



Appeal Decision

Site visit made on 30 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2022

Appeal Ref: APP/H0520/W/21/3276651

Land at the corner of Mill Way and Back Lane, Holywell PE27 4TQ

- 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 Messrs P & G Burgess and Walker against the decision of Huntingdonshire District Council.
 - The application Ref 20/00036/FUL, dated 13 February 2020, was refused by notice dated 8 December 2020.
 - The development proposed is erection of 3 dwellings and garaging.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development originally included the words 'pursuant to 19/00253/PIP', which refers to a permission in principle granted in 2019. However, the application is not for a technical details consent following this permission in principle, but a separate, standalone application for planning permission. Therefore, I have omitted these words from the description above.
3. I have amended the site address given by the appellants on the application form which erroneously referred to Mill Lane rather than Mill Way.
4. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results, which show the Council's delivery has been continued to be above the requirement over the last three years (at 152%). Therefore, the HDT results do not materially change the Council's position, nor do they have any implications for the parties' respective arguments at appeal. Therefore, it has not been necessary to seek their further views in this matter.

Main Issues

5. The main issues are:
 - i) Whether the proposal represents an appropriate location for housing, having regard to the spatial strategy of the development plan and relevant national policy;
 - ii) The effect of the proposal on the character and appearance of the area, with reference to the effect on the heritage significance of the Holywell Conservation Area (HCA) and existing trees; and
 - iii) Whether the proposal would make adequate provision for waste management.

Reasons

Location for housing

6. The appeal relates to an agricultural field at the corner of Mill Way and Back Lane to the northern side of the village of Holywell. Residential development extends to the eastern side of the site, and to the south on the opposite side of Back Lane. To the west is Mill Way and beyond that are open agricultural fields on the northern side of Back Lane, with dwellings continuing on the southern side. To the north, the site adjoins further fields extending into the open countryside. The field immediately to the north contains a large, recently constructed agricultural building.
7. The development plan for the area is Huntingdonshire's Local Plan to 2036 (May 2019) (the HLP). Holywell is categorised as a 'small settlement' under the HLP. Policy LP9 supports development within the built-up area of small settlements, subject to certain criteria being met. The policy also provides conditional support for development proposals on land 'well-related to the Built-up Area' where they accord with specific opportunities allowed for through other policies of the plan. The supporting text to the policy sets out the other policies in question.
8. Holywell does not have a defined settlement boundary under the HLP. However, from the plans provided and my observations on the ground, it is evident that there is a clear edge to the settlement formed along the eastern boundary of the site by the adjacent properties Appleshaw and Barleycroft, and to the south and south-west by Back Lane itself where development is limited to the southern side of the road.
9. The site itself appears as a typical agricultural field, which is contiguous with the field to the north, and when stood on Mill Way, it forms part of the open countryside which extends to the north of the village. Similarly, viewed from the front of the site on Back Lane, the continuation of the countryside beyond the site to the north and west is clearly seen. Therefore, I do not share the appellants' view that it is Mill Way that forms the natural edge to the village. It is a typical rural road with open countryside to both sides up to its junction with Back Lane and which consequently does not stand out as a physical edge to the settlement.
10. The appellants further argue that the presence of the agricultural barn means the appeal site should be considered part of the village. I do not agree. The barn is set well away from the built-up area and is a functional form of development common to countryside settings. It does not relate in form or function to the residential development of the village, and does not establish a new development limit, but is a standalone building in the open countryside.
11. Based on what I have seen and read, therefore, I find that the appeal site lies within the open countryside. I accept that the site, being immediately next to the built form of the village, should be regarded as well-related to it for the purposes of Policy LP9. However, support for the development under this policy is dependent on the proposal satisfying one of the other relevant policies of the plan. Of the named policies set out under Paragraph 4.107 of the HLP only Policy LP28 relates to residential development, specifically rural exceptions housing. As the proposal seeks three open market dwellings, it would not gain support under this policy, nor is it argued by the appellants that the proposal

would be supported under Policies LP19, LP22, LP23, LP33 and LP38 which relate to non-residential forms of development.

12. The relevant policy, therefore, is Policy LP10 of the HLP which sets out that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan, and subject to criteria relating to loss of land of agricultural value, the character and beauty of the countryside and effects from noise, odour, light and other impacts. The supporting text of the policy sets out that its purpose is to ensure that development protects the resources and recognises the intrinsic character of the countryside. This is consistent with the approach of the National Planning Policy Framework (the Framework).
13. The proposal would result in the loss of Grade 2 and 3 agricultural land, which would conflict with criterion (a) of Policy LP10, though the Council concedes that this loss would result in very limited harm, given the size of the site and that it is not known to be used for food production. The Council does not allege conflict with criterion (c) in relation to noise, odour, obtrusive light or other impacts and, on the evidence before me, I have no firm reasons to disagree.
14. In terms of criterion (b), the proposal would introduce three substantial dwellings where there is presently no development. This would result in a stark change to the character of the site and its relationship with the surrounding countryside. The design of the dwellings is contemporary and they share design traits that would introduce a consistency of appearance that would appear suburban in character and at odds with the individual designs prevalent along Back Lane. In this respect, the proposal would not relate well to the character and beauty of the countryside, and therefore would be contrary to criterion (b).
15. In reaching a view, I note that the appellants point to the supporting text of the HLP which they argue supports minor development which would provide infill and rounding off opportunities. The Council disputes this, saying that the text in question relates solely to the definition of built-up areas and does not indicate support one way or another. However, whilst the supporting text can provide helpful explanation to underpin the policies, it is the policies themselves against which the proposal must be judged, and there is no explicit support for 'rounding-off' proposals amongst the criteria of the policies referred to me, which I have set out and considered above. Moreover, I note that the appellants' reference to policy support for up to three dwellings in smaller settlements relates to the now superseded policy CS3 of the 2009 Core Strategy and is no longer a relevant consideration.
16. For these reasons, I conclude that the proposal would not represent a suitable location for housing, being in conflict with settlement strategy for the area as set out under Policies LP9 and LP10 of the HLP and the Framework which requires recognition of the intrinsic character and beauty of the countryside.

Character and Appearance

17. The three dwellings would continue the generally linear pattern of development which exists to the northern side of Back Lane, albeit with a slightly staggered arrangement reflecting the curved edge of the site at the corner with Mill Way. In this respect the dwellings would accord with the surrounding context.

18. However, as set out above, the dwellings would have a contemporary design with mixed external materials, irregular fenestration and deep front projections to two of the dwellings. There would be a consistency of appearance across the three dwellings which would lend the development a suburban aesthetic that would contrast with the individual and more traditional appearance of nearby dwellings. Given the location of the site close to the only entry point to the village, the dwellings would form prominent features that would draw the eye in initial views upon entering the village and would appear jarring when seen in context with neighbouring dwellings of more traditional character.
19. I note the appellants' willingness to accept a planning condition requiring use of differing external materials if this would address concerns with the dwellings' appearance. However, the fundamental similarity of design would still exist, whilst requiring different external materials would potentially lead to a materially different appearance to the development with unforeseen impacts, and which would not be subject to public consultation if dealt with by condition. Therefore, this would not be a viable means of overcoming concern in this regard.
20. Moreover, though the plans before me indicate that some neighbouring dwellings are large in size, I saw that the scale of these is in many cases concealed by them having narrow, deep footprints or through screening by garden planting. In contrast, the proposed dwellings would be located on an open parcel of land where their large footprints and substantial massing would be readily visible. Their large overall scale of development would be inconsistent with the surrounding character, resulting in the dwellings forming dominant and incongruous features of the Back Lane street scene. Whilst I recognise that additional tree planting is proposed, this would not be sufficient to screen the dwellings, particularly in views from Back Lane, where the accesses would create clear vistas into the development.
21. This scale of development would also alter the transition from open countryside to the built-up area of the village. The entrance to the village at present is somewhat gradual, with dwellings on the southern side of Back Lane visible on approach but the concentration of the built form further to the east is recessed beyond the appeal site and is not fully apparent until one turns onto Back Lane itself. The row of trees in front of the appeal site provides a natural feature that contributes to this gradual transition on approach into the village, and is protected by virtue of falling within the HCA. These features help to embed the village into its surroundings. The proposal would see one of these trees, an ash, lost to form an access for the development.
22. In contrast, the proposed dwellings, given their size and broad footprints extending across the width of the site, would be seen from the north through gaps in the hedgerow. The sense of the village sitting naturally in the landscape would be harmed due to the dwellings intruding into views on approach into the village. The opposite view out of the village to the north from dwellings on Back Lane would also be significantly diminished, with the view changed from rural to suburban. I note reference to these views as important in the Council's Conservation Area Character Statement (CACS) (December 1994) and I agree that they provide a sense of place and connection to the surrounding countryside which would be eroded by the proposed development.

23. In this regard, the loss of the protected ash tree and creation of new entrances would have a minor, but nonetheless harmful effect on the overall appearance of the entrance to the village by eroding features which contribute to the natural transition from countryside to the built-up area. I note the appellants' evidence that the tree is young and would be replaced by two others within the site. However, this would not wholly mitigate the harm to the character of the site frontage from the interruption to the line of trees and introduction of new accesses, nor would the appellants' alternative of two accesses instead of three overcome this concern.
24. Therefore, I find that the proposal would fail to respond positively to its context or draw from the key characteristics of its surroundings, and so would not help to create distinctive, high quality and well-designed places, but would cause significant harm to the character and appearance of the area, contrary to the requirements of Policies LP2, LP11 and LP12 of the HLP, and the guidance of the Huntingdonshire Design Guide Supplementary Planning Document (2017).
25. The appeal site lies outside, but adjacent to the HCA, which contains the whole village and extends to the flood meadows of the River Great Ouse on the southern side. The significance of the HCA lies in the attractiveness of the local vernacular architecture, including rendered, thatched cottages, and the distinctive and historic circular road layout of this 'ring' village with a single point of access from Mill Way.
26. Although not within the HCA, the site is immediately adjacent to it and forms part of its setting, particularly due to it forming the foreground to views towards the conservation area from Mill Way and part of the vista out of the HCA over the open countryside to the north. Having regard to my findings above with respect to the design and scale of the dwellings, their effect on views into and out of the village and the loss of a tree to the front of the site, I find that the proposal would have an adverse effect on the setting of the HCA, and so would cause harm to its heritage significance, contrary to Policies LP31 and LP34 of the HLP, which seek to preserve heritage assets in a manner appropriate to their significance, and the guidance of the CACS.
27. Reference is also made to the setting of nearby listed buildings on Back Lane, the nearest being some 29 metres away and separated by another dwelling. The Council did not reach a finding of harm with respect to the settings of these listed buildings and, having viewed their location on site, I agree that their settings are limited in extent, being confined to their immediate surroundings within the built-up area. Consequently, I concur with the Council's conclusion that the proposals would not harm the settings of these listed buildings.

Waste Management

28. Policy LP4 of the HLP sets out 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 Developer Contributions Supplementary Planning Document (December 2011) (the DCSPD) explains that household waste management is critical in developing sustainable communities, and new housing within the District will trigger a need for the provision of waste storage containers (wheeled bins). The SPD indicates the cost of the bins will be reviewed

annually. I am aware from other appeals I have dealt with recently in Huntingdonshire that the current contribution sought is £150 per dwelling.

29. The appellants have submitted a completed unilateral undertaking that would secure a financial contribution towards the provision of wheeled refuse bins for the proposed dwellings, as sought under Policy LP4 and the DCSPD. On the evidence before me, I am satisfied that this meets the tests for planning obligations at Paragraph 57 of the Framework. Accordingly, I have taken the obligation into consideration. However, the contribution is required to make adequate provision for waste management and so mitigate against potential adverse effects of the development. Therefore, it is a neutral factor in the planning balance.

Other Material Considerations

Permission in Principle

30. The appellants refer to the permission in principle which exists as establishing a precedent for the proposal and a fall-back position should the appeal fail. However, a permission in principle is not a formal planning permission, like an outline permission. Full planning permission only exists with the approval of the subsequent technical details consent. I have no evidence of this having been approved. Therefore, whilst the permission in principle represents a material consideration, it is not an equivalent fall-back position for the appellants.
31. Moreover, it relates to a much smaller parcel of land to the front of the site, and to two dwellings, rather than three. Nor have any details of the dwellings' scale or appearance been formalised through the permission in principle. Therefore, it would not be comparable to the present proposal, and would not represent a demonstrably more harmful scheme that would merit favourable weight being attributed to the current scheme as a less harmful alternative.

Benefits

32. The proposal would create three additional dwellings for the District's housing stock and would support the vitality of the village. Given the Government's aims of boosting the supply of housing nationally, this would be a benefit of the scheme. However, it is indicated that the Council is able to demonstrate a five year supply of deliverable housing sites, and has exceeded its HDT requirement over the past three years. Therefore, the additional dwellings in this case would not be critical for the Council to meet its housing targets, and would in any event make a modest contribution to those targets. Therefore, I afford limited weight to this benefit.
33. The appellants propose to relocate an existing overhead power line beneath the ground should development proceed. However, contrary to the appellants' view, I saw the power line to be a fairly innocuous feature that is ubiquitous in every settlement, particularly rural villages. Its relocation would therefore be no more than a modest improvement, to which I afford limited weight.
34. The proposal would also give rise to some limited economic benefits to the local economy through spending by future residents on goods and services, and in the construction of the dwellings themselves. However, these benefits would be limited in scale given the size of the development.

Other Matters Raised

35. The Council did not find harm in respect of ecology, biodiversity, highway safety, parking, flood risk, accessibility, water efficiency or the effect on neighbours' living conditions. I have had regard to comments of interested parties in these and other matters. Ultimately, the Council refused permission only in respect of the matters forming the main issues, and given my findings above, it is not necessary for me to consider these other matters in further detail, as the evidence before me does not indicate that they raise matters of such significance as to result in additional harms or benefits to be weighed in the planning balance.

Conclusion

36. The harm to the significance of the HCA, a designated heritage asset, would be less than substantial, in the language of the Framework. Paragraph 202 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
37. The identified benefits in this case would attract limited weight and, taken cumulatively, they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. Consequently, the Framework indicates that this provides a clear reason for refusing the development proposed.
38. For the reasons set out, the proposal results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case do not indicate that permission should nevertheless be forthcoming in spite of this conflict.
39. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR