
Appeal Decision

Site visit made on 18 October 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28th November 2016

Appeal Ref: APP/H0520/W/16/3150676

Paddock land, west of Ashmead House, South Street, Woodhurst, Cambridgeshire PE28 3BW

- 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 T Huggins against the decision of Huntingdonshire District Council.
 - The application Ref 16/00080/OUT, dated 10 January 2015, was refused by notice dated 17 March 2016.
 - The development proposed is described as paddock land to be developed with 2 detached dwellings, 1 chalet bungalow, all with double garages, also 1 terraced building incorporating 3 cottage dwellings for private/social housing, all accessed from existing modified vehicle paddock road access on South Street, Woodhurst, Cambridgeshire.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reasons for refusal refer to the Draft Huntingdonshire Local Plan to 2036 : Stage 3 (the Draft Plan). As I understand it, the policies contained within the Draft Plan may be subject to change and the Council consider that limited weight can be attributed to them. I have no reason to disagree with that view.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. Woodhurst is a relatively isolated small village located to the north of St Ives. I understand that it is a Saxon ring village, with access to the surrounding area on a generally east-west axis. The appeal site forms part of an existing paddock and is located inside of the 'ring' of the road network and there are existing residential properties immediately adjoining the site to the north and east. The paddock continues to the west, beyond which is a row of residential properties facing the western edge of the ring. There are also several trees and hedgerows which follow the boundaries to the paddock. The Woodhurst Conservation Area adjoins the site in its south-eastern corner.
 5. Whilst the site is located on the inside of the ring of the village, given its location beyond the built up area it cannot be classed as an infill development. The sites location, beyond the edge of the existing built form, indicates that it
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- is not located within the existing built up framework of the village and as such, in planning policy terms, is located in the countryside.
6. The land is an open paddock, and therefore cannot be considered to be open space (in the sense of a public amenity area). However, the open nature of the site does contribute greatly to the rural character of the village and the development of part of the paddock would have the effect of eroding its rural character.
 7. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However isolated homes in the countryside should be avoided unless there are special circumstances.
 8. The dwellings would not be isolated as it would be adjacent to other dwellings. However, Woodhurst has very limited facilities, and as such it would mean that residents of the new dwellings would have to rely heavily on the facilities and services of other larger settlements which would invariably involve regular travel by the private motor vehicle which is the least sustainable mode of transport. In this sense the dwellings would be isolated and not in a sustainable location.
 9. The appeal relates to an outline application with approval being sought for layout and access. The access point utilises the existing paddock access at the western edge of the appeal site, with all of the proposed residential development to the east of the new access road. The development would have the form of a series of dwellings accessed in a backland style from South Street with the new access road forming a long private driveway. The private access driveway would not have a strong street presence and would also have a further backland element owing to the position of plot C.
 10. I have also had regard to the two cul-de-sacs to the north of the site (Moot Way and Abbots Close), but both of these exhibit a more traditional form of development than the appeal proposal. The developments at Harradine Close, Fullards Close and The Paddocks are located more centrally in the village. All of these developments have an active street frontage and have a sense of place.
 11. In contrast, the appeal proposal does not exhibit this form of development and would not be characteristic of the village and as a result the dwellings would form an incongruous feature.
 12. The appellant has indicated that three of the dwellings are intended to meet local housing need. Policy CS5 of the Local Development Framework Core Strategy 2009 (CS) indicates that in exceptional circumstances affordable housing development will be considered acceptable adjacent to built-up areas in smaller settlements (such as Woodhurst). However, this should be justified by a local needs survey for affordable housing.
 13. From the limited evidence before me, there is nothing to suggest that this has been undertaken. I am not therefore convinced that there are such exceptional circumstances to justify the granting of planning permission given the harm I have already identified in relation to the character of the area.

14. Turning to the effect of the development on the Woodhurst Conservation Area, the site borders its western edge where its projects along the highway of South Street. Notwithstanding my finding of harm to the rural character and appearance of the area, given the location of the site and the proposed layout, retaining the tree screening to the frontage, there would be little restriction on views into and out of the Conservation Area. I therefore conclude that its setting would not be harmed and the development would accord with the conservation aims of Policies En5 and En9 of the Huntingdonshire Local Plan 1995 (the 1995 Plan) and the Framework.
15. For the above reasons, I conclude that the proposed development would lead to unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with Policies En17, En25, and H23 of the 1995 Plan, Policies CS1, CS3 and CS5 of the CS, and the Framework which amongst other matters seek to protect the rural character and appearance of the area.

Planning balance

16. The Council consider that they have a five year supply of deliverable housing sites but this is contested by the Appellant. The housing supply figures in the CS, and the 1995 Plan, are both based on out of date housing need figures. Therefore, the housing supply policies in these adopted Plans are out of date.
17. The Council's Annual Monitoring Report 2015 shows that the Council has looked at the more recent data from the Strategic Housing Market Assessment 2013 which has informed the Draft Plan housing delivery targets. Both main parties have used the Draft Plan requirement of 840 dwellings per annum as the basis for calculating the five year supply. Whilst the Draft Plan may be subject to change, I have no reason to disagree with the main parties that this should be used to establish the baseline figure for a five year supply in this appeal.
18. The key difference between the parties relates to whether a 5% or 20% buffer should be applied. The Framework indicates that a 20% buffer should be applied if there has been a persistent under delivery of housing.
19. From the evidence before me, housing completions over the period from 2011 to 2015, totalled 2510 against the target of 3360 (4 years at 840 per annum) which is a shortfall of 850 dwellings. Only the first year achieved the target figure of 840 dwellings with 850 being completed. To my mind, over the period which the annual monitoring report covers, the shortfall in the delivery of housing is significant, representing in excess of 1 year's supply. The trajectory also predicted a further deficit in 2015/16 of approximately 300 dwellings.
20. The level of undersupply over the period between 2011 and 2015, which is likely to increase through 2016, represents persistent under delivery of housing and therefore, in accordance with the second bullet point of paragraph 47 of the Framework, a 20% buffer should be applied. In coming to that conclusion, I acknowledge that the Councils' trajectory also predicts the delivery of housing well in excess of the 840 dwelling target in future years.
21. When a 20% buffer is applied, to achieve a five year land supply there should be a minimum of 5,890 plots available (including the 850 backlog). From the undisputed trajectory, there are 5,498 plots available which equates to a housing land supply of 4.76 years. In the absence of evidence to the contrary,

I therefore conclude that the council cannot demonstrate a five year housing land supply.

22. Whilst both parties accept that the 1995 Plan and CS targets are out of date, together the current deficit in relation to the Draft Plan target, it follows that, in accordance with paragraph 49 of the Framework, all of the housing supply policies for Huntingdonshire are out of date.
23. In their reasons for refusal the Council cite Policies En9, En17, H23 and of the 1995 Plan, Policies CS1, CS3 and CS5 of the CS, and Policies LP1, LP11, LP26 of the Draft Plan. All of these policies could restrict housing in the countryside.
24. A recent court judgement¹ has made clear that relevant policies for the supply of housing as mentioned in paragraph 49 of the Framework include policies that influence the supply of housing by restricting the locations where they may be developed. From this I deduce that the policies mentioned above are policies for the supply of housing, and that therefore they cannot be considered to be up to date. Limited weight can therefore be afforded to any conflict arising with them and the fourth bullet point of paragraph 14 of the Framework comes into force. This makes clear that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
25. I have found that the proposed development would harm the rural character and appearance of the area and would not be located in a sustainable location conflicting with the 1995 Plan, the CS, and the Framework. These factors weigh heavily against allowing the proposed development.
26. The development would give rise to some minor social benefits in that it would provide much needed additional housing, including three dwellings which have been identified for local housing needs. The development would also bring some minor economic benefits through the construction process and additional residents to support the facilities in the village and the wider area.
27. Notwithstanding the Council's current housing shortfall, the provision of six dwellings is unlikely to have any significant effect in reducing the deficit. Additionally, I have already noted that the trajectory of housing delivery in future years goes well beyond the target of 840 per annum.
28. To my mind, the factors identified as weighing against the proposed development significantly and demonstrably outweigh the minor factors in its favour. The proposed development cannot therefore be considered to be sustainable development. As such it would not accord with the sustainability aims of the Framework.

Conclusion

29. Taking all matters into consideration, including some support from the Parish Council and local residents, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

¹ Cheshire East Borough Council v SoS for CLG and Renew Land Developments Ltd