

Case No: 0803031FUL (FULL PLANNING APPLICATION)
Proposal: ERECTION OF A DWELLING
Location: LAND SOUTH WEST OF THE ORCHARD LODESEND DROVE RAMSEY MERESIDE
Applicant: MR B BARCAS AND MRS KNOX
Grid Ref: 528691 288846
Date of Registration: 22.12.2008
Parish: RAMSEY

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application follows the dismissal of an appeal relating to a proposal for the erection of a dwelling on the site in March 2008 (0701521FUL refers).
- 1.2 The site is at the edge of the village and forms part of the garden of a bungalow known as The Orchard. Access is gained by means of Lodesend Drove which also serves agricultural land and paddocks.
- 1.3 The proposal is to replace a single-storey barn with a bungalow. The bungalow would have 2 bedrooms and a study. The materials would be pantiles and boarding with a brick plinth.

2. NATIONAL GUIDANCE

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3: "Housing" (2006)** sets out how the planning system supports the growth in housing completions needed in England.
- 2.3 **PPS7: "Sustainable Development in Rural Areas" (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.4 **PPG13 "Transport" (2001)** provides guidance on highway matters
- 2.5 **PPS25: "Development and Flood Risk" (2006)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such

areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

2.6 PPS25 Good Practice Guide.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **SS4:** “Towns other than Key Centres and Rural Areas” – Local Development Documents should define the approach to development in towns. Such towns include selected Market Towns and others with potential to increase their social and economic sustainability.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003:

- None relevant

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- The site is within the environmental limits as defined in the Huntingdonshire Local Plan 1995 inset plan for Ramsey Mereside. Paragraph 7.38 of the Local Plan makes clear that land within village limits will be considered for development in the context of any and every relevant Local Plan policy and there is no presumption in favour of development within village limits.

- **H32:** "Sub-division of large curtilages" states support will be offered only where the resultant dwelling and its curtilage are of a size and form sympathetic to the locality.
- **H33:** "Sub-division of large curtilages affecting protected buildings or features" states the subdivision of curtilages will not be supported where development will adversely affect trees worthy of protection.
- **CS9:** "Flood Water Management" – development proposals prejudicial to floodwater management schemes will normally be refused.
- **En18:** "Protection of countryside features" – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002):

- **STR2** - Provides definitions for housing development – Housing Group: up to 8 dwellings forming a planned entity using either an existing frontage or grouped around a short cul-de-sac, except where: the site is within the environmental limits of the village; the development would make best use of land; the overall benefits of estate scale are strong, up to 15 dwellings may be permitted. Infilling: the filling of an undeveloped plot in an otherwise built-up frontage by no more than two dwellings.
- **STR5** - designates Ramsey Mereside as a group village.
- **HL7** – Reusing Brownfield Land and Buildings - indicates that the District Council will seek to maximise the re-use of previously developed land.
- **HL5** – Quality and Density of Development - sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.
- **HL8** – Rural Housing - identifies that in group villages groups of dwellings and infilling will be permitted on appropriate sites within the village environmental limits where development is sensitive to the scale and character of the village.
- Paragraph 2.44 advises that: 'Development on the edge of settlements between existing buildings and the village environmental limit will be considered in the context of Policy H32 of the adopted Plan. Whilst, in principle, lying within the physical

framework of a settlement such development will be considered in the context of its potential impact on village character and the rural nature of the transition from open country to built settlement.’

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B2** – Street scene – development proposals should make a positive contribution to the character and appearance of streets and public spaces.
- **P8** – Development in the Countryside – Outside the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
- Paragraph 2.14 of the Huntingdonshire Interim Planning Policy Statement 2007 defined the built-up framework as excluding ‘buildings that are clearly detached from the main body of settlement, gardens and other undeveloped land within the curtilage of buildings at the edge of the settlement, especially where those gardens relate more to the surrounding countryside than they do to the built-up parts of the village’.
- **P10** – Flood Risk – development should: not take place in areas at risk from flooding, unless suitable mitigation/flood protection measures are agreed; not increase the risk of flooding to properties elsewhere; make use of sustainable drainage systems where feasible; be informed by a flood risk assessment where appropriate.

3.6 Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.
- **CS3**: “The Settlement Hierarchy” – identifies Ramsey Mereside as a smaller settlement in which residential infilling will be

appropriate within the built up area. Land outside the built up area is identified as countryside.

- Paragraph 5.15 of the Core Strategy defines the built-up area as 'the existing built form excluding buildings that are clearly detached from the main body of the settlement, gardens and other undeveloped land within the curtilage of buildings at the edge of the settlement, especially where these relate more to the surrounding countryside than they do to the built-up parts of the village'.

3.7 HDC's Huntingdonshire Design Guide Supplementary Planning Document provides design advice on residential schemes.

3.8 HDC's Huntingdonshire Townscape and Landscape Assessment SPD is relevant: the site is in the Fen Character Area. Guidance is provided on the detailing of vernacular dwellings typical of the fen area.

3.9 CCC's Cambridgeshire Landscape Guidelines SPG provides advice on suitable landscaping.

4. PLANNING HISTORY

4.1 0701521FUL - A chalet-style dwelling with dormer windows on the site was refused for three reasons:

1. Unacceptable consolidation of development outside built framework as defined in the Huntingdonshire Interim Planning Policy Statement 2007.
2. Remoteness of site and therefore extra motor journeys would be generated, which would be unsustainable.
3. Concern about height, bulk, design and position of dwelling and consequent harm to character and appearance of the site at the edge of the village and countryside.

4.2 An appeal against this decision was dismissed in March 2008 (DECISION ATTACHED).

5. CONSULTATIONS

5.1 **Ramsey Town Council: NO OBJECTION** (copy attached)

5.2 **Middle Level Commission/Drainage Board:** Any response will be reported to Panel.

5.3 **Project Engineer: NO OBJECTION** subject to conditions.

5.4 Environmental Health Officer: The heap of stable waste is in the region of 10-15 metres from the site boundary and 30 metres from the nearest existing residential boundary. The heap could have a detrimental impact on amenity if it is not adequately managed. However the heap could be relocated and if odour or flies constituted a statutory nuisance it would not be an adequate defence to say that the heap had been in that location for a length of time, irrespective of whether any new development takes place.

6. REPRESENTATIONS

- 6.1 One letter of objection: concern about overlooking of horse paddocks to rear/loss of privacy, stress to horses during construction and concern about conflict due to smell from proximity to recently relocated manure heap.

7. SUMMARY OF ISSUES

- 7.1 The material planning issues are: sustainability/the principle of development (i.e. whether the development would accord with the settlement strategy); the effect on the character and appearance of the area and flooding.

- 7.2 Recent appeal decisions are important material considerations in determining applications. Planning authorities that depart from these decisions without good reason, such as a material change in circumstances, run the risk of an award of costs against them if there is a further appeal. The appeal decision for this site has placed the authority in a difficult position because irrespective of whether this application is approved or refused, the decision will depart from the Inspectors findings in some respect.

- 7.3 The Inspector considered two issues:
1. the effect of the development on the character and appearance of the surrounding area;
 2. whether the development would amount to a sustainable form of development.

His findings were as follows:

1. Character and appearance

- the Huntingdonshire Interim Planning Policy Statement is a material consideration but not part of the development plan and that limits the weight to be given to its policies;
- the site is part of an area where the character is changing from village to open countryside;
- it is part of an established, well-defined residential plot;
- it contains an existing building with a sizeable footprint;
- the site can be regarded as part of the built-up framework of the village and a new dwelling would not necessarily be harmful to the character and appearance of the locality;
- the existing barn is a low key feature which contributes positively to the character of the area;
- the proposed dwelling would be higher and bulkier and would lack the simplicity of form of the existing building;
- with the removal of vegetation, the overall effect would be one of undue prominence and urbanisation, harmful to the character and appearance of the area.

2. Sustainability

- promoting sustainability is an overarching theme which should run through planning policies and decisions;
- an important component is promoting a pattern of development that provides good access to jobs, schools and key services, reducing the need to travel and providing access by means other than the car;

- Ramsey Mereside has limited services, employment and public transport;
- most trips to and from the site would be made by car;
- the site is previously developed land but not all such land is necessarily suitable for housing development. Taking this into account, together with accessibility the proposal would not amount to a sustainable form of development.

- 7.4 The Inspector dismissed the appeal because he considered the proposed design was harmful to the character and appearance of the area, contrary to policies HL8, HL5 and Structure Plan policy P1/3 and his findings on sustainability added to this concern.
- 7.5 Sustainability/the principle of development (i.e. whether the development would accord with the settlement strategy)
- 7.6 Ramsey Mereside is a 'group village' for the purposes of the Local Plan 1995 and the Local Plan Alteration 2002. The site is in the village limits as defined for these plans, although the Local Plan makes it clear that the inclusion of a site in the village limits does not mean there is a presumption in favour of its development. Policy HL8 of the Alteration allows groups of dwellings or infilling development within village limits provided that it is sensitive to the scale and character of the village. The Inspector considered that the erection of one dwelling is capable of being in accordance with policy HL8 provided the design is appropriate.
- 7.7 The Local Plan and the Alteration are the least up-to-date parts of the development plan. Circumstances have changed since the appeal decision in March 2008. The East of England Plan 2008 has been adopted and is now part of the development plan and the Core Strategy has been submitted to the Secretary of State.
- 7.8 Policy SS1 of the East of England Plan sets out a spatial strategy which maximises the potential for people to form more sustainable relationships between their homes, workplaces and other concentrations of regularly used services and facilities and their means of travel between them. Policy SS4 states that for rural settlements below the level of 'key service centres', local development documents should provide housing for local needs. It is considered that whilst appropriately designed development would accord with the settlement strategy in the Alteration, the policies in East of England Plan, which is the more up to date aspect of the development plan, underline the Inspector's concern about sustainability.
- 7.9 The Submission Core Strategy is not part of the development plan but it is a material consideration. It has some more weight than the parts of the Interim Policy Statement which it replaces. It seeks to implement the spatial strategy by restricting development in smaller settlements, including Ramsey Mereside, to infilling (up to 3 dwellings) and by containing it within the existing built-up area. The built-up area is defined as "the existing built form excluding buildings that are clearly detached from the main body of the settlement, gardens and other undeveloped land within the curtilage of buildings at the edge of the settlement, especially where these relate more to the surrounding countryside than they do to the built-up parts of the

village. Also excluded are agricultural buildings where they are on the edge of the settlement.”

- 7.10 The site is garden land and, notwithstanding the presence of the outbuilding, it is considered to be outside the built-up area as now defined in the Submission Core Strategy. In terms of sustainability, it is acknowledged that the Core Strategy allows modest development in the village and as this would have no better access to services and facilities than development on the appeal site, the proposed development would be no more or less sustainable. However, a distinction has to be drawn between land which is in the village and the surrounding countryside and this is done by means of the definition of the built-up area.
- 7.11 In purely visual terms, the erection of a dwelling in an established and well-defined residential plot need not be harmful to the character and appearance of the locality but in this case there is harm to the objective of securing an overall pattern of development that is sustainable. The proposal would be contrary to policies SS1 and SS4 of the East of England Plan 2008 and CS3 of the Submission Core Strategy 2008.

Effect on the character and appearance of the area

- 7.12 The site is exposed to view from the Drove, and would be more exposed when the boundary hedge is removed, although a replacement is proposed. The current proposal is for a smaller dwelling than that rejected at appeal but it nonetheless has a larger footprint than the existing building and increased bulk and scale. The building is to be elevated 0.3m above the existing land level for flood risk reasons. The proposed landscaping would not adequately overcome the concern about the bulk and intrusion of the proposed development in the context of essentially undeveloped areas on three sides. The Inspector's concern about the urbanising effect of the previous scheme, remains applicable to the current proposal. The proposal would harm the character and appearance of the area, contrary to policies ENV7, EN25, HL5, HL8 and B1.

Flooding

- 7.13 The District Council's Strategic Flood Risk Assessment (FRA) indicates that the site is in an area with a 1:1000 probability of flooding. However, the FRA has satisfactorily addressed the flood risk issue by proposing floor levels raised above ground level by 0.3 metres. The proposal complies with policies CS9 and P10

Other issues raised in third party representations

- 7.14 One neighbour has expressed concern about the potential harm to the amenities of the future occupiers/conflict due to the proximity of their stable waste heap. The stable waste is 10-15m from the site boundary and at this distance it could have a detrimental effect on residential amenity if not adequately managed. It could however be relocated. Concern has also been expressed about the potential stress to horses during construction. This would be a relatively short-term matter and the horses could be moved away if necessary. It is

not considered that either concern warrants a refusal of the application.

Conclusion

- 7.15 The erection of a dwelling on the site would fail to accord with the objective of achieving a sustainable pattern of development in that the site is outside the built-up area of Ramsey Mereside which is a village with limited services, employment opportunities and public transport. The dwelling proposed would be larger than the existing outbuilding and it would have an urbanising effect which would be detrimental to the character and appearance of the area. Having regard to applicable national and local policies and having taken all relevant material considerations into account, it is considered that planning permission should be refused in this instance.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – REFUSE, for the following reasons:

- 8.1 The erection of a dwelling on the site which is outside the built-up area of the village as defined in the Huntingdonshire Submission Core Strategy 2008 would be contrary to policies CS1 and CS3 of the Submission Core Strategy 2008 and policies SS1 and SS4 of the East of England Plan 2008 and the objectives of PPS1, PPS3 and PPS7 which seek to achieve a sustainable pattern of development.
- 8.2 The footprint, scale and bulk of the proposed dwelling would be intrusive, especially when compared to the outbuilding and the development proposed would have an urbanising effect in an area which provides a transition between the built settlement and open countryside, which would be harmful to the character and appearance of the area. The proposal is contrary to policies ENV7 of the East of England Plan 2008; En25 of the Huntingdonshire Local Plan 1995; HL5 and HL8 of the Huntingdonshire Local Plan Alteration 2002 and B1 of the Huntingdonshire Interim Planning Policy Statement 2007.

BACKGROUND PAPERS:

Planning Application File References: 0803031FUL, 0701521FUL

Appeal decision 0601345OUT.

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)

Cambridgeshire and Peterborough Structure Plan, 2003

Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alteration, 2002

Huntingdonshire Interim Planning Policy Statement 2007

Huntingdonshire Local Development Framework Submission Core Strategy 2008

Huntingdonshire Design Guide SPD

Huntingdonshire Landscape and Townscape Assessment SPD

CCC's Cambridgeshire Landscape Guidelines SPG.

CONTACT OFFICER:

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