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## Appeal Decision

Site visit made on 4 April 2017

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2017

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**Appeal Ref: APP/W0530/W/16/3164310**

**Site south of Thompsons Meadow, Trap Road, Guilden Morden, Cambridgeshire SG8 0JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by John Boston against the decision of South Cambridgeshire District Council.
  - The application Ref S/0191/16/OL, dated 21 January 2016, was refused by notice dated 7 September 2016.
  - The development proposed is 36 new dwellings (22 market & 14 affordable homes) and formation of new access.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Brian Christian (as Agent) against South Cambridgeshire District Council. This application will be the subject of a separate Decision.

### Procedural Matters

3. The application was submitted in outline with all matters reserved. I have dealt with the appeal in the same manner and have thus treated all plans as indicative only.
4. The details of the proposal altered through the application process and resulted in a reduction of the proposed number of houses to 30 (including 12 affordable units) from the 36 which is stated on the application form and in my header above. I have based my decision on the scheme the Council made their decision on, of 30 units.

### Main Issue

5. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the proximity and accessibility of services.

### Reasons

6. Guilden Morden has a dispersed linear character, with development largely located along the roads of High Street/Pound Green, Church Street, and Trap Road/Fox Hill Road. The site, a large roughly square field lies on the southern
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fringes of the village, and is overlooked by fairly modern development on the road of Thompsons Meadow. The site is bordered by mature trees, which effectively serve to screen the site from most directions.

7. The village has a very limited range of facilities and services, including a primary school and church, and a pub. These services are all within easy walking distance of the site along established highway footpaths. A previous shop in the village closed down during the consideration of the application.
8. The village has a bus service linking the settlement to the town of Royston to the south. This service operates 5 times a day to and from the town. 1 bus a day runs to and from Cambridge to link up with the city's sixth form colleges. Such bus services are very limited and would not cater for many journeys for employment or shopping trips. I note that the appellant states that a wider range of facilities than are available in Guilden Morden are accessible in the closer village of Ashwell; however there only appears to be 2 buses a week to this village, both on a Wednesday, and the train station at this settlement is located some 4 miles away, according to various pieces of evidence.
9. Due to the lack of a shop and post office, the level of services in the village are such that even the most basic of shopping trips would require the use of private transport. Education needs would be provided by the primary school, and at a higher level via public transport to the village college in Bassingbourn and the sixth form colleges in Cambridge. Whilst I note that homeworking and home deliveries from supermarkets are becoming more prevalent, this would likely not significantly reduce the number of private car trips from the site; a submitted transport statement predicts that the slightly larger 36 home scheme would generate some 184 traffic movements per day, a not insubstantial number. I also have limited information on employment opportunities in the village; given this and based on my site visit it appeared that nearly all sources of employment would also need to be accessed by private vehicle.
10. Core Strategy<sup>1</sup> Policy ST/6 defines Guilden Morden as a 'group village'. In these villages residential development up to an indicative maximum size of 8 dwellings, or exceptionally 15 dwellings on brownfield sites will be permitted within village frameworks. The site lies outside of, but next to the defined village development framework. Development Control Policies DPD<sup>2</sup> (the DPD) Policy DP/1 (a) states that development will only be permitted where it would be consistent with the sequential approach to development as set out in the Core Strategy, and policy DP/7 states that outside frameworks, only development for agriculture, horticulture, forestry, outdoor recreation or other countryside specific uses will be permitted. The proposal would thus not comply with these policies.
11. However, there is no dispute between the parties that the Council are unable to demonstrate a five year supply of deliverable housing sites. The latest information I have in the evidence submitted states that the Council currently have a 3.7 year supply. In such circumstances the National Planning Policy Framework (the Framework) states that relevant policies for the supply of

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<sup>1</sup> South Cambridgeshire District Council Local Development Framework Core Strategy Development Plan Document 2007

<sup>2</sup> South Cambridgeshire District Council Local Development Framework Development Control Policies Development Plan Document 2007

- housing should not be considered up to date. Policies ST/6, DP/7 and criteria (a) of Policy DP/1 all seek to restrict and control the supply of housing and as such are relevant policies.
12. Paragraph 14 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
  13. The development of a field with housing will inevitably cause some environmental harm. However, the density of the proposal is such that, with suitable conditions, the surrounding trees would be protected and such environmental harm would be minor. The Grade II\* listed building of Morden Hall lies to the east of the site. However, this property is sited down a fairly long access track and I do not consider that the proposal would adversely affect the setting of this listed building.
  14. However, as considered above, I do not consider that the village bus services would provide a sufficient service for many needs and consider that most future residents of the proposal would likely use private transport to access jobs and virtually all services. In this respect the proposal would conflict with the core planning principle of the Framework that planning should actively manage patterns of growth to make the fullest possible use of public transport.
  15. The proposal would provide up to 30 dwellings. This would have a positive economic and social benefit during their construction and due to the activities of the future residents of the houses. In addition, 40% affordable housing on the site (12 units) would also provide a significant social benefit in favour of the proposal; a Housing Needs Survey<sup>3</sup> based on a survey conducted in January and February 2015 states that the challenge for new entrants to the Guilden Morden property market is as much about availability as affordability, and concludes that the scale of identified need would typically justify a scheme of up to a dozen affordable dwellings. 30 dwellings would also have a positive effect on the housing supply of the District, particularly given the stated 3.7 year supply, and would comply with the Framework's core principle that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs.
  16. I note that the Parish Council are fully in support of the proposal. They consider that the additional homes could increase the sustainability of the village, including the community facilities, churches, preschool, school and local businesses such as the pub, and potentially the Three Tuns [a closed pub in the village]. I also note the older demographic of the village when compared to the District average, and support to the scheme expressed in a public meeting. It is self-evident that the new houses and the residents within them would use the village's services to a certain degree.
  17. This would to a certain extent comply with paragraph 55 of the Framework, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and with Planning Practice Guidance, which advises that affordable and accessible rural housing is essential to ensure viable use of the

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<sup>3</sup> Housing Need Survey Results Report for Guilden Morden, Cambridgeshire ACRE, January-February 2015

local facilities on which thriving local communities depend. However, I have no substantive evidence that services such as the pub, school, pre-school or churches are struggling and in need of the proposal to maintain such a level of service.

18. Furthermore, on this point evidence submitted indicates that since the appeal has been made a scheme for 16 dwellings on the same site, with 8 affordable dwellings has been approved subject to a Section 106 Agreement. I have limited information on the exact details of this scheme, but I do note that the approved proposal would provide two-thirds of the affordable housing that the appeal before me would, at a higher percentage in relation to the proposed open market housing. However, clearly the appeal before me proposes almost double the amount of open market housing in a Council area with an acknowledged lack of deliverable housing sites. As stated above therefore the affordable and open market units that the proposal would provide both weigh in favour of the scheme.
19. It is put to me that the use of the site for 30 dwellings is a more sustainable use of land than for 16 houses. However, whilst additional homes on the same site would be a more effective use of the land, it would also have a proportionally greater impact on the number of car bound trips that the proposals would generate.
20. I have considered the appeal very carefully. Paragraph 28 of the Framework states that to promote a strong rural economy, plans should promote the retention and development of local services and community facilities in villages. However, when considering the fact that the village does not have a shop or a post office, and the lack of substantive evidence that the few services the settlement can offer require support, and my consequent conclusion that nearly all of the future residents day to day needs would be required to be met using private transport, I consider, when assessed against the policies of the Framework as a whole, that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposed new housing, and the scheme would not therefore constitute sustainable development.
21. For the same reasons, due to the location of the proposal I consider that when taken as a whole the proposal would be contrary to Policy DP(1) of the DPD, which states that development will only be permitted where it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Above I have concluded that policies ST/6 of the Core Strategy and DP/1(a) and DP/7 of the DPD should not be considered up to date. However, this does not mean that they have no weight. I consider that such policies seek to promote sustainable development and a sustainable pattern of development, which accords with the overall aims of the Framework, and I grant them limited weight.
23. Planning law indicates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I place limited weight on the proposals

conflict with Policy ST/6 of the Core Strategy and Policy DP/7 of the DPD, and, particularly given my conclusions above considering the conflict of the proposal with the Framework provide substantial weight to the conflict with the overall thrust of Policy DP(1) of the DPD. Accordingly, I conclude that the development would not provide a suitable site for housing, having regard to the proximity and accessibility of services.

#### *Other Matters*

24. My attention is drawn to various other appeal decisions within the same District Council area which are referenced in the Council's committee report. I note that each appeal and application should be dealt with on its own merits; furthermore I note that the cases cited are in settlements with differing characteristics and services than those present in Guilden Morden, with reference made to train stations, more frequent bus services and a wider range of public facilities. An objector notes a case in Balsham; however that village benefits from a village shop and post office and direct evidence was supplied from the local primary school over declining rolls at the school. The appellant also notes a recent decision in North Somerset<sup>4</sup>. In that case the village in question appears to have a store and bus services effectively every half an hour through the village to larger settlements.
25. A unilateral undertaking has been submitted to secure the affordable housing provision, as well as open space and various contributions. There is considerable disagreement between the parties over various details contained within the undertaking. However, given that I am dismissing the appeal on other grounds I have not considered this matter further.
26. I note the appellant's concern with the progress of the planning application, including issues regarding the Officer's report to committee and the cost of Design Panel fees which were recommended but did not result in a positive decision. Complaints over the Council's handling of the application should be made in the first instance through the Authority's own complaints procedure.

#### **Conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR

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<sup>4</sup> APP/D0121/W/15/3139633