The Planning Inspectorate

Appeal Decision

Site visit made on 5 October 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2021

Appeal Ref: APP/J0540/W/20/3253778
Helpston Garden Centre, West Street, Helpston PE6 7DU

- 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 Goodfellow against the decision of Peterborough City Council.
- The application Ref 19/01865/OUT, dated 17 December 2019, was refused by notice dated 4 April 2020.
- The development proposed is demolition of existing buildings and erection of up to 7 dwellings (for self-build purposes) (All matters reserved).

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development above is as set out on the planning application form. However, the description on the Decision Notice and, as utilised by the appellant on the Appeal Form, is as follows, "Outline application for the demolition of existing buildings and erection of up to 7 dwellings (self-build purposes) with access secured and all matters reserved in respect of layout, scale and appearance". Since the revised description clarifies which matters are reserved, I have determined the appeal on this basis.

Main Issues

3. The main issues are:

   (i) the effects on the character and appearance of the area having regard to whether or not the appeal site is a suitable location for the proposed development and,
   (ii) the implications of the proposal for the supply of housing and, in particular the provision of self-build housing.

Reasons

Character and appearance

4. The Peterborough Local Plan 2016 to 2036 (adopted July 2019) (LP) identifies Helpston as a medium village within the settlement hierarchy. In principle, the LP supports development proposals within settlement boundaries. However, the appeal site lies a short distance outside the designated village envelope and, therefore, lies within the countryside, where development is subject to strict control.

5. Notwithstanding this, particular circumstances in support of the appeal proposal have been highlighted. It is suggested that the appeal site would not be physically detached from Helpston and that services and facilities within the village would be within walking distance, using the existing footpath on the southern side of West Street. The appeal site is located adjacent to a group of existing dwellings including 2 recently constructed dwellings on the north side of West Street. Thus, the appeal site would be within the functional extent of the village. Additionally, the former use as a nursery on the site has ceased and the site is now vacant and unsightly. It is suggested that the new LP is silent on the approach to redundant brownfield sites within the countryside.

6. The LP was adopted a little over one year ago. That process included calls for potential housing sites which resulted in the appeal site being rejected. However, another site was designated in the LP at Helpston and the settlement boundary was amended to accommodate that proposal. The appeal site is physically detached from the main village by open land to the north of West Street leaving a significant and distinct gap of countryside. There is also a smaller gap of countryside to the south side of West Street between the dwellings in the vicinity of the appeal site and the settlement boundary.

7. Policy LP8 of the LP allows affordable housing to be developed as rural exception sites outside settlement boundaries including circumstances where there is identifiable local support. The appeal proposal is neither for affordable housing nor is there any demonstrable local support. Furthermore, the appeal proposal does not fall under the categories of housing development allowed within the countryside set out by Policy LP11 Part D) of the LP.

8. I recognise that the nursery business has ceased since the LP was prepared but, there is no evidence before me that any attempt to market the site either to remain as a nursery, or other suitable use has taken place. It is unclear to me why this site should not continue to be attractive and viable, albeit with a different operator, not least because of the growth taking place in the area.

9. In respect of character and appearance, the proposed development would be within the confines of the nursery site. Although the frontages of the dwellings facing the West Street frontage would be closer to the road and, thereby more prominent than the nursery buildings, the appellant suggest the scheme would be sympathetic to the character and appearance of the area and, there would be an absence of substantial harm.

10. The main characteristic of development in the vicinity of the appeal site is of linear, single depth ribbons to the south of West Street and the 2 new dwellings and the nursery to the north. Most of the dwellings have large/long gardens. More recent developments and the proposed LP housing allocation within the settlement boundary either are, or will be, estate-type developments. This highlights a significant distinction in character between the main village and the pattern of development in the vicinity of the appeal site.

11. The appeal proposals as shown on the illustrative plan suggest that new housing to a depth of 3 dwellings is envisaged on the appeal site, accessed from a cul-de-sac. Given that the former nursery possesses a large car parking area to the frontage and only single storey structures behind, the proposed development of houses to a depth of 3 properties would have a significant impact on the character and appearance of the local area. This would be highlighted by the new dwellings having significantly smaller gardens compared

to most in the area, and particularly smaller than the 2 adjacent properties. Of most concern, however, would be the effect that the development would have on views of the appeal site approaching along West Street from the east and looking across from the B4143 on the approach to Helpston from the north-west. The appearance of the grouping of new properties would be prominent and incongruous, arising not only from the height of the buildings but especially from the depth of the development.

12. Accordingly, I conclude that the appeal site is physically detached from the settlement boundary of Helpston, forming part of the fringes of the settlement, lying within the countryside. While the appeal site is brownfield, its development on the lines envisaged would have a substantial and harmful urbanising effect on the character and appearance of the area because it would break the existing single depth linear pattern of development characteristic of this part of Helpston. The proposed dwellings would be substantial in size (4/5 bed) but would appear cramped and over-developed in their local context. In the longer run, the likely effect, if this scheme were allowed, would be to encourage further development.

13. As such, the appeal proposal is contrary to LP Policies LP2, LP8, LP11 and LP16. Policies LP2, LP8 and LP11 identify the Settlement Strategy for the District and identify the limited circumstances where housing proposals might be considered favourably outside established settlement boundaries. LP16 requires new development to be of high-quality design that respects and responds to the context of the site and surrounding area.

Housing

14. With regard to housing, there are 2 matters to consider. First, is the potential for the site to contribute to the supply of housing land and, second, the intention that the dwellings should be self-build.

15. Turning first to housing land supply, it is suggested that the proposed new dwellings would be provided on a brownfield site and contribute to meeting housing needs within the district where windfalls are identified as forming 9% of the future housing supply.

16. I would agree that the future supply of land includes a reliance on windfalls. However, these could reasonably be expected to come forward, in accordance with the development hierarchy throughout the plan period within urban areas and settlement envelopes, as well as through development in the countryside in line with the categories set out in Policies LP8 and LP11. In the event I were to allow this appeal then the new housing on the appeal site would be counted as windfall but, this carries limited weight in my mind when it is undisputed that the Council can currently demonstrate a 5 year supply of housing land.

17. A significant proportion of the appellant's evidence relates to the provision for self-build housing, suggesting that Policy LP9 sets out a clear presumption in favour of granting permission for such development. This is because the policy does not seek to limit or restrict where such housing should be located and indicates that the Council will support any such applications that come forward. I do not agree with that assessment.

18. It is not a legal requirement for the Council to include specific provision for custom build and self-build housing as part of their development plan.

However, this is referred to in the LP. Policy LP8 identifies the provision of self-build plots as part of the housing mix and Policy LP9 states that proposals for residential development will be considered more favourably if they provide appropriate opportunities for custom build and self-build. Up to 5% of capacity on large urban extensions of 500 or more dwellings might be reserved for custom build and self-build subject to the scale of interest on the self-build register prevailing at the time.

19. Under Policy LP9, the provision of self-build housing on the appeal site would be considered more favourably. However, this policy does not suggest a clear presumption in favour of self-build housing and refers to 'appropriate opportunities'. This suggests to me that the other policies set out in the LP must come into play as would the supply of self-build plots.

20. On the basis of the evidence before me, 7 planning permissions have been granted which are explicitly for self-build plots. This compares with 25 entries on the self-build register. However, in addition, 62 CIL exemptions for self-build over the same period have been claimed.

21. Therefore, the appellant asserts that insufficient evidence exists to prove that demand on the self-build register has been met. The Council, on the other hand, suggest that if both sources of information are considered in the round then, the evidence demonstrates the need for self-build is being met comfortably.

22. It appears to me that the inclusion of self-build as part of LP policy together with the monitoring information suggests the Council is taking its responsibility seriously. While there is a question-mark over the direct compatibility and comparability of the 2 main data sources, it does not appear unreasonable for the Council to claim it is meeting its responsibilities looking at them together. I am further persuaded in this regard by the fact that anyone who knowingly makes a false declaration of self-build exemption for CIL purposes would be committing an offence.

23. To conclude on this main issue, the appeal proposal would, as a windfall site, contribute to the supply of housing land within the District as well as provide up to 7 self-build dwellings. LP Policy LP9 indicates that proposals for housing that include appropriate opportunities for custom build and self-build should be considered more favourably. For the reasons I have identified above, however, I attribute relatively limited weight on this main issue in the light of the supply of housing land and information regarding provision of self-build housing within the District.

Other Matters and Planning Balance

24. In relation to access the Council's Highways Services has not objected to the appeal proposal subject to the imposition of appropriate conditions. I have no reason to disagree in this regard.

25. A legal undertaking would be necessary for this type of development. To this effect a Unilateral Undertaking (UU) designed to secure the self-build properties has been submitted as part of the appeal. However, the UU is marked 'Draft' and is unsigned.

26. As I have recognised above, the provision of self-build properties as part of the appeal proposal would be an important benefit. Other benefits identified by the

appellant would include employment from construction, Council tax revenues to help offset losses from closure of the nursery business and, support for local services and facilities.

27. Nevertheless, even if I were to assume that the UU was completed, signed and met the requisite tests, I conclude that the benefits arising from the proposed development of up to 7 self-build dwellings would not out-weigh the totality of the environmental harm I have identified under the first main issue. For this reason, I have not requested that the main parties should work to finalise the legal undertaking prior to issuing my decision.

Conclusion

28. For the reasons given above and, taking account of all the matters raised, I conclude the appeal should be dismissed.

David Carter

INSPECTOR