



Appeal Decision

Site visit made on 19 May 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal Ref: APP/W0530/W/20/3246874

Southwind, Highfields Road, Highfields Caldecote, Caldecote CB23 7NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Baldwin against the decision of South Cambridgeshire District Council.
 - The application Ref S/1136/19/FL, dated 22 March 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the erection of 3 no. dwellings and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for 3 no. dwellings and associated development at Southwind, Highfields Road, Highfields Caldecote, Caldecote CB23 7NX in accordance with the terms of the application, Ref S/1136/19/FL, dated 22 March 2019, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. In the appellant's statement of case, reference is made to Policy H/16b) of the South Cambridgeshire Local Plan adopted in 2018 (LP) which deals with development used or last used as residential gardens. This policy is identified in the list of policies in the Council officer's report. Both parties were invited to address the relevance of this policy to the appeal proposal and their respective cases. I have taken account of the responses received in determining the appeal and this is a matter I return to below.

Main Issue

3. The main issue concerns the effect on the character and appearance of the area having regard to whether, or not, it is a suitable location for the proposed development.

Reasons

4. Southwind is a large detached bungalow set back from the frontage of Highfields Road within a large garden. The site has boundaries which are defined by extensive hedgerows, trees and fencing. When I visited the site one dormer bungalow (Plot 1) was completed and a second (Plot 2) was at an advanced stage of construction. These 2 properties were granted planning permission in 2017 (Ref: S/0500/17/FL) and occupy land on the frontage to

Highfields Road. Access to the 3 properties proposed would be from a single access in between the 2 new dwellings.

5. Policy S/7 of the LP indicates that development of unallocated land will be steered to and, be at a scale consistent within development frameworks shown on the Policies Map. Policy S/10 identifies the settlement hierarchy with Highfields Caldecote being identified in the second tier as a Group Village. The appeal site lies a short distance beyond the identified limits to development shown on the Policies Map.
6. The reason for refusal indicates that the appeal site is located outside the development framework for Caldecote. Hence, for the purposes of policy it is within the countryside. Notwithstanding this, the area within the triangle of land bounded by Highfields Road, St Neots Road and joined by a narrow lane has been considered as an appropriate location for residential development in several planning decisions in recent years, albeit under a different development plan context.
7. Policy S/7 indicates that outside of development frameworks, development allocations should be restricted to developments which are: identified in Neighbourhood Plans; are for uses that need to be located in the countryside (such as agriculture, horticulture etc) or; where they are supported by other policies in the local plan. There is no Neighbourhood Plan in-place and the dwellings proposed are not of a type that need to be located in countryside.
8. The appellant has argued that Policy H/16 provides the policy basis for the appeal proposal since this covers the development of residential gardens and, is a policy that applies district wide. In doing so they refer to a recent appeal decision (APP/W0530/W/20/3252075) where the Inspector opined that Policy H/16 applies only to land within development frameworks based on the reference to villages in the supporting text. While I am not familiar with the detail of that appeal it appears there were substantially different circumstances and where character conflict both with H/16b) and the Village Design Guide (adopted as a Supplementary Planning Document in 2020) had been specifically identified by the Council as part of the reasons for refusal.
9. Following their analysis of the terminology used in the LP, a significant point made by the appellant is that Policy H/16 logically applies across the District because it requires no significant harm to the local area taking account of the character of the local area. The appellant therefore indicates that Policy H/16 should be considered, in terms of Policy S/7[2], as one of the 'other policies in this plan'.
10. The Council consider that Policies S/7 and S/10 are the main policies relevant to the refusal because, they address character harm through incremental growth of development outside of frameworks, thus rendering Policy H/16 as irrelevant to this appeal. Notwithstanding this, the Council also state that in failing to refer to Policy H/16 b)i in its reason for refusal, it does not suggest that this policy is redundant and explains why it is listed in the list of relevant policies in the Statement of Case. Thereby, the Council's response clarifies that Policy H/16 does apply across the whole district subject to meeting the relevant criteria as set out in the policy.
11. Notwithstanding the policy background, Southwind is a developed site and the 3 new dwellings proposed lie within the same garden where construction of 2

new dwellings on the site frontage has recently been permitted. In 2015, the Inspector who determined the appeal at the nearby property known as Leylands (APP/W06530/W/16/3147421) described this area as a unique cluster of development. Subsequent planning decisions have approved a further 15 dwellings within the triangular area, adding significantly to that clustering effect. To me, it has the character of an area that is in transition and thereby possesses a more semi-rural character which is reinforced by extensive mature boundary foliage and trees.

12. The Council has not raised specific concerns on; the design, character and layout of the proposed dwellings, the potential effects on the living conditions of neighbouring properties and, highway safety and parking matters. I have no reason to disagree since the three new dwellings would be of a similar size and design occupying similar sized plots accessed from a single shared driveway. The depth of development would extend to 3 dwellings which is the same as recently permitted nearby on St Neots Road. Existing hedgerows and trees would screen views of the new dwellings from both Highfields Road and in views from the east. The outstanding matters could be dealt with by way of conditions.
13. There is a suggestion that the appeal proposal could be regarded as an unsustainable form of incremental growth into the countryside. In this regard, I note that the 2 dwellings at plots 1 and 2 were approved by the Council in 2017. It appears to me that the 3 dwellings proposed would have the same quality of access to local services and facilities and, that future residents would have access to alternative modes of transport, including a nearby bus stop offering regular services to Cambridge. In addition, further groups of new dwellings have been approved at St. Neots Road, further away from the facilities in the village. Given the particular circumstances of this appeal, I would not agree that the 3 dwellings proposed could be considered an inappropriate and inaccessible form of development.
14. To conclude on this main issue, the proposed development represents a sustainable form of development at a scale that would not lead to significant harm to the character and appearance of the local area. Thereby, it is consistent with Policy S/7[2] of the LP which allows for development outside defined development frameworks (defined by Policy S/10) where supported by other policies in the local plan. In this instance Policy H/16/b) permits new dwellings within residential gardens where there would be no significant harm to the character of the local area. Para 2.22 of the LP includes a table showing the distribution of housing in sequence. This shows that capacity in excess of 900 dwellings will be required in the rural area of the District including windfalls. The appeal site would contribute to the meeting of that requirement.

Other Matters

15. Objections from neighbours referred to adverse impacts on bio-diversity and rural wildlife. However, the development proposed would be mainly restricted to currently grassed areas, thus minimising such impacts. The imposition of appropriate planning conditions can provide the necessary safeguards to embrace landscaping and the protection of trees and hedgerows.
16. The Parish Council's objections considered the appeal proposals would amount to over-development of the site, contrary to the provisions of the Village Design Statement. The Caldecote Village Design Guide was adopted as a

Supplementary Planning Document in January 2020. However, I have not been drawn to any specific part of that document to back up the objection.

17. No objections to the appeal proposals were received in relation to Highways, Drainage and Environmental Health matters subject to imposition of appropriate planning conditions. I deal with these matters below.

Conditions

18. The Council have not responded to requests to provide a list of suggested conditions in the event I were to allow this appeal. However, several potential conditions are referred to in consultation responses and the officers report. I have drawn on these, as appropriate and, I have also made reference to the conditions imposed on the 2 new dwellings on the site frontage (Ref: S/0500/17/FL) to ensure consistency in approach. I have made some additions and changes in order to ensure that the development is carried out satisfactorily, meeting the six tests set out in-paragraph 55 of the Framework. The appellant was consulted upon and agreed the suggested conditions including the pre-commencement Conditions 5) and 9).
19. Conditions 1) and 2) relate to time period and approved plans and are required as this provides certainty. Condition 3) requires details of the materials to be used on external surfaces and is required in the interests of protecting the character and appearance of the area. Condition 4) requires details of proposed boundary treatments and is required in the interests of protecting the character and appearance of the area. Condition 5) requires details of surface and foul water drainage to be provided in order to ensure this is effectively managed. Condition 6) specifies the hours of working and is necessary to protect the occupiers of neighbouring properties from nuisance. Conditions 7) and 8) specify detail regarding the means of access and are required in the interests of public highway safety. Condition 9) requires the provision of further information to ensure that retained trees and hedgerows are satisfactorily protected and managed.
20. The Highway Authority requested additional conditions relating to the access onto Highfields Road. However, I have not included these as they are already covered by the existing planning conditions attached to Ref: S/0500/17/FL. The Highway Authority also suggested a condition relating to the production of a traffic management plan although, I have not included this as no such condition was attached to Ref: S/0500/17/FL. The Environmental Health Officer requested a condition regarding no burning of waste on site but, I have not included this for consistency with the existing consent for development on the site frontage.

Conclusion

21. I conclude that the proposal would not be harmful to the character and appearance of the surrounding area and, in the specific circumstances of this site, would be acceptable even though the site lies beyond the defined development framework for Highfields-Caldecote. I hereby allow this appeal and grant planning permission subject to conditions.

David Carter

INSPECTOR

SCHEDULE OF CONDITIONS [9 in total]

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans listed below:
 - i. Location Plan: Ref 755-06,
 - ii. Location Plan and Block Plan as Existing: Ref JPT/MB/0117/003,
 - iii. Proposed Block Plan: Ref 755-01,
 - iv. Visibility Splays: Ref JPT/MB/0117/004 rev A,
 - v. Proposed Ground Floor Plan: Ref 755-02,
 - vi. Proposed First Floor Plan: Ref 755-03,
 - vii. Proposed Elevations: Ref 755-04,
 - viii. Proposed Garage Plan and Elevations: Ref 755-05.
- 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwellings, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The agreed treatments shall be carried out in accordance with the approved details and maintained thereafter.
- 5) Prior to commencement of development a scheme for the disposals of surface water and foul water that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the Local Planning Authority. The agreed scheme shall be carried out in accordance with the approved details and maintained thereafter.
- 6) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
- 7) The proposed drive way be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 8) The proposed drive be constructed using a bound material to a specification agreed in writing by the Local Planning Authority to prevent debris spreading onto the adopted public highway. The agreed scheme shall be carried out in accordance with the approved details and maintained thereafter.
- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and hedgerows (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British

Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees and hedgerows shall be carried out as approved.

END OF SCHEDULE