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## Appeal Decision

Site visit made on 9 September 2022

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 November 2022**

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**Appeal Ref: APP/W0530/W/22/3290243**

**Land on the west side of Station Road, Willingham CB24 5HG**

- 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 Millen against the decision of South Cambridgeshire District Council.
  - The application Ref 21/01085/FUL, dated 8 March 2021, was refused by notice dated 26 October 2021.
  - The development proposed is 2 detached passive four bedroom dwellings.
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### Decision

1. The appeal is allowed and permission is granted for 2 detached passive four bedroom dwellings on Land on the west side of Station Road, Willingham CB24 5HG, in accordance with the terms of the application, Ref 21/01085/FUL, dated 8 March 2021, subject to the attached schedule of conditions.

### Preliminary Matter

2. With the passage of time since the submission of the appeal, the modular house manufacturing company concerned have made some internal changes to the house design. Since these do not affect the external appearance or envelope of the dwellings and no interested party would be adversely affected, the latest plans can be substituted for the purposes of this appeal.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposal would increase the risk of on or off-site flooding.
4. Following the submission of further ecological information, the Council now agree that the biodiversity effects of the proposal would be acceptable subject to suitable conditions, thus overcoming a third reason for refusal.

### Reasons

#### *Character and appearance*

5. The proposal is for two detached 4-bedroom low carbon passive dwellings on an undeveloped frontage site on the western side of Station Road. The site lies on the southern side of Willingham just outside the 'development framework' of the village as defined by the South Cambridgeshire Local Plan 2018 (SCLP)

where Policy S/7 applies. This restricts development to that which requires a countryside location, is supported by other policies in the plan or allocated in a neighbourhood plan, none of which apply in this case.

6. One aim of Policy S/7 is to guard against incremental growth in unsustainable locations. However, Willingham is identified by SCLP Policy S/9 as a Minor Rural Centre with sufficient services and facilities to be a suitable location for larger scale windfall developments of up to 30 dwellings. The site is next to the defined development framework, joined to the village by a narrow footway and with street lighting opposite. As such the Council accept that the proposal would not be in an inherently unsustainable location.
7. The other aim of Policy S/7 is to ensure that the countryside is protected from gradual encroachment on the edges of villages. In this case the southern approach to Willingham along Station Road is marked by sporadic frontage development, steadily increasing in intensity towards the main built-up area. As a result, in this area the boundary between the village and the surrounding open countryside not clear cut.
8. The appeal site lies between No 74, a detached house set behind a tall hedge on one side and No 92, a bungalow with associated outbuildings in a large plot on the other. Opposite lie a row of frontage houses ending with No 77. This, together with No 74, are the last properties within the development framework. However, since adoption of the SCLP in 2018 planning permission has been granted for a housing scheme of 22 dwellings to the south of No 77, now Hazel Field. Whilst permitted as an exception site for affordable housing, with its five frontage houses and cul-de-sac junction this has significantly changed the character of the area, effectively extending the built-up area of the village by some 60 m on the opposite side of the road. Given this changed physical context, the proposal for two additional frontage houses on the appeal site would not appear out of place and would not be seen as further encroachment into the countryside.
9. For these reasons the proposal would not significantly harm the character and appearance of the area. Whilst outside the development framework of the village, the construction of Hazel Field opposite has changed the context of the site. The proposal would not therefore conflict with the aim of SCLP Policy S/7 to protect the countryside from gradual encroachment, nor SCLP Policy HQ/1 which requires development to preserve or enhance the character of the local area and respond to its context in the wider landscape.

### *Flooding*

10. Responding to a reason for refusal, the appellant submitted a site-specific Flood Risk Assessment by Skanska dated November 2021 with the appeal. However, the Council did not address this in its appeal statement, nor following a series of reminders. In effect the assessment is not challenged by the Council.
11. The bulk of the site lies within Zone 1 (low probability of flooding). A minor part to the west lies within Zone 2 (medium probability), but this would form rear garden land and essentially remain unchanged. Whilst a 'more vulnerable' development, the sequential test is therefore passed and the exception test is not required. The drainage assessment goes on to demonstrate that there is no risk to on-site and third party land or properties from either surface water or foul water discharge from the development, and that the proposed drainage

strategy would not increase the risk of flooding in the surrounding area upstream or downstream.

12. For these reasons the proposal would not significantly increase the risk of on or off-site flooding and would comply with SCLP Policy CC/9 which seeks to minimise flood risks.

#### *Other matters*

13. The two dwellings would occupy good sized plots similar to the surrounding area and being of two storeys would not be out of scale or character with nearby development. The Council's Trees Officer raises no objection to the proposal and with one access to the site most of the frontage hedge would be retained. Ecological concerns have now been addressed and further details of boundary treatment and landscaping can be secured by condition. There is no evidence an air source heat pump would cause undue noise nuisance.

#### **Conclusion**

14. The proposal would provide two additional dwellings with social and economic benefits for the village and make a small but useful contribution towards local housing needs. As low carbon passive dwellings they would be built to high environmental standards, and ecological benefits can also be secured. The change in the character of the area due to the construction of Hazel Field since the adoption of the SCLP and these other benefits are material considerations that justify a decision at variance with the development plan in this case.
15. The Council has suggested 18 conditions should the appeal be allowed. These have been assessed against the relevant tests, the appellant's representations taken into account, and reworded as necessary for clarity.
16. In addition to the standard time limit for commencement, a condition is necessary to define the approved plans in the interests of certainty. Further conditions are necessary to control the external materials to be used and to require a hard and soft landscaping scheme and its maintenance to ensure the satisfactory appearance of the scheme. Conditions are also necessary to ensure surface and foul water disposal is satisfactory to prevent flooding and pollution, to control the hours of working to safeguard the living conditions of nearby residents and to secure ecological measures/biodiversity improvements in the interests of ecology.
17. In the interests of highway safety, conditions are necessary to ensure the access is constructed to an acceptable standard, adequate drainage is in place to prevent surface water run-off into the highway, a bound material is used, pedestrian visibility splays are provided and to ensure sufficient parking/turning space on site. Finally, conditions are necessary to reduce carbon emissions, increase water efficiency and provide connectivity to ensure a high-quality sustainable development.
18. It is necessary for the surface and foul water disposal scheme to be finalised pre-commencement whilst external materials, landscaping and energy efficiency arrangements need not be finalised until slab level has been reached.

19. However, at two dwellings the scheme is too small scale to justify a full landscape and ecological management plan or construction traffic management plan. There are also no unusual circumstances that justify the removal of permitted development rights. These suggested conditions do not therefore meet the relevant tests.

20. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Layout Plan STRC001
  - Location Block & Section STRC002
  - Site Survey Plan STRC003
  - Landscaping Plan STRC004 R3
  - Elevations SRWC003 R1
  - Floor Plans SRWC004 R1
- 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.
- 4) Prior to commencement of development a scheme for the disposal of surface water and foul water that can be maintained for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
  - a) The existing drainage arrangements of the site including discharge location and rate where appropriate.
  - b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved.
  - c) A site plan identifying indicative locations for sustainable drainage features.
  - d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable.
  - e) Details of foul discharge location or treatment plant and discharge location.All external areas should utilise permeable surfaces.

- 5) No development above slab level shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
  - a) proposed finished levels or contours; car parking layout, vehicle and pedestrian access and turning areas; hard surfacing materials; refuse/recycling storage and external lighting.
  - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme; If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the local planning authority gives its written consent to any variation.
  - c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.
  - d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.
- 6) Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- 7) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:
  - a) enter, turn and leave the site in forward gear
  - b) park clear of the public highwayThe area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 8) No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the first occupation of the development.
- 9) The development shall not be first occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
- 10) The development shall not be first occupied until the dwellings have been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing by the local planning authority.

- 11) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or bank or public holidays.
- 12) Prior to the first occupation of the development two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the public highway.
- 13) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 14) The access shall be constructed using a bound material for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading onto the adopted public highway.
- 15) Ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., February 2021) and the Biodiversity Enhancement Strategy (Hybrid Ecology Ltd., December 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.