



Appeal Decision

Site visit made on 29 January 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/H0520/W/24/3349306

10 Honey Hill, Fenstanton, Cambridgeshire PE28 9JP

- 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 Mr David Tiffin of Cambridgeshire Land against the decision of Huntingdonshire District Council.
 - The application Ref is 23/02331/FUL.
 - The development proposed is described as the “erection of 4 dwellings with new access following demolition of existing dwelling and outbuildings”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. In determining this appeal involving development within a Conservation Area and the setting of several listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. An updated Arboricultural Impact Assessment¹ (AIA) has been submitted with the appeal. While I cannot be certain the AIA has been subject to wider publicity, this is a technical document which does not alter the location or nature of the scheme that was subject to wider publicity. In any event, the Council has had opportunity to comment on the AIA. As such, interested parties have not been unduly prejudiced by my acceptance of this technical evidence.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the development proposed, having regard to the development plan,
 - the effect of the proposed development on the living conditions of future occupiers of Plot 3, with particular regard to privacy, and Plot 4, with particular regard to daylight,

¹ Arboricultural Impact Assessment & Method Statement OAS 20-226-AR01 Rev B March 2024

- the effect of the proposed development on the living conditions of the neighbouring occupiers of 24 Honey Hill, with particular regard to privacy and outlook,
- the impact of the development on the character and appearance of the area, including in respect to a protected tree,
- whether the development would preserve or enhance the character or the appearance of the Fenstanton Conservation Area,
- whether the proposal would preserve the setting of nearby listed buildings, and
- whether the proposal makes suitable provision for waste and recycling management.

Reasons

Whether a suitable location

6. Policy LP2 of Huntingdonshire's Local Plan to 2036 (LP) identifies Fenstanton as a Key Service Centre. LP Policy LP8 states, among other things, that a proposal for development on a site will be supported where it is located within a built-up area of a Key Service Centre. LP Policy LP10 outlines, among other things, that proposals within the countryside are restricted to the limited and specific opportunities as provided for in other policies of the LP.
7. The appeal site comprises a dwelling, 10 Honey Hill (No 10), that is sited in large grounds. No 10 is located to the rear of properties which front Honey Hill. There is no dispute between the parties that this property and its curtilage fall within the built-up area. However, the main parties disagree as to whether or not two separate parcels of land fall within the built-up area.
8. It is alleged that the whole of the appeal site has formed the private garden area to the existing building since 1928. However, it is also asserted that the parcels of land in dispute have been used as a paddock, which was evident during my site visit, and for horticulture.
9. Having regard to the LP definition of a built-up area, the first parcel of land in dispute, is a large, elongated area which extends from the boundary with Honey Hill, between 4 and 6 Honey Hill (Nos 4 and 6), to the boundary with 31 Manor Drive. The appeal evidence indicates that a section of this land, located between Nos 4 and 6, previously contained built development. However, it is not clear from the evidence before me as to the use of such development. Therefore, such information does not substantiate the assertion that the land use is residential or that it comprises brownfield land. In any case, the development is no longer in situ.
10. Nearby existing built development is close to and partially encloses this land. While the tree belt, at the northerly section of this parcel of land, restricts some views of the countryside beyond, this land, nevertheless, adjoins the countryside.
11. The land is largely open and laid to grass, with some trees and vegetation within it. It does not have the appearance of a formal garden. Moreover, it allows for largely uninterrupted views from Honey Hill to the tree belt, and partial views of the countryside beyond. Having regard to this and its distance from No 10, the land does not appear as a formal garden which relates closely to No 10. Therefore,

based on the evidence submitted, this parcel of land is perceived to be part of the surrounding countryside.

12. The second parcel of land, in which plot 4 would be broadly sited, lies adjacent to the tree belt. The appellant highlights that the Council considers that this parcel comprises part of the larger residential curtilage to No 10. While noting this, part of the land is fenced off from No 10, comprising hardstanding and two stables, with the remaining land laid to grass. This land has a rural appearance, as opposed to a formal garden, that relates more to the fields and countryside beyond.
13. Consequently, while noting the appeal scheme's proximity with the existing built form and village, the evidence indicates that the two parcels of land identified fall outside of the built-up area.
14. While noting the appeal site's location within a character area identified within the Huntingdonshire Landscape and Townscape Supplementary Planning Document 2022 (SPD), the SPD provides guidance in respect of the existing landscape and townscape character of the district. It is not, therefore, determinative in respect of whether or not a site falls within a built-up area.
15. While reference is made to a version of the LP adopted in 1995 and the Fenstanton village community map, there is limited substantive evidence which confirms that such documents form part of the development plan. As such, they carry limited weight in the determination of the appeal.
16. For the above reasons, the principle of development in the countryside would not be supported by LP Policies LP2, LP8 and LP10.

Living conditions future occupiers

17. The appeal scheme proposes a first floor bedroom window in the front elevation of plot 4. This window would face directly towards the private rear garden to plot 3. The height and proximity of this window in relation to the neighbouring rear garden would result in a material loss of privacy for future occupiers of plot 3.
18. A protected tree (T14) lies outside of the appeal site, but close to plot 4. The appellant highlights that plot 4 would be approximately 13m from the trunk of T14 and 11m from the nearest branch. While noting these distances, the submitted evidence indicates that the canopy of the tree would, nevertheless, overhang a section of the appeal site, that would contain the private rear garden serving plot 4.
19. While sunpath analysis has been provided, it does not provide substantive evidence in respect of the extent of any shading which may occur. Having regard to the path of the sun and given the proximity of the protected tree to plot 4 and its garden, together with its height and canopy spread, it is likely that there would be shading of the garden and nearby habitable rooms during the day.
20. Noting the sunpath analysis confirms that T14 would only start to effect plot 4 after 4.28pm during the summer, it is likely that the most significant impact would be during the later afternoon and evening.
21. Consequently, based on the evidence submitted, the garden and habitable rooms within plot 4, notably the kitchen/diner and bedrooms 2 and 3, are likely to receive limited levels of daylight, to the detriment of future occupiers.

22. In conclusion, the proposed development would have a harmful effect on the living conditions of future occupiers of Plot 3, with particular regard to privacy, and Plot 4, with particular regard to daylight. This would conflict with LP Policy LP14 which seeks to ensure a high standard of amenity is provided for all users and occupiers of the proposed development.

Living conditions neighbouring occupiers

23. Plot 4 would be orientated with its flank elevation facing towards the rear elevation of 24 Honey Hill (No 24). While noting there would be in excess of 21m between these elevations, which the appellant asserts is a typical standard for local authorities, plot 4 would be sited close to the rear garden of No 24.
24. There are two first floor bedroom windows in the flank elevation of plot 4. While the existing and proposed boundary treatment and landscaping would offer some screening, due to the height and proximity of these windows to the shared rear boundary with No 24, future occupiers of plot 4 would have direct views over the private rear garden serving No 24. Consequently, the occupiers of No 24 would experience an unacceptable loss of privacy as a result of the proposed layout.
25. Although plot 4 would be subservient to its neighbour, it would, nevertheless, be two storeys high and its depth would extend almost the full width of No 24's plot. The significant massing of plot 4 close to the shared rear boundary with No 24, would have an unacceptable overbearing effect on the outlook of the occupiers of No 24 when seen in views from their rear garden.
26. For these reasons, the proposed development would have an unacceptable impact on the living conditions of the occupiers of 24 Honey Hill, with particular regard to privacy and outlook. This would conflict with LP Policy LP14 which seeks to ensure a high standard of amenity is maintained for users and occupiers of neighbouring land and buildings.

Character and appearance

27. Built development in the area is typically of modest size and has a linear layout, with properties largely fronting the highway. Properties in the locality typically have flat frontages and pitched roofs. Although there are a variety of materials within Fenstanton, facing materials of the built development in the vicinity of the appeal site predominately comprise brick and render.
28. The appeal site lies within the Fenstanton Character Area 2: Chequer Street and Honey Hill, as identified in the SPD. This states that the Honey Hill junction with Chequer Street and Hall Green Lane is characterised by four small greens, with the character area being described as having a green edge towards Hall Green Brook to the north of the appeal site. The scale and layout of the built form, the greens, neighbouring countryside, trees and vegetation give the area a verdant and spacious character.
29. The appeal site encompasses a residential dwelling, No 10, a 1.5 storey dwelling of modest scale. It is discreetly located to the rear of properties that front onto Honey Hill. While the layout of No 10 is at odds with the layout of the surrounding built form, its plot size, verdant and open surroundings, modest built form and discreet siting contribute towards the character and appearance of the area.

30. The appeal scheme seeks to replace No 10, which has substantial structural issues, with four, two storey detached dwellings, with large, elongated footprints. The appeal scheme would be located to the rear of existing properties and accessed via a new access road. The appeal site entrance would be located between 4 and 6 Honey Hill, which comprises a predominately open piece of land that is largely laid to grass.
31. The urban grain density plans indicate that the appeal scheme broadly mirrors the density of surrounding development. While this is noted and the tree belt, which will have grown since the topographical survey in 2020, offers some obscurity, the appeal scheme would, nevertheless, introduce development in a backland location.
32. While it is noted that the appeal scheme is a revised and reduced proposal from an earlier planning application, nevertheless, the introduction of four dwellings with substantial footprints, scale and massing, with an associated access and driveway, would serve to urbanise the appeal site.
33. The proposed dwellings would have uncharacteristically long, narrow footprints and staggered frontages. While noting the properties have a reduced ridge height, the roof design incorporates large flat roofs, resulting in shallow roof heights that would unbalance the proportions of the proposed properties. The design of the properties would introduce timber cladding and exposed timber rafter eaves, materials and detailing which are not prevalent in the area. Moreover, the incongruous nature of the appeal scheme would be further exacerbated through the proposed mix of traditional and contemporary styles.
34. Consequently, as a result of its layout, scale and design, the proposed development would result in an incongruous form of development, that would erode the open and verdant character of the appeal site. This would be at odds with, and detrimental to, the prevailing character and appearance of the area.
35. Outside the boundary of the appeal site are several trees, including a Horse Chestnut (T14) that is covered by a Tree Preservation Order² (TPO). Due to its size, height and prominence, T14 is visible from a number of vantage points within the surrounding area. Due to its size, height and prominence, the tree contributes to the visual amenity of the area.
36. The revised AIA states that the parking spaces to serve plot 4 would need to be constructed using a 3d cellular system to avoid damage to the tree roots of T14, with protective fencing installed during construction. However, the Council consider that further details relating to the proposed external levels and finished floor levels would be required to determine whether the suggested design approach is appropriate. Due to the proximity of T14 to the proposed development, it would not be appropriate to secure such matters by condition, as there is limited evidence that would indicate any potential harm to the tree arising from changes in levels could be avoided while according with the submitted plans.
37. Consequently, the information submitted is inadequate to ensure that the proposed development would not result in harm to the health and longevity of this tree. Moreover, I have already concluded that the proximity of T14 to plot 4 is likely to lead to reduced levels of daylight for future occupiers. As such, it is likely that there would be future pressure to prune or lop the tree to improve light levels to plot 4

² TPO reference L/TPO/375

and its garden area. Therefore, any harm that may arise, either through construction or pruning works, could adversely affect the contribution the tree makes to the character and appearance of the area.

38. Given the distance between the Plot 4 and T14, there could be a perceived threat to property damage. It would be difficult for the Council to resist applications to prune or fell in circumstances such as where safety is at issue.
39. Consequently, the appeal scheme would result in unacceptable harm to the character and appearance of the area, including in respect to a protected tree, contrary to LP Policies LP11, LP12 and LP31. Collectively, these seek to ensure proposals are well designed and respond positively to its context, helping to create distinctive, high quality and well-designed places and supported where they seek to conserve any existing tree of value that would be affected.

Conservation Area

40. Part of the appeal site is located within the Fenstanton Conservation Area (CA), with the remainder adjacent. The Conservation Area Character Statement 1996 states that historically the settlement was dispersed around the church, on higher ground on the edge of the Great Ouse valley and wider expanse of the Great Fen. The character of the CA is one of a rural village on the edge of the countryside, with modest properties in a linear layout. There are views through the built development across existing open space to the belts of trees and fields within the countryside. Such views reinforce the historic rural character of the village. The significance of the CA, insofar as is relevant to this appeal, is derived from its historic rural character and the predominately modest and dispersed built form that has a linear layout, fronting a highway with open land to the rear.
41. The modest scale and discreet siting of No 10, along with the largely open and rural character of the appeal site, allows for views from public vantage points along Honey Hill towards the adjacent tree belt and wider countryside. Such views allow for the rural setting of the CA to be appreciated. As such, the appeal site contributes to the significance of the CA.
42. The parcel of land which would accommodate the proposed access road lies broadly between 4 and 6 Honey Hill. While historic maps and photos indicate that this part of the appeal site previously contained built development, such development is no longer in situ.
43. The appellant has sought to demonstrate that, through the design and layout of the appeal scheme, there would be limited views of the proposal from Honey Hill. This includes the scheme design utilising the topography of the appeal site, negating the need for retaining walls, and ensuring the ridge height of the tallest proposed plot would be lower than neighbouring properties. Nevertheless, the new access and driveway would be wholly visible and there would be partial views of the proposed dwellings from Honey Hill.
44. While the design incorporates all existing landscaping features, the proposed development would introduce built form of a substantial scale and mass into the appeal site, in a backland setting that is at odds with the linear form of the surrounding development. Along with the associated access and driveway, the proposal would urbanise the appeal site, eroding its open and rural qualities. Moreover, the proposed properties would restrict views from the CA to the

countryside beyond. As such, the appeal proposal would harmfully reduce the countryside setting of the CA.

45. Consequently, the appeal scheme would fail to preserve or enhance the character or the appearance of the Fenstanton CA as a whole, and would result in harm to the significance of the designated heritage asset. The appeal scheme is therefore contrary to the Act and LP Policy LP34, which collectively seeks, among other things, that proposals within or affecting the setting of a conservation area should preserve or enhance features that contribute positively to the area's character and appearance.
46. As required by paragraph 212 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset is at the lower end of less than substantial.
47. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal. I turn to this in the overall heritage and planning balance later in the decision.

Listed Buildings

48. The appeal site lies within the setting of 6, 14, 16 and 18 Honey Hill (List Entry Nos 1128482, 1128483 and 1128484). These are all Grade II listed buildings.
49. No 6 is now a cottage but was formerly a Methodist Chapel. It fronts Honey Hill and its flank wall is adjacent to the section of appeal site that would comprise the site access. As such, its significance is derived, insofar as is relevant to this appeal, from its historic use, its relationship with the built settlement and its relationship to the evolution of the historic rural village.
50. Nos 14, 16 and 18 are characteristic of small rural workers cottages, which have a historic relationship with the countryside. As such, their significance is derived, in part, from the historic rural context of their setting.
51. The appeal site is located to the side and rear of No 6 and broadly to the rear of Nos 14, 16 and 18. The largely open and rural appearance of the appeal site contributes to the significance of these buildings.
52. The introduction of a new access and driveway would materially alter the visual appearance of the appeal site at its boundary with Honey Hill. Due to the location, scale and massing of the proposed dwellings, the appeal scheme would urbanise the appeal site and restrict views into the countryside beyond. As such, the appeal scheme would harmfully change the character of the setting of these designated heritage assets.
53. Accordingly, the proposal would fail to comply with the Act and LP Policy LP34 insofar as it seeks to ensure great weight and importance is given to the conservation of heritage assets and their settings.
54. Bearing in mind the scale and nature of the proposal relative to the listed buildings, the degree of harm to their significance would be at the lower end of less than substantial. This harm needs to be weighed against the public benefits of the scheme, which I consider further in the overall heritage and planning balance.

Waste and recycling

55. LP Policy LP4 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. It also states that such contributions will be calculated as set out in the Developer Contributions Supplementary Planning Document 2011 (DCSPD).
56. The DCSPD states 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 DCSPD indicates the cost of the bins will be reviewed annually.
57. 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 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the Framework.
58. The appellant understood that a Unilateral Undertaking (UU), submitted with a previous planning application in January 2022, would be reused, as the Council did not request that an additional UU be submitted in connection with the appeal scheme. Notwithstanding this, they have indicated their willingness to submit a revised UU with the latest fees and consider that this could be secured by condition, should the appeal proposal be otherwise acceptable.
59. However, the Planning Practice Guidance³ (PPG) states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. While the PPG indicates that such an approach may, in exceptional circumstances, be appropriate, no clear evidence that the delivery of the development would otherwise be at serious risk has been provided.
60. Where consideration is given to using a negatively worded condition of this sort, the PPG advises, among other things, that the heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency. While noting the UU submitted in respect of a previous scheme for six dwellings has been submitted, no updated details have been provided and agreed as part of this appeal.
61. Consequently, the appeal scheme would not secure the necessary contribution to offset the costs of wheeled bin provision, as required by LP Policy LP4. Even if a complete UU were before me, it would not overcome the other harms I have identified in the main issues.
62. Therefore, in the absence of a completed UU, the proposal would not make adequate provision for waste management, contrary to the requirements of Policy LP4, as set out above.

Other Matters

63. Concerns have been raised in respect of the planning application process, not just in relation to the appeal scheme but since 2020. Matters raised include pre-

³ Planning Practice Guidance Paragraph: 010 Reference ID: 21a-010-20190723

application advice, previous planning applications, inconsistent and contradictory advice and delayed responses. While noted, these are matters between the Council and appellant.

Heritage and Planning Balance

64. The proposal would contribute towards the housing supply in the area, thereby supporting the Government's objective of significantly boosting the supply of homes. The site design would deliver a sustainable development with soakaways, aqua cells, rainwater harvesting and solar, with suitable refuse and cycle storage. Moreover, the appellant confirms there would be additional planting, net biodiversity enhancement and new open space.
65. There are bus routes from Fenstanton to St Ives, which provide transport options to the wider region. In addition, the area offers a range of services, including bars, shops, restaurants, doctors, church, schools and clubs.
66. The proposal, on land in Flood Zone 1, intends to provide a new green space with connection to the countryside via a footpath, thereby overcoming a criticism of the character area in the SPD in relation to a lack of public access to this area. It also proposes improved accessibility and enhancement of views to the TPO from Honey Hill by introducing further green landscaping. Moreover, the appellant highlights their intention to work with a third party to promote a wildlife reserve.
67. Cumulatively, the wider public and planning benefits associated with a net gain of three dwellings carry limited weight in favour of the appeal scheme. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. Consequently, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh the harm to the significance of the designated heritage assets identified.
68. I have also found that there would be conflict with the Council's development plan policies in relation to the location of the development, living conditions of future and neighbouring occupiers, the character and appearance of the area and waste and recycling.

Conclusion

69. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR