



Appeal Decision

Hearing held on 25 February 2021

Site Visit made on 1 March 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/W0530/W/20/3255359

Land Rear of 24-27 Paynes Meadow, Linton, CB21 4JP

- 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 Mrs S Moor (C/o Hundred Houses Society) against the decision of South Cambridgeshire District Council.
 - The application Ref S/0670/19/FL, dated 8 February 2019, was refused by notice dated 9 January 2020.
 - The development proposed is the construction of 26 affordable homes including external works and parking on land rear of No 8 to 30 Paynes Meadow Linton.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and the landscape, with particular reference to its location and its design.

Reasons

3. The appeal site is located immediately to the north of the existing built development on Paynes Meadow. At the present time it consists of a vacant and overgrown parcel of land which is enclosed by established hedges and trees. Due to its undeveloped form, it provides a visual transition between the built form of this part of Linton and the more rural form of the agricultural fields beyond it.
4. Aside from the existing built development of Linton itself, the area surrounding the appeal site consists primarily of large and expansive agricultural fields that have an undulating form and which rise up towards the woodland on Rivey Hill. Due to its current visual enclosure by mature vegetation, the appeal site does not contribute to this open field structure, but instead its landscaping reads as a visual continuation of the landscaping which encloses the western boundaries of existing dwellings on Paynes Meadow and Chalklands and the public footpath which runs alongside the eastern site boundary.
5. The Inspector in the appeal relating to land off Back Road¹ concluded that the area was a valued landscape for the purposes of what was paragraph 109 of the National Planning Policy Framework 2012. The National Planning Policy

¹ APP/W0530/W/17/3179762

Framework 2019 (The Framework) contains the same paragraph at 170, although a requirement to protect and enhance valued landscapes *in a manner commensurate with their statutory status or identified quality in the development plan* has been added. I have not been made aware of any statutory status or identified quality of the landscape in the development plan.

6. I do not have the full details of the Back Road appeal before me, but it was an outline proposal for 95 dwellings and therefore for a greater quantum of development. Furthermore, the land along Back Road which has not already been subject to built development consists of, and indeed forms part, of the expansive and generally open field structures adjacent to the settlement. I concur that this could be considered to form a valued landscape. However, the site subject to this appeal makes a different contribution to this landscape as it does not form part of the open field structure that prevails in the area. Its contribution instead is as a transition area between the settlement and the open field structures.
7. The existing dwellings on Paynes Meadow which are closest to the appeal site boundary are laid out so that there is spacing between their roofscapes and their general built form. This loose structure gives the existing development a spacious edge of settlement character at the point where it currently adjoins the undeveloped area of the appeal site and allows greenery to appear in gaps in the built form. In views taken from both Paynes Meadow and Chalklands towards the site and Rivey Hill beyond it, and from longer views taken looking towards the appeal site in the direction of Linton, this layout is successful in reducing the visual impact of this built form in a manner that is sympathetic to its edge of settlement location, allowing views to permeate through it. There is also a large area of public open space within the Paynes Meadow development adjacent to the public footpath, which too softens the visual impact at that location.
8. The proposed dwellings would be tightly positioned in relation to one another, in particular those closest to the northern boundary. The staggered layout of facing dwellings would also impede views through the site. Collectively this would give the appearance of a tight urban form on what is a transition site. Due to the topography of the appeal site the proposed dwellings would be elevated above the existing dwellings in the area and they would be of a height that would be readily visible from outside of the site.
9. Closer to the appeal site the impact would be the most pronounced. From views taken from Paynes Meadow, the appeal site forms part of a buffer between the urban form of Linton and the more rural form of the open fields beyond it, allowing views towards and across the agricultural fields and towards Rivey Hill. From parts of the footpath that runs to the west, the site again provides a visual buffer, and the existing dwellings on Paynes Meadow are visible. Whilst other areas such as Rivey Hill and the agricultural fields adjacent to it do not appear to be publicly accessible, nonetheless the development would be visible from these areas and would extend the settlement at its rural edge. Closer to the site therefore, there would be a substantial visual impact and there would be significant harm to the character and appearance of the area and the landscape from the development in the form it is proposed.
10. In longer views taken towards the site from the viewpoints that have been identified on Back Road, Balsham Road and Horseheath Road, the visual impact

of the proposed development would be substantially lessened by the distances involved, the topography of the surrounding ground, by the existing built form of the settlement and by intervening vegetation. Any impact on the character and appearance of the landscape that did occur from these viewpoints would be limited.

11. Much reliance would be placed on the boundary vegetation and its supplementation to screen the proposal and to soften the juncture between the built form and the agricultural fields beyond it. However, the plans submitted suggest that the works required to allow the proposed dwellings and their gardens to be accommodated on the appeal site would require tree works to the extent that the remaining trees and hedgerows to the east and west would be located outside of the red line site area. It is less clear with respect to the northern boundary, but it would appear that at least some of the landscaping is outside of the appeal site. There is no land shown to be outside of the appeal site but within the appellant's ownership. The extent to which the appellant would have control over these trees and hedgerows is unclear, and any conditions imposed would not be binding on land outside the application site or not under the appellant's ownership.
12. The Hedgerow Regulations 1997 may be applicable and in such an instance the consent of the Council to remove the existing hedgerows would be required. However, it is not certain that their height could not be substantially reduced without consent being required. It cannot also be guaranteed that the hedgerows would not be removed, or if they were to fail there would be no mechanism within the parameters of the planning permission to ensure their replacement. Therefore, in the current form that the proposal is submitted, the retention and supplementation of the existing trees and hedgerows is uncertain. In the event these were to be removed or reduced in height, this would further increase the visual impact that the proposed development would have.
13. The design of the proposed dwellings would be similar to those already present in the vicinity of the site and amendments were made to the scheme during the course of the planning application to address concerns that were raised by the Council's Urban Designer. This includes the provision of one and a half storey dwellings, although there would be little perceptible difference between the ridge heights of these and those of the two storey dwellings. Whilst my attention has been drawn to further amendments that could be made, these are not substantial in the context of the scheme as a whole and are not necessary to make the proposal acceptable in design terms. However, whilst the amendments that have been made have overcome the design concerns, they do not address the fundamental concerns I have identified with respect to the visual impact the proposal would have in a sensitive location.
14. In conclusion, I have found that there would be significant harm to the character and appearance of the area and the local landscape resulting from the arrangement and scale of built form on the site. Furthermore, there is uncertainty as to whether the existing landscape which surrounds the site could be retained in the form in which it is found today. Consequently, the proposal would fail to accord with Policies HQ/1, NH/2 and H/11 of the South Cambridgeshire Local Plan 2018 (LP) where they seek to protect character and appearance. There would also be a conflict with the District Design Guide

Supplementary Planning Document 2010, The Framework and the National Design Guide 2019 where they seek to deliver the same objective.

Other Considerations

The Development Plan – Policy H/11

15. Although the appeal site is located immediately adjacent to the existing housing on Paynes Meadow, it falls approximately 90 metres from the development framework boundary, due to the fact that two previous affordable housing exception sites have been permitted and built immediately adjacent to this boundary. Policy H/11 sets out that affordable housing developments to meet identified local housing needs on small sites adjoining a development framework boundary will be permitted subject to four criteria being met.
16. The appeal site adjoins built development, but not the development framework boundary. Whilst it has been suggested that this represents only a 'technical breach' of Policy H/11, nonetheless it does not accord with the requirement to adjoin the development framework boundary, and therefore does not accord with the policy. By virtue of the fact that I have found harm to the character and appearance of the area and the landscape, the proposal would also fail to accord with part b) of Policy H/11.
17. The Framework does not specify that rural exception sites should only be located on sites that adjoin development framework boundaries. However, paragraph 20 of The Framework sets out that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing (including affordable housing). Policy H/11 clearly sets out the Council's intentions in this regard. Furthermore, the local plan was adopted subsequent to the revised Framework in 2018, which too did not specify where rural exception sites should be located. For these reasons, I am not persuaded therefore that Policy H/11 conflicts with the aims of The Framework.
18. The absence of support from Policy H/11 also means that the proposal fails to accord with Policy S/7 of the LP which is a strategic policy that seeks to guide the location of new development in the district.

Affordable Housing

19. A Housing Needs Survey (HNS) was carried out in June 2019 and this showed a need for 81 affordable dwellings in Linton. As of 16 February 2021, the Council's 'live list' showed a need of 64 affordable dwellings. It is advised that there are no allocations for residential development in Linton in the LP and that the two development projects in Linton of which the main parties are aware will, on the basis they have been permitted, deliver 39 dwellings. This leaves a requirement of 42 dwellings based on the HNS, and a requirement of 25 dwellings based on the live list.
20. The live list provides the most up to date picture of affordable housing need in Linton. The appeal proposal would satisfy the full affordable housing requirement in the settlement, resulting in a surplus of one dwelling and it would address the needs of local residents firstly. The Council's Housing Development Officer confirms that the mix of housing proposed is consistent with the need identified in the HNS.

21. The proposal would aid in the delivery of affordable housing which is an objective of the LP and The Framework. For these reasons, this consideration carries substantial weight in its favour.

Delivery of new homes

22. The Government's objective is to significantly boost the supply of housing and the proposal would provide 26 modern homes. I have been referred specifically to an appeal decision relating to a site in Waterbeach² where the Inspector concluded that even though that proposal would not fully accord with the spatial strategy for the area and even taking into account the Council's robust housing land supply position, the 21 dwellings would make a meaningful housing contribution, in line with the Government's objective of significantly boosting the supply of housing.
23. I acknowledge that there are similarities in this respect with the appeal that is before me, and that it would deliver 5 more houses than the Waterbeach development. However, whilst this would be a meaningful contribution in housing numbers, when attributing weight to it I balance it against the context of the Council having a 5 year housing land supply and the fact that I have found a strategic planning policy conflict. For these reasons, the delivery of 26 houses carries moderate weight in favour of the proposal.
24. There would also be benefits arising from an economic perspective with regard to Council Tax receipts, the New Homes Bonus, from construction jobs and from the fact that future residents would be likely to contribute to the local economy in terms of spending. These considerations too carry moderate weight in support of the proposal.
25. Reference has also been made to the impacts of the Covid-19 Pandemic, however no evidence has been provided as to how this may have impacted upon the delivery of housing in the district or why it should justify allowing the appeal proposal. This cannot therefore carry any weight in my considerations.

Access to services and facilities

26. Pedestrian access to the appeal site from the central area of Linton requires walking up a near continuous hill, which would undoubtedly decrease the attractiveness of walking for some trips. Nonetheless, the existing services and facilities can be accessed safely on foot and are not an excessive distance from the appeal site and therefore walking is a viable option, as is travel by bicycle. On this point I conclude that the proposal would be reasonably accessible with regard to services and facilities in Linton by a range of modes of transport, and that this consideration carries moderate weight in its favour.

Previous decisions

27. Reference has been made to the Council's approach to a development in Fulbourn³, but I have not been provided with details of this case. My attention has also been drawn to the Waterbeach appeal decision and another appeal decision⁴ within the South Cambridgeshire District Council area. I do not have full details of the developments that were subject to those appeals, but in both

² APP/W0530/W/20/3253436

³ S/3396/17/FL

⁴ APP/W0530/W/19/3227065

instances the Inspector found conflict with Policy S/7 of the LP, but found that such conflict was limited in the circumstances of each case.

28. In the case before me, I have found that there would be significant harm to the character and appearance of the area and to the landscape as a result of the proposed development. The conflict with the relevant policies of the LP would therefore appear to be greater than in the other appeal cases. Ultimately however, the determination of this appeal is a judgement to make primarily on the merits of the individual case that has been presented, and that is therefore the approach that I have taken.

Planning Obligation

29. A completed planning obligation has been submitted with the appeal, which would provide for an early years contribution, a libraries and lifelong learning contribution, an off-site sport space contribution, an off-site children's play space contribution, an off-site community facilities contribution, a household waste receptacle contribution and monitoring contributions, in addition to securing all 26 dwellings as affordable housing with a priority for Linton residents.
30. Of these, only affordable housing would be a benefit of the proposal, with the other contributions being offered in mitigation of the impacts of the proposed development.

Planning Balance

31. There are a number of relevant policies in the local plan to which my attention has been drawn. I have found that the proposed development would fail to accord with Policies HQ/1, NH/2, H/11 and S/7. However, there are also policies which seek strategically to deliver new housing and economic growth, and those which set out the policy objectives that govern the form that new development should take and the requirements it should meet.
32. There would be compliance with many of those policies, in particular those which seek to define the parameters that new development should meet in respects such as climate change, the provision of community facilities and highways matters. Nonetheless, the failure to comply with Policies HQ/1, NH/2, H/11 and S/7 arises from my conclusion that not only is the proposal not a rural exception site in a location that the LP permits, but that it would cause significant harm to the character and appearance of the area and the landscape in the form it is proposed.
33. For this reason and having considered the policies that have been placed before me, I conclude that the proposed development would fail to accord with the development plan, taken as a whole.
34. There would be significant harm to the character and appearance of the area and the landscape for the reasons I have outlined. There is also no mechanism before me to guarantee the retention of landscaping on the east and west boundaries, and there is some uncertainty over that along the northern boundary.
35. The delivery of affordable housing would be a benefit of the scheme and it carries substantial weight in its favour. The proposal would provide 26 modern

homes in a location with adequate access to services and facilities and these considerations carry moderate weight in support.

36. However, the provision of affordable housing, the delivery of the new dwellings and the accessibility to services and facilities do not outweigh the significant harm which would be caused to the character and appearance of the area and the landscape by the scheme that is before me.

37. The proposal would therefore conflict with the development plan and there are no other considerations, including The Framework, that outweigh this conflict.

Conclusion

38. For these reasons, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nicol Perryman – Associate, Ingleton Wood

Jamie Childs – Senior Associate, Howes Percival

Paul Rabbetts – Interim Development Director, Inceni Homes

Tony Welland – Director, The Design Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Jane Rodens – Senior Planning Officer, South Cambridgeshire District Council

Richard Fitzjohn – Senior Planning Officer, South Cambridgeshire District Council

Stephen Reid – Senior Planning Lawyer, South Cambridgeshire District Council

INTERESTED PARTIES:

Councillor John Batchelor – South Cambridgeshire District Council

Councillor Henry Batchelor – South Cambridgeshire District Council

Councillor Enid Bald – Linton Parish Council

Councillor Kate Kell – Linton Parish Council

Councillor Merrie Mannassi – Linton Parish Council

Corrie Newell – Consultee for Linton Council

Linda Wright – Local Resident