



Appeal Decision

Site visit made on 1 November 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 11TH February 2022

Appeal Ref: APP/W0530/W/21/3274489

Land North of Westfield, Willingham, Cambridgeshire, CB24 5HH

- 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 Chris Handley against the decision of South Cambridgeshire District Council.
 - The application Ref: 20/01499/OUT, dated 20 February 2020, was refused by notice dated 16 November 2020.
 - The development proposed is outline planning permission for four self build dwelling plots with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with only matters of access being assessed at this time. All matters of appearance, landscaping, layout and scale were reserved for future determination(s). From the description of development, it is clear that the quantum of the development being sought is upto four dwellings. The appeal is determined on this basis, treating the submitted site plan as illustrative only, in so far as it indicates the point of access and a possible layout upto the maximum stated quantum.
3. The appellant submitted a signed unilateral undertaking with the appeal and I have had regard to this in my determination of this appeal.

Main Issues

4. The main issues are:-
 - i) whether the appeal site is a suitable location for the proposed development having regard to development plan policies and the accessibility of services and facilities; and
 - ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Settlement strategy

5. The appeal site comprises a long and narrow parcel of land located outside of the village framework of Willingham. For the purposes of applying planning policy, the appeal site is located within the countryside.

6. Policy S/7 of the South Cambridgeshire Local Plan (2018)(LP) seeks to focus new development within settlement limits. The supporting text to this policy indicates that this is necessary to ensure that the countryside is protected from gradual encroachment on the edge of villages and to help guard against incremental growth in unsustainable locations. Whilst this policy is permissive of limited development, the site is not on land allocated for development nor is the appeal scheme for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where it is supported by other policies in the LP.
7. In the absence of satisfying one of the exceptional categories of development, the appeal site is not a location to which new development should be directed and to do so would undermine the identified strategy for growth within the district as required by LP Policy S/7.
8. Whilst the Council's reason for refusal did not specifically refer to the accessibility of services and facilities and the availability of sustainable modes of transport, the Council's officer's report makes reference to these matters and the appellant has provided comments in response. I have therefore had regard to this matter as part of this main issue.
9. Willingham is a Minor Rural Centre offering a range of services and facilities including a supermarket, post office, medical services and a school which are situated at a distance of some 1.5km to 1.9km away from the site. Access on foot and cycle would be along well-established and street-lit shared use footways. The majority of the route would be alongside the B1050 Station Road which carries a high volume of traffic, including heavy goods vehicles, where the speed limit is restricted to 30mph. I accept that the distance involved to access the local services and facilities may be off putting to some future residents, but not to all. The nature of the route would allow access on foot and, in particular, access on bicycle would be convenient and quick.
10. Furthermore, since the determination of a previous appeal at the site¹, the anticipated facilities at the new town of Northstowe have been granted planning permission. The primary and secondary schools have been constructed and are in use and I am advised that a local centre will be opening shortly. Whilst the edge of Northstowe is some 600 metres from the appeal site, the route along Station Road is well defined and lit and for reasons explained above, the distance and nature of the route would be likely to encourage pedestrians and cyclists.
11. In addition, the availability of a nearby bus stop in close proximity to the appeal site would provide an opportunity for alternative access upon a sustainable mode of transport to access Willingham, Northstowe and other destinations further afield, including Cambridge. There is no evidence before me to substantiate the view that the price of the bus fare would preclude the use of this public transport.
12. Notwithstanding the findings of the previous Inspector, the improvements to the quality of the route through the reduction in speed limit together with the new services and facilities at Northstowe leads me to conclude that the location and access circumstances of the appeal site have materially changed since the previous appeal decision. The National Planning Policy Framework (the

¹ APP/W0530/A/11/2157338

Framework) recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Although some future residents of the appeal scheme are likely to utilise a private motor vehicle to reach some essential day to day services and facilities in Willingham and Northstowe, there would at least be some choice to use accessible modes of transport to access local services and facilities without an undue reliance on the use of a private vehicle.

13. Notwithstanding my findings with regards to the appeal site being reasonably sustainably located for access to local services and facilities, by reason of the appeal site being located outside of the village framework, the appeal scheme would nevertheless undermine and fail to accord with the identified strategy for growth within the district as required by LP Policies S/6 and S/7.

Character and appearance

14. The appeal site comprises a relatively large, narrow and rectangular parcel of grassland. To two of its boundaries, it is bordered by the rear gardens of residential properties fronting Station Road and Westfield with mature vegetation delineating its rear boundary from the open countryside that lies beyond. Its northern boundary is undefined and as a result the appeal site appears to form part of a larger open field that is presently in use for the grazing of horses.
15. Built development along Station Road is varied and consists of a mix of dwellings. Large open areas of agricultural land punctuate the generally linear and dispersed pattern of development. Frequent gaps provide views of the agricultural land and countryside that lies beyond. Westfield is a short cul-de-sac consisting of two-storey semi-detached houses that are well separated from each other by reason of being set within large spacious plots. As a result, the area retains a pleasantly open and spacious semi-rural character. Forming part of a large open field, the appeal site makes a substantial positive contribution to this rural character.
16. The proposal would introduce built form into a presently open and undeveloped parcel of land. The submitted plans demonstrate how the proposed development could fit within the site. The site is sufficiently large enough to accommodate a low-density development which I accept could be designed to reflect the height and scale of neighbouring dwellings. Albeit layout is a reserved matter, the introduction of dwellings to the rear of properties along Westfield and Station Road would be at odds with the prevailing linear arrangement of properties. The scheme would be read as a dominant and incongruous feature that is out of keeping with the dispersed character of development and it would be a stark incursion of development into one corner of a much larger open field, eroding its open and spacious qualities that this site provides.
17. Notwithstanding the presence of existing vegetation along the boundaries of the larger field, of which the appeal site forms part, the visual impact of the proposed scheme would likely be substantial in views through and over vegetation, particularly during the winter months when foliage is less dense. The scheme would be readily visible from Station Road in the gap between the built form at the entrance to the wider field and from neighbouring dwellings. To my mind, the proposal would be seen as an unwelcome intrusion or a harmful encroachment into the countryside. This position would be aggravated

by the inevitable acquirement of outdoor furniture, domestic accoutrements such as washing lines and any likely means of enclosure and boundary treatments which would lead to additional visual clutter.

18. I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to LP Policies HQ/1 and NH/2 insofar as these policies require proposals to protect and enhance the character of the local urban and rural area and respond to their context in the wider landscape.

Other Matters

19. My attention has been drawn to similar schemes nearby including a number of previous appeal decisions. For the appeal scheme at Haden Way, the Inspector concluded that the scheme would amount to sustainable development and it would not encroach into the countryside. This differs from my findings above. The circumstances of those cases are not directly comparable to the appeal scheme and a comparison is of limited relevance. I have determined the scheme before me on its individual planning merits.
20. No adverse harm has been identified with regards to highway safety, parking nor the living conditions of neighbouring occupiers with regards to outlook, light or privacy. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

Planning Balance

21. It is common ground that the Council are able to demonstrate an adequate five-year housing land supply and there are no sanctions as a result of the recent HDT results. As such, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not engaged and therefore full weight should be afforded to the policies of the development plan.
22. The Council is a Right to Build Vanguard Authority and it has a statutory duty under section 2A of The Self and Custom Housebuilding Act 2015 (the Act) which requires it to give suitable development permission in respect of serviced plots of land to meet the demand for self-build and custom housebuilding in the area of the Authority. The Act is an important material consideration in my decision. These duties are also emphasised in the Framework which is supportive of self-build through providing for size, type and tenure of the housing needed for different groups in the community.
23. My attention has been drawn to the Bacon Review, however as an independent review there has been no change in government policy at this time, however, the government remains strongly supportive of self and custom build.
24. As the appeal scheme would amount to a self-build development and there are appropriate controls set in place by the unilateral undertaking, this is a matter which weighs in favour of the scheme.
25. In this instance, the Council accepts that there is an identified need for self-build housing. The Council's submitted table demonstrates that within the district there is a pattern of increasing demand year on year for self-build plots. Base Period 1 relies on actual data and demonstrates that the Council achieved its target for that period (1 April 2016 to 30 October 2016) thus discharging its statutory duty for that period. The tabled figures for permissions granted in the

following base periods reveal a growing deficiency in granting relevant permissions for this type of development, however, these figures are based on projected figures rather than actual data. Whilst the officer's report indicates that for base period 2 the Council is 2 under its target of 89, this is a very limited shortfall and by reason of it being a projected figure, it could ultimately be subject to change. To my mind, it does not provide clear evidence that the Council have failed to discharge their statutory duty for base period 2.

26. Whilst it may be the case that the Council are unable to satisfy the demand for self-build housing in forthcoming years, from base period 3 onwards, without a considerable increase in the number of permissions for self-build plots, particularly if the development at Urban Splash fails to deliver any self-build units or a lesser figure than originally envisaged, the submitted evidence does not lead me to a view that the Council are currently failing to grant sufficient permissions to meet the identified need.
27. The development plan does not contain a policy which concerns itself specifically with self-build development. However, the Council's spatial policies which support self-build in built up areas, or through allocations, does not amount to the Council not meeting its requirements under the Act as regards its development plan. There is not a requirement under the Framework for such a policy, as the list of types of housing for different groups is not intended to be prescriptive in this regard.
28. Accordingly, I find the planning policies of the development plan are broadly consistent with the Framework and they attract significant weight in my decision making. The primary importance of the development plan as regards decision making is clearly set out within section 38(6) of the Planning and Compulsory Purchase Act 2004, and this is unchanged by the Act. The Act also refers to suitable permissions for development and this does not mean that every self-build proposal will be suitable. By reason of my findings above, the proposal would not be suitable.
29. Nevertheless, in terms of benefits, the provision of four self-build dwellings would make a modest contribution to the demand identified on the council's register. The appeal scheme would contribute four additional dwellings to housing supply and the development would be capable of being built out quickly and it would make efficient use of the land. In addition, it would give rise to some economic benefit through construction and, given my findings above, that the appeal site is in a location that is reasonably accessible to local services and facilities, the future occupants of the proposed dwellings would provide support to these nearby services and facilities. However, four additional dwellings and their associated benefits would be moderated by the modest scale of the development proposed.
30. Reference has been made to an appeal in Gamlingay² which concerned the provision of nine self-build units. However, the Inspector in that appeal identified a substantial shortfall of the delivery of self-build dwellings and as such this appeal decision is not directly analogous with the appeal scheme before me and it does not alter my conclusions.

² APP/W0530/W/19/32300103

Conclusion

31. In accordance with s.38(6) of the Planning and Compulsory Purchase Act, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
32. The proposal would cause significant environmental harm to the character and appearance of the area and it would not be an appropriate location for the development proposed. It would therefore conflict with the development plan and the Framework and there are no material considerations of such weight, either individually or cumulatively, that indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR