



Appeal Decision

Site visit made on 24 July 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/H0520/W/22/3304400

Land adjacent to 27 Infield Road, Glatton PE28 5RP

- 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 Mr Terry Coffin against the decision of Huntingdonshire District Council.
 - The application Ref 22/00524/FUL, dated 1 March 2022, was refused by notice dated 29 June 2022.
 - The development proposed is proposed erection of a single self-build dwelling, access improvements and ecological enhancements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as set out on the planning application form, although in the interests of clarity, I have removed those elements that do not relate to acts of development.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for new housing having regard to local and national policies, and access to facilities and services;
 - whether or not the proposal is acceptable in respect of flood risk having regard to national and local policies and guidance;
 - whether the proposal makes suitable provision for waste recycling;
 - the effect of the proposal on the character and appearance of the countryside, and;
 - the effect of the proposal upon highway safety.

Reasons

Suitable location

4. Glatton is a compact settlement, and the appeal site is situated to the west of the village, forming part of the countryside which surrounds it. The appeal site is situated adjacent to a small cluster of dwellings beyond the western extent of the village. It is agreed between the parties that the site is not isolated for the purposes of Paragraph 80 of the National Planning Policy Framework ('the Framework').

5. Huntingdonshire Local Plan ('HLP') Policy LP2 sets out the strategy for development in Huntingdonshire, and seeks to concentrate development in locations which provide, or could provide the most comprehensive range of services and facilities. It also seeks to support a thriving economy, whilst protecting the character of existing settlements.
6. HLP Policy LP9 makes provision for new development within the built-up area of small settlements, where the amount and location of development is appropriate to the level of service and infrastructure provision within the settlement, that there are opportunities for users of the proposed development to access services by sustainable modes of transport, and in terms of its effect on the character of the immediate locality and the settlement as a whole.
7. Glatton is identified within HLP Policy LP9 as comprising a small village. However, although the evidence indicates that the village may contain some facilities and services, there is nothing before me to indicate the nature or range of these facilities, and whether they would meet the daily needs of the occupiers of the proposal. Therefore, the evidence does not establish that the proposal would be of a scale that would be appropriate to the level of services or infrastructure within the settlement.
8. Furthermore, the site is located a moderate distance from the edge of the village. Accordingly, access to any services and facilities that may exist would require a journey along the B660 which is without lighting or a footway. Whilst such a journey would not be onerous by bicycle, I consider it unlikely that this would represent an attractive walking route, particularly at night, or in adverse weather. Additionally, there is no indication within the evidence before me that the site is served by public transport.
9. Overall, I consider that opportunities for future occupiers of the proposal to access everyday services and facilities by sustainable modes of transport would be limited, and it is likely that there would be a significant level of reliance on the private car.
10. It is a matter of dispute between the main parties whether the appeal site forms part of the built-up area. However, having regard to my findings above, even if I was to agree with the appellant's position that the appeal site is within the built-up area, the proposal would nevertheless fail to accord with the criteria set out within HLP Policy LP9 with regard to new development within small settlements.
11. HLP Policy LP10 restricts development in the countryside to the limited and specific opportunities identified within other policies in the development plan. These include development to support the rural economy, homes for rural workers, tourism and recreation development, and local services and community facilities. It has not been demonstrated that the proposal would comprise any of the stated opportunities and would therefore conflict with this policy as a result.
12. As the proposal would not comprise development for which HLP Policy LP10 makes provision, it is not necessary for me to consider the additional criteria of this policy, which includes the prioritisation of the use of land of lower agricultural value in further detail.

13. The appeal site would not be a suitable location for new housing. It would therefore conflict with HLP Policies LP2, LP9 and LP10 which together seek to direct new developments those settlements most able to support it and ensure that new development in the countryside is justified.

Flood risk

14. The appeal site relates to an undulating grassed field located to the north of, and falling towards, a meandering watercourse. Extensive mature vegetation comprises the northern and eastern boundaries of the site. A plateau of higher ground is situated in the north-western corner of the site, close to the existing access and adjacent to a neighbouring residential dwelling.
15. The provided Flood Risk Assessment ('FRA') identifies that parts of the appeal site are located within Flood Zones 2 and 3, and that areas of it are susceptible to surface water flooding.
16. HLP Policy LP5 states that proposals will only be supported where all forms of flood risk have been addressed, and where the sequential approach and sequential test are applied and passed, and where necessary, that the exception test is applied and passed. It also states that the requirements set out in the Cambridgeshire Flood and Water Supplementary Planning Document ('FWSPD') should be applied.
17. The Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
18. As the appeal site includes areas within Flood Zones 2 and 3, and is indicated on the Environment Agency Surface Water Flood Risk Map as being at risk of surface water flooding, the FWSPD states that it is necessary to undertake a sequential test. Although the exact siting of the proposed dwelling indicates that it would not, itself, be located within Flood Zones 2 or 3 and it would be located on higher land, it is indicated within the FRA as nevertheless being at risk from surface water flooding.
19. Planning Practice Guidance ('PPG'), states that the sequential test should be applied having regard to all sources of flooding, and furthermore outlines that even where it can be shown that a development can be made safe through its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Accordingly, I conclude that it is appropriate to apply the sequential test in this case.
20. The provided FRA considers whether there are any reasonably available alternative sites for the development, however, its scope is stated as being restricted to Glatton. The FWSPD sets out that the geographical area over which the sequential test is to be applied is the entirety of the local planning authority ('LPA') area, unless reduced in discussion with the LPA having regard to functional requirements and objectives of the proposal, and where there is an identified need for that type of development.
21. This approach reflects advice contained within PPG which states that the area to apply the test will be defined by local circumstances and to the type of development proposed.

22. Whilst the FRA application of the sequential test is stated as being based on experience with previous planning applications, no detailed evidence regarding this is before me. The FRA does not appear to have followed the process set out in the FWSPD, and the restricted area of the application of the sequential test has not been agreed by the parties. Therefore, it has not been shown that the nature of the development proposed, and local circumstances are such that applying the sequential test to a smaller area would be justified in this case.
23. Whilst the proposal relates to a single self-build dwelling, located on land within the appellant's ownership, this does not, in itself, indicate that the area of sequential test should be reduced. Additionally, PPG is clear in stating that the absence of a suitable supply of housing land is not a relevant consideration for the sequential test for individual applications, and this does not establish an identified need for the proposal for the purposes of the sequential test.
24. Therefore, whilst the appellant has identified that no reasonably available alternative sites exist for the proposed development, the relatively narrow area of search for such sites, which has not been justified, means that I afford limited weight to this conclusion. Accordingly, the proposal fails to satisfy the sequential test.
25. The FRA has also applied an exception test and has sought to demonstrate that the proposal could be made safe from flooding, and would not increase flood risk elsewhere. However, as I have concluded that the sequential test has not shown that there are not reasonably available, lower risk sites suitable for the proposal to which the development could be directed, it is not appropriate to consider these matters further in this case.
26. The proposal would not be acceptable in respect of flood risk, as the sequential test has not been appropriately carried out and passed. It would therefore be contrary to HLP Policy LP5, the requirements of which I have set out above. It would also be contrary to advice contained within the Framework and PPG in relation to applying the sequential test, which I have also set out above.
27. In addition, the proposal would also conflict with the FWSPD, which sets processes and advice with regard to considering flood risk in respect of new development.
28. The Council has also indicated that the proposal would conflict with HLP Policy LP15, which relates to managing surface water and the implementation of sustainable drainage systems. There is no evidence before me which would lead me to conclude that the proposal would be contrary to this policy.

Waste recycling

29. HLP Policy LP4 states that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms, and that this could include waste recycling facilities. The Developer Contributions Supplementary Planning Document ('DCSPD') advises that new housing development will require the provision of wheeled bins and that such contributions will apply to all residential developments. The DCSPD also sets out that for a single dwelling, that contributions towards one black, one blue and one green wheeled bin would be sought.

30. The evidence indicates that without a planning obligation in place to secure the necessary contribution, the Council would not provide waste receptacles to the proposed dwelling. It is possible that the appellant could find suitable waste storage containers from an alternative source, or arrange for the collection of waste from a private contractor. However, there is no evidence before me to confirm whether such services exist in the local area, or whether waste storage containers of a specification suitable for collection by the Council are available for purchase by alternative means. As it is unclear that acceptable alternative arrangements to the financial contribution required by HLP Policy LP4 could be made, it would not be appropriate to secure such details by means of planning condition.
31. Although any planning obligation securing contributions towards the provision of waste disposal would be likely to be minor in nature, I am nevertheless satisfied that such a contribution would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development.
32. Without a mechanism to secure the required contribution, I find that the proposal would not make suitable provision for waste recycling facilities. Therefore, the proposal would conflict with HLP Policy LP4, the requirements of which I have set out above. It would also conflict with the advice with the DCSPD which sets out that contributions will be required for the provision of waste storage containers for all new residential development.

Character and appearance

33. The appeal site is currently undeveloped and has intrinsic value as part of the wider countryside. However, it is otherwise unremarkable and is largely well-screened by existing mature landscape features, and naturally falls towards the stream, away from the road.
34. The proposal, which would comprise a modestly scaled dormer bungalow, would be situated at the western extent of the appeal site, and would be situated on a raised plateau. It would therefore be visible from the road. However, it would be located adjacent to a neighbouring property, and would form part of a linear cluster of other residential properties of a similar scale and design. In this context, and given the modest size of the dwelling proposed, it would assimilate well with existing development, and would be visually contained.
35. I accept that views into and across the site would be increased during winter months and also potentially as a result of any hedgerow works to provide adequate visibility to the proposed access. However, as the proposed dwelling, due to its raised position, would be visible from the road in any event, this would not lead to it being significantly more prominent, or out of context.
36. It is possible that in views of the garden of the proposed dwelling, any paraphernalia contained within it would be visible from the road, albeit the provided plans indicate that the garden would generally be located to the south, and therefore beyond the proposed dwelling and at a lower level. Furthermore, such views, even in winter, are likely to be filtered transitional views and the residential character of the site would not erode the rural setting of the site.

37. The proposal would not harm the character and appearance of the countryside. It would therefore be in accordance with HLP Policy LP2 insofar as it relates to this main issue, as well as HLP Policies LP11 and LP12. Together, and amongst other criteria, these policies require new development to recognise the intrinsic value of the countryside, respond positively to context and be of a high quality of design.
38. Furthermore, the proposal would align with the Framework, which states that developments should be visually attractive, are sympathetic to local character and recognise the intrinsic character of the countryside.

Highway safety

39. The appeal site would be accessed from the B660, which has a speed limit of 40 miles per hour (mph) in this location. Currently, the other properties within the small cluster of development adjacent to the which the appeal site is located take vehicular access from this road. The appeal site also incorporates a field access with gates set-back beyond the highway verge broadly in the location of the access which would serve the proposed dwelling. At the time of my visit, traffic was light.
40. There is good visibility from the location of the access towards the west as the road is relatively straight as it passes existing development. However, a short distance to the east of the site, there is a bend in the road and visibility is obscured. The appellant has indicated that it is around 60m from the proposed access to the bend in the road, and this is not disputed by the Council. It is agreed between the parties that a visibility splay of 120m in this direction, as requested by the Council, could not be provided.
41. The Council's evidence indicates that the requested visibility splay specification of 120m has been determined through the use of the Design Manual for Roads and Bridges ('DMRB'). However, the more recent Manual for Streets 2 ('MfS2') indicates that it should be the starting point for design parameters for roads and streets other than trunk roads.
42. Whilst the Council has set out that the use of the DMRB is informed by the Cambridgeshire County Council Highway Development Management General Principles for Development, the status of this document, including whether it has been subject to public consultation, or the date it was adopted, is not clear. Therefore, I afford it minor weight in my considerations.
43. The B660 is not a trunk road, nor did it appear to be particularly busy for a rural road at the time of my early afternoon visit. There is no substantive evidence before me to indicate that the standards set out in DMRB should be utilised in this case due to site-specific circumstances.
44. There is no speed survey data before me to indicate vehicle speeds in the vicinity of the site access. However, given the 40mph speed limit, and the fact that traffic travelling westwards would have recently left a 30mph speed limit within the village, along with the curvilinear nature of the road, I consider it unlikely that traffic would be travelling excessively fast on approach to the appeal site from the east, such that it would require departure from MfS2 standards. Accordingly, I consider that MfS2 should be the starting point for determining the specification of any visibility splays.

45. Table 7.1 of MfS2 indicates that for vehicles travelling a 37 miles per hour, that a stopping site distance of 59m would usually be expected, and on the basis of the appellant's undisputed distances, a visibility splay of the required specification would be achievable.
46. I therefore conclude that the proposal would not lead to harm to highway safety. It would therefore be in accordance with HLP Policies LP16 and LP17. It would also align with the Framework, which states that safe and suitable access should be provided to developments, and that development should only be prevented on highways grounds if there would be an unacceptable impact on the highway safety.

Planning Balance and Conclusion

47. Although I have found that the proposal would be acceptable in relation to its effect upon highway safety and the character and appearance of the countryside, it would not be acceptable in respect of flood risk, would fail to make suitable provision for waste recycling, and would not be situated in a location suitable for housing development. The proposal would conflict with the development plan as a whole.
48. HLP Policies LP4, LP5 and LP9 are broadly consistent with the Framework, I afford the proposal's conflict with these policies considerable weight.
49. However, HLP Policies LP2 and LP10 are not wholly consistent within the Framework in terms of their approach to rural housing, as they seek to protect the countryside for its own sake, and make allowance for only a very narrow range of development to take place within it. The weight I therefore afford to the conflict within them is moderate and I am therefore taken to Paragraph 11 (d) of the Framework.
50. The provision of a single dwelling would make a positive, albeit very modest contribution towards boosting housing supply, and would comprise a self-build scheme which could be delivered quickly.
51. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on local planning authorities, including the requirement to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. It also requires planning authorities to grant permission in respect of enough serviced plots to meet the demand for self-build and custom housebuilding in the authority's area.
52. Whilst the provision of a single self-build dwelling would contribute towards boosting the supply of such dwellings in the area, as well as the housing supply more generally, the Council's position that it is exceeding its statutory duty in relation to the supply of suitable self-build sites is not disputed. Furthermore, there is no mechanism before me that would secure the proposal as self-build dwelling in perpetuity. This limits the weight that I can afford this factor as a benefit of the proposal.
53. However, as Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of homes, the overall boost to the supply of housing is a factor which weighs in favour of the proposal, and to which I afford moderate weight.

54. The proposal would lead to time-limited economic benefits during the construction period, and thereafter in the longer term through support to service and facilities in a rural area. The small scale of the proposal means that these are minor benefits of the scheme.
55. It is agreed between the main parties that the proposal would deliver a net-gain in biodiversity through specific measures, and the provision of native species within a landscaping scheme. These are also factors which weigh in favour of the scheme. Given the scale of the development, the limited extent of the enhancement works set out within the Ecological Impact Assessment¹, and the limited details of the proposed landscaping that have been provided, I afford these benefits modest weight.
56. The proposal would also include an electric charging point and cycle storage. These measures would serve to encourage the use of sustainable travel and are further minor benefits of the proposal.
57. Paragraph d (i) of the Framework states that where the policies for determining an application are out-of-date, that permission should be granted unless the application of policies in the Framework that protect area or assets of particular importance provides a clear reason for refusing the development proposed. Such policies include those relating to areas at risk of flooding.
58. As I have found that the proposal would not be acceptable in respect of flood risk, policies within the Framework provide clear reason for refusing the proposal in this case and the presumption in favour of sustainable development does not apply.
59. Section 38(6) of the Planning and Compulsory Purchase Act states that a decision must be taken in accordance with the development plan, unless material considerations indicate otherwise. No considerations, including policies within the Framework, have been identified that would outweigh the harm and conflict with the development plan that I have found.
60. For the reasons given, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR

¹Ecological Impact Assessment – Land adjacent to 27 Infield Road, Glatton PE28 5RY, Greenwillows Associates, July 2021.