



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: 5 January 2023

Appeal Ref: APP/H0520/W/22/3294480

Land to the south east of 73 Kimbolton Road, Stonely PE19 5EH

- 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 Creasey against the decision of Huntingdonshire District Council.
 - The application Ref 20/01125/OUT, dated 22 June 2020, was refused by notice dated 10 September 2021.
 - The development proposed is described as 'Outline planning application (all mattered reserved except mean of access) for the erection of up to 3no. self-build and custom build dwellinghouses and construction of a footpath.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

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

Background and Main Issues

3. The Council's second reason for refusal relates to the failure of the proposal to incorporate adequate provision for refuse (wheeled bins).
4. The appellant has submitted a completed unilateral undertaking ('UU') in relation to the provision of wheeled bins as part of the appeal. The Council has raised no issue with this. I am satisfied that this makes appropriate provision for wheeled bins in accordance with the Developer Contributions Supplementary Planning Document (2011) and Policy LP4 of the Huntingdonshire Local Plan to 2036 ('LP'). 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). Therefore, this addresses the Council's second reason for refusal.
5. A further completed UU has been provided. This covenants that the delivery of the development and the occupation of the dwellings as self-build and custom house building as defined in Section A1 of the Self Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016.
6. The main parties have referred me to Policy LP 25 of the LP. Whilst this Policy is not referenced in the Council's decision, this states "where appropriate, the Council will work with developers, registered providers, landowners and relevant

individuals and groups to address identified local requirements for self and custom-build homes as identified in the Huntingdonshire self and custom-builder register”.

7. Because the proposal is for self-build and custom build dwellings, Policy LP 25 is relevant to this appeal. The main parties have already commented on this Policy. Accordingly, I have had regard to this Policy in determining the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.
8. Against the above background, the main issues are:
 - i) whether the appeal site is in a suitable location for housing having regard to the character and appearance of the countryside and the District's best and most versatile agricultural land.
 - ii) whether the proposal would address an identified local requirement for self and custom-build homes.

Reasons

Suitability of the appeal site for housing

9. The appeal site is part of an agricultural field to the south east of a sizeable dwelling located within a spacious plot along the B645. This dwelling is the last property on this southern side of the road when entering/exiting Stonely from/to the south east. The appeal site is separated from this property by an established hedgerow and tree planting along the shared boundary. The front boundary of the appeal site also comprises established landscaping and the rest of the site is bound by the wider agricultural field.
10. Policy LP 2 of the LP 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'. One of the main objectives of this Policy are to protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside.
11. Stonely is identified as a 'small settlement' in the LP. Given the proximity of the site to the established built-up area of Stonely on the south of the B645, the appeal site is well-related to the built-up area of Stonely.
12. In accordance with the Huntingdonshire Landscape and Townscape Assessment Supplementary Planning Document (2007) ('SPD') the appeal site is located within Landscape Character Area 8 - The Southern Wolds. Key characteristics of the Southern Wolds include "A well-wooded landscape, with hedged fields, and some more recent plantations". The SPD also refers to the settlements of the Southern Wolds as being under pressure from development and of particular concern is the harsh edges of many new developments, which are often poorly integrated into the surrounding landscape. Further, that one of the key issues identified for the future, is the effects of intrusive and insensitive development and the gradual loss of traditional features of the agricultural landscape.
13. Even though the appeal site is spatially well-related to Stonely, as already stated, it is part of an agricultural field. This field has a verdant appearance and is free of any significant development. As such, the appeal site's character and appearance strongly align with and positively contribute to the agricultural landscape and the

scenic character and beauty of the open countryside which surrounds the built parts of Stonely.

14. Irrespective of Schedule 4(y) of the Town and Country Planning (Development Management Procedure (England) Order) 2015 not being triggered by the scale of the development, the proposal would result in the loss of Grade 3 agricultural land. This falls within a category that is considered the best and most versatile agricultural land nationally and locally.
15. Policy LP 9 of the LP states that a proposal for development on land well-related to the built-up area may be supported where it accords with the specific opportunities allowed for through other policies of this plan. The supporting text to this Policy, under paragraph 4.107 of the LP, then identifies certain policies, including Policy LP 10 of the LP.
16. Amongst other things Policy LP 10 of the LP requires that all development in the countryside must: a. seek to use land of lower agricultural value in preference to land of higher agricultural value: i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible and b. recognise the intrinsic character and beauty of the countryside.
17. In the context of the size of the wider agricultural field, the appeal site is small and the majority of the existing vegetation along its frontage is to be retained. Nevertheless, the development of three dwellings here, along with the proposed access would extend built form into a countryside location. This would have a permanent and erosive effect on the agricultural landscape and intrinsic value and beauty of the countryside. Such an impact would be exacerbated by the site's prominent location adjacent to the highway. There would also be the irreversible loss of the best and most versatile agricultural land.
18. The appellant advises that as part of the reserved matters, the development would be able to include substantial landscaping to the south-eastern and south-western boundaries in order to integrate the settlement into the local landscape as required by the SPD. However, on the information before me I cannot be certain of this and afford this limited weight.
19. For the above reasons, the appeal site is not in a suitable location for housing. Accordingly, the proposal conflicts with Policies LP 2, LP 9 and LP 10 of the LP.
20. The Council's first reason for refusal also refers to policies LP 11 and LP 12 of the LP. These policies relate to matters of detailed design and landscaping. Because such matters are not before me, I do not consider these policies to be relevant to the determination of the proposal at this outline stage.

Self and custom build dwellings

21. Although Policy LP 9 of the LP does not identify Policy LP 25 of the LP under paragraph 4.107 of the LP, the wording of Policy LP 9 of the LP itself, does not preclude any specific policy. Therefore, under Policy LP 25 of the LP self-build and custom build dwellings could be supported as opportunities for appropriate proposals for development on land well-related to small settlements to address identified local requirements for this type of housing.
22. The Self Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act

2016 added a duty to grant planning permission and provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.

23. The legislation does not specify how authorities must record suitable permission, but the Planning Practice Guidance ('PPG') provides examples of what methods they may wish to consider to determine whether an application or development is for self-build or custom housebuilding. It also indicates that at the end of each base period authorities have 3 years to give permission for an equivalent number of plots of land.
24. Whilst the appellant has referred me to Extract of Table 6.1 from the Annual Monitoring Report Part 2 (Non-Housing) December 2019 Summarising Demand for Self-build Plots, CIL Exemptions Granted and Commencement of Self-build and Custom Housebuilding Building within Base Periods, this pre-dates the Council's more recent evidence as provided in the table under 'Appendix 3: Self-build and custom housebuilding data' as part of its rebuttal statement. Therefore, I attach greater weight to the latter.
25. The Council's approach is to identify the required number of permissions granted which have had a Community Infrastructure Levy ('CIL') exemption towards the provision of demand arising from its register. Even when accounting for the discrepancy in some totals, the Council's evidence indicates that for each base period from the start of the accounting period in 2016 that they have met 100% of the demand arising from the register.
26. The appellant asserts that there is no correlation between the self/customer build register and the CIL exemptions in order to ascertain whether in fact the CIL exemptions are fulfilling the needs of those people on the register. To this end, the appellant argues that the CIL legislation makes provision to enable self-build CIL exemption to be revoked where an identified disqualifying event occurs. Nevertheless, I have not been referred to any specific policy requirement for the Council to account for this.
27. Moreover, the use of the CIL exemption is one of the methods suggested within the PPG to enable the Council to determine if a permission could count towards meeting its duty and the Council considers that this provides clear evidence that enough serviced plots will come forward to meet demand.
28. In particular, CIL Form 7: Self Build Exemption Claim Form - Part 1 asks applicants to confirm that the self-build project complies with the relevant legislation by asking applicants to declare: that it is a "self-build project" for purposes of the exemption set out within the regulations and that they will occupy the premises as their sole or main residence for a period of 3 years from completion of the property; that they will provide the required supporting documentation. 'Self Build' for the purposes of CIL exemption is defined as all homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders meaning that by definition they will have primary input into its final design and layout through the self-building or commissioning process.
29. The Council also advise that in response to development management procedures implemented as a consequence of changes to the PPG, there is support for the capture of information indicating whether a planning application description

references self-build or custom build. Additionally, on schemes incorporating larger numbers of self and custom build plots, the Council secures legal agreements to ensure the promotion and availability of these.

30. In light of the above options for recording self and custom build dwellings and notwithstanding the two appeal decisions referred to me as part of the appellant's planning statement, I am not persuaded that in order for a permission to meet the definition of self-build or custom build, and therefore count towards meeting the identified need, it is necessary for them all to be restricted by a Section 106 or condition.
31. Furthermore, the evidence before me does not provide sufficient scrutiny of the Council's CIL exemptions for me to accept the appellant's position, that all those permissions granted a CIL exemption would not go on to become self-build or custom build housing.
32. Notwithstanding the above, Policy LP 25 of the LP lends support for self-build or custom build dwellings, where they address identified local requirements. Based on the Council's 2020/21 Annual Monitoring Report, the appellant argues that there are 68 persons who are seeking plots within 'anywhere in Huntingdonshire', 'a settlement other than a market town' or 'in the countryside' between the base periods of 1 April 2016 to 30 October 2018. However, on the information available to me, I cannot be certain that this specifically identifies a local requirement in Stonely. Indeed, the Council has confirmed that the Custom and Self Build Register does not reflect a need for any plots in Stonely.
33. Therefore, whilst I acknowledge the great weight attached to the provision of self-build or custom build dwellings as identified in Government publications and the appeal decisions before me, in the absence of evidence of a clear identified local need for these types of dwellings, the proposal is not supported by Policy LP 25 of the LP.

Other Matters

34. If the appeal were to succeed and subject to the approval of reserved matters, the delivery of up to 3 self/custom plots would diversify the housing market, increase consumer choice and would make a modest but important contribution to national policy objectives of significantly boosting the supply of housing. However, this and any associated economic, social and environmental benefits from the proposal, as outlined in the appellant's submissions, arising from three dwellings would be modest and therefore attract limited weight, which does not outweigh the harm and conflict with the development plan I have already identified.

Conclusion

35. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR