



Appeal Decision

Hearing Held on 26 May 2021

Site visit made on 8 June 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2021

Appeal Ref: APP/V0510/W/20/3254839

Land east of Heath Road, Swaffham Bulbeck, Cambridgeshire CB25 0LS

- 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 Cambridgeshire County Council against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01469/OUM, dated 8 October 2019, was refused by notice dated 10 January 2020.
 - The development proposed is "Outline application for the erection of up to 18no. dwellings along with associated infrastructure and landscaping with all matters reserved."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with all other matters reserved for future consideration. An illustrative masterplan shows 18 dwellings with frontage hardstanding and public open space. It indicates removal, retention and reinforcement of landscaping on the site and shared drives for pairs of dwellings off Heath Road. A footpath alongside the highway is marked on the plan. A development schedule lists 6 two bedroom, 9 three bedroom and 3 four bedroom dwellings. Such plan details have been treated as indicative of possible site development. Location, opportunities and constraints, concept drivers and topographical survey plans have been submitted for information purposes.
3. Three dwellings would be one and half storeys in scale where they would be adjacent to Hillside Cottage, a listed building. At the hearing, it was confirmed a further two dwellings adjacent to these, could similarly be restricted, if required to make the scheme acceptable. In the documentation, Hillside Cottage has also been referred to as Hill Cottage. Since the Council's decision on the application, main parties have agreed that the district has a 5 year housing land supply (5YHLS). The Council has also introduced a second reason for refusal based on the impact of the proposal on its settlement growth strategy, having regard to Policy GROWTH 2 of the East Cambridgeshire Local Plan (LP) 2015.

4. After the lodging of the appeal, two 2020 appeal decisions for housing proposals were submitted by the appellant at land to the east of Memorial Hall, Brundall, Norfolk and land south east of Williamthorpe Road and West of Tibshelf Road, Holmewood, Derbyshire. Along with an accompanying explanatory note, these have been considered in this decision.
5. A section 106 agreement dated 24 May 2021 relates to the provision of 7 affordable housing dwellings, and education and wheeled bin contributions. These matters will be considered later in the decision.
6. On 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. The comments of main parties have been considered in this decision where parties have chosen to submit correspondence on this matter.

Main Issues

7. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the settlement growth strategy within the district, having regard to local and national plan policy.

Reasons

Character and appearance

8. The appeal site comprises an area of mainly open grassland outside the village envelope of Swaffham Bulbeck on Heath Road. Opposite the site, there is two storey housing on Heath Road and Maryland Avenue and to the south, a property known as Hillside Cottage, a listed building. The site's north and east boundaries are defined by a continuous hedge which marks the boundary of the site with adjacent fields. A small north western part of the site lies adjacent to a field beyond a sharp bend in Heath Road.
9. Beyond Hillside Cottage, there is a former farmhouse known as Hillside House which lies on higher ground. Within the appeal site, the land gently slopes up towards the rear of Hillside Cottage and Hillside House. The lowest part of the site is the north western part of the site where the proposed public space would be sited. Looking from the village, from the public footpath near the church cemetery and the B1102 close to its junction with Heath Road, there is a landscape ridge forming a skyline above the appeal site.
10. The Swaffham Bulbeck Landscape Character Assessment (LCA)¹ describes Swaffham Bulbeck as a fen edge settlement on the lower slopes of a chalk escarpment. The village has a distinctive historic core with green open space. Further out, Commercial End sited around Swaffham Lane, forms a separated historic area which lies partly within chalk and fen character areas. Post-war housing has taken place along Heath Road and Maryland Avenue, which is very different from the older and more traditional architecturally designed development in historic areas of the village.
11. The village's older and more recent post-war housing fringe areas have been developed differently. Older village areas have mostly landscaped rear gardens bordering onto the countryside whereas much of the recent housing faces straight out into the countryside with starker and more dominant elevations.

¹ The Swaffham Bulbeck Landscape Study Part One: Parish Landscape Assessment for Swaffham Bulbeck Parish Council, January 2020.

However, there are significant green spaces, including formal and semi-natural areas, fields and pasture, within it and the surrounding countryside has a conspicuous farmed landscape quality. Consequently, the village has a distinctive and attractive rural identity and setting.

12. The LCA assessed and categorised the village and its surroundings into different character areas. The appeal site is to be within SB5 - the Denny Character Area which comprises small-scale fields and green spaces around the developed areas of the village, both historic and post-war, high tree cover and public space. It notes that this landscape is in a transitional position, laid out in medium to small enclosures, and the area is of smaller scale, and has notably more tree cover than the adjoining chalk and fenland landscapes. The adjoining fields are within SB2-Middle Hill Farmland which is described as gently rolling land of large scale and open arable nature, which rises steadily from the edge of the village.
13. There is a field to the south of the Maryland Avenue which the appeal site also partly faces. There are also other green spaces within the village, including the appeal site. Such spaces and landscaped features connect up with the countryside. Views in and around the village encompass these spaces and features. The appeal site and adjoining countryside are prominent due to their elevated position. For all these reasons, the site contributes positively in a significant way to the rural setting and identity of the village.
14. To the south of the site, dwellings have been permitted beyond Hillside Cottage and the Council is currently considering another proposal for dwellings, on the field to the south of Maryland Avenue. The permitted scheme would lie within a quarry, that is partly hard surfaced, and would be contained by a quarry face adjacent to the countryside. Whilst the undetermined proposal is large scale, the details show connecting green space with Heath Road. For these reasons, if these developments proceeded, they would not interrupt green space flowing into and out of the village that make a positive contribution to its rural identity.
15. The appellant's Landscape and Visual Impact Assessment (LVIA)², assesses landscape character from amongst other sources national, regional and county character assessments, and site observation. Under the LVIA, the site makes a positive to limited contribution to the Landscape Character of the village. However, the assessment downplays the importance of village identity in terms of its green spaces and countryside edges, and places too much emphasis on the site not being part of the wider countryside beyond. Therefore, the site's value would be significantly greater than that in the LVIA.
16. The proposal would retain existing hedgerow alongside the site's field boundaries and would retain the majority of existing trees along the road frontage. There would also be additional new trees along this frontage to maintain a mature landscaped frontage. The public open space would be provided where the site juts out into the countryside, with fields on three sides. Five dwellings on the highest part of the site would be restricted in storey scale and height.
17. However, the illustrative masterplan shows dwellings, with frontage hardstanding for vehicular parking and turning, sited in a repetitive manner,

² Landscape and Visual Impact Assessment, Land off Heath Road, Swaffham Bulbeck, Liz Lake Associates Landscape Architects August 2019.

which would be positioned closer to Heath Road than the post-war housing opposite. The depth of the plots and number of dwellings, along with hard standings and highway footway would also restrict the space about the development and the scope for substantial landscaping to break up the line of dwellings, especially from angled viewpoints. Such a layout would give rise to a suburban estate-like development unsympathetic to the rural context and identity of the village.

18. The masterplan plan shows only one way of planning residential development, but it is difficult to see that the scheme can be changed to address these issues due to the combination of site depth and dwelling numbers. Despite their starkness, the dwellings on Maryland Avenue and Heath Road are sited on more spacious plots and are set back from the road allowing more opportunities for significant landscaping, including hedging and trees. They are also less sensitively due to their position on lower ground than the appeal site and the ridge behind.
19. Under the LVIA, the significance of landscape effects has been assessed to represent a Slight Adverse Effect on a localised part of the character area and once landscape mitigation has been established, a Negligible Effect. However, the proposal shown for 18 dwellings shows a significant intensification of development, on a site largely undeveloped with grassland, trees and hedgerow. There would be reduced opportunities for significant landscaping, especially between dwellings. As a result, the long-term mitigation effects of landscaping would not be as great as envisaged. Consequently, the development would appear incongruous and disconnected from the village and the site would fail to contribute to its rural identity. As a result, the adverse effects upon character would be markedly greater than indicated by the LVIA.
20. In terms of appearance, the LVIA's conclusion on the site having good visual amenity is not disputed. There would be views of the development when approaching from the west along Heath Road, from the north along the B1102 before it's junction with Heath Road, from in front of the site along Heath Road and from the east as you approach the site from Swaffham Heath. With landscaping, the LVIA accepts that the effect from the west would be Moderate to Slight Adverse, from the north as Slight Adverse, from in front, as Moderate Adverse and from the east as Negligible.
21. However, from the north, the dwellings would be visible given the topography and even if the height of them was moderated to take account of the skyline, they would appear as a row of joined up dwellings with little opportunity for landscaping to ameliorate this adverse effect. Existing trees along the frontage would be retained, wherever possible. Nevertheless, part of the Heath Road frontage has no trees just after the bend in the road and there are no trees screening the flank of the row of dwellings starting at plot 18. There will also be gaps between the remaining trees along the frontage to allow for accesses and during winter, the screening effect of these trees will be limited due to their deciduous nature. As a result, the adverse effect would be markedly more than indicated by the LVIA.
22. From the east, the dwellings could be finished with muted colours to reduce visibility and would be seen against backdrop of the post-war housing. The new row of dwellings would hide the road along with its streetlights. However, the development would introduce a greater number of dwellings, developed

generally on narrower plots, on higher land. As a result of the scale and extent of the development, landscaping opportunities would be reduced to break up its physical extent. Accordingly, the benefit of masking the stark post war housing would not be great and the adverse effect would be markedly greater than indicated within the LVIA.

23. This outline proposal is for up to 18 dwellings. However, there are no details or plans before me demonstrating how a scheme with a lesser number of dwellings might successfully integrate into its surroundings. Therefore, I am not in a position to consider a lesser number of dwellings on the site.
24. In 2016, an Inspector allowed a substantial housing scheme in Melbourn (Cambridgeshire) and found that the site's location was not valued landscape, as is the case here. In another allowed scheme for 9 houses at Meldreth, the site was similarly just outside the settlement boundary. Nevertheless, every proposal has to be considered on its individual merits and inevitably contexts will differ. In this instance, the character and visual considerations relate not just to landscape but also the setting of the village and the role of green spaces in informing its rural identity. In the Melbourn decision, the proposal was also for a substantially larger development where the planning balance involved far more considerations given the significant scale of the scheme. At Meldreth, the site was also more substantially enclosed by existing development. Therefore, there are differences between these proposals and that before me, and they are of limited weight in the decision making in this instance.
25. For all these reasons, there would be substantial harm to the character and appearance of the area conflicting with Policies ENV1 and ENV2 of the LP, which collectively and amongst other matters, require development to be sympathetic to, and respect the capacity of the distinctive character areas, protect, conserve and where possible, enhance visually sensitive and man-made skylines and that development should be designed to be high quality, enhancing and complementing local distinctiveness and public amenity.

Growth strategy

26. LP Policy GROWTH 2 indicates that the majority of development will be focused on the market towns of Ely, Soham and Littleport and that more limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs.
27. Outside the defined development envelopes, the policy states that development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. There are listed developments permissible under the policy, subject to no significant adverse effect on the countryside and meeting other LP policies. However, the open market nature of the appeal development would not fall within any of the exceptions and therefore, it would therefore conflict with this policy.

Section 106 agreement

28. LP Policy GROWTH 3 states that there should be appropriate physical, social and green infrastructure in place to meet the needs of new development. LP Policy HOU3 requires schemes of more than 10 dwellings to make 40% provision of affordable housing.

29. The S106 agreement would provide 40% affordable housing, with most for rent and the remainder for shared ownership. The Council's Housing Officer confirmed significant demand from applicants, either with a local connection to the village or an interest in living in the village. For all these reasons, the provision of affordable housing on the site would be responsive and reflective of local needs and would be a benefit of the development.
30. Under the agreement, contributions for education and wheelie bins would be made. The education contributions would be for local early years, primary and secondary provision. The proposal would generate a demand for school places and the Councils' Supplementary Planning Document on Developer Contributions 2013 sets out a detailed methodology and costing to justify the education contributions. The contribution for bins is a requirement for residents and reasonably costed. Consequently, they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to it. For all these reasons, these contributions are not benefits.
31. In conclusion, the contributions sought would meet the statutory tests of Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework. The proposal would also comply with LP Policies GROWTH 3 and HOU3.

Other matters

32. Both listed buildings are closely located to the highway within a rural setting and have had an agrarian purpose in the past, with association with surrounding land. For the former farmhouse, farm buildings have now been removed. Due to the appeal development's distant relationship, the setting of the farmhouse would not be affected. Due to proximity, the development would lie with the setting of Hillside Cottage. However, there would be scope to reduce the scale of dwellings in this part of the site to ensure a subservient nature. Accordingly, there would be lower than substantial harm at the lower end of the spectrum in respect of Hillside Cottage.
33. In respect of the Framework heritage balance, any benefits from the appeal development have to be weighed against the adverse impact on the significance of the listed building for which considerable importance and weight is required to be attached. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. However, the proposal would boost housing supply and in particular, affordable housing units would be provided. Accordingly, the public benefits would outweigh the less substantial harm under the Framework. Nevertheless, the harm to the character and appearance of the area would remain.
34. In the 2020 appeal decisions at Brundall and Holmewood, housing proposals were allowed on sites outside of the development boundary and where the Councils had surplus 5YHLS. In both proposals, the benefits outweighed the conflict with the development plan. However, such proposals were larger in scale, the benefits were consequently different in scale and nature, and where the planning balance of considerations was noticeably different. They serve to demonstrate every proposal has to be considered on its merits.

Planning Balance

35. The proposal would harm the character and appearance of the area and would conflict with the settlement strategy of the local plan.
36. The proposal would boost housing supply through the provision of 18 dwellings. Given past poor delivery, the provision of affordable housing would be a major benefit. Although the Council has a 5YHLS, this is not a ceiling but an indication that the Council are currently in the process of significantly boosting the supply of housing in accordance with the Framework. Small and medium sized sites can make an important contribution to meeting the housing requirement of the area and can often be built-out relatively quickly. Neighbourhood planning groups should give particular consideration to the opportunities for allocating small and medium-sized sites suitable for housing in their area. The housing would make a valuable contribution to windfall delivery.
37. The Council's latest 5YHLS report (2020) uses a higher local housing need figure than that LP Policy GROWTH 1. To maintain this 5YHLS, a substantial uplift in delivery will be required in the next couple of years given past delivery rates. In terms of its Housing Delivery Target (HDT) result, the Council is still required to produce an Action Plan for 2021 because it failed to meet the 95% threshold. Its latest HDT Action Plan (2020) confirms a relatively high housing requirement and a poor recent past delivery of new housing. Such evidence indicates supply needs to be boosted. Accordingly, the contribution to housing supply would be a modest benefit.
38. The site lies just outside the envelope of the village and residents of the housing would have good access to services and facilities within it and other settlements through public transport opportunity. The appeal site was previously a draft allocation for housing in the East Cambridgeshire submitted Local Plan 2017 which has now been withdrawn.
39. The proposal would provide shorter term economic benefits during development construction and would provide longer term economic benefits including support to local services, shops and community needs. It would accord with national policy within the Framework which states housing should be located where it would enhance or maintain the vitality of rural communities.
40. The public open space is not a requirement for this site and would benefit residents of the village. A dwelling would be provided for the elderly and those with impaired mobility. If available, the dwellings would be provided with fast speed broadband. There would be biodiversity enhancement and enclosure of the Heath Road street reducing light spill into the countryside.
41. These economic, social and environmental benefits, along with the provision of affordable housing, weigh significantly in favour of the development. In particular, the provision of the affordable housing cannot be undervalued. However, the harm to the character and appearance of the village and surrounding countryside would be permanent and substantial. The development would not be visually attractive due to the layout and number of dwellings, and would not be sympathetic to local character under the Framework. As a result, it would not create high quality beautiful and

sustainable buildings and place. Under the Framework, good design is a key aspect of sustainable development and therefore, the economic and social benefits of the proposal would not outweigh the design shortcomings of the proposal.

42. In summary, the harm to the character and appearance of the area would be overriding and there would be conflict with the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

Conclusion

43. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

James Stone	Carter Jonas
Mark Flatman	Liz Lake Associates
Dr Paula Jones	Heritage Collective

FOR THE LOCAL PLANNING AUTHORITY

Toni Hylton	East Cambridgeshire District Council
Alison Farmer	Alison Farmer Associates
Andrew Phillips	East Cambridgeshire District Council
Christopher Partrick	East Cambridgeshire District Council

INTERESTED PARTIES

Mrs Sue Romero	Swaffham Bulbeck Parish Council
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Appellant's Evidence of title, submitted 21 May 2021.
2. Statement of Common and Uncommon Ground, with Appendix 1 Areas Agree and Disagree, Appendix B Core Documents and Appendix C, Conditions, dated 11 May 2021 and submitted 21 May 2021.
3. Section 106 agreement dated 24 May 2021.
4. Agent response dated 22 July 2021 on the revised Framework.