



Appeal Decision

Site visit made on 7 February 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/H0520/W/22/3300792

Land east of Kimbolton Road, Stow Longa PE28 0TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Andy Brand and Mr Sean Kelly of Abbey Properties Cambridgeshire Ltd against Huntingdonshire District Council.
 - The application Ref 21/02341/OUT, is dated 8 October 2021.
 - The development is described as an application for outline planning permission with all matters reserved except for access for the proposed development of 4no self/custom build dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought, with all matters reserved except access. A drawing has been submitted that includes details of layout and landscaping, matters which are reserved for future consideration. The drawing is titled 'Indicative Block Plan with Dimensions' and therefore I have treated it as illustrative in this regard. I have determined the appeal on this basis.
3. Following the submission of the appeal against the failure of the Council to give notice within the prescribed period of a decision on an application for outline planning permission, the Council has clarified the position it would have taken on the application if it had had the opportunity to make the decision. The appellant has had the opportunity to comment on this information and has therefore not been prejudiced. I have determined the appeal on this basis.
4. The names of the appellants and the company name differ in the submitted documentation. Therefore, in the banner heading above, I have taken these details from the planning application form, as appeals should be made by the applicant.
5. The description of development in the banner heading above is taken from the appellant's appeal form, as it more concisely and accurately describes the proposed development while the original description contained within the planning application form contains superfluous descriptive content.

Main Issues

6. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with regard to its location, the setting of the Stow Longa Conservation Area and the setting of a non-designated heritage asset.

Reasons

7. The appeal proposal would involve the construction of four self/custom-build dwellings (SCBDs) within a field to the south of the village of Stow Longa, which is defined as a 'small settlement' by Policy LP9 of Huntingdonshire's Local Plan to 2036, adopted 2019 (LP).
8. LP Policy LP9 states that development on land well-related to the built-up area of a small settlement may be acceptable subject to other policies (LP Policy LP25 which refers to self-build houses is not specified as one such policy). However, it does reference LP Policy LP10 (which is the most applicable to the proposal) which limits development in the countryside to specific types supported by other policies. None of the types of development covered by those policies are applicable to the proposal and LP Policy LP25 is again not identified. Moreover, LP Policy LP10 states that development should recognise the intrinsic character and beauty of the countryside, which I will now address.
9. The appeal site comprises the northwesternmost part of a relatively flat, rectangular-shaped field located to the east of Kimbolton Road, the principal route through the village. Trees and hedging are predominantly reserved to the field's boundaries, although there is one mature tree located within the field. The surrounding area predominantly consists of a mix of detached and semi-detached dwellings forming the village to the north, northwest and northeast of the appeal site, and open fields to the south and southeast. A Public Right of Way (PRoW) follows the southwest boundary of the appeal site. Access to the appeal site would be taken from an existing field gate adjacent to the PRoW.
10. The appeal site adjoins the Stow Longa Conservation Area (CA) and therefore the proposal is within the setting of the CA. The CA is concentrated around the main route through the village and around a small triangular village green. It is linear in character with large detached and semi-detached dwellings set within large plots fronting onto the roads at varying distances. It appears to derive from the historic core of the village and includes the majority of the older buildings, including those associated with the church as well as thatched cottages, some of which are listed. The CA is predominantly bounded by open fields, although there are some instances where the boundaries adjoin more modern dwellings. The siting of the buildings together with their character, age and materials, and their setting adjacent to open fields contribute to the significance of the CA as a designated heritage asset.
11. The illustrative plan indicates that the appeal site could accommodate four detached dwellings and that the existing mature tree within the site could be retained, as well as other trees/vegetation along the boundaries of the site, with the exception of those that would be lost to allow for the widening of the access into the site. To either side of the access onto Kimbolton Road, is a wide grass verge planted with trees. The northernmost part of the appeal site is set behind this verge, whilst the southernmost part is set back from Kimbolton Road by a field and the intervening PRoW, both of which are bounded by trees

and other vegetation which provides a leafy and undeveloped appearance when travelling along the road.

12. The proposed development would not be unduly visible from the public realm or the adjacent PROW due to the existing vegetation, the curve of the road and its siting, even with the removal of some vegetation around the access point and even during the winter months when there are no leaves on the trees. However, it would result in encroachment into the countryside and would cause significant harm to the transitional rural character that the appeal site affords to the village and its setting, including the setting of the CA.
13. Stow Longa predominantly comprises development that fronts onto roads, with limited examples of backland development. However, I acknowledge that backland development adjoins the appeal site to the north/northeast in the form of two detached dwellings of modern appearance (High Bank and Hill View), set within substantial plots and accessed from Spaldwick Road. These dwellings extend the built development along the southern side of Spaldwick Road beyond the existing ribbon of development and are surrounded by open fields. I acknowledge that the appeal site would not extend as far southeast as Hill View's plot and would be bounded on two sides by existing dwellings. However, the backland development is inconsistent with the character and appearance of this part of the village and does not respond positively to its wider context. The proposed development would therefore add to this harm.
14. The Old Vicarage is a non-designated heritage asset (NDHA) sited to the northwest of the appeal site, with its substantial garden sharing the northwest boundary. The building is a former vicarage, dating from the early 19th Century. It is an imposing building sited opposite the former Chapel, Church Farm and not far from St Botolph's Parish Church, which form a group of religious buildings within the village. It is therefore a building of historic and architectural interest and evidential value.
15. The elevations of the building that present to the street are unassuming in their appearance with limited openings arranged haphazardly. This contrasts significantly with the elevation that faces directly towards the appeal site which comprises four large floor-to-ceiling evenly spaced openings to the ground floor with four large sash windows following the same pattern to the first floor. This elevation has an open, uninterrupted outlook across the property's substantial landscaped garden and the open countryside beyond (i.e. the appeal site), which contributes to its setting. The construction of four dwellings with their associated internal access road, domestic outbuildings and other paraphernalia would considerably erode this rural setting and fundamentally change the contribution the appeal site provides to the setting and significance of both the NDHA and the CA, and the character and appearance of the surrounding area. Weighing developments that indirectly affect NDHAs requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
16. I have been directed to a planning approval¹ for a dwelling within the residential curtilage of the NDHA (since expired), to demonstrate that development within its setting and extending behind the existing ribbon of development has been accepted previously by the Council. From the information before me, the application site differed from the appeal proposal as

¹ Planning Reference: 1400072FUL

the proposed dwelling was sited to one side of the NDHA, it involved the construction of one dwelling, and was approved against a different development plan. Therefore, the planning approval is not directly comparable to the appeal proposal.

17. I have been directed to a recent planning approval for a housing development within Stow Longa², to demonstrate that the Council has approved developments that extend in depth and do not follow the linear pattern of development. The drawings indicate that the approved dwellings would be surrounded by built development and Kimbolton Road. Therefore, the proposal is not directly comparable to the appeal proposal.
18. For the reasons given above, the proposal would detract from the character and appearance of the surrounding area. Accordingly, it would conflict with Policy LP10 of the LP and consequently Policy LP9 of the LP, as set out above, as well as LP Policy LP2 which seeks to protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside. The proposal would also harm the setting of both the NDHA and the CA. In accordance with paragraph 199 of the National Planning Policy Framework (NPPF), I attach great weight to the desirability of preserving the setting of the CA, a designated heritage asset. Given the scale and nature of the proposed development, the harm to the significance of the setting of the CA would be 'less than substantial'. The less than substantial harm that I have identified to the significance of the setting of the CA should be weighed against the public benefits of the proposal.
19. The proposal would provide plots for four SCBDs. The appellant has directed me to the relevant section of the Planning Practice Guidance in respect of SCBDs. They have also directed me to the Council's Custom & Self Build Register contained within the Annual Monitoring Report - Part 2 (Policy Analysis) and GL Hearn's Housing Needs of Specific Groups, Cambridgeshire and West Suffolk, published 2001, and concluded that there is a shortfall of SCBDs plots to meet those registered on the Council's register. I have also been directed to a recent appeal decision³ for nine SCBDs in the district which concluded that there was clearly strong demand across the district for SCBDs. These matters have not been disputed by the Council. I have also been provided with a mechanism to secure the plots for SCBDs. The proposal would therefore help meet the demand for such housing options, albeit a small contribution due to the number of plots, a matter to which I attach moderate weight.
20. The proposal would also provide a limited amount of short-term employment through the construction of the development, to which I attach moderate weight. Biodiversity enhancements are proposed as part of the development however, this is required to achieve a net gain in biodiversity required by Policy LP30 of the LP and the NPPF. This is therefore a neutral matter.
21. The harm I have found in respect of the effect of the proposal on the significance of the setting of the CA and the significance of the setting of the NDHA would not be outweighed by the modest public benefits identified.

² Planning Reference: 22/00812/S73

³ APP/H0520/W/20/3256528

22. The proposed development would therefore conflict with Policies LP11, LP12 and LP34 which, amongst other things, require developments to contribute positively to an area's character, identity and the significance of heritage assets and their settings. It would also conflict with the Huntingdonshire Design Guide adopted 2017, and the National Design Guide. Furthermore, the proposal does not comply with the requirements of the NPPF in terms of conserving heritage assets in a manner appropriate to their significance, ensuring that new developments add to the overall quality of an area, and are sympathetic to the local character and landscape setting.

Other Matters

23. Stow Longa is a small village with a church. Bus stops are located in the village, within walking distance of the appeal site however, there are no pavements or street lighting along the route, which could deter future occupiers, particularly those with young children or mobility issues, especially after dark or during inclement weather. Furthermore, I have not been provided with information regarding the frequency or regularity of the bus service or the places it serves. Due to the lack of facilities and services within Stow Longa, it is likely that future occupiers would be heavily reliant on the private motor vehicle to support their day-to-day living.
24. I have been directed to three appeal decisions which give substantial weight to the delivery of SCBDs. However, the Child Okeford appeal was for up to 65 SCBDs, including 40% affordable housing, and the Council could not demonstrate a five-year housing land supply. The East Hoathly appeal was for up to 55 dwellings (including 35% affordable and 5% SCBDs) and the Colney Heath appeal was for up to 100 dwellings (including 45% affordable and 10% SCBDs). In both appeals, the settlements benefitted from a range of local services that were accessible on foot, and the Councils could not demonstrate a five-year housing land supply.
25. The Parish Council raised no objection in principle to the proposed development but requested that consideration be given to affordable housing to offer a more diverse housing stock in the village. This does not infer that the Parish Council support the proposed development.
26. Concern has been raised regarding the Council's communication during the planning application process and the delays experienced. However, these have no bearing on my consideration of the planning merits of the development.

Conclusion

27. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR