



Appeal Decision

Site visit made on 8 November 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2023

Appeal Ref: APP/H0520/W/22/3295883

38 Hardwick Lane, Buckden PE19 5UN

- 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 P Keeling against the decision of Huntingdonshire District Council.
 - The application Ref 21/02040/OUT, dated 31 August 2021, was refused by notice dated 23 December 2021.
 - The development proposed is new build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for new build dwelling at 38 Hardwick Lane, Buckden PE19 5UN in accordance with the terms of the application Ref 21/02040/OUT, dated 31 August 2021, and subject to the Schedule of Conditions to this Decision.

Preliminary Matter

2. The application is made in outline form with all matters (appearance, access, landscaping layout and scale) reserved to be determined at a later date.

Background and Main Issue

3. The Council's second reason for refusal relates to the failure of the proposal to consider the impacts of the development on biodiversity. The submitted Ecological Assessment concludes that the site has no biodiversity significance and with the implementation of precautionary reasonable avoidance measures, negative impacts to wildlife can be avoided. On the basis of this, the Council has withdrawn this reason for refusal. I have also considered the submitted Ecological Assessment and have no reason to take a contrary view.
4. The Council's third reason for refusal requires the proposal to meet the optional Building Regulation requirement M4(2) 'Accessible and adaptable dwellings'. The proposal seeks outline permission and therefore all aspects of design would be addressed at reserved matter stage, including the optional Building Regulation requirement M4(2) should this appeal succeed. On this basis the Council has withdrawn this reason for refusal. I have no reason to conclude otherwise.
5. Accordingly, the main issue is whether or not the appeal site is in a suitable location for housing with regard to safeguarding the countryside.

Reasons

6. The appeal site comprises part of land which is utilised as a secondary garden and additional parking for 38 Hardwick Lane ('No 38'). No 38 is a detached dwelling amongst a group of dwellings. These, together with a care home (Hardwick Dene) extend along Hardwick Lane west of its junction with the A1.
7. About a third of the site is hardstanding made up of stone aggregate and includes part of a concrete pad for a former garage serving No 38. Located at the southwest corner of the site is a concrete panel garage, which the appellant advises is used for storage. The remainder of the site comprises lawn. These features give the appeal site a strong domestic character.
8. The southern boundary of the site incorporates an access via metal sliding gates that are flanked by piers and hedges. Immediately adjacent to the west and north of the site are a row of fruit trees that define these boundaries. Along part of the eastern site boundary is a timber picket fence.
9. Because of its location, the appeal site has a strong physical relationship to the existing built development nearby. This includes No 38 and the buildings associated with it and properties Hardwick Lea and 37 Hardwick Lane which includes a range of outbuildings on the road frontage, broadly south of the appeal site. Consequently, development at the appeal site would not be isolated.
10. Moreover, due to its containment and domestic character, the appeal site makes no significant contribution towards the intrinsic character and beauty of the countryside, which, in part, is defined by the more informal, open and verdant land to the north and west of the appeal site.
11. Policy LP 2 of the Huntingdonshire Local Plan ('LP') (2019) sets out a hierarchy of settlements and directs the majority of new development to its larger settlements which are defined as 'the spatial planning areas' followed by its 'key service centres' and 'small settlements'.
12. Buckden is a Key Service Centre, which on the information before me and my observations offers a good level of services and facilities.
13. Policy LP 8 of the LP relates to Key Service Centres, this states that: "A proposal for development on a site which is additional to those allocated in this plan will be supported where it is located within a built-up area of a Key Service Centre."
14. As defined within the LP, built-up areas are considered to be: a distinct group of buildings that includes 30 or more homes or land which relate more to the group of buildings rather than to the surrounding countryside.
15. The LP also incorporates guidance on the interpretation of frequently arising situations that could be considered part of the built-up area. This includes elements of the grounds of large curtilages that relate closely to the buildings, for instance formal gardens, ancillary parking and hard tennis courts. The interpretation of this guidance is a matter of judgement based on site specific considerations.
16. The main built-up extent of Buckden is bound by the A1 to the west. The appeal site is located amongst development which is to the west of the A1.

Even so, the A1 forms part of the infrastructure of Buckden and is linked to two roads that are west of the A1, namely Taylors Lane and Hardwick Lane. There is also an underpass which provides a pedestrian connection between the areas of development either side of the A1. Also, there is a degree of intervisibility between the built development either side of the A1. Therefore, a physical and visual relationship exists between development either side of the A1.

17. As such, Buckden incorporates more than 30 homes which are located on either side of the A1. Even if I were to agree with the Council that the appeal site does not form part of a distinct group of 30 or more homes, for the reasons already given, this relates more to nearby buildings than the countryside.
18. Furthermore, the Buckden Neighbourhood Development Plan 2020 – 2036 ('NP') under Paragraph 3.1.2 states: "The village is largely bounded by the A1 to the west although there are a small number of properties, which lie to the west of the A1 in Perry Road, Taylors Lane and Hardwick". This also lends support to my observations.
19. For the above reasons, the proposed dwelling would be located in the built-up area of Buckden. Furthermore, I have found that the appeal site makes no significant contribution to the intrinsic character and beauty of the countryside. Therefore, and subject to the submission and approval of reserved matters, development here would not unacceptably harm the character and appearance of the countryside. Consequently, the proposal is supported by Policies LP 2 and LP 8 of the LP.
20. The Council's first reason for refusal also refers to Policy LP 10 of the LP. This states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. However, having concluded that the appeal site forms part of the built-up part of Buckden, it is therefore not within the countryside. As such, I do not consider LP Policy 10 to be relevant to the proposal and find no conflict with this.

Other Matters

21. A signed and dated unilateral undertaking ('UU') for a financial contribution towards the provision of wheeled bins has been submitted. On the information before me, the UU is necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. This accords with the tests that are set out in the National Planning Policy Framework ('the Framework') and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
22. Having taken account of the nature of the existing roads leading to the appeal site and nearby public footpath, the level of traffic generated and associated with the construction and occupation of a single dwelling would not unacceptably prejudice highway safety. There also appears to be sufficient space for car parking associated with the proposal and No 38. Therefore, any additional parking stress is unlikely.
23. The appeal site is in Flood Zone 1, an area of low flood risk area. The implications of the proposal on existing landscaping and the extent to how any proposed landscaping would complement its surroundings including the Village Edge Zone would be addressed at reserved matters stage.

24. In terms of accessibility, there are mown grass verges along Taylors Lane which are within reasonable walking distance of a path leading to the A1 and underpass along it. The underpass would provide residents of the proposed dwelling with convenient pedestrian access to the centre of Buckden and associated services and facilities.
25. Whilst I have noted concerns regarding the potential development of other land within the appellant's ownership, this does not form part of the proposal before me. Matters relating to the extent of publicity of the application are for the Council.
26. Consequently, I see no strong reason why the above factors, whether alone or in combination, would justify resisting the scheme.

Conditions

27. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard timescale conditions for the submission of reserved matters and implementation of the planning permission, I have imposed a condition specifying the approved plans. Also, in the interests of certainty, I have specified a condition setting out the quantum of the approved development.
28. To ensure that the proposed dwelling makes adequate provision for water efficiency measures, it is necessary and reasonable for a condition requiring that this is constructed to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency. To enhance biodiversity, I have specified a condition requiring a Biodiversity Method Statement.
29. I have not specified conditions requiring details of the finished floor level for the proposed dwelling and its surroundings; the details of the access, driveway, parking and turning arrangements for vehicles and the surfacing and drainage of these areas, because such details could be secured as part of the approval of the reserved matters. For the reasons already given, the Council's requirements for the proposed dwelling to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) could also be secured as part of the reserved matters.
30. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the access; appearance; landscaping; layout; and scale (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not exceed 1 dwelling (Use Class C3).
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan-Drawing number 001 and Existing Block Plan-Drawing number 002.
- 6) The dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G prior to first occupation. Such provision shall be maintained for the lifetime of the development.
- 7) No development above slab level shall take place until a Biodiversity Method Statement which provides details of biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The details shall include but not be limited to; specification, location, timing, an implementation programme and maintenance scheme. Thereafter, the development shall be carried out in accordance with the approved Biodiversity Method Statement.