



Appeal Decision

Site visit made on 25 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/H0520/W/24/3354806

Waters Edge, Elton Road, Wansford, PE8 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Marina View (Wansford) Ltd against the decision of Huntingdonshire District Council.
 - The application Ref is 24/00185/FUL.
 - The development proposed is Erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the appeal form differs from the application form and decision notice. For the avoidance of doubt, I have used the address from the planning application form in the banner heading above.
3. The Council's second reason for refusal relates to inadequate provision for refuse bins for householder waste management. The appeal has been accompanied by a signed unilateral undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The UU relates to a planning obligation regarding a financial contribution towards refuse bin provision and the Council has confirmed that the UU is sufficient to resolve their concerns in this respect. However, as I am dismissing the appeal for another reason, it has not been necessary for me to consider this matter in any further detail.
4. The appellant's Statement of Case refers to the preparation of a new Local Plan, which was subject to consultation on an Issues and Options document in November 2024. I have not been supplied with a copy of the emerging Local Plan. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I note it remains at a very early stage of preparation. I have therefore based my decision on the current adopted Development Plan.

Main Issue

5. The main issues are;
 - whether the appeal site is a suitable location for housing, having regard to the spatial strategy set out in the development plan and accessibility to services and facilities; and
 - whether the proposal makes adequate provision for any additional need for refuse bins arising from the development.

Reasons

Location

6. Policy LP2 of Huntingdonshire's Local Plan to 2036 (HLP) sets out the strategy for and intended distribution of new development within the District. Amongst other things, the aim of this policy is to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. In addition, this policy supports small and windfall development on sites which are in conformity with other policies of the HLP.
7. The site is situated between the villages of Wansford and Elton. Both villages are identified by Policy LP9 as a Small Settlement, which is defined in the plan as a settlement with a single built up area of 30 dwellings or more. LP9 supports development within the built-up area of small settlements, subject to certain criteria being met. The policy also provides conditional support for development proposals on land 'well-related to the Built-up Area' where they accord with specific opportunities allowed for through other policies of the plan. The supporting text to the policy sets out the other policies in question.
8. Given the site is well separated from both Wansford and Elton the appeal site is not considered to be within the built-up area of these settlements, nor on land that is well-related to their built-up areas. The appeal site lies to the north-east of the Waters Edge development and adjacent to its access. From the evidence before me, Waters Edge has a long and complex planning history borne out from the redevelopment of a former quarry to provide a marina, leisure and employment uses, including leisure lodges originally restricted for secondary or holiday occupancy. Subsequent applications were approved on the site to vary the original consent and construct additional lodges and a manager's lodge adjacent to the access, some of which were not subject to amended legal agreements. Consequently, for various reasons relating to the planning history and the legal agreements on the site, both parties agree that the leisure lodges are no longer bound by the secondary or holiday occupancy restriction and are occupied as permanent residences.
9. Evidence supplied by the Council confirms that there are 27 properties within the Waters Edge development. Consent has also been granted for a new dwelling¹ in place of the original manager's lodge on the right-hand side of the site access, opposite the appeal site. The appellant's case is that the Waters Edge development should be regarded as a Small Settlement for the purposes of LP9, and the appeal site within its built-up area, as it is just short of the 30-dwelling definition set in the HLP. I do not agree. Waters Edge is not identified in the list of Small Settlements in the HLP and does not contain a built-up area of 30 or more dwellings. Instead, it is a sporadic development of a small group of houses within the countryside that has evolved to permanent residential occupation as result of a complex planning history and very specific set of circumstances.
10. The table at 4.85 of the HLP also provides guiding principles to be used to determine whether land is within a built-up area. This includes whether it would be a minor scale development opportunity which would provide infill and rounding off opportunities on land, which is physically, functionally and visually related to existing buildings. In this case, the site relates to part of a grass field to the left of

¹ LPA Reference: 22/02099/FUL

the Waters Edge access. Given the number of dwellings in the vicinity, I do not consider the site to be geographically isolated. However, it lies outside of a defined settlement boundary. It is also physically and visually detached from the existing dwellings in the Waters Edge development to the south-west and provides a visual buffer between the built development of Waters Edge and the highway where the land level decreases into the site.

11. A hedgerow screens the site from the highway and the land is well confined by existing boundaries. However, despite its visual screening from the countryside beyond, I nevertheless consider the land relates more to the countryside than it does to the group of buildings to the south-west around the marina, which do not collectively constitute a small settlement in any event. Moreover, the site is not bound to either side by existing development. Therefore, the proposal would not represent an infill or rounding off opportunity either, given the site context and its relationship with nearby built form. Consequently, Policy LP9 is not considered to apply.
12. I note that a new dwelling has been approved on land opposite the appeal site. The Officer Report for this permission identified that the site was within the open countryside, however, gave weight to the extant permission for a manager's lodge in the same location as a fall-back position. Accordingly, the circumstances are not directly comparable with the appeal scheme and even if this dwelling were to be constructed, this would not alter my conclusions above.
13. Where a site is not within the built-up area of a small settlement, or on land well-related to one, it falls to be considered as countryside where Policy LP10 applies. This policy sets out that development will be restricted to limited and specific opportunities as provided for in other policies of the plan, and subject to criteria relating to loss of land of agricultural value, the character and beauty of the countryside and effects from noise, odour, light and other impacts. The Council does not allege conflict with any of the three criteria of LP10. However, of the applicable policies relating to development in the countryside, only Policies LP28 and LP20 relate to residential development. LP28 specifically relates to rural exceptions housing. LP20 is titled 'Homes for Rural Workers', whilst I have not been supplied with a copy of this policy, there is no evidence before me to suggest the development would be for a rural worker. As the proposal is for one open market dwelling, it would not gain support under these policies, nor is it argued by the appellant that the proposal would be supported under Policies LP19, LP22, LP23, LP33 and LP38 which relate to non-residential forms of development permitted in the countryside.
14. Therefore, whilst the Council has not identified any harm to the intrinsic character, beauty and enjoyment of the countryside, the development nevertheless conflicts with LP10 as it fails to comply with any of the limited and specific opportunities allowed for development in the countryside in the development plan. Consequently, it is considered to be an unsuitable type of development in the countryside.
15. With regard to accessibility, Waters Edge does not contain any facilities to support day to day living. I note that there is an extant permission for various leisure buildings on the wider Waters Edge site, including a cafeteria and retail units which were approved in association with the leisure and employment re-development of the site. However, this no longer reflects the current use of the site and there is no evidence before me to suggest that these buildings are likely to be constructed. Particularly given none of the approved uses have been developed in the time

since the original permission was granted. Based on the evidence before me I therefore cannot be certain that there is a greater than theoretical prospect that these buildings would be constructed. As such, future occupants of this dwelling would need to travel to nearby settlements to access day to day facilities.

16. The nearest settlement is Wansford, which although defined as a small settlement, would provide for some needs of future residents as it contains a convenience shop, post office, public houses, doctors' surgery and recreational facilities. It would take around 10-15 minutes to walk or less than 5 minutes to cycle to the village centre. However, I observed that the route is unlit and there is no footpath. Therefore, despite the relatively short distance, given the speed of traffic along this road, it is unlikely that future occupants would choose to travel regularly on foot or by bike in order to access these services and facilities.
17. The appellant advises that there is a bus service in Wansford. However, I have not been provided with sufficient evidence to conclude it would provide a meaningful alternative to car travel. In any event, to access this service would still necessitate travelling to Wansford itself. Consequently, in all reasonable likelihood, future occupants of the development would be heavily reliant on the private car to meet their daily needs. The same conclusions would be drawn in relation to accessing services in Elton which is further away from the appeal site.
18. I acknowledge that opportunities to maximise sustainable transport solutions vary from urban to rural areas. Moreover, the number of vehicle movements arising from a single dwelling would not be significant and the use of electric vehicles could reduce their environmental effects. As suggested, conditions could secure the provision of vehicle charging points and cycle parking on site. However, the site's poor connectivity by sustainable travel modes nonetheless points, generally, to it being in a location where sustainable modes could not be maximised and considering my conclusions above, provision of cycle parking on site would not overcome these concerns.
19. The appellant has drawn my attention to an appeal decision² which they consider has similarities with the appeal scheme. I have taken this into account so far as I am able to, based on the information before me. However, I note that the appeal was in a different local authority area where different local planning policies applied. The Inspector also concluded that the development was an acceptable small-scale infill development given the sites context with adjacent dwellings. Whilst I have not been supplied with the full details of this case or copies of the relevant planning policies or plans, from the evidence before me it would seem that the case is not directly comparable to the appeal scheme, which I have assessed on its own planning merits.
20. Therefore, for the above reasons, I conclude that the appeal site represents an unsuitable location for housing, having regard to the spatial strategy set out in the development plan and accessibility to services and facilities. The development would therefore conflict with Policies LP10 and LP16 of the HLP which amongst other things, seek to ensure that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the Local Plan and that opportunities for the use of sustainable travel modes are maximised.

² APP/M2840/W/24/3340893

However, I find no conflict with Policy LP9 given it contains criteria for development which are not considered to be applicable in this case.

Refuse bin provision

21. Part H of the Council's Developer Contributions SPD (2011) confirms and justifies the Council's requirement for a financial contribution towards refuse bins for all new residential development to ensure appropriate householder waste management. This is supported by Policy LP4 of the HLP which requires contributions towards the provision of infrastructure that is considered to be necessary to make a proposal acceptable in planning terms, such as waste recycling facilities.
22. The appeal has been accompanied by a signed UU pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The UU relates to a planning obligation regarding a financial contribution towards refuse bin provision. The Council has confirmed that the submitted UU is sufficient to address the Council's concerns in respect of this reason for refusal.
23. Given this policy context, I am satisfied that a planning obligation for refuse bins is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, it meets the three statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Policy LP4 of the HLP.
24. However, the UU is not legally sound as page 2 of the document is undated, it does not state that it is a planning obligation, and it has not been correctly executed as it does not appear to have been witnessed. I therefore consider that it is fundamentally flawed and consequently I have no confidence that it would be enforceable or would secure what it sets out to achieve. As such, the UU holds no weight in my decision.
25. The proposal would therefore fail to make adequate provision for additional needs for refuse bins arising from the development. It would therefore be contrary to Policy LP4 of the HLP and the Council's Developer Contributions SPD (2011), which collectively require contributions towards the provision of householder waste recycling facilities in the interest of developing sustainable communities by ensuring that waste production is reduced, and recycling is increased.

Other Matters

26. As set out above, the appellant has referred to an extant permission for various leisure facilities on the wider site which they say amounts to some 1,500sqm of floor space. The appellant puts forward that this permission could be waived in favour of a more appropriate development; however, there is no facility for me to consider this and I am required to consider the proposal before me on its merits.
27. No harm has been identified in respect of the impact of the development on the character and appearance of the area, the design of the dwelling, effect on living conditions, ecology and biodiversity, the provision of drainage infrastructure and other matters. However, the absence of harm in respect of these matters' weighs neither for, nor against the proposal.
28. The appellant advances that the development would support increased tourism, visitors and recreation in the district, as the Waters Edge development has

moorings to make use of the river for recreational purposes. No evidence has been provided to demonstrate how this development would deliver such benefits. However, any associated benefit from the development of one dwelling would be limited.

29. Reference has also been made to the use of renewable energy technologies and energy efficient construction. However, there is little in the evidence to suggest the development would go beyond the requirements of the development plan in this regard.

Planning Balance and Conclusion

30. The appeal scheme would deliver the benefit of one dwelling with the potential to be accessible and adaptable and would therefore make a small but beneficial contribution to the choice of homes in the district and its supply of housing land. Even if I were to agree with the submission that the area's housing requirement will increase, I have no evidence before me to suggest that the Council cannot demonstrate a five-year housing land supply, and the proposal would provide only one house so that benefits in this regard would be minimal.
31. There would be some increased spending from new residents, which would support the vitality of rural communities and given the site's location could support tourism and recreation in the district. There would also be social and economic benefits during construction. However, the contribution that would be made by a single dwelling would be modest and therefore, these benefits carry moderate weight in support of the appeal. Additional landscaping improvements would also provide biodiversity benefits, and this could be secured by condition as suggested. However, I have minimal evidence before me in this respect and therefore I cannot be certain on the level of benefits this would bring. Subsequently, I can give this no more than limited weight in support of the appeal.
32. However, I have found that the proposal would fail to make adequate provision for additional needs for refuse bins arising from the development, which weighs negatively against the development. Furthermore, the appeal site represents an unsuitable location for housing, having regard to the spatial strategy set out in the development plan and accessibility to services and facilities. Even if the UU had been acceptable, the significant weight I afford to the identified harm outweighs the benefits of the scheme.
33. Consequently, the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Whitfield

INSPECTOR