

REGISTER

C/1599/WP/P

Department of the Environment and
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Date

-9 FEB 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR C R SMITH AND MRS E R SMITH
APPLICATION NO: F/0063/88/0

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Fenland District Council to refuse outline planning permission for residential development, at Back Lane, The Cottons, Outwell. I have considered the written representations made by you and by the Council and also those made by the Parish Council and other parties. I have also considered those representations made directly by other parties to the Council which have been forwarded to me. I inspected the site on 19 December 1988.

2. From the representations and my inspection of the site and its surroundings I consider that the main issues in this case are: 1. The extent to which any development would appear unneighbourly to adjacent properties and 2. the extent to which development would detract from the character of The Cottons and its rural surroundings, bearing in mind policies designed to restrict development in rural areas.

3. A number of properties adjoin the site to the west, whilst to the north properties in Back Lane face the site. All of these enjoy a largely rural outlook over the site and to the fens beyond. Development of the site would restrict these views and change their character. Whilst there is no acquisition of any right to these views by property owners, their loss would result in a reduction in the visual amenity enjoyed from the houses and gardens concerned. Other factors which might give rise to unneighbourly effects are: overlooking, the loss of sunlight/daylight and the generation of noise and disturbance. In considering these I find that the space available should enable any design which may be put forward to avoid any unreasonable degree of overlooking, or any problems arising from loss of sunlight/daylight. Some noise and disturbance inevitably arises to an extent with any residential development, but in the context of a relatively small number of units the effect of this is likely to be limited, although it may be considered intrusive to some local residents.

4. The site lies outside the envelope of development formed by the Cottons. It is in agricultural use and is regarded by the Council to be open countryside, although it is adjacent to the village and enclosed by houses on 2 sides. The character of The Cottons is derived from a pattern of development which is centred on the axis formed by the main road running through it. There are some isolated exceptions to this pattern at Cotton's Drove and more pertinently along the north side of Back Lane. However, the development along Back Lane, although established

within the envelope of development, does appear as a protrusion from the main axis out into the rural landscape, and this is contrary to the original character of The Cottons. The appeal site fronts onto the south of Back Lane and would tend to consolidate the pattern created by the development to the north. This would, in my view, further depart from the original character of The Cottons and be detrimental to it. Coupled with the effect on the character of the hamlet is the effect on the rural landscape with which The Cottons is strongly connected. Approved Structure Plan policies are designed to restrict development in the countryside and limit it to infilling within villages. I consider that building on the appeal site does not constitute infilling and would intensify development in a rural area, weakening the link between The Cottons and the rural landscape and this would be detrimental to the relationship which exists between the two.

5. In support of your application you point out that there is a gross shortage of suitable building land. However, this in itself does not make the appeal site any more suitable as a building plot than it would otherwise be. You describe the site as a natural infill area, but it would form an extension to The Cottons rather than fill a gap within it. Recent approvals given by the Council concern smaller sites which, although outside the village envelope, do fill gaps between existing properties and are therefore infilling and fundamentally different to the appeal site. The provision of Public Open Space, which you say is much needed, does not, in my view, form a valid argument for allowing development where it would otherwise be inappropriate. I have already referred to the existing development along Back Lane and explained why I consider it would be inappropriate to intensify the pattern this creates.

6. In conclusion, I find that there are sound reasons for retaining the existing open nature of the appeal site, and allowing development upon it would detract from the character of both The Cottons and the rural landscape which surrounds it. There would also be an effect on neighbouring properties, which some residents consider to be unneighbourly. Whilst I do not consider that, in isolation, these effects would justify dismissing this appeal, they are additional to the main considerations which have led to my decision. I have considered all other matters raised in the representations, but find none to be of sufficient weight to alter my conclusion.

7. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



C R FROST BSc (Hons) DipLD ALI CBiol MIBiol
Inspector