



Appeal Decision

Site visit made on 17 December 2019

by Peter Mark Sturgess BSs (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Wednesday, 08 January 2020

Appeal Ref: APP/H0520/W/19/3237442

Land adjacent to 24 High Street, Tilbrook PE28 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Wellsbridge Estates Limited against Huntingdonshire District Council.
 - The application Ref 19/01379/OUT, is dated 3 July 2019.
 - The development proposed is erection of three detached dwellings and associated parking with new access on to High Street.
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Decision

1. The appeal is dismissed

Procedural Issues

2. I have treated this as an outline application with all matters reserved, apart from access.
3. It is an appeal against the council's failure to give notice, within the prescribed period, of a decision on the outline application. I have received a statement of case from the appellant and a statement of case from the council (including suggested reasons for refusal). The appellant has also submitted a statement commenting on the suggested reasons for refusal. I am therefore clear about the matters at issue in this appeal.

Main Issues

4. The effect of the proposal on the character and appearance of the area, including the potential loss of a hedgerow and trees.
5. The effect of the proposal on highway safety.

Reasons

Character and appearance of the area

6. The site lies on the eastern edge of the village to the south of the High Street, the B645. It has the appearance of a paddock and is covered with grass. At present there is no direct vehicular access into the site from the High Street. The land itself appears to be relatively flat agricultural land. Beyond it, to the south the land rises gently. There is a mature hedge on its northern boundary with High Street containing trees. The hedge is backed by a wire fence.

7. On the opposite side of High Street to the north, lie open fields. To the west lies the core of Tilbrook, including the majority of its housing on High Street and Station Road. To the east lie three houses standing in substantial grounds. Whilst to the south lies further open agricultural land.
8. High Street is the main road through the village and the whole of the village, including the appeal site, lies within the 30mph limit. The limit finishes to the east, beyond Sandy Lane, and in the west just beyond the village pub.
9. Between the appeal site and the end of the 30mph limit (to the east) is a right-hand bend with the entrance to Tilbrook Hall opposite. Tilbrook Cottage, which lies on the inside of the bend, has a wall which is on the back of the footpath.
10. The boundary of the appeal site with No24 High Street provides an abrupt transition between land which is open and agricultural in character, to the noticeably tighter pattern of development to the west. On the village side (west side) of this transition the houses are closer together, vary in their distance from the road and numerous brick walls separate their front gardens and parking areas from High Street.
11. The development plan includes the Huntingdonshire Local Plan to 2036 (HLP), adopted in May 2019. It can therefore be regarded as up to date. The HLP demonstrates that the council has a deliverable 5-year supply of housing land and this is not in dispute between the parties.
12. The HLP seeks, through Policy LP1, to deliver a sustainable pattern of development based on allocated sites and, amongst other things, small and windfall sites within villages. This approach is expanded in Policy LP2 which sets out a strategy for development within the District.
13. Policy LP10 recognises that the countryside of the District has an 'intrinsic character and beauty' which it seeks to protect. It also aims to protect the character of settlements.
14. Policies LP1, LP2, LP10 and LP12 work together to allow settlements to thrive through the provision of new development and by seeking to prevent new development that would harm the existing character of the settlements or the beauty of the countryside.
15. Policy LP9 assists by explaining how proposals for development around the smaller settlements in the District will be assessed. Proposals for development well related to the built-up area of settlements might be supported provided they are sympathetic to the immediate environment of the area, maintain the nature of the settlement and its individual identity as well as preventing adverse landscape and visual impact.
16. Paragraphs 4.80 to 4.85 of the HLP explain in detail how a built-up area is defined (there are no settlement boundaries defined in the HLP).
17. Specifically, the HLP identifies distinct groups of dwellings of 30 or more as a built-up area. Land that is considered to relate more to the distinct group of dwellings than the surrounding countryside is also considered to form part of the built-up area. Within the built-up areas development of land which is physically, functionally and visually related to existing buildings is supported by this approach. The built-up area does not need to be a single contiguous area. However, this approach specifically excludes isolated properties or areas of

ribbon and fragmented development that are physically and visually detached from the main built form.

18. I find that the appeal site is part of the open countryside surrounding the village, as it is more physically, functionally and visually related to the countryside than the areas of High Street lying to the west. The built-up area of Tilbrook ends at the boundary of the appeal site with No24 High Street. East of that boundary the land takes on a countryside character of which the appeal site is part, with open fields and fragmented development consisting of three houses standing in substantial grounds, physically separated from the built-up area. This view is reinforced by the open land situated to the north of the appeal site on the opposite side of High Street. It does not fall within any of those categories of development that the HLP defines as appropriate to an open countryside location.
19. I do not consider the appeal proposal to represent 'infilling' in a 'ribbon of development' as described by the appellant. Even if I found this to be the case the approach adopted by the HLP specifically excludes from its definition of a built-up area ribbon developments that are physically and visually detached from the main built form. The properties to the east of the appeal site fulfil this definition as they are physically and visually detached from the main built form of Tilbrook.
20. The appeal site is part of the pleasant undulating countryside surrounding the village. It contributes to its intrinsic beauty that the council is seeking to protect, by providing views to the rising land surrounding the village that are part of the setting of Tilbrook. Its development would partly obscure these views and damage the rural character and appearance of the village.
21. With regard to this issue I find that the proposal is in conflict with Policies LP1, LP2, LP10 and LP12 of the HLP. It lies outside the built-up area of the village, it is not functionally or visually related to the built-up area. It would harm the intrinsic beauty of the countryside in this location and the setting of Tilbrook by the introduction of three dwellings.
22. The application is in outline; however, approval is sought for the access to the site as part of this application.
23. The single access point is shown to the west of the site and would serve all three dwellings. Its suitability in highway terms will be dealt with below: however, it is apparent that the creation of this access and its associated visibility splays could result in the loss of all or part of the established trees and hedgerow along the frontage of the site with High Street.
24. The footpath between the northern boundary of the appeal site and the south side of High Street is narrow. Therefore, a significant amount of land within the appeal site might need to be used to provide the visibility splays suggested by the county highway authority. This could mean the removal of a substantial amount of the trees and hedgerows along the front of the site, including the area which would need to be removed to create the access itself.
25. Additionally, the majority of the larger trees on this boundary are in the western part of the site around the proposed access, the area most affected by the creation of the new access.

26. The council is concerned that the appellant has not submitted an assessment of the trees and the likely impact the development would have upon them. This is a requirement of Policy LP31 of the HLP.
27. I find that the implementation of the development, including the proposed access, is likely to have a significant effect on the trees and hedgerow along the boundary of the site with High Street. This has the potential to seriously adversely affect the character and appearance of a main entrance to the village.
28. The trees and hedgerow are a prominent feature when entering the village from the east and so have a value to the local area by defining the character and appearance of the village when approached from this direction. Whilst there is potential to reintroduce planting along the roadside, as shown on the indicative plans, it is unlikely that this would successfully recreate the rural character of the area, which makes a positive contribution to the setting of the village.
29. In view of the lack of a proper arboricultural assessment of the trees and hedgerow I find the proposal is in conflict with the requirements of Policy LP31 of the HLP.

Highway Safety

30. The access is proposed on to the main road through the village within the 30mph limit.
31. At the time of my visit the road was lightly trafficked.
32. The road through the main built up area of the village (to the west) is relatively straight. However, achieving the full visibility standard required by the county highway authority might be difficult to achieve in this direction due to the presence of brick boundary walls along the frontage of No24 High Street, that do not appear to be in the control of the applicant.
33. To the east the road is rural in character, with a right-hand bend. Accommodating the required visibility splays could require the removal of some or all of the trees and hedgerow on the site frontage and it is difficult to assess whether this would be acceptable without a proper assessment of the trees and hedgerow.
34. The council has suggested, based on the advice of the county highway authority, that in the absence of specific data on traffic speeds on the High Street, there is insufficient information to allow them to depart from the standard visibility requirements, in order to safeguard vehicular and pedestrian safety at the proposed entrance to the site. This approach is consistent with Policy LP17 of the HLP.
35. Guidance in the National Planning Policy Framework (the Framework) at paragraph 108 states, amongst other things, that specific applications for development should ensure that safe and suitable access to the site can be achieved for all users. The Framework continues by stating that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

36. I find that the applicant is unable to demonstrate that satisfactory visibility can be provided, to the standard required by the county highway authority, to the west of the proposed entrance to the site. No surveys have been carried out with regard to traffic speeds to assess whether there would be an unacceptable impact on highway safety, if the standard visibility splays were to be departed from. Therefore, I find the proposed access to the site is unacceptable, as it is unclear whether it would provide a safe and suitable access to the site for all users as required by the Framework and Policy LP17 of the HLP.

Conclusion on the main issues

37. I find that the proposal is in conflict with Policies LP1, LP2, LP10 and LP12 of the development, the HLP. It lies in a countryside location outside the built-up area of Tilbrook, it is not functionally or visually related to the built-up area and it would harm the intrinsic beauty of the countryside in this location. Furthermore, it does not represent a use that would be appropriate to a countryside location as defined in the HLP.
38. I also I find the proposal is in conflict with the requirements of Policy LP31 of the HLP. The likely implementation of the development, including the proposed access, could have a significant effect on the trees and hedgerow along the boundary of the site with High Street. This has the potential to seriously adversely affect the character and appearance of a main entrance to the village. The trees and hedge are a prominent feature when entering the village from the east and so have a value to the local area by defining the character and appearance of the village when approached from this direction. Therefore, an arboricultural assessment of the trees and hedge row is essential to ensure these features are properly considered as part of the development proposal and where appropriate protected.
39. I find that the proposed access to the site is unacceptable, as it is unclear whether it would provide a safe and suitable access to the site for all users as required by the Framework and Policy LP17 of the HLP.

Other Matters

40. I note that a neighbour has raised the issue of flood risk in relation to the proposal. I have taken into account the comments made, but find that, in the absence of other evidence, there is nothing I can add to this decision in respect of this matter.
41. The council do not consider that the proposal has demonstrated how it will ensure that the proposed dwellings provide accessible and adaptable homes as required by Policy LP25 of the HLP. The application is in outline and matters such as the design of the proposed dwellings are reserved for a future application. I am therefore of the opinion that this issue is capable of being dealt with at the reserved matters stage if the appeal was to be successful.
42. The council usually requires applicants for new dwellings to enter into a planning obligation to provide wheeled bins for each of the proposed dwellings. The appellant has indicated that they are willing to pay to provide a wheeled bin for each of the proposed dwellings. Therefore, I am satisfied that the purpose for this reason for refusal is capable of being met.

Conclusion

43. I find that having regard to all the matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

Inspector