



Appeal Decision

Site visit made on 2 February 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/H0520/W/20/3259662

Land Adjacent The Coach House, Coppingford Road, Sawtry PE28 5XT

- 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 MJR Contracts Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 19/00460/FUL, dated 18 January 2019, was refused by notice dated 15 April 2020.
 - The development proposed is erection of 5no. dwellinghouses with associated garages, parking, gardens and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Huntingdonshire District Council against MJR Contracts Ltd. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has provided an additional plan which was not before the Council at the time of its decision. This plan shows some indicative landscaping to the roadside but does not make any changes to the proposed built form. I do not consider that any interested party would be prejudiced by me accepting this plan for the purposes of determining the appeal. I have therefore taken it into account.

Main Issues

4. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy including the effect of the proposal on the character and appearance of the area; and
 - whether it is necessary that the proposal includes a financial contribution in respect of the provision of refuse bins and, if so, whether a suitable mechanism is in place to deliver such provision.

Reasons

Location including character and appearance

5. Policy LP 2 (Strategy for Development) of the Huntingdonshire Local Plan (LP) (2019) sets out a hierarchy of settlements and directs the majority of new development to its larger settlements which are defined as 'the spatial planning areas' followed by its 'key service centres' and 'small settlements'. In each case, the places which fall within each of these definitions are defined within the LP. The appeal site is not located within any of the defined settlements in the LP and is located within the countryside for the purposes of decision making.
6. Notwithstanding the above, the site is situated at the end of a collection of buildings and uses including dwellings, agricultural and business uses. I find that the pattern of development where the site is located could be considered to be a settlement, but at most it would be considered to be a small hamlet. Nevertheless, there is no dispute between the parties that the site constitutes previously developed land and given the site's position within the settlement, I attach substantial weight to the potential to utilise brownfield land in accordance with Paragraph 118 of the National Planning Policy Framework (the Framework).
7. Policy LP 2 confirms that in addition to development in its defined settlements, rural exception, small and windfall sites will be permitted on sites which are in conformity with other policies in the LP. Given the location of the site, any development would need to conform with Policy LP 10 (The Countryside) of the LP. This Policy confirms amongst other things that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the LP.
8. There is some ambiguity in Policy LP 2 as to the locations where the principle of small and windfall sites might be supported. However, a presumption that any such site would be acceptable in the countryside has the potential to conflict with the Council's strategic housing aims and the sustainable objectives of a plan-led system. Even if I were to accept that such development could constitute one of the limited and specific opportunities referred to in Policy LP 10, this policy and the Framework require, amongst other things, that development recognises the intrinsic character and beauty of the countryside.
9. From my observations on site, existing structures are mainly associated with the adjacent children's nursery and include play equipment, fencing and low-rise outbuildings. These structures are relatively modest in scale and are dispersed across the site meaning a significant proportion of the site is free from built form. The site is also substantively screened by the mature planting to the boundaries with Coppingford Road and the neighbouring agricultural land. These factors combine to ensure the existing development is relatively inconspicuous from public view and that the site is appreciated as having a generally soft landscaped character which is devoid of substantial built form and which complements the prevailing more open and rural landscape.
10. Taken in their own context, the design of the buildings would not be unattractive. However, the development would result in a substantial increase in the density, bulk, mass and scale of buildings on the site. It would extend the cluster of built form into what is otherwise a more open and soft landscaped setting. The removal of the existing planting to the front boundary would open up views of the development. Any replacement planting would take time to establish. Once matured the planting to the boundaries of the site

would be unlikely to effectively assimilate the proposal into the prevailing rural landscape given the development would be likely to be visible above the hedge line and through gaps in the vegetation, particularly where the vehicular access points and parking areas would be provided.

11. The intensive residential appearance of the development would be evident to passers-by travelling in either direction along Coppingford Road and in longer distant views from the elevated sections of the road when approaching from the direction of the M1 to the east. Consequently, the development would significantly increase the presence of domestic and more urban built form within the landscape which would erode the prevailing rural characteristics of the countryside.
12. The location of the site, closely related to the existing cluster of buildings and uses, means that the site would not be physically isolated in terms of the meaning of isolated homes at paragraph 79 of the Framework. However, this does not automatically mean that a home which is not isolated in respect of paragraph 79 of the Framework is acceptable in all other planning respects.
13. The proposals include a public footpath to the front of the site and off-site works to provide a pedestrian crossing further along Coppingford Road. Even so, there would be a gap in footpath provision between the two and significant parts of the route to Sawtry are unlit. The nearest bus stops, services and facilities are not conveniently located. The distances involved and infrastructure in place would be unlikely to encourage walking or cycling on more than an occasional basis particularly during periods of inclement weather or during winter months where hours of daylight are reduced. My attention has also been drawn to proposals for a motorway service station between the appeal site and Sawtry. However, I am unaware of the current status of these proposals nor am I persuaded that they would be likely to appropriately cater for the reasonable needs of local people. In these regards, I find that the site would not be sustainably located in so far that there would be heavy reliance on use of the private motor vehicle for the majority of day-to-day trips.
14. I conclude that the development would not be in a suitable or sustainable location and that it would result in significant harm to the intrinsic character and beauty of the countryside. The development would fail to accord with the strategic objectives of the development plan in terms of the location of new development and would conflict with the sustainable development and character and appearance requirements of Policies LP 2 (Strategy for Development), LP 10 (The Countryside), LP 11 (Design Context) and LP 12 (Design Implementation) of the LP and the Framework.
15. The development would also conflict with the guidance in the Huntingdonshire District Council Design Guide Supplementary Planning Document (2017) and the National Design Guide (2021) which amongst other things require that development appropriately responds to the context of their surroundings.

Financial contribution towards the provision of refuse bins

16. Policy LP 4 of the LP confirms that The Huntingdonshire District Council Developer Contributions Supplementary Planning Document (SPD) (2011) require that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. The policy confirms that

contributions will be calculated as set out in the Council's Developer Contributions Supplementary Planning Document (SPD) (2011). The SPD confirms that new housing in the District will trigger a need for the provision of waste storage containers (wheeled bins) and that contributions will apply to all residential developments.

17. The appellant has indicated they would be willing to make a financial contribution towards the provision of refuse bins and has provided a signed and dated Unilateral Undertaking (UU). The sums included are in line with the requirements set out by the Council at the application stage.
18. I conclude that the development would comply with the infrastructure requirements for refuse bins set out in Policy LP 4 of the LP and Developer Contributions Supplementary Planning Document (SPD) (2011).

Planning Balance

19. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
20. The development would utilise brownfield land within a settlement and this attracts substantial weight in accordance with the Framework. The proposal would make a limited contribution to boosting the supply of housing sites in the area and would generate a minor economic benefit through the development of the site and the contributions towards Council Tax receipts and the Community Infrastructure Levy. There would also be a modest social and economic contributions if occupants of the proposed dwellings were to use local facilities. I also attach some positive but limited weight to the provision of the proposed highway improvements and to the potential for net gains in biodiversity as a result of the replacement of the Cherry Laurel hedge to the front boundary with native species.
21. I have concluded that the development would provide the necessary contributions towards refuse bin provision. However, this usually expected requirement of the LP and Developer Contributions SPD carries neutral weight in the balance.
22. The above positive attributes need to be considered in the context that there is no evidence before me to suggest that there is a shortage of deliverable housing sites in the District. Furthermore, development in the countryside would conflict with the strategic housing aims of the Council's settlement hierarchy policy. In addition, I have found that the development would result in very significant harm to the intrinsic character and beauty of the countryside and that the accessibility credentials of the site are poor. Collectively, these are matters to which I afford great weight and which tip the balance firmly against the proposal. To this extent the proposal would not deliver a sustainable form of development.

Overall Conclusion

23. For the reasons set out above, and having taken into account all other material considerations, on balance I conclude that this appeal should be dismissed.

M Russell INSPECTOR