



Appeal Decision

Hearing held on 23 July 2024

Site visit made on 23 July 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/J0540/W/24/3344004

Land north of First Drift and east of Kettering Road, Wothorpe, Stamford PE9 3JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Christine Ando against the decision of Peterborough City Council.
 - The application Ref is 23/01467/OUT.
 - The development proposed is a self-build dwellinghouse with associated parking and landscaping with all matters reserved.
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Decision

1. The decision is dismissed.

Preliminary Matters

2. The application form included reference to the self-build dwelling being for retirement living, but this was confirmed at the Hearing to not be an accurate description of the proposed development.
3. The submitted plans are indicative, except for the Location Plan and Existing Block Plan. The parties identified at the Hearing that the Block Plan reference A-P10-002 Rev C was the version before them and on which the Council's appeal consultation was based, but that before me was Rev B. The only difference is an addition of the red line site boundary and blue line site ownership, as already shown on the Location Plan. I therefore accepted Rev C as the plan for my determination, with no parties prejudiced as a result in accordance with the Holborn Studios Ltd judgement.
4. An unsigned Unilateral Undertaking (UU) legal agreement was submitted prior to the hearing, to secure the proposed dwelling as a unit of Self-Build and Custom Housebuilding (SBCH). I accepted a revised draft during the Hearing, but subsequently received the signed original version. I am satisfied that the UU obligations are necessary, directly related to the proposed development, and reasonable.
5. On 30 July 2024 the Secretary of State made a Written Ministerial Statement titled "Building the homes we need", and the Government published a consultation on proposed planning system changes and reforms to the National Planning Policy Framework ('the Framework'). I have not deemed it necessary to seek comment from the parties, because the proposals are draft and may be subject to change, and they would not significantly alter the most relevant parts of the Framework.

Main Issues

6. The main issues are:

- whether the proposed development is in a suitable location for housing, having regard to the spatial strategy for the area;
- the effect of the proposed development on the character and appearance of the area; and
- the weight to give to the benefit of the proposed development as a unit of SBCH, including with regard to demand and supply.

Reasons

Spatial Strategy

7. The settlement hierarchy identified in the Peterborough Local Plan 2016 to 2036 (LP) (2019) ranks settlements according to their size and range of services and facilities, with policies steering the majority of new development to those which are larger. Wothorpe is identified as a 'small village' within Policy LP2, with a defined village envelope identified on the Policies Map. The appeal site lies next to but outside of the village envelope, and thus is defined as countryside by Policy LP2.
8. If the dwelling were within the envelope, there would be no objection in principle with relation to the spatial strategy. However, the parties agree that the site would not comprise any development types or exceptions identified as acceptable within the countryside, as set out within the LP Policies LP2, LP8, and LP11. Policy LP2 thus states that all other residential development outside of village envelopes will, by definition, be contrary to the LP vision, objectives, development strategy and policies, and should be refused.
9. I note the suggested precedent set by the 'Camelot' appeal¹, which was predominantly outside of the village envelope. However, it had a different site context, including being previously developed garden land, and an infill location which did not project beyond the furthestmost extent of the built form. It was therefore not determinative to my reasoning.
10. The LP Policy LP8 also supports proposals which provide a range of homes to meet current needs, including for market rent and plots for self-build. Policy LP9 further includes that residential proposals will be considered more favourably if they provide appropriate opportunities for SBCH. The appellant suggests that this LP9 support outweighs the locational conflict with LP2, as LP9 has no caveat that the site has to be acceptable in principle.
11. However, I agree with the Council that if a SBCH exception for the countryside had been intended, this would have been specifically identified in the same way such as for affordable housing rural exception sites. I therefore read 'more favourably' within LP9 only in placing some additional weight to SBCH within the planning balance for any particular proposal. I see no reason why this single sentence should otherwise grant an exception to the spatial strategy interwoven throughout the LP, and which is explicitly and precisely identified in Policy LP2 with relation to housing. I similarly take the support within LP8 to be in general terms.

¹ APP/J0540/W/16/3164021 Erection of up to three detached dwellings with garages.

12. Overall therefore, the proposed dwelling in the countryside would not be a suitable location for housing, having regard to the spatial strategy for the area as identified in the development plan, and consolidated in Policy LP2. I give this conflict substantial weight.

Character and Appearance

13. The main parties agree that as all matters are reserved, restricting the dwelling's design parameters through imposition of a condition would stray too far beyond that appropriate at outline stage. If I were to allow the appeal, it would therefore permit a single dwelling with no fixed size or form. I have taken this as the basis for my determination.
14. The appeal site comprises part of a pastoral field, accessed off the end of the private lane of First Drift. Kettering Road runs along the field's north-west boundary, and a field lies to the north-east, both separated by thick hedgerow and tree boundaries. Dwellings lie to the south-east and south-west, again separated by vegetated boundaries. A stables building lies in the field's southern corner.
15. First Drift has a distinct leafy arboreal character, comprising low density large and detached dwellings within generous plots. They display a varied range of individual architectural styles, but present an overall sense of cohesion through the general consistency of plot spacing and the extent of set-back, interspersed with extensive landscaping and street vegetation. The appeal plot size would be broadly similar to those surrounding. Its size and location would also allow respect for the building lines along First Drift and Kettering Road. I therefore find that in and of itself, an individually designed detached dwelling on the site, with significant landscaping, could align with the general development characteristics of Wothorpe, and could blend with the Special Character Area identified under LP Policy LP20.
16. However, a new dwelling in this location would detract from the character of transition between the built form of the village and the open countryside. The historic and policy context is also bound up within this character. The Wothorpe settlement pattern results from 3 bridleways established in the Enclosure Award of 1797 on lands owned by the Burghley Estate. The village boundaries have remained largely unaltered since. As such, there is a high historical significance to the surrounding pasturelands, hedgerows, and woodlands being maintained as consistent demarcations to the countryside.
17. The LP paragraph 5.12 identifies the primary purposes of the village envelopes and their related policies, including to prevent the spread of development into the countryside, and to maintain the essential character of settlements. The Wothorpe boundary has also historically been key in preserving its coalescence into the built form of Stamford. As distinct settlements with different characters and histories, it is important to retain this legibility.
18. When approaching Wothorpe along Kettering Road from Stamford, built form runs along both sides right up to the field containing the appeal site. Within this I include the raised land of the hockey pitch and its tall fencing and floodlights, which would not be fully obscured even after its landscaping matures.

19. Conversely, when approaching Stamford along Kettering Road alongside Wothorpe, the school buildings terminate the view. Although the vegetated boundaries do significantly restrict views across the site, the March 2023 images demonstrate that this is not an effective screen in periods of leaf drop. Moreover, the school buildings are visible from within the site even with full leaf cover, as are the floodlights immediately adjacent, and roofs of the new dwellings further beyond. The current impression is of an open green field between the two settlements, but one which is not extensive and which comprises the narrowest point between the two settlements. Additional importance is therefore placed on its retention.
20. This gap has no specific policy 'buffer' designation in the development plan, or in the Stamford Neighbourhood Plan Adoption Version 2016-2036 (NP) (2022), the boundary of which starts just north of the appeal site field. However, I do not find that this undermines its importance as a buffer, for the reasons outlined above, and also due to the other protectionist mechanisms of the LP Policy LP2, the LP20 Special Character Area, and the village envelope. Indeed, the NP paragraph 12.14 highlights that the absence of reference to a specific view within it does not necessarily mean that the view is unvalued or unimportant to the character of the local area.
21. Within this context, the appeal site dwelling would be visible for several months of the year from both directions, as well as from the footpaths across the fields to the east. As such, the extension of the Wothorpe built form into the appeal site would alter the edge of village character, and be perceived as encroachment into the countryside, and some coalescence of the built form. Although not visible in longer range views, including from the heritage assets of Burghley Park, there would still be localised harm. Even were the dwelling fully screened from all views through design and planting, there would still be intrinsic harm to this historic buffer.
22. Overall, the proposal would cause significant harm to the character and appearance of the area, to which I give substantial weight. It would conflict with the LP Policies LP16 and LP27, which together and amongst other matters, expect development to positively contribute to the character and local distinctiveness of the area, safeguard and enhance important views and vistas, respect the site and surrounding area context, and for new development in the countryside to be located in a way that is sensitive to and protects settlements' landscape settings and separate identities. It would also conflict with the Framework paragraphs 135 and 180, requiring development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, to establish a strong sense of place, and to recognise the intrinsic character and beauty of the countryside.
23. The Council identifies further conflict with Policies VSD1 to VSD5 of the Peterborough Design and Development in Selected Villages Supplementary Planning Document (2011). However, I do not find it directly relevant insofar as its guidance relates only to matters which are reserved under this outline application. I find similar with relation to the LP Policy LP20.

Self-Build and Custom Housebuilding

24. The Council has statutory duties relating to SBCH under Section 2A of the Self-Build and Custom Housebuilding Act 2015 ('the Act') (as amended by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023). It must keep and publicise a register of those seeking to acquire serviced plots of land for SBCH, have regard to that register, and must give development permission for the carrying out of SBCH on enough serviced plots of land to meet the demand for SBCH in the Council's area in respect of each base period. 'Base periods' are monitored annually from each October, with 3 years following each base period to comply with the duty.
25. This is reinforced by the Framework paragraph 70(b), whereby local planning authorities should promote the development of a good mix of sites by seeking opportunities to support small sites to come forward for community-led development for housing and SBCH.

Demand

26. Base period 1 of the Peterborough SBCH register commenced in October 2015. The Council later introduced an annual £20 fee, and a local eligibility test. The PPG advises to provide a transparent rationale for the charge, and to consult on this test before its introduction, which the Council has not indicated was done. However, as this is not mandatory, and because there are some costs associated with maintaining the register, I do not see that this invalidates the number of entries on it. Similarly, although the only register publicity is hosting it on a webpage, this is in line with the PPG minimum recommendation.
27. When parties on the register did not apply to renew or did not pay the fee, they in effect took themselves off the register, and the Council removed those entries from its register figures. However, Section 2A(6)(aa) is clear that the SBCH demand in a base period is evidenced by the number of entries added to the register during that period. The subsequent removal of individuals from the register does not reduce the initial number added, and so does not reduce the demand figure. Furthermore, demand is cumulative to include unmet demand arising within the 3 year compliance period for the earlier base periods.
28. In this context, I accept the appellant's figures that when disregarding the retrospective removals, the register shows a demand of 64 entries in base period 1 to 8. This is significantly higher than that identified within the Council's Monitoring Report 2023.
29. The Council suggests that secondary data such as that from 'Buildstore' is relevant in policy formation, and contributed to the LP strategy, but that speculative inquiries are an unsound basis for determining demand. However, the PPG specifically identifies that the demand data from the register should be supported as necessary by additional data from secondary sources, such as building plot search websites, enquiries for building plots recorded by local estate agents, and local resident surveys.²
30. The Register relies upon people knowing about it. The appellant suggests it gives limited benefits at the individual level, with the Buildstore registers being much more useful due to access to specialist financial products, information on available plots, and design advice. As such, I accept that Buildstore is a useful

² Paragraph 011 Reference ID: 57-011-20210208

additional indicator of demand. The appellant's figures identify 78 Buildstore registrants for Wothorpe in October 2023, being 7% of the total 1,115 registrants in the Council's area. While this will likely include some double counting, including against the Council's register, this indicates a substantial level of unmet demand. This is further reinforced by additional methods of calculating potential demand based on national surveys and statistics.

Supply

31. The Council is satisfied that Community Infrastructure Levy (CIL) self-build exemption claim forms indicate 94 dwellings were SBCH across the base periods. This is because the PPG references CIL forms, the CIL form 1 requires a declaration of being a self-build project for purposes of the exemption set out within the regulations, and the CIL form 2 requires proof of either a specialist self-build warranty, mortgage, or a VAT refund.
32. However, the Act's definition differs from that in the CIL Regulations. Clause (A2) of the Act specifically identifies that SBCH does not include the building of a house on a plot acquired from a person, wholly or mainly to plans or specifications decided or offered by that person. The PPG further clarifies that relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Homes purchased prior to construction and without input into the design and layout from the buyer, are not considered to meet the SBCH definition. Therefore, the presence of a CIL form does not preclude that the beneficiary could have built their home following purchase of the plot already with planning permission.
33. The Parish Councillor identified that 14 recent dwellings in Wothorpe have been promoted through the planning process by the same parties who ultimately lived in them. However, I have no information before me as to whether all those approvals were subsequent to the SBCH statutory duty, or whether this is common across Peterborough as a whole. Therefore, while pragmatically some of the CIL exempt sites are also likely to meet the legal SBCH definition in the Act, I cannot be satisfied of the number which may do so. As such, I accept the appellant's position that only 26 permissions, delivering 30 plots, can be confirmed as SBCH based on the description of the development or the application material.
34. Alongside small windfall sites, the Council also relies on the LP Policy LP5 as a key way to address SBCH through urban extensions. However, although the Council referred at the Hearing to forthcoming permissions in this regard, on the evidence provided I cannot be confident of such delivery, especially in the short term. The appellant further identified that none of the existing LP5 site permissions have included any identified SBCH.

Self-Build Conclusion

35. Both main parties have presented other appeal decisions in support. I have taken these into account, but they have not been determinative due to their significant differences from the site and policy context of the appeal proposal.
36. Consequent to my findings above, I accept the appellant's figures that the Council met its statutory duty in base period 1, but failed to meet it in subsequent base periods. There is a shortfall of 24 plots, and an additional pending shortfall of 5 plots for base period 6 unless the total shortfall is

addressed before 30 October 2024. When demand from secondary sources is also included, this shortfall would be much greater.

37. SBCH benefits from support from the LP Policies LP8 and LP9, and from the Framework. Overall, the proposal's contribution to mitigating the Council's failure in its SBCH statutory duty attracts substantial weight in favour, notwithstanding the very small-scale of development.

Other Matters

Prestige Homes

38. The LP paragraphs 6.4.4 and 6.4.5 highlight the issue of a substantial proportion of higher paid Peterborough workers living elsewhere in the housing market area, and nearly half of its managers and senior officials living outside of the local authority area. Large, top of the range houses are needed to enable business leaders to live locally for the success of the economic development strategy of growth, based on the attraction of new and expanding companies in the environmental and knowledge-based industries.
39. The LP Policy LP9 thus provides protection for existing prestige homes, and refers to other development plan policies which identify strategic sites expected to include a reasonable proportion of prestige homes. There is no specific definition of prestige homes, but the LP suggests that they can be generally regarded as large dwellings within the highest 10% price bracket of the housing market area, individually designed, and with high specifications, detailing, and facilities. They would be typically aimed at the senior professional and managerial market, or a bespoke design for an individual.
40. The appellant suggests that provision of a prestige home could be secured via a planning condition, or a clause in the UU. The Council disagrees, in part due to some reluctance that this would pre-empt the proper and full consideration of the reserved matters, for instance as the concept of a prestige home indicates a minimum size.
41. However, even were there to be no mechanism to formally secure the dwelling as a prestige home, it would be individually designed, a bespoke design for an individual client, and as such would have a high specification of detailing and facilities. It would also be located within what the Parish Councillor cited as one of the most sought after villages of Peterborough, at the more valuable end of the market. As such, as per the LP description I find that the dwelling would be a prestige home. In considering the need expressed in the LP, and that this need was deemed sufficient to require a specific policy to address it, I find that this provision weighs in support.
42. In deciding the level of this weight, the appellant identifies a high lack of supply, as no permissions for new dwellings having been approved with reference to Policy LP9. However, the Council considers that the lack of officer report references to LP9 does not indicate this, as LP9 would not be cited if in all other respects the proposal were acceptable, or if it did not form part of the planning balance. I accept this as reasonable, especially because the Council also identifies that numerous large dwellings have been permitted and built across the area.
43. Indeed, the Parish Councillor cites 11 completions of prestige dwellings in Wothorpe since 2017, with a further 3 permitted. I noted several of these

during my site visit, albeit it is unclear if they all post-date the LP adoption. As such, this very local supply of prestige dwellings appears to be occurring anyway, as a result of general market forces and without any specific reliance on Policy LP9. Overall, I therefore give minor weight in support of the proposal, that the dwelling would be a prestige home.

Other benefits

44. The Framework seeks to significantly boost the supply of homes, and paragraph 70 supports the development of windfall sites. The proposal could be developed quickly to make a prompt contribution to local housing provision, in a location where the Stamford facilities can be relatively easily sustainably accessed. There would also be social and economic benefits from local construction, and from the local expenditure and demand for local services by the additional residents.
45. However, the benefit of a single additional dwelling would be a very small-scale contribution, and the parties agreed at the Hearing that the Council can demonstrate a 5 year housing land supply. I do not find the recently proposed Framework changes to provide any additional support in favour of the proposal at this stage. Overall, I give minor weight cumulatively to the general benefits of a new dwelling in this location.
46. The appellant suggests that the proposal would use bespoke, sustainable construction methods to reduce its overall energy consumption. This would be an environmental benefit, and notwithstanding that such is to be expected for the majority of new dwellings, this carries minor weight in favour. That the proposed dwelling would meet the appellant's desire to live in a safe and familiar area, is only a private benefit.

Planning Balance and Conclusion

47. I have given substantial weight that the site would be outside of the village envelope contrary to the development plan, and to the significant harm to the character and appearance of the area, with particular regard to the historic Wothorpe settlement pattern and the coalescence with the built form of Stamford.
48. I have given substantial weight to the benefit of SBCH provision. I have given minor weight to the benefits of the dwelling as a prestige home, its general social and economic benefits, and to the environmental benefit.
49. Overall, the development plan spatial strategy functions to protect against the harmful implications of the aspirational housing desires of those many persons who would wish to live in countryside locations. I find that the proposal's harm would have a wider and more severe impact than its small-scale benefits, notwithstanding the SBCH need and duty.
50. In conclusion therefore, the development would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Christine Ando	Appellant
Mr Ben Ward	Planning Director, Marrons
Mr Andy Moger	Director, Tetlow King

FOR THE LOCAL PLANNING AUTHORITY:

Mr Phil Moore	Development Management Team Leader
Mr Asif Ali	Principal Planner

INTERESTED PERSONS:

Cllr Paul Redfern	Wothorpe and St Martin's Without Parish Council
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DOCUMENTS SUBMITTED AT/FOLLOWING THE HEARING

1. (Appellant) – APP/T2350/W/23/3335737 Land adjacent to 110 Ribchester Road', Clayton Le Dale, Blackburn, Lancashire, BB1 9HQ
2. (Council) – APP/W0530/W/22/3311183 Land south of Lanacre, Chrishall Road, Fowlmere
3. (A) – Unilateral Undertaking reference JAR 2501916.3 with tracked changes
4. (A) – APP/J0540/W/16/3164021 Land east of Camelot, First Drift, Wothorpe PE9 3JL
5. (C) – Stamford Neighbourhood Plan – Adoption Version 2016-2036 (2022)
6. (A) – Block Plan A-P10-002 Rev C
7. (C) – Parish Council Map of Wothorpe
8. (C) – CIL Form Part 1 and 2
9. (C) – Google Street View images of March 2023
10. (A) – Unilateral Undertaking reference JAR 2501916.3 – signed