern two storey house at Gaytons Farm to the south and the short Nineteenth Century terrace at Kings Cottages to the north. The wider setting of the site is within the open countryside consisting of fields bounded by well maintained hedges. The generally flat topography in this location affords long views across the fen landscape, although the appeal site is on a slight rise from the fen to the nearby village of Horningsea. The surrounding countryside is within the Cambridge Green Belt, a designation which washes over the appeal site and also the adjoining Gaytons Farm and Kings Cottages.
5. The site is currently overgrown with dense brambles which blur its boundary with Kings Cottages to the north. The site is bounded to the east and south by

¹ The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013

hedges but it has an open frontage onto Clayhithe Road. The pattern of development on Clayhithe Road is sporadic with open countryside between the farmsteads and scattered houses. As such the appeal site and nearby development on Clayhithe Road do not form part of the built-up environment of the village and they are outside of the adopted village framework for Horningsea.

6. I have before me a previous 1987 appeal (ref APP/W0530/A/87/065547/P3) which relates to a single dwelling on the appeal site which was then in the Green Belt. The local planning authority submits that this appeal decision remains material. To some degree in relation to local character and overarching objectives for the Green Belt that may be the case. However, the relevant policy context for Green Belts has changed and I take as my starting point the National Planning Policy Framework (the Framework). As such, it is necessary firstly to establish whether the appeal proposal represents in appropriate development in the Green Belt before proceeding, under the heading of "any other harm", to consider its effects on the openness of the Green Belt.
7. If it is inappropriate development, paragraph 87 of the Framework says that it is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).
8. Accordingly, the main issues are:
 - (i) whether the proposal represents inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - (iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

9. The Framework indicates at paragraph 89 that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant submits that the appeal proposal qualifies against paragraph 89 by virtue of being infill development that would meet identified local needs and by utilising a previously developed (brownfield) site, the development of which is unlikely to have a greater impact on the openness of the Green Belt.
10. As identified above, the appeal site is located outside of the village framework for Horningsea and, as such, it is in the countryside and cannot be defined as infilling within a village. The appellant has not provided any evidence of the particular need for affordable housing in the parish or the immediate locality. Moreover, there is no evidence at this outline stage that the scheme would be

constructed and managed as affordable housing for local needs in accordance with the definitions in the Framework or development plan policy.

11. The appellant refers to “meeting identified local needs for new dwellings in the countryside per se” and cites paragraph 55 of the Framework in that the scheme would enable the appellants who are local people with a long connection to the area to live in Horningsea. However, the terms of paragraph 55 are materially different in that they apply to the wider countryside rather than the stricter requirements for the Green Belt set out at paragraph 89. Whilst a single dwelling would make a limited contribution to the overall housing supply by meeting the needs of the appellants it does not meet the precise exemption for limited affordable housing. Consequently the scheme does not fall within the fifth bullet point exception of paragraph 89.
12. It is not clear whether the site previously formed part of a residential curtilage but even as former garden land it would not meet the definition of previously-developed (brownfield) land. There is no physical evidence of an existing or previous structure on the site. The appellant submits that the site is in a residential use and would be limited infilling in an otherwise built frontage. The adjacent Kings Cottage and Gaytons Farm form a detached small group of development otherwise surrounded by countryside. As such, neither they nor the appeal site form a particularly cohesive, built-up frontage in the Green Belt which can readily accommodate an additional dwelling without an urbanising effect. Given its verdant, overgrown condition, development on the appeal site would be conspicuous. Thus, I conclude that the scheme cannot be considered to be the limited infilling or redevelopment of a previously-developed site in line with the sixth bullet point exception.
13. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal does not accord with saved Policy GB/1 of the adopted South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 (the DPD) which states a presumption against inappropriate development in the Cambridge Green Belt.

Effect on openness of Green Belt

14. Paragraph 79 of the Framework sets out that openness is an essential characteristic of the Green Belt. Indicative plans accompanying the application would indicate that the proposed dwelling would be comparable in height with adjacent buildings. The appellant submits this would represent harmonious infilling within an existing cluster of housing. However, it nonetheless remains that the site is undeveloped and the proposed dwelling would result in the loss of a gap in a rural location where the pattern of development is sporadic rather than clustered. Whilst the site is enclosed to some extent by boundary hedging the appeal proposal would represent the encroachment of built development which would result in a reduction in openness. In this regard I share the view of the previous appeal Inspector in that allowing the appeal would be likely to create additional pressure to consolidate the sporadic pattern of development at this part of the Green Belt and in other Green Belt locations. This would

further harm the objectives of the Green Belt to which the government attaches significant importance.

15. Consequently, there would be harm to the rural character and appearance at this part of Claythorpe Road, which as described above forms a rural gateway from the wider, open fen landscape before entering the built-up environment of the village. It would conflict with saved DPD Policy DP/7 and accompanying preserved text which seek, amongst other things, to manage development outside of the village frameworks to that which needs to be located in the countryside and to safeguard the countryside from gradual encroachment at the edge of villages.

Other considerations

16. Reference is made to the substantial extension at the neighbouring No 3 Kings Cottages. Whilst the details of that scheme are not before me it is evident that, as an extension, that it is not comparable with the proposal before me. Whilst it is a sizeable extension, it is nonetheless subservient to the host property and does not appreciably reduce openness at this location. In any event, I have assessed this appeal on its own merits and in light of all the representations made. As such, I note that there have been no local objections. I also note that the site would avoid the use of best and most versatile agricultural land. However, neither of these factors being neutral in effect clearly outweigh the inappropriateness and other harm to the Green Belt that has been identified.
17. The application was accompanied by a completed Heads of Terms document confirming the appellant's acceptance of financial contributions towards off-site public open space, household waste receptacles and community facilities. However, as this matter was not a reason for refusal by the Council and I have concluded that the proposal is unacceptable in other respects, it is not necessary for me to consider this matter further.

Conclusion

18. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a material loss of openness. As explained above I give only limited weight to the other considerations given in support of the proposal and conclude that they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and having regard to all other matters raised, I conclude that the scheme is not the sustainable development for which the Framework indicates that there should be a presumption in favour and that, therefore, the appeal should be dismissed.

David Spencer

INSPECTOR