
Appeal Decision

Site visit made on 11 January 2021

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 1st February 2021

Appeal Ref: APP/H0520/W/20/3256528

Land at The Paddock, Raveley Road, Great Raveley PE28 2QX

- 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 K Robinson, Optimum Land and Property Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 19/02145/OUT, dated 15 October 2019, was refused by notice dated 31 March 2020.
 - The development proposed is 9 self-build and custom build dwellings with access road and supporting infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except access and layout. Whilst the appeal statement describes the submitted layout plan as indicative, this is not a reserved matter and the layout plan has therefore been taken into account, albeit there may be other ways of laying out the site.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of future occupiers of the dwellings next to the access road in relation to noise and disturbance; and
 - the demand for self and custom build dwellings in the area.

Reasons

4. The proposal is for 9 detached self or custom build dwellings¹ in individual plots grouped around an access driveway from Raveley Road, the main road through the small village of Great Raveley. The driveway serving the scheme would be an extension of an existing access permitted between two detached dwellings on the road frontage, albeit the dwellings are not yet commenced². The appeal site is about 1 ha in size and comprises most of an unusually shaped grass field bounded by mature hedgerows which extends behind some of the frontage housing on the south western side of Raveley Road.

¹ Secured by a S106 unilateral undertaking dated 8 January 2021

² Permission Ref. 18/00954/FUL

Character and appearance

5. Great Raveley comprises, with the exception of the Yew Tree farm complex, almost entirely of frontage development along both sides of a length of about 400 m of Raveley Road. This pattern has recently been reinforced by a handful of further permissions for dwellings along the road frontage, including either side of the access to the proposed scheme. The built-up area of the village is thus essentially one property deep, and this forms an important part of its character in addition to its rural setting with open countryside closely surrounding the settlement on all sides.
6. However, the proposal would introduce development in depth on the south western side of Raveley Road, with a side road leading to 9 detached houses in a small estate layout. Whilst the plots would be a generous size comparable to others in the village and the dwellings would be individually designed and not the standard output of a volume housebuilder, this would represent a major departure from the existing linear pattern of development in the village and would be seriously out of character in its context.
7. Great Raveley is defined as a 'small settlement' by the Huntingdonshire Local Plan adopted in 2019 (the HLP) where Policy LP9 applies. This states that development on land well related to the built-up area 'may be supported where it accords with the specific opportunities allowed for through other policies of this plan'. These other policies are listed in paragraph 4.107 but exclude Policy LP25 which supports the provision of self and custom build homes to address the requirement for such housing. In contrast, Policy LP28 is included which allows for affordable housing on rural exception sites outside built up areas.
8. In any event, as the Council point out, the site is not particularly well related to the built-up area. Whilst the HLP does not define the boundary, paragraphs 4.80-4.85 set out the principle that the boundary distinguishes between 'land which relates more to the group of buildings rather than to the surrounding countryside'. The appeal site is separated from the domestic rear gardens of Plumtree House to The Carpenters on Raveley Road by a grass paddock, and to the north adjoins some farm buildings which are separated from the village by a grass field. In addition, the layout plan shows buffer planting around the plots and either side of the access road which would provide screening but also emphasise an enclave of new housing distinct from the existing village.
9. Rather than being well related to the village, the proposal would therefore be seen as a semi-detached incursion into the countryside, with new buildings projecting into its attractive rural setting. Even with further screening this would be readily apparent from the public footpath which runs along the other side of the hedgerow forming the southern boundary of the site and from the footpath leading to Heath Lane further south, both of which provide access from the village into the surrounding countryside.
10. For these reasons the proposal would significantly harm the character and appearance of the village and its countryside setting in conflict with HLP Policies LP9, LP10, LP11 and LP12. These restrict development outside the built-up area of small settlements, recognise the intrinsic character and beauty of the countryside, and require development to respond positively to its context and the area's character and identity.

Living conditions

11. The access driveway to the scheme would run between the two large detached houses permitted but not yet built on the Raveley Road frontage. Whilst the point of access is already approved, the specification of the access driveway would be considerably greater than the previous scheme which only served two paddocks with field shelters and the field behind. The new proposal involves a driveway wide enough to accommodate passing cars and refuse vehicles to serve nine dwellings with parking and turning space at the far end.
12. This driveway would pass close, within a metre or so, of the side elevations of both plots 1 and 2. The elevation of Plot 1 includes a side window of the main sitting room and main window of a bedroom, whilst that of Plot 2 includes two side windows of the sitting room. Whilst the layout of these properties could be amended, this is not part of the current application, and in any event the driveway would run alongside their rear gardens.
13. As the appellant points out, these properties would be subject to the noise and disturbance of passing traffic along Raveley Road. However, the proposal would result in noise and disturbance from passing vehicles along their side boundaries, on current plans affecting both living rooms and private rear gardens where peace and quiet would reasonably be expected. Baffle fencing along the driveway would be out of character with the area. Environmental health legislation only concerns statutory noise nuisance.
14. For these reasons, on current plans, the proposal would significantly harm the living conditions of future occupiers of the dwellings either side of the access road in relation to noise and disturbance. This would conflict with HLP Policy LP14 which requires a high standard of amenity to be maintained for occupiers of neighbouring land and buildings.

Self and custom build dwellings

15. Since April 2016 the Council have had statutory duties to maintain a register of those who want to self or custom build in their area and to grant permissions for enough serviced plots to meet the demand shown by the register on a rolling basis within three years. Between April 2016 and October 2017 a total of 41 registrations were made for which permissions should have been granted by October 2020. Between October 2017 and July 2020 there were 187 more registrations, indicating strong continuing demand. The Council maintain that up to October 2019 a total of 172 self-build CIL exemptions were granted and 95 commencements took place, indicating sufficient permissions have been granted to meet the requirements of the register well into the year 2018/19.
16. However, some of these self-build CIL exemptions related to sites granted permission before April 2016 when the duty commenced, and self-build CIL exemption does not necessarily mean that the initial owner of the home had primary input into its final design and layout, the definition in Planning Practice Guidance³, as the plot may have been bought with full planning permission. On the other hand, the register may overstate demand as there are no financial eligibility criteria and no proof of absolute commitment. An obligation or condition to ensure a self or custom built dwelling is built on a site is not essential as a regular planning permission may be used for the purpose.

³ Paragraph: 016 Reference ID: 57-016-20170728

17. Whilst 172 CIL exemptions in comparison with 41 registrations for which permissions are necessary to date appears promising, and permission for 43 more plots appears likely at Great Gransden, there is clearly strong demand across the district, albeit not necessarily in Great Raveley. Without detailed discussion of the available information it is not possible to determine whether the Council are fully meeting their responsibilities in this respect but this is not necessary for the purposes of this appeal as the harm that has been identified under the first two main issues would be overriding in any event.

Conclusion

18. The proposal would provide nine self or custom built dwellings which would help meet the demand for such housing options as demonstrated by the Council's register, make a useful contribution towards local housing needs generally and offer social and economic benefits for the village. The scheme would be subject to a design code, make use of currently disused grassland, include extensive landscaping, ecological improvements and a public amenity area. However, the proposal would significantly harm the character and appearance of the village and its setting and the living conditions of future occupiers of the dwellings either side of the access road in conflict with several HLP policies. The material considerations in favour of the scheme, including any need for further self or custom build housing plots, do not outweigh the conflict with the development plan in this case. Whilst the appellant refers to two appeal decisions in favour of similar schemes elsewhere, these relate to different proposals with their own unique circumstances.
19. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR