



Appeal Decision

Site visit made on 8 May 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/H0520/W/23/3330731

1 Field Cottage Road, Eaton Socon, Cambridgeshire PE19 8HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Asharry Ltd against Huntingdonshire District Council.
 - The application reference is 22/02499/FUL.
 - The development proposed is erection of a single-storey three-bedroom dwelling with habitable accommodation in the roof space.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. The Council has produced an officer report at appeal stage which sets out two putative reasons for refusal, from which I draw the main issues of the appeal.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the area, having regard to the effect on the character and appearance, and setting of, the St Neots Conservation Area (SNCA) and the setting of the grade II listed building at 267 Great North Road; and ii) whether the proposal makes suitable provision for waste and recycling management.

Reasons

Character and Appearance

4. The appeal site is a parcel of land to the rear of 1 Field Cottage Road, which stands at the junction with the B1428 Great North Road (the GNR). The site is indicated to have formerly been part of the garden of No 1, but I saw on site that it has been fenced off and is in an overgrown condition. The tree-lined route of Duloe Brook marks the northern boundary of the site.
5. The proposed dwelling would address GNR and the Grade II listed George & Dragon public house on the opposite side of the road. It would have a cottage-like scale and form, with a simple rectangular floor plan and a one-and-a-half storey height, the first floor set being set within the roof space and served by three dormer windows to the front and four rooflights to the rear. An entrance would be formed in the existing boundary wall and fence and a crossover extended over the grass verge and footway.

6. The Council's assessment was based on the site falling within the SNCA. However, the appellant has disputed this and I have sought clarification from the main parties as to the exact boundaries of the SNCA. From the responses received, my understanding is that the frontage of the site, including the grass verge and boundary wall, lies within the SNCA, with the remainder of the site outside of it, but lying within its setting. My considerations are therefore approached on this basis.
7. The SNCA is a large, diverse designation covering the floodplain of the River Great Ouse and development on either side, including St Neots and Eynesbury on the eastern side, and Eaton Socon and Eaton Ford on the western side. The SNCA Character Assessment (October 2006) identifies Eaton Socon as still having a rural quality and village feel, centred on the parish church and adjacent green, with the northward extension of the village core illustrative of its past history as a stopover on the GNR, which forms the main village street and includes the George and Dragon pub opposite the site. Notably, it is only this historic route along the GNR that is within the SNCA, with the modern housing to the east between the road and the river, including the dwellings on Field Cottage Road, lying outside of the SNCA.
8. The Council points to the historically open character of the route with houses strung out along the road and the presence of farmhouses with outbuildings standing side-on to the road and unbuilt closes in between. It is also argued that Duloe Brook is an important watercourse within the SNCA and that the appeal site contributes to a tranche of green and open space that evokes the historically open land to the east of the GNR leading to the riverside. The Council refers to the SNCA Character Assessment stating that the modern housing between the Eatons' historic route and the riverside is "an unwelcome intrusion and ways should be found to lessen its impact" and that "further infilling should be resisted within the Conservation Area in order to preserve this characteristic of the village."
9. Whilst noting the Character Assessment, I observed a varied mix of development along the GNR in the vicinity of the appeal site. Historic dwellings standing closer to the street are now interspersed with modern development standing back in larger plots. There is a wide range of sizes, styles, roof forms, materials and front boundary treatments. From my observations, the built form along the road evokes a long history of gradual development along an important route, but it cannot be described as uniform in character or an intact representation of a particular time period.
10. Moreover, whilst I concur that a village feel still exists along the GNR, the extensive modern development to the east and west means that the GNR no longer sits within a rural or even semi-rural context, but within a built-up one. The open space to the south of Duloe Brook formed by the appeal site and the adjacent rear gardens along Field Cottage Road provides a small gap in the built form, but it does not form an intentional public open space, nor is there any visual link to the riverside. It is an unused, overgrown space screened by the boundary fence, which further limits its contribution to the streetscene.
11. The proposal would infill the space between the brook and 1 Field Cottage Road, but there would be sufficient space that it would not appear as a cramped form of development, with No 1 retaining a similar depth of garden as its neighbours. The dwelling is designed as a modest dormer cottage with

traditional detailing, including brick façades and timber framed windows, which would not appear out of place within a streetscene that contains a wide variety of forms, both historic and modern. Indeed, the cottage design would reflect the historic village character identified in the Character Assessment. The varied pattern to the streetscape also means the proposal would not appear out of place in terms of size, spacing or the rhythm of development. Although some open space would be lost, the dwelling would be set a similar distance from Duloe Brook as the dwelling on the other side and those opposite, and it would not affect the established greenery which marks its route.

12. The guidance of the Character Assessment is to resist infilling *within* the conservation area, but the dwelling itself would sit outside of the SNCA. I recognise nevertheless that from adjacent points on the main road, it would form part of the streetscene of the GNR that falls within the SNCA. However, its position, orientation, modest size and traditional design approach would enable it to integrate into the historic streetscene without appearing disruptive or as a continuation of the modern development to the east which has deliberately been excluded from the SNCA. As such, I regard its effect on the setting of the SNCA as neutral.
13. The addition of a vehicular crossover would similarly be of little tangible effect, given the prevalence of accesses along the road. The grass verge appears to be a remnant of the development of Field Cottage Road rather than an historic feature. The verges along this part of the GNR are also intermittent and secondary to wide footpaths that extend along both sides of the road. The provision of a new access would not noticeably alter the appearance or quality of the streetscene and it would not diminish the heritage significance of the historic route, which is drawn in part from its long history of development that has seen new dwellings and features added gradually over time.
14. The significance of the listed George and Dragon public house derives from its historic and evidential value as an 18th century coaching inn which acted as a stopover for travellers on the GNR. The public house still stands as a prominent feature within the street due to its size, its white painted facades, its position at the back edge of the footpath and the open space of its beer garden and car park which separates it from the dwellings to the south. The brook on the northern side provides further separation that allows the listed building to maintain a strong presence within the streetscene.
15. As set out above, the appeal site is of limited value as an open space. It is a disused part of an urban garden, and does not exhibit an overt rural character as argued by the Council. It is not identified in the Character Assessment as an important feature of the SNCA. As such, I do not agree that it forms an important element of the setting of the public house, which from my observations is principally experienced as part of the linear development along the GNR. The presence of an additional dwelling on the appeal site, continuing the linear pattern and within an established built-up context, would not materially harm the setting of the listed building, nor would it undermine the relationship of the listed building with the brook which would still be readily identifiable aside and beyond the appeal site by its tree-lined route.
16. For these reasons, I conclude that the proposal would preserve the character and appearance of the SNCA, its setting, and the setting of the Grade II listed public house. Therefore, the proposal would accord with Policies LP11, LP12

and LP34 of the Huntingdonshire Local Plan to 2036 (May 2019) (the HLP), and Policy A3 of the St Neots Neighbourhood Plan (February 2016) which together support development which responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places, and which preserves heritage assets in a manner appropriate to their significance.

Waste and Recycling

17. Policy LP4 of the HLP sets out 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. The Developer Contributions Supplementary Planning Document (SPD) (December 2011) explains that household waste management is critical in developing sustainable communities, and new housing within the district will trigger a need for the provision of waste storage containers (wheeled bins). The SPD indicates the cost of the bins will be reviewed annually. The Council states that the current contribution sought is £170 per bin. On the evidence before me, I am satisfied that a financial contribution towards such facilities would be necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Community Infrastructure Levy (CIL) Regulation 122, and paragraph 57 of the National Planning Policy Framework (the Framework).
18. The appellant has provided a unilateral undertaking (UU) with the appeal, offering to make the required contribution towards the provision of wheeled refuse bins to serve the development. However, the UU is deficient in a number of respects. It is missing a Land Registry Title number and is not accompanied by a red line plan to identify the land to which the undertaking relates. This is despite clear advice to the appellant from the Council to include a red line plan with the UU. Moreover, the same person has signed the UU as both first director and second director/secretary of the company, with no witness signature. Consequently, I find that the UU is incomplete and not capable of having legal effect or be enforceable. As such, it does not carry any weight in consideration of the appeal.
19. I have considered whether in the absence of a completed legal agreement, the matter could be addressed by means of a planning condition. However, the Planning Practice Guidance (PPG) is clear that no payment of money or other consideration can be positively required when granting planning permission. Moreover, the PPG adds that negatively worded conditions requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in exceptional circumstances, where there is clear evidence that the delivery of the development would otherwise be at serious risk. However, I have not identified any exceptional circumstances in this case. A condition requiring a planning obligation to be entered into would not therefore meet the tests set out in paragraph 56 of the Framework.
20. Therefore, the proposal would not secure the necessary contribution to offset the costs of wheeled bin provision. In the absence of a completed UU, the proposal would not make adequate provision for waste management, contrary to the requirements of Policy LP4 and the SPD.

Other Matters

21. The Council has not raised objection to the proposal in any other respect. I have noted the public representation raising concerns over loss of privacy for a neighbouring dwelling. The distance in question is given as 25 metres, which would exceed the 21 metre minimum distance set out in the Huntingdonshire Design Guide (2017). The proposed dwelling would also be perpendicular to those on Field Cottage Road and would only contain small, upward facing rooflights at the rear first floor level that would serve two bathrooms and the stairwell. As such, there would be little to no prospect of invasive views from the proposed dwelling that would undermine the privacy of neighbouring occupants.
22. Concern has been raised in respect of the safety of the proposed access. I note the response of Cambridgeshire County Council as local highway authority that the access is in a position that allows for movements in and out without interrupting existing crossing points or traffic calming measures. I saw for myself on site that the access would have sufficient visibility in either direction. Therefore, I am satisfied that the proposal would not pose an undue risk to highway safety.
23. I have had regard to the Council's assessment of other matters, including flood risk, biodiversity, providing accessible and adaptable dwellings and water efficiency. On the evidence before me, I have no reasons to reach different conclusions in these matters, which are neutral in the planning balance.
24. The proposals would each deliver an additional residential unit for the local housing stock, in line with the Framework aim of boosting the supply of housing. However a single dwelling would be a modest contribution to the Council's overall housing targets and therefore would attract limited weight in favour of the proposal. The economic benefits to accruing from the construction of the dwelling and subsequent spending by local residents would be similarly limited in weight given the small scale of the development.

Conclusion

25. I have found that the proposal would preserve the character and appearance of the area, but the failure to provide a complete UU to secure the provision of a contribution towards waste management means result in conflict with the development plan, taken as a whole. I afford significant weight to this conflict.
26. Material considerations in this case would not be sufficient to outweigh this conflict. Therefore, the appeal should be dismissed and planning permission refused.

K Savage

INSPECTOR