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FENLAND DISTRICT COUNCIL	
PLANNING DEPARTMENT	
27 JUN 1989	11 00 1989
As/jmc/rce	DATE 22 JUN 89

YOUR REFERENCE
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OUR REFERENCE
T/APP/D0515/A/89/115410/P4

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR F GORDON
APPLICATION NO: F/0793/88/0

- I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the decision of Fenland District Council to refuse outline planning permission for 'residential development of the site with two dwellings' on land between Glenlea and Pansy Villa, School Road, Upwell. I have considered the written representations made by you, the District Council's grounds of refusal and submitted documents, the representations by Upwell (Isle) Parish Council, together with the forwarded representations on the application made originally to the District Council by King's Lynn and West Norfolk Borough Council, by Norfolk County Council as highway authority and by Anglian Water. I inspected the site externally and the locality on 28 May 1989.
- The Council's refusal notice includes two inter-related grounds to support their decision. They argue firstly that the proposal is contrary to Policy P7/5 of the Cambridgeshire County Structure Plan, which seeks to resist new dwellings in open countryside save those necessary for the efficient operation of local agriculture, horticulture or forestry. Secondly they state that the site is outside any area indicated as being suitable for residential purposes in the Village Plan for Upwell, and that the site is outside the limits of development shown on that Plan. From the representations and from my inspection, I consider that this appeal turns on whether or not the dwellings sought would amount to unwarranted development in the countryside.
- School Road and its continuation as Dovecote Road and Croft Road, leads essentially southwards and then eastwards from the main part of the village of Upwell. School Road is bounded on its western side by Old Croft River which marks the county boundary between Cambridgeshire and Norfolk. The road is the responsibility of Norfolk County Council. Residents on the eastern side live in Norfolk, within the area administered by King's Lynn & West Norfolk Borough Council. The appeal site is the forward part of a parcel of land between 2 houses, Glenlea and Pansy Villa. The land's width varies but typically scales some 25m, and the defined site has a depth scaling some 36m. Most of the land is tilled but there is a shed on part of the defined site and trees and shrubs cover part of the remaining area. Power lines pass diagonally over the land.
- You acknowledge that the site lies outside the village 'development envelope', otherwise referred to as the village 'stop lines' in the Council's committee report. You say that the development envelope covers only the central part of this linear settlement. You contend, however, that the appeal development would comprise logical infilling of a site within an existing group of dwellings.



that the site is not in open countryside and that no demonstrable harm would result. The proposal is supported by the Parish Council, who prefer infilling to estate development at Upwell because of the lack of mains sewerage. They argue too that the site is no use for agriculture.

5. I have considered your points carefully but I disagree with them and I disagree also with the Parish Council at least as regards development on the appeal site. The Norfolk side of School Road, and the road's continuation, is largely fronted by dwellings and there is also some development leading off the road. Future proposals, if any arise for development on that side, would of course need to be considered on their merits and I do not imply a view one way or the other. More immediately material, the Cambridgeshire side is predominantly undeveloped, with long lengths fronted by agricultural or horticultural land affording wide views over fenland countryside. There are two commercial concerns nearby, a timber store at the end of a side turning, Workhouse Lane, and a lorry yard alongside part of that lane; and there are a few dwellings and other buildings visible away from School Road. However, both Glenlea and Pansy Villa are evidently longstanding houses, both sit on substantial parcels of land and either side of these houses are fields given over to horticulture. Taken both as a whole and in the immediate vicinity of the site, the Cambridgeshire side of School Road is much more rural than it is built up.

6. The appeal dwellings could not amount to infilling, in the generally accepted sense of closing a small gap in an otherwise substantially developed frontage and generally also taken to refer to development within a discernible built up locality. The frontage is far from substantially built up and to my mind the few dwellings along this side of the road, although within the social sphere of Upwell, are clearly outside the village's main built up framework. The aim behind Structure Plan Policy P7/5, to protect the countryside from ad hoc development, is widely acknowledged to be important. That aim would be seriously undermined were the expression 'open countryside' in the policy to be interpreted so as not to include the locality here. Although containing sporadic development, in my assessment this side of School Road is a part of the Cambridgeshire countryside rather than a part of the main extent of the village.

7. There is no suggestion that the dwellings are needed for the proper running of a farm or similar rural enterprise, nor that the area has been specifically allocated for development in any Local Plan, and nor am I aware of any change in the current review of the Structure Plan, to which you refer, likely materially to change planning policy with regard to the site. The development limits on the Upwell Village Plan are not sacrosanct, the more so in that the Council's reference to an approved rather than an adopted plan implies that it is non statutory. And Government advice has made clear that filling small gaps within a small group of houses in the countryside may often be acceptable. However, I have no doubt but that the impact of the appeal development would here be harmful, eroding the rural character of this side of School Road, in clear conflict with the aim of Structure Plan policy. The site is somewhat hemmed in, but I saw nothing to prevent its continued beneficial use say for small scale horticulture, and having taken all the other matters raised into account, I have found none sufficient to cause me to alter my decision.

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

I am Gentlemen
Your obedient Servant



A J. LANGTON CEng DipTP MICE MRTPI MIHT
Inspector