



Appeal Decision

Site visit made on 11 December 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/W0530/W/23/3319255

Land off Ashwell Road, Steeple Morden, Cambridgeshire SG8 0NZ

- 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 R Fouts, Ashwell Road Property Limited against the decision of South Cambridgeshire District Council.
 - The application Ref 22/02437/FUL, dated 24 May 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described as *the erection of four detached earth sheltered Paragraph 80 dwellings with associated hard and soft landscaping, formation of two new ponds and 're-wilding' of land.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made and representations received, an updated version of the National Planning Policy Framework (the Framework) has been published and a Written Ministerial Statement (WMS) has been made in respect of local energy efficiency standards¹. Apart from the paragraph numbers changing in some cases, including that mentioned in the description of development, those Framework policies relied on by the main parties remain more or less unchanged. I have determined the appeal with regard to the latest version and the WMS, and have given the main parties an opportunity to comment on both so that no parties' interests will have been prejudiced. I have referred to the paragraph numbers in the updated Framework in this decision letter.

Main Issues

3. The main issues raised by this appeal are: whether the quality of the proposed design would be sufficiently high as to outweigh the presumption against development in this location; the development's effect on the character and appearance of the area; the development's effect on the supply of agricultural land, and; the development's effect on protected species and biodiversity.

Reasons

Location and design quality

4. It is common ground between the main parties that the site lies outside the Development Framework boundary of Steeple Morden. In such locations the

¹ Written Ministerial Statement, Planning - Local Energy Efficiency Standards Update, 13 December 2023.

South Cambridgeshire Local Plan, 2018 (LP) Policy S/7 only permits development for specified uses or where supported by other LP policies. One of these, LP Policy H/15, permits single new bespoke dwellings of exceptional quality in the countryside. This is provided that, amongst other criteria, it would: truly reflect the highest standards in architecture, being recognised as truly outstanding or innovative; significantly enhance its immediate setting, and; be sensitive to the defining characteristics of the local area and wider views. Although LP Policy H/15 explicitly relates to single dwellings rather than schemes of multiple ones such as this, its approach remains relevant for the consideration of this proposal.

5. This is a similar approach to the Framework's preclusion of isolated homes in the countryside except, amongst other situations, at paragraph 84 e)² where their design is of exceptional quality.
6. The appeal site comprises a sizeable field with trees along the roadside and adjacent to a stream or ditch which runs along one side. The site shares a pastoral character and appearance with the surrounding arable agricultural countryside which characterises much of the gently undulating landscape of the area.
7. The proposal would utilise around a third of the site for the four dwellings and their associated gardens and access, the remainder of the site being set aside for biodiversity enhancement. An access drive running parallel to Ashwell Road would serve the four single storey houses. Substantial parts of each house would be set within a series of irregular mounds which would step down following the slope on the site. Each dwelling would have an entrance flanked by brick walls facing onto a parking court and detached garage on one side, with three sides of their 'U' shaped plan arranged around an open courtyard on the rear, garden side.
8. This configuration would appear as unusual in its immediate setting of open countryside and wider context of conventional buildings within the adjacent village. This arrangement has the potential to create an intriguing feature in the landscape and relatively secluded internal living spaces. Nevertheless, whilst not typical of many new homes, earth sheltered homes are not necessarily a recent or innovative approach in themselves. Just being distinctive or different from its surroundings is an insufficient attribute to make a design truly outstanding or innovative.
9. The drawings are not comprehensive, with no detailed elevations of the front and parking court elevations, relying largely on sketch views of the development. This is not an approach that gives confidence that the scheme is one seeking to be recognised as truly outstanding. There is minimal detail about the treatment and design of the buildings and their settings. For example, there is very limited explanation of the approach to external materials and no details of how the intersections of masonry elements with mounds or the building's 'brown roofs' would be treated. The Design and Access Statement (DAS) does very little to explain the approach to the interior including the quality of spaces and light that would result from the partially single aspect and top lit spaces that might indicate a sensitive architectural treatment.

² Previously paragraph 80 e).

10. Other than the appellant's assertions that the design and architecture would be of high quality and outstanding, this does not follow through the DAS. The DAS does not go into detail of how any analysis of the site or its context have informed the architectural approach in any way that may help to demonstrate a design approach which seeks exceptional quality.
11. The arrangement of the parallel access drive terminating in a turning head would be a similar approach to that serving the existing row of houses adjacent to the site. Despite the retention and reinforcement of tree planting along Ashwell Road, this aspect of the proposal would appear conventional and suburban even if the entrances to the homes it would serve would be largely hidden within the mounding.
12. Whilst there would be some elements of the external appearance of the scheme that would have the potential to be of interest, there is no demonstration of any sophistication in the overall design which one might expect of a scheme aiming for truly outstanding quality. There is no demonstration to suggest that the highest standards in architecture would be attained, for example there is no evidence that the design team have any particular track record or recognition for design excellence for buildings of this type, such as architectural or design awards. Furthermore, there is no evidence that the scheme has evolved, been influenced or been recognised through any peer review or critical appraisal of its design that might help to demonstrate its quality. It is of note that the Council point out that they have a Design Review Panel whose views the appellant did not seek.
13. Although the appellant claims that the use of insulated concrete formwork (ICF) for earth sheltered retaining walls and roofs would be a unique application this has not been substantiated and the approach itself, as the appellant states, is widely used. Although the appellant points to the low carbon credentials of the ICF panels themselves there is no overall evaluation of the environmental implications of the design, including the concrete that the system requires to fill the voids between the formwork. Similarly, there is no indication of how, or from where, the material for the extensive mounding within which the houses would be set would be sourced. This aspect of the proposal does not lead me to find that the construction of the dwellings would necessarily be innovative nor promote high levels of sustainability.
14. Overall, the design of the proposal falls short of demonstrating a design quality that could reasonably be considered to demonstrate or reflect the highest standards in architecture or be of exceptional quality and truly outstanding or innovative in its approach.
15. As the site is presently an undeveloped area of countryside, it is unclear how the proposal would enhance its immediate setting in visual or character terms, let alone do so to a significant extent. When viewed from farther down Ashwell Road the sloping topography of the site and its surroundings would mean that much of the built part of the development could read as a series of mounds stepping up the hill in the landscape. However, this would be atypical given the absence of such features in the surrounding farmland.
16. Closer to, from the public footpath that crosses the site, the rear elevations, arrays of solar panels and hard standings of the properties would be conspicuous. The large rear gardens which would inevitably attract domestic paraphernalia to varying extents would be unlikely to take on the natural

- appearance of the remainder of the site. The absence of a particular landscape designation for the area does not diminish the harm that the proposal would have in this regard.
17. This approach would not significantly enhance its immediate setting, nor would its landscaping and location on the site be sensitive to the defining characteristics of the local area or to wider views.
 18. The appellant's Schedule of Renewable Energy Assets (SREA) sets out an approach to minimise waste arising from the occupation of the dwellings and make use of renewable energy. In addition, the partially earth sheltered configuration would assist with insulation of the properties throughout the year. However, the SREA does not detail or explain how these proposals would necessarily be innovative nor that the provisions, whilst welcome, would necessarily promote high levels of sustainability as opposed to merely complying with required regulations, codes or standards (except in respect of its CO₂ 'production' aim to exceed requirements).
 19. The development would not accord with LP Policy H/15, and consequently it would be contrary to LP Policy S/7. The absence of a clear vision of the development's contribution to its local and wider context means it would not accord with LP Policy HQ/1's design principles. There would be considerable harm arising from these conflicts.
 20. As it would fail to reflect the highest standards in architecture, and as such would not help to raise standards of design in rural areas nor significantly enhance its setting, it would also be contrary to the Framework. For the above reasons the proposal cannot benefit from the significant weight the Framework, along with other criteria at paragraph 139³, requires to be given to outstanding or innovative designs which promote high levels of sustainability. The appellant's detailing of the evolution of Framework policy in paragraph 84 e)⁴ is of little relevance as the proposal needs to be considered in light of the current version.
 21. Although the Council have cited water efficiency and energy policies in support of their position, these relate to achieving particular standards or approaches rather than necessarily achieving outstanding or innovative designs which promote high levels of sustainability. LP Policies CC/3 and CC/4 are therefore less pertinent to the consideration of design quality. In any event, it would be reasonable to secure compliance with LP Policy CC/4's water efficiency requirements by way of a condition. The details provided in the SREA do not precisely address LP Policy CC/3's requirements nor demonstrate that meeting the higher standards is not technically feasible, albeit that it aims in general terms to exceed the Policy's carbon emission reduction target. However, any conflict in this particular regard is not determinative.

Character and appearance

22. For the reasons set out above, although incorporating extensive mounding which would have the potential to support natural vegetation giving a green appearance, the resulting shape and form would not reflect any established natural landforms in the area. Furthermore, the treatment would not disguise the new homes, their gardens or vehicle access which would be noticeable as

³ Previously paragraph 134.

⁴ Previously paragraph 80 e).

domestic intrusions in the countryside, harmfully at odds with the natural appearance of the site at present. The development would effectively extend the linear form of the village along Ashwell Road farther into the open countryside, eroding both the rural character and appearance of the area and the pastoral setting of the village.

23. The part of the proposal that would plant a variety of wildflowers and grasses on the larger part of the site would have the potential to enhance the natural landscape character of the area. However, overall given the extent of intrusion on the developed portion of the site, the proposal would not preserve or enhance the rural area, not respond positively to its wider landscape context, nor respect, retain or enhance local landscape character and distinctiveness. The proposal would consequently not accord with LP Policies HQ/1 or NH/2 in these respects, a conflict which carries considerable weight.

Agricultural land

24. Although uncultivated at the time of my visit, the proposal would result in the loss of what the Council identify as grade 2 agricultural land, which is amongst the best and most versatile (BMV) agricultural land. The development would result in the permanent loss of BMV land. There has been no demonstration that sustainability considerations and the need for the development would override the need to protect such land in this case and the development would consequently be contrary to criterion 1 of LP Policy NH/3 which seeks to avoid the loss of such land.
25. Nevertheless, and bearing in mind the Framework's acknowledgement that benefits of BMV are not just economic, the potential benefits to wildlife on the part of the site to be 're-wilded' and also in the treatment of the mounding and 'brown-roofs' of the dwellings, would go some way to reducing the weight conflict with that policy would have although the development, accesses and extensive domestic gardens proposed would mean this could not apply to the whole site. It has not been adequately demonstrated that the loss of BMV land would be justified.

Protected species and biodiversity

26. In an attempt to address the Council's refusal reason, the appellant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment report. However, this was not comprehensive given the time of year it was prepared and made recommendations for additional surveys. Importantly, notwithstanding the goal of improving biodiversity on the undeveloped part of the site, the report notes the risk of the loss of notable grassland species and what may be an important habitat in the area of the site where development would take place. It identifies risks to existing valuable habitats on the site and the grassland character of the site if the 're-wilding' is not appropriately specified and managed.
27. The report notes its findings were inconclusive on the presence of protected species on the site, but based on the information it contained there is a reasonable likelihood of protected species being present. Consequently, as not all the surveys it identified have been carried out, it would not be reasonable to rely on a planning condition to secure them and no exceptional circumstances have been identified. Given the risks identified in terms of the importance of

the specification and management arrangements of the 're-wilding' area, this is not an aspect that could reasonably be left to planning conditions to manage.

28. Therefore, whilst the potential exists for habitat enhancement, particularly on the undeveloped part of the site, there is insufficient information before me to conclude that protected species would not be harmed or that their habitats would not be adversely affected. The development would be contrary to LP Policy NH/4 which, amongst other criteria, requires an adequate level of survey information and site assessment to be provided.

Conclusion

29. There is the potential that the treatment of the upper part of the site would enhance biodiversity and that could be enjoyed by those using the public footpath through the site. There would be short term contributions to the local economy through the building of the scheme and longer term ones through the provision of four new homes and the attendant social and economic benefits that they would deliver. However, such benefits would only be modest. The harm as a result of conflict with the locational policies of the LP and to the character and appearance of the area would be considerable, and the loss of BMV land and failure to confirm the avoidance of harm to protected species would further weigh against the proposal, and together this would outweigh any benefits.
30. The proposal would be contrary to the development plan considered as a whole and the Framework considered overall. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR