
Appeal Decision

Site visit made on 13 June 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7 July 2017

Appeal Ref: APP/H0520/W/17/3170904

Southview, Somersham Road, Pidley PE28 3DG

- 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 and Mrs Moore against the decision of Huntingdonshire District Council.
 - The application Ref 16/02249/FUL, dated 20 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is erection of a dwellinghouse and detached garage following the demolition of an existing storage buildings and ancillary buildings which benefit from prior approval 15/01989/PMBPA to convert to 2no.dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policies from the emerging Draft Huntingdonshire Local Plan to 2036 (the emerging LP). The emerging LP was consulted on in 2013 and it is my understanding that this document has not yet been submitted for Examination. Based on the early stage of preparation, in line with paragraph 216 of the National Planning Policy Framework (the Framework), I attach the policies of the emerging LP limited weight in the consideration of this appeal.
3. Further to the Supreme Court judgement¹ on 10 May 2017, the parties have been given the opportunity to comment on any implications this judgement may have on this appeal's determination. I have taken account of the comments made by the parties in relation to the Supreme Court's judgement.

Main Issue

4. Whether the site is in a suitable location for housing having regard to the impact on the character and appearance of the area.

Reasons

5. The application site lies within a farmstead approximately 500 metres to the west of the village of Pidley. The farmstead comprises a range of buildings including a farmhouse, a large storage building and an agricultural shed. The

¹ *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKSC 37

appeal proposal relates to the demolition of the large red brick storage building and its replacement with a two storey dwelling.

6. In seeking to direct houses to larger settlements, Policy CS3 of the Huntingdonshire Local Development Framework Core Strategy (2009) (HCS) establishes a settlement hierarchy. Outside built up areas, development is to be strictly limited to that which has an essential need to be located in the countryside. The approach to defining the extent of settlements in the HCS differs to that set out in Policies H2 and En17 of the Huntingdonshire Local Plan (2005) (HLP) which identifies settlement boundaries on the proposals map. The HCS relies on an assessment of each case on its own individual merits based on the relationship of the development to the built form of the settlement.
7. When there is conflict between development plan policies, the most recently adopted must prevail and in this case that is the policy in the HCS. Having regard to the criteria identified within the HCS, the appeal site is clearly detached from and outside of the built up area of the village itself, separated by open fields. For these reasons, the appeal site, in accordance with Policy CS3 would be within the countryside. In the absence of any justification of an essential need, the proposal would conflict with Policy CS3 of the HCS.
8. Notwithstanding the above, a material consideration to this appeal is that prior approval was granted by the Council for the change of use of the storage barn to two residential units² in December 2015. Having regard to the information before me there is no compelling evidence that it is unlikely to come forward were this appeal to be dismissed.
9. Whilst the proposal before me relates to a differently designed building than the conversion scheme, the Council has not raised any concerns in relation to the appearance of the proposed dwelling itself. Having regard to the information before me and from my observations on site, I have no reason to reach a different view on this matter.
10. I agree with the appellants that in terms of accessibility considerations, the appeal scheme would result in no significant effects in terms of the suitability of the site for residential development compared with the prior approval scheme. In fact, as the number of dwellings would be reduced from two to one, the appeal scheme may result in fewer journeys being made to and from the site. In this respect, I cannot conclude that the appeal scheme would result in an isolated dwelling as the prior approval has effectively granted planning permission for the building to be used as two dwellings and any harm in this regard is therefore outweighed. Given the above 'fall back' position, I cannot conclude that the appeal site is an inappropriate location for the development proposed having regard to paragraph 55 or Policy CS3.
11. That said, there would be a substantial difference in curtilage between the 2015 permission and the appeal scheme. The site area for the two dwellings granted under the 2015 permission was approximately 366m² and 439m² respectively. The proposed site area for the appeal scheme would be some 3,185m² with the rear garden of the proposed dwelling extending approximately 150m further into the open countryside. Given this considerable difference, I share the Council's concerns that the ensuing domestication of

² Ref: 15/01989/PMBPA

such an extensive parcel of land would have an unacceptable urbanising effect on the rural character and appearance of the area.

12. The appellant has stated that they would be agreeable to a smaller garden area. However, no plans showing a potential reduction have been submitted with the appeal and I am unable to ascertain to what degree the appellant is willing to reduce the extent of the curtilage. I am therefore unable to reach a conclusion on the impact of such a reduction. Furthermore, such information has not been made available to the Council to consider. Taking the above into account, it would not be reasonable to condition the extent of the curtilage in this particular circumstance.
13. Therefore, notwithstanding my findings above in relation to the design of the proposed dwelling and its location, I find that the proposed dwelling would result in more harm to the character and appearance of the surrounding area than that of the fall back scheme. By virtue of the extensive curtilage, I conclude that the appeal proposal would have a detrimental impact on the character and appearance of the area thereby conflicting with Policy En25 of the HLP which requires new development to generally respect the scale, form, materials and design of established buildings in the locality.

Other Matters

14. I acknowledge that the proposal would contribute to housing supply and have had regard to the appellants' contentions that it is likely to be a more efficient construction process than the conversion scheme. However, these matters are not sufficient to outweigh the harm I have identified above.
15. The appellant has drawn my attention to a recent decision made by the Council for the erection of two dwellings following the demolition of an existing storage building with prior approval to convert to residential. However, I have been provided with very little information regarding the application and cannot be sure that the circumstances which led to permission being granted are directly comparable. I have also had regard to the appeal decision submitted by the appellant. Whilst I acknowledge there are parallels, I cannot be sure the individual attributes of the two sites are the same and having assessed the appeal proposal on its individual merits I have found harm in relation to the character and appearance of the area.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR