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## Appeal Decision

Inquiry held on 16-26 May 2017

Site visit made on 25 May 2017

**by Michael Boniface MSc MRTPI**

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

**Decision date: 21 July 2017**

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**Appeal Ref: APP/H0520/W/16/3159161**

**Land off Lucks Lane, Buckden, Cambridgeshire**

- 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 Gladman Developments Ltd against the decision of Huntingdonshire District Council.
  - The application Ref 16/00576/OUT, dated 18 March 2016, was refused by notice dated 15 August 2016.
  - The development proposed is up to 180 residential dwellings (including 40% affordable housing), demolition of garage belonging to 24 Mayfield for pedestrian access, introduction of structural planting and landscaping, informal public open space and children's play area, surface water attenuation, vehicular access point from Lucks lane and associated ancillary works.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 July 2017.**

### Decision

1. The appeal is allowed and planning permission is granted for up to 180 residential dwellings (including 40% affordable housing), demolition of garage belonging to 24 Mayfield for pedestrian access, introduction of structural planting and landscaping, informal public open space and children's play area, surface water attenuation, vehicular access point from Lucks lane and associated ancillary works at Land off Lucks Lane, Buckden, Cambridgeshire in accordance with the terms of the application, Ref 16/00576/OUT, dated 18 March 2016, subject to the conditions contained in the attached Schedule.

### Preliminary Matters

2. The application is submitted in outline form with details of the access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
3. After the Council had issued its decision but before the inquiry opened, additional information was submitted by the appellant in relation to matters of archaeology, highway safety and capacity, flood risk and the absence of appropriate planning obligations. These matters were resolved to the satisfaction of the Council prior to the inquiry and the Council did not present evidence on these topics or pursue these elements of its reason for refusal.

4. As part of these ongoing discussions between the appellant and the Council, along with statutory consultees, a scheme of highway modifications to Lucks Lane and Stirtloe Lane was submitted (drawing 4746-00-15B). This was accepted by the Council, which acknowledged that the works addressed its concerns in respect of highway safety and capacity. The proposed works are relatively modest in the vicinity of the site and I am satisfied that no party is prejudiced by me taking them into account as part of the appeal. I have had regard to the comments made by local people in response to the appellant's consultation exercise in respect of these works.

### **Main Issues**

5. The main issues are whether the Council can demonstrate a deliverable five year housing land supply and whether the site is a suitable location for the proposed residential development having regard to the development plan; the effect on the character and appearance of the area; and the effect on highway safety and capacity.

### **Reasons**

*Policy context, housing land supply and location*

#### Policy

6. Policy CS 2 of the Council's Core Strategy (2009) (CS) is a strategic housing development policy which sets out the number of houses that is to be delivered during the plan period and their broad distribution across the district. Policy CS 3 sets out a more detailed settlement hierarchy which seeks to manage the scale of housing development appropriate on unallocated sites. Buckden is identified as a Key Service Centre, where development schemes of moderate and minor scale and infilling may be appropriate within the built-up area. According to the policy, this includes schemes up to 59 dwellings. Development proposals of a larger scale may be allowed where site specific circumstances demonstrate that this secures the most sustainable option for the site, but in all cases development is expected to be within the built-up area.
7. The appellant accepts that the appeal site is outside the built-up area and there is conflict with Policy CS 3 but considers that it, along with Policy CS 2, is out of date and inconsistent with the National Planning Policy Framework (the Framework). It seems to me that this is clearly the case. Policy CS 2 seeks to deliver a housing requirement based upon the, now revoked, East of England Plan, along with an additional allowance to extend up to the end of the plan period in 2026. The Council does not suggest that this figure represents the full objectively assessed housing need as required by paragraph 47 of the Framework and itself identifies a significantly higher figure. Planning for this level of delivery is clearly at odds with the Framework's requirement to boost significantly the supply of housing.
8. In fact, the plan was accepted by the Council to be incomplete and so cannot be said even to plan effectively for the level of growth it identifies. This is because the plan operates at a strategic level and relies on subsequent Development Plan Documents to identify specific sites for development outside the Spatial Planning Areas. These have never been delivered as the Council has subsequently altered its approach and is preparing a new Local Plan. The

Council also accepted during the inquiry that it was not possible to deliver the necessary level of housing without using sites outside of the built-up area. The emerging Draft Local Plan to 2036 (Draft LP) identifies a number of such draft allocations, including a site at Buckden, though the Draft LP is at an early stage of preparation.

9. It is clear that these CS policies are incapable of meeting the full objectively assessed housing need in the area and that development will need to be approved contrary to them in order to do so. The Council does not dispute that this is the case and examples of such decisions taken by the Council were provided by the appellant<sup>1</sup>.
10. Whilst there is significant public benefit in maintaining a plan led system for the delivery of housing, it is a core planning principle of the Framework that plans should be kept up to date, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. These policies cannot be said to accord with this principle and are clearly incapable of meeting current housing requirements. This significantly reduces the amount of weight that I attach to them.

#### Housing land supply

11. The deficiency of the development plan in delivering the necessary level of housing is highlighted by actual housing delivery in recent years, which has accumulated a significant shortfall against the Council's own housing requirement figure of 840 dwellings per annum (dpa) (deriving from the Strategic Housing Market Assessment 2013).
12. A recent appeal decision<sup>2</sup> from November 2016 identified the situation as amounting to persistent under delivery in the district, noting that the target had only been met once in the period covered by the 2015 Annual Monitoring Report (AMR) and that a further shortfall was expected in the following year. The shortfall amounted to in excess of a year's supply at that time. A 20% buffer was considered to be appropriate in these circumstances and consequently the Council could not demonstrate a deliverable five year housing land supply.
13. Since this time, the 2016 AMR has been published, confirming that 535 dwellings were delivered during the 2015/16 period, a shortfall of 305 dwellings. This results in a backlog of 1204 dwellings, in excess of 1.4 years supply. On top of this, the 2016 AMR expects a further under delivery for 2016/17, predicting 567 completions. The 840dpa target has only been reached once, during 2011/2012, and has been missed by some margin subsequently.
14. In considering whether persistent under delivery has occurred, the Planning Practice Guidance (PPG) favours a long term view in respect of the local delivery record, noting that this is likely to be more robust, since it can take account of the peaks and troughs of the housing market cycle<sup>3</sup>. In this context, I note that delivery was significantly better in the period before 2012/13 and that the LP target was consistently met. However, this was a

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<sup>1</sup> Including 16/00194/OUT – Land North West End of Dorling Way, Brampton

<sup>2</sup> APP/H0520/W/16/3150676 – Paddock land west of Ashmead House, South Street, Woodhurst

<sup>3</sup> PPG Reference ID: 3-035-20140306

- restrained target that did not represent the full objectively assessed need for the area.
15. Whilst the Council cannot be expected to have delivered in excess of the target relevant at the time (particularly during the 2011/12 and 2012/13 periods when the new target was retrospectively applied), this does not alter the need for a step change in delivery in response to changed national policy requirements. This has simply not occurred and the development plan is not delivering the amount of housing needed. To the contrary, even the lower LP target has not been achieved in 3 out of the last 4 years, suggesting a worsening delivery situation.
  16. I acknowledge that the Council is taking steps to address the issue and that the Draft LP will provide the policy basis for increased delivery; the Council's housing trajectory anticipates a significant increase in completions from 2017/18. However, the Draft LP is at a relatively early stage of preparation and the extent of unresolved objections is unclear from the evidence before me. The document has not been independently examined and there remains significant scope for change prior to its adoption. Therefore I attach it little weight at this time<sup>4</sup>. There is an identified need for housing now and this is not being addressed by the continued under supply of housing in the district. It is not appropriate to allow a prolonged period of under delivery pending the examination and adoption of the Draft LP, which is not expected to conclude until summer 2019.
  17. Notwithstanding that the Council consistently met its housing targets prior to 2012/13 its delivery record against the increased target has been poor, with 4 consecutive years of significant under supply and a further year predicted. In my view, it is pertinent that the undersupply has occurred in consecutive years with no immediate prospect of a change in that situation. This suggests to me that the current policy position is acting as a constraint to delivery in Huntingdonshire.
  18. The low level of housing completions since 2012 amounts to persistent under delivery that needs to be addressed. The Framework advocates a 20% buffer (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. It seems to me, that this is a necessary intervention to ensure that the supply of housing is boosted significantly as soon as possible.
  19. This is consistent with the position established in the recent appeal decision identified above. The Council has identified a number of other appeal decisions, including one conducted by hearing, which do not apply a 20% buffer. However, it accepts that the matter of the buffer was not in dispute in those cases and so the issue was not considered by the Inspector. For this reason, I do not consider these cases to be comparable. Nor do I accept that an appeal determined by written representations should be considered unreliable.
  20. The Council accepts that with a 20% buffer, it cannot demonstrate a five year housing land supply and that a 4.58 year supply exists<sup>5</sup>. The appellant considers that the demonstrable supply is somewhat less than this and I heard

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<sup>4</sup> Having regard to paragraph 216 of the Framework

<sup>5</sup> Table 6 of Clare Bond's Proof of Evidence

a significant amount of evidence on the matters of housing need and supply. However, it is not necessary for me to consider this in detail for the purposes of this appeal as the acknowledged deficit renders the Council's relevant policies for the supply of housing out of date by reference to paragraph 49 of the Framework, notwithstanding that the scale of the deficit can be material. Given the opposing positions of the parties, I take the housing land supply position above to represent the best case scenario at the present time.

21. The lack of a demonstrable five year housing land supply adds weight to my conclusion that the development plan policies set out above are inconsistent with the Framework's objective to boost significantly the supply of housing. Furthermore, the fact that the Council does not currently have a deliverable supply of housing to meet requirements for the next five years increases the importance of addressing the situation.
22. I do not accept the Council's position that Policy CS 3 is not a relevant policy for the supply of housing<sup>6</sup>. This is a policy which seeks to restrict the location and amount of housing in the district and has a direct impact on its delivery; it is clearly relevant for the supply of housing. Both Policy CS 2 and CS 3 are firmly out of date by virtue of the lack of a five year housing land supply<sup>7</sup>, in addition to their inconsistency with the Framework.
23. Under these circumstances, the tilted balance enacted by the presumption in favour of sustainable development set out at paragraph 14 of the Framework is engaged. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

#### Location

24. The CS identifies Buckden as a Key Service Centre, a second tier settlement in the hierarchy. These are described as large villages with a good level of services and facilities sufficient to meet most day to day needs. In Buckden, this includes a primary school, doctors surgery, nursery/pre-school, dental surgery, nursing home, several public houses, hotels and a range of shops and services. All of these would be within a reasonable walking and cycling distance, making them readily accessible to future residents. They also provide employment opportunities and whilst I have had regard to the evidence provided by Buckden Parish Council that there are few current vacancies, these can be expected to become available over time.
25. Buckden does not provide the scale of employment opportunities that might be expected in a higher order settlement, but it does provide reasonable opportunities for its size. In addition, there is good access to services, facilities and employment at nearby Huntingdon and St Neots, including by public transport using the bus services 65 and 66. Route 66 provides an approximately hourly service on weekdays and Saturdays and would allow commuting for those working office hours. Opportunities to travel further afield, for example to London, are more limited using public transport though

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<sup>6</sup> Having regard to the Judgement of the Supreme Court in *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council*

<sup>7</sup> Paragraph 49 of the Framework

services do travel to Huntingdon station at various times. For those people that might wish to commute beyond local towns, a short car journey would provide access to the station and this need not be seen as inherently unsustainable.

26. The Council accept that Buckden is a sustainable location for development and that it is well served by services, facilities and public transport. I am inclined to agree. Whilst the proposal is in conflict with policies CS 2 and CS 3 of the CS by virtue of being outside the existing built-up area, these policies do not allow for the level of housing required in the area and I have found them to be out of date and inconsistent with the Framework. The provision of housing at Buckden is broadly in accordance with the settlement hierarchy contained within the CS and I attach only limited weight to the conflict with these policies.

### *Character and appearance*

#### Landscape effects

27. The application is accompanied by a Landscape and Visual Appraisal (February 2006) (LVA) which, the parties agree, has been carried out in broad accordance with the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition).
28. The site is located within National Character Area 88: Bedfordshire and Cambridgeshire Claylands<sup>8</sup>. At a more local level, the Huntingdonshire Landscape and Townscape Assessment (June 2007) defines Landscape Character Area 8 as the Southern Wolds and the site stands within Area 3: Western Claylands, of the Cambridgeshire Landscape Guidelines (1991).
29. It is accepted that the site generally exhibits the characteristics of these landscape character areas but these are broad areas and the arable field forming the site is a common component forming a very small part of the overall landscape. Coupled with the location on the edge of the existing settlement, the LVA concludes that only minor adverse effects would result, diminishing to a negligible effect by year 10 when landscaping can be expected to be having an effect. The Council suggest that a 10 year period is the minimum time needed for a screening function to be achieved and that a 15 year period is more realistic. However, the overall conclusion of the LVA is not disputed and I have no reason to take a different view.
30. The site itself predominantly comprises an open arable field on the edge of the village. It is bounded by residential development at Springfield Close and The Osiers to the north, narrow country roads to the east and south (Lucks Lane and Stirtloe Lane respectively) and the A1 trunk road to the west. Stirtloe Park stands beyond Stirtloe Lane and the hamlet of Stirtloe is located to the south east.
31. The site occupies a settlement fringe position and would extend the village into the landscape. It would, however, be contained by the surrounding roads and the indicative masterplan suggests that landscape buffers and tree planting would provide an open and green edge to the development, maintaining a transition between built form and the countryside beyond the surrounding roads. As this landscaping matures it would make a positive contribution to the landscape, which accommodates significant tree planting across the wider

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<sup>8</sup> Natural England, National Character Area Profiles

- landscape area. This would also assist in mitigating the existing harsh urban edge created by garden fences and rear facades of existing properties on the edge of Buckden, notwithstanding that some landscaping exists within rear gardens at present. The existing arable field would be lost and some existing hedgerow would need to be removed to accommodate the site access and highway modifications but these would be replanted and would assist in mitigating this loss over time, combined with the additional landscaping and open space. The majority of the boundary hedgerows, the only significant landscape features of the site, would be retained.
32. The site is typical agricultural land found in abundance in the local area. It contains no features that elevate it above ordinary countryside and its value and susceptibility to change are heavily influenced by its position adjacent to the settlement edge and proximity to the A1 which diminishes its rural scenic value significantly. Whilst the landscape would be perceptibly changed, the introduction of housing would not be entirely uncharacteristic in the context of the established settlement edge and the minor alterations to key landscape features, namely hedgerow removal would be largely offset by replacement planting and new park land.
33. The site does currently exhibit a rural appearance and the surrounding narrow country lanes contribute to the overall site context. The hamlet of Stirtloe also contributes but the developed area of the site would continue to be separated from Stirtloe, both physically and visually. There are peripheral buildings close to the site at Stirtloe Farm House and Low Farm but the main body of the hamlet is to the east of Lucks Lane, beyond the modern farm buildings at Low Farm. The visual distinction between the two settlements would remain apparent in the undeveloped stretch of Lucks Lane and in views eastwards across open fields towards the wider countryside.
34. The Council's Environmental Capacity Studies (ECS) note the importance of the area to the east of Lucks Lane and whilst the arable field subject of this appeal does make some contribution to the rural character and separation between settlements, this can in my view be maintained by the proposed areas of open space and landscaping. The settlements would undoubtedly become closer together as a result of the development but a clear visual distinction would remain. The Council's ECS notes some capacity for development within the appeal site, albeit on a more limited scale. In my view, the Council has overstated the contribution of the site in maintaining a landscape gap and the effect that the minimal development to the south of the existing village would have on the setting of each settlement.
35. The site is not designated as being of any environmental importance, or as an important gap in policy terms. Whilst this does not dictate that it cannot perform such a function, in this instance, I do not consider that any harmful coalescence would occur, particularly if the development is undertaken in accordance with the illustrative masterplans, with limited development south of Springfield Close.
36. For these reasons, I agree with the appellant's assessment within the LVA that the overall effect on the site and its immediate context, along with the land use and open space as features of the landscape would be no more than Moderate Adverse on completion, reducing to Minor Adverse by year 10-15, once landscaping is established.

37. Stirtloe Park is located to the south of Stirtloe Lane. It is associated with Stirtloe House and comprises tree and woodland planting that contribute to its parkland character. The appeal site makes some contribution to its rural setting but inter-visibility with the park is limited by the hedgerow planting on the site boundary and the strong tree belt occupying much of the parkland boundary with Stirtloe Lane. Stirtloe Park would continue to be seen as a separate entity beyond Stirtloe Lane with its park land character clearly apparent through gaps in the tree screening. The proposed open space and extensive tree planting on the southern edge of the site would maintain visual separation between the built form of the development and the parkland and the tree planting and parkland character of the proposed open space has the potential to contribute to the setting of Stirtloe Park, reflecting its character.
38. Development would be located closer to the parkland than it is at present and both parties agree that it is a landscape of high susceptibility to change and high landscape value. The proposed development would be visible from Stirtloe Lane and seen in the context of the parkland but the parkland itself would not be altered and the contribution made by the appeal site is limited. With suitable landscaping within the proposed open space, the magnitude of effect would be negligible. The overall effect on completion is likely to be Minor Adverse but this would reduce to a Negligible/Minor Adverse effect once landscaping became established.
39. The proposed highway modifications would necessitate the removal of some hedgerow to accommodate road widening and visibility splays, the relocation of a partially fallen brick wall and the loss of three trees close to the junction improvement of Lucks Lane/Stirtloe Lane, though a larger Oak tree would be retained. The wall would be rebuilt in a similar style and replacement tree and hedgerow planting would be introduced, maintaining rural character in the long term and retaining important elements of the landscape. Initially a Moderate Adverse effect on the landscape would result but this would reduce to Minor Adverse over time.

#### Visual effects

40. It is agreed between the parties that the visual envelope, within which views of the site are possible, is relatively small<sup>9</sup> given the flat topography, existing built form and existence of vegetation. Long range views are not possible and so the visual effects of the development would be localised. The LVA identifies a range of visual receptors and includes various photo viewpoints offering a representative view towards the site. These were supplemented during the course of the appeal following a request from the Council for additional viewpoints. These various visual receptors are said to identify the positions from which the site would be most visible and represent a worst case scenario in terms of visual effects.
41. There is agreement between the parties as to the effects from a number of these viewpoints and the overall effect in these cases in no more than Minor Adverse. The Council does not dispute the methodology used by the appellant but different positions are adopted in respect of the effects on a number of receptors.

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<sup>9</sup> Figure 6 of LVA



42. Receptor 1 is indicative of the effect on properties adjoining the site along Springfield Close and The Osiers, along with a single property on Mayfield. It is agreed by the parties that a Major/Moderate overall effect would result on these residents on completion of the development. The appellant expects that this effect would reduce by year 10 to a Moderate Adverse effect with the growth of landscaping, and taking into account the presence of existing landscaping within rear gardens and the proposed open space within the site. Whilst these features might have some effect, the existing views across open landscape will be fundamentally changed and this will be readily noticeable by residents, even after 10 years. As such, I prefer the Council's assessment that the overall effect will remain Major/Moderate Adverse.
43. Receptor 2 represents the residents at Stirtloe Farm House, from which the Council expects a greater scale of effects than the appellant. Views of the proposed access road and new properties will be possible on completion of the development from rear windows, particularly from upper storeys. However, these views are partially screened by existing vegetation and the more distant views that might be available currently include existing dwellings on the settlement edge along Springfield Close. Taking into account the proposed landscape planting, including the structural planting to the west, the magnitude of the change will not be significant and I accept the appellant's position that the overall effect by year 10 would be Minor Adverse.
44. With regard to users of the public right of way (Buckden 32/1) to the east of the site, people are likely to be using the route to access the countryside beyond Stirtloe and may have an expectation of scenic views. However, these views are likely to be focussed towards the east where large expanses of undulating open countryside are visible. Views towards the site are markedly less rural, taking in the existing settlement edge and the development would constitute only a minor component of the wider view. As such, the susceptibility to change would be no more than Medium and the magnitude would be no more than Medium/Low by completion. Overall, the visual effect would be Minor Adverse.
45. Receptor 11 is identified as road users on Stirtloe Lane (section west of Lucks Lane), where the LVA identifies a Minor Adverse impact by year 10. The Council does not disagree with this assessment but suggests that the route is also used by pedestrians and cyclists, a view shared by other parties to the appeal. I heard that this section of Stirtloe Lane was used as part of circular walks into the countryside. People that are walking or cycling for recreation are likely to be more susceptible to visual change as a general principle.
46. However, this section of Stirtloe Lane leads away from the established countryside walks to the east of Stirtloe where rural countryside views might be expected. Anyone returning to the village after a circular walk would be doing so via the A1 trunk road where the nature of the walk would have significantly altered and scenic, tranquil walks would not be an expectation. As such, I do not consider that receptors using this section of Stirtloe Lane should be elevated above the Medium/Low susceptibility to change identified for other road users. Nor would the magnitude of change arising from the development be any more than Medium by year 10 in the context of the existing settlement edge and the A1, particularly with established planting and open space. The proposed highway modifications in this area involve the creation of passing places only, a common feature on narrow rural routes and these will have little

visual effect. Therefore, the overall effect on pedestrians and cyclists would be Minor Adverse by year 10.

47. The Council raises similar concerns with respect to pedestrians and cyclists using Lucks Lane, in the vicinity of the proposed site access and on the existing settlement edge (photo views E1 and E2). The development would be modest beyond Springfield Close, deepening as it stretches behind The Osiers. The development would be visible but is likely to be filtered by existing and proposed hedgerows and other landscaping. The extent of the development visible from the edge of the village would again be a minor component of the view, with views through the hedgerow gap forming the site access towards open space and long views to the east retained across open countryside.
48. There are dedicated recreational routes leading from footpath 32/1 towards the Ouse Valley and those residents utilising Lucks Lane to access these routes would simply experience a slightly shifted settlement edge, before reaching the more rural pedestrian routes. The proposed highway works in the vicinity of the site access would result in some widening and hedgerow removal, eroding the rural character on completion. However, as replacement hedgerow established, the route will continue to appear as a narrow and rural country road on the edge of the settlement. The overall effect would be Minor Adverse, representing only limited and localised change by year 10. I have already explained that clear visual separation would be maintained between the settlements of Buckden and Stirtloe and this includes views by receptors on Lucks Lane.

#### Design and Layout

49. The application is submitted in outline form with matters of appearance, landscaping, layout and scale all reserved for determination at the reserved matters stage. However, the submitted Design and Access Statement (March 2016) provides some discussion on these considerations. A Development Framework (5524-L-03K) and Illustrative Masterplan (5524-L-04C) are also provided, offering an indication of how the site might be developed. The Council accepts that these documents demonstrate that 180 dwellings can physically be accommodated. An Additional Illustrative Masterplan (5524-L-06) was also provided during the course of the appeal which sought to address a number of the Council's design concerns, showing a scheme of 150 dwellings, reflecting the fact that a lesser number might ultimately come forward, 180 being the maximum sought.
50. During the course of the inquiry, the Council and appellant agreed that a condition could secure a design code in the event that planning permission was granted. In addition to a proposed condition requiring general accord with the Development Framework, this satisfied the Council that a suitable scheme could be achieved at the reserved matters stage and I do not take a different view.
51. I have noted concerns regarding the density of the proposed development at 32 dwellings per hectare (dph) but this is a figure that could change at reserved matters stage and is well within the density range of 30-50dph required by Policy HL6 of the Huntingdonshire Local Plan Alteration (2002) (HLP). Whilst this density is higher than other parts of Buckden it is relatively low and the indicative drawings demonstrate that large amounts of open space can also be accommodated, in excess of policy requirements. I see no reason

why the number of properties proposed could not be achieved within a scheme that is well designed and which provides an appropriate transition from the settlement edge to the countryside, whilst making an efficient use of land.

#### Character and appearance conclusions

52. Clearly, the replacement of an arable field with a residential development will alter the character and appearance of the area. However, the site stands on the edge of an existing settlement in an area heavily influenced by the surrounding roads, namely the A1. It appears to me to be a logical site for extension of the village. I have established that the development will have only Minor landscape effects by year 10 and that the visual effects will also reduce over time in most cases so that the effect on receptors is also Minor.
53. A more significant effect would result on local residents bordering the site given the fundamental and permanent change to their views. However, this would affect relatively few private views and would not have an impact on public interests; there is no right to a view. The harm that would result to these local residents remains a consideration in the overall planning balance, as does the minor harm that I have identified in respect of other landscape and visual effects, but these aspects can, in my view, only attract limited weight.
54. Policies En17 and H23 of the Huntingdonshire Local Plan, Part One (1995) (LP) seek to restrict housing development outside environmental limits in a similar way to the CS. For the same reasons as I set out above, these policies are inconsistent with the Framework in so far as they significantly reduce the amount of housing that can be delivered. They are based upon an even more dated housing requirement than the CS, deriving from the Replacement Structure Plan (1989) which sought to meet housing needs up to 2001.
55. In addition, their strict prohibition of housing outside environmental limits other than in very limited circumstances does not reflect the more nuanced approach to development in rural areas and the countryside contained in the Framework at paragraph 55, which seeks to support thriving rural communities. For these reasons, and having determined above that Buckden is a suitable location for residential development, I attach limited weight to the conflict with these policies arising from the location of the development in the countryside.
56. I find no conflict with the general sustainable development principles contained in Policy CS1 of the CS, as I have found that the scheme could be well designed, represents a logical extension of the settlement and would maintain the character and distinctiveness of the village. There is no conflict with Policy En14 of the LP in that I have identified no intrinsic environmental qualities that should be protected and that the small visual envelope precludes longer distance views from being affected by the development. Policy HL5 refers to the quality and density of development, matters which I have established are acceptable; there is no policy conflict. I have had regard to the emerging policies of the Draft LP but for the same reasons, find no conflict in so far as they seek to protect character and appearance.

#### *Highway safety and congestion*

57. The application is accompanied by a Transport Assessment (March 2016) which was subsequently updated by a revised Transport Assessment (December 2016) (TA) seeking to reflect discussions with the Council, the Local Highway

Authority and Highways England and address concerns. The TA comprises a thorough analysis of the likely impacts of the development on highway safety and capacity and concludes, amongst other things, that suitable access can be provided to the site, that no material or severe traffic impact associated with the proposal would result in the village or surrounding roads (including the A1 trunk road and level crossing east of the site); and that no road safety issues were associated with the development, subject to the proposed highways modifications (drawing 4746-00-15B). This was accepted by the Council, the Local Highway Authority and Highways England, none of which now raise an objection on highway grounds.

58. Concerns are raised, however, by the Protect Buckden's Future Group (PBF), Buckden Parish Council (BPC) and local residents and evidence was put forward to raise a number of issues. There is general concern that the amount of development proposed will create significant additional traffic flows and that this will cause highway safety and congestion concerns in and around the village.
59. The TA has predicted the traffic flows resulting from the development using recognised sources of information (TRICS database) and considered them in conjunction with survey data of existing traffic flows at key local junctions (including growth assumptions). Modelling software (PACADY) was then used to assess the ratio of flow to capacity (RFC) at the identified junctions, both with and without development, along with queue lengths. All of the junctions analysed, and agreed by the Local Highway Authority, are shown to have significant capacity and very minimal queues. The analysis is based upon expected peak traffic flows from the development at peak journey times on the highway network, representing a worst case scenario. It is clearly demonstrated that there will be no junction capacity or congestion issues at affected local junctions in the village as a result of the development.
60. The roundabout on the A1 is a key route in and out of Buckden and carries a significant amount of traffic using the A1. A similar exercise to that above was carried out on the various junctions of the roundabout using 2015 survey data provided by Highways England. The data demonstrates the roundabout operating at or close to capacity as at 2015 and that with expected growth the A1 arms will operate over capacity at times by 2021, even without the development. The High Street arm of the roundabout serving Buckden will operate within capacity for the majority of the time but may operate above capacity during the PM peak by 2021 when considered in conjunction with growth.
61. The development will clearly have an impact on the capacity of the roundabout and will increase queuing times but it is also clear that the roundabout is already heavily trafficked and that it would be close to or above operational capacity on the A1 arms by 2021 even without the development. The actual impact of the development is relatively small, increasing traffic through the roundabout by just 1.4% in the AM peak and 1.6% in the PM peak, 65 and 87 vehicles respectively. This is a modest increase against the established position with growth. It is also pertinent that the level of traffic flowing through the roundabout will not remain constant and that the analysis again represents the worst case scenario during the peak hours. The development will clearly have an impact on the capacity and queue times at the roundabout but the additional impact from the development would be modest.

62. The reliability of the queue data for the A1 provided by Highways England was questioned as the method used for counting the queues had not been identified. However, there is no other data before me that leads me to question the results or that is more robust in its methodology. It seems to me that Highways England, the statutory body responsible for the country's trunk roads can be considered a reliable source. Concern was also raised that the TA had not considered the increase in traffic resulting from improvements to the A14. This is a matter addressed in the TA<sup>10</sup> although it concludes that the impacts on Buckden and the A1 are so marginal that they would not materially alter the conclusions of the TA. This is a conclusion accepted by Highways England. The PBFG suggest an increase in traffic flows on the A1 of 3% by 2020<sup>11</sup>. This would undoubtedly add to queue lengths and stress on the roundabout and is somewhat more than the impact of the development itself. However, it is not so significant as to make the conclusions of the TA unreliable in my view and I concur with the position of Highways England in this case.
63. The Offord Cluny level crossing is located to the east of the village accessed from Leaden's Lane which reduces to an extremely narrow winding road that crosses the River Great Ouse with a bridge allowing one way traffic only. The TA details an hour long survey undertaken during the PM peak where it was recorded that the barrier was down for 27 minutes and 35 seconds during the hour, intermittently rising to allow traffic to pass. This resulted in maximum eastbound queues of 12 vehicles and a maximum westbound queue of 14 vehicles. Whilst the number of trains and barrier down times are likely to vary from day to day, I consider this to provide a reasonable basis for consideration.
64. The traffic distribution expected by the TA (and agreed by the Local Highway Authority) expects the development to generate an additional 5 vehicles travelling eastbound and 6 travelling westbound during the PM peak. This is the maximum number of vehicles that might be added to the queues if all traffic generated by the development arrived at the crossing at the same time and the barrier was down. In reality, traffic is likely to be spread over the peak hour and dissipate over the crossing at various times so that the additional vehicles queuing at any one time would be minimal. Whilst I recognise that the highway network is restrained at this point, I do not consider that the development would result in any material impact.
65. Concerns were raised that the situation might be worse in the AM peak and BPC referred to queues stretching back for some distance from the crossing<sup>12</sup>. PBFG provided survey results of queue lengths and barrier down times over a number of days<sup>13</sup> suggesting longer barrier down times during the AM peak and queues in excess of 30 vehicles. Even taking into account these results, the additional traffic impact arising from the development would be extremely modest and Mr Bamber accepted during cross examination that it could not be seen as a severe impact.
66. BPC provides accounts from a driver and witness to an incident on the level crossing whereby a car was trapped on the crossing as the barriers lowered though an accident was averted in that case. BPC accepted that this could be explained by driver error during cross examination as drivers should not enter

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<sup>10</sup> Para.6.2.4 of TA

<sup>11</sup> Para. 5.7 of Mr Bamber's Proof

<sup>12</sup> Appendix BPC16 of BPC Proof of Evidence

<sup>13</sup> Appendix BRB12 of Mr Bamber's Proof

- the crossing until their path is clear. Whilst there is some inherent risk from drivers being required to cross a railway line, I do not see any reason why the small increase in traffic expected to use the route should lead to any heightened or unacceptable highway safety impacts.
67. Highways England initially raised concern that the development might lead to an increase in right turns out of Stirtloe Lane onto the A1, requiring vehicles to cross the southbound carriageway and pass through the gap in the central reservation. This was seen as a dangerous and undesirable outcome and so the proposed highway modifications involve the introduction of a splitter island on Stirtloe Lane and reconfiguration of the central reservation gap to physically prevent right hand turns.
68. PBFG takes the view that this will increase U-turns and suggests that inadequate consideration has been given to the manoeuvre. A Road Safety Risk Assessment (May 2016) considers the safety issues associated with the Stirtloe Lane/A1 junction raising no concern about left hand turns onto the southbound carriageway but identifying safety issues if an increase in right hand turns were to result. No concern is raised about U-turn movements despite this being an allowable manoeuvre documented in photographs at Appendix C. A Road Safety Audit - Stage 1 (November 2016) specifically considers the proposed modifications to the Stirtloe Lane/A1 junction but raises no concern about any increase of U-turn movements or left hand turns from Stirtloe Lane onto the A1. The submitted accident data identifies no record of collisions in connection with these existing manoeuvres and the actual number of vehicles expected to undertake such manoeuvres remains low.
69. Highways England specifically recognise that the proposed highway works may result in an increase in vehicles performing a U-turn through the central reservation to access properties and allotments on the north side of the A1 but do not consider this movement to be any more dangerous than the right hand turn manoeuvre which would be prevented. As such, there would be a neutral effect on highway safety. Vehicles approaching the central reservation gap would have plenty of time to indicate their intention to turn and force following traffic to slow. I have had regard to the survey responses provided by BPC suggesting that the few local residents and allotments holders on the northbound side of the A1 would find the prevention of right turns extremely inconvenient. Whilst regrettable, residents would be able to utilise the U-turn manoeuvre without significant detour or utilise an alternative route if desired.
70. It was suggested that, in the absence of a Traffic Regulation Order preventing right turns, drivers may choose to turn right into the path of oncoming traffic on the A1, in order to access the central reservation gap. The physical works proposed would clearly prevent a right hand turn and I consider it extremely unlikely that any such manoeuvre would be undertaken as it would clearly be a dangerous and reckless act. PBFG also suggested that the proposed works somehow sought to circumvent the consultation requirements of the TRO process but it seems to me that a TRO is simply not required for the works proposed.
71. Left hand turns from the A1 are already a permitted manoeuvre and the increase in such movements is expected to be limited as a result of the development. I do not accept arguments that the provision of passing bays on Stirtloe Lane and partial widening of Lucks Lane will make the route more

attractive to other traffic as the route will remain narrow for much of its length and traffic can expect to be slowed by oncoming vehicles. This is in contrast to the relatively unconstrained route via Mayfield. This conclusion is consistent with that of the Local Highway Authority. Concerns regarding cyclists on the A1 cycleway are noted but they would be readily visible to drivers on the straight stretch of road and would be required to give way to turning vehicles.

72. The TA includes local accident data and whilst a number of accidents are recorded within the village and nearby on the A1 over the past 5 years, there is no pattern in the data to suggest that there is any particular problem or safety hazard that would be exacerbated by the proposed development.
73. Lucks Lane and Stirtloe Lane are currently used by pedestrians and cyclists and the increase in traffic resulting from the development is likely to result in increased encounters with vehicles. There are no footpaths along these routes at present but the proposed development seeks to introduce a footpath along Lucks Lane between the village and the site access, as well as a footpath inside the hedge line from the development to Stirtloe Lane. As such, pedestrians will be able to utilise an off-road route. Whilst this will terminate on Stirtloe Lane there is good visibility available for crossing the road at this point. Cyclists can continue to use the carriageway which will remain lightly trafficked. Stirtloe Lane has grass verges along the stretch leading to the A1 which would provide refuge for people choosing to utilise this route. The amount of traffic travelling along Stirtloe Lane, east of Lucks Lane will continue to be minimal and I would not anticipate any discernible effect on pedestrians or cyclists.
74. It is clear that the development would result in some additional congestion and queuing, exacerbating an existing situation, particularly at the Buckden roundabout. However, the development will result in only a modest impact. Paragraph 32 of the Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The impact of the development in this case, cannot be described as such. I find no conflict with emerging policy LP 17 of the Draft LP which, amongst other matters, seeks to ensure that traffic volumes can be accommodated and that the adverse effects of traffic movements are minimised.

## **Other matters**

### *Heritage*

75. There are no designated heritage assets within the site but there are four grade I, three grade II\* and numerous grade II listed buildings within 1.5km of the site. The Buckden and Diddington Conservation Areas are also in the vicinity. A Heritage Statement (March 2016) accompanied the planning application and was supplemented by an Addendum (April 2017). These documents assess the likely effects, concluding that the proposed development would not harm the significance of any designated heritage assets. It is stated that the site does not contribute to the setting of the assets and that any glimpsed views that may be possible from the asset would not harm their heritage value. No physical impacts would result to the assets. These conclusions were accepted by the Council and Historic England.
76. Concerns are raised by BPC that views of Buckden Towers and the Parish Church would be lost from the public realm surrounding the site and on

travelling along the A1, the route of the Great North Road, as a result of the development.

77. The development would be visible from the local roads surrounding the site and some views that currently exist across the arable field may become obscured. However, the site is agricultural land beyond modern residential development and this is a key component of foreground views already. The appeal site has no direct relationship with Buckden Towers or the Church, both of which derive much of their historic interest from their fabric and to some extent, historical associations.
78. No evidence has been provided to suggest that the site makes any particular contribution to the heritage assets or that their significance would be in any way eroded by the loss of views from the surrounding area. An image of an engraving dating from 1816 (Inquiry Doc. 32) was submitted to the inquiry showing a distant image of the Church and Towers but the accuracy of the image is unknown, as is the position from which it was produced. The appellant did not accept that it was a view representative of that from the appeal site and in any case, it does not support the position that the appeal site contributes to the significance of the assets, nor that the development would harm their setting given the modern day context that I have described. The local topography and landscaping mean that the development is unlikely to feature prominently on views from the A1, or diminish glimpsed long range views towards the heritage assets to any significant extent. In addition, the development will include large areas of public accessible open space that may open up views towards heritage assets that are not currently available.
79. The proposed highway modifications include realignment of the junction between Lucks Lane and Stirtloe Lane. At present, the junction roughly aligns with the opposing grade II listed gate piers of Stirtloe House (also grade II) but the alignment is only approximate and cannot be appreciated from Lucks Lane until close to the asset given its alignment. This arrangement offers little suggestion of a designed or intended view towards the gates which might contribute towards their setting or significance and there is no evidence before me to suggest otherwise.
80. Parts of the boundary wall surrounding Stirtloe House are identified as listed, though much of it has been rebuilt and stands separate to the original. In any case, the adjacent highway works, including the passing places along Stirtloe Lane, are modest and will have no harmful effect on the significance of the adjacent wall which encloses Stirtloe House and Stirtloe Park.
81. It was suggested that increased pollution arising from the development and associated vehicles could increase the acidity of rainfall and that this could contribute to physical deterioration of local heritage assets but no evidence was submitted to quantify or substantiate such effects. The appellant explained that such phenomena predominantly affected limestone which is not a common material in the local area. In my view, any effect of this nature would be immaterial and it is not possible based on the evidence before me to identify any firm link between the proposed development and potential erosion of building facings.
82. The County Council identified the potential for archaeological interest within the site and an Archaeological Desk-Based Assessment (April 2013), A Geophysical Survey (March 2016) and an Archaeological Evaluation (April 2017, Draft) have



been produced following trial trenching on the site. It has been established that evidence exists of Iron Age/Romano British and Saxon settlement. However, much of the Saxon settlement extends beneath existing housing to the north of the site and ploughing and quarrying has damaged the remaining areas within the site, likely diminishing their interest.

83. The Council, in consultation with the County Archaeologist, is satisfied that the remains should not represent a reason to prevent development, subject to appropriate recording. This will allow for excavation and an improved understanding of the remains prior to development and I am satisfied that this could be secured by condition if planning permission were to be granted.
84. Overall, I am satisfied that the development would not harm any designated heritage assets and that archaeological interests can be appropriately maintained through recording. As such, I find no conflict with Policy CS 1 of the CS, Policies En11, En12 or En13 of the LP or emerging Policy LP 31 of the Draft LP in so far as they seek to protect heritage assets.

#### *Flooding and drainage*

85. The site stands entirely within flood zone 1 (lowest risk) as defined by the Environment Agency and there is no evidence of past flooding within the site. A detailed Flood Risk Assessment & Outline Drainage Strategy (February 2016) and a Foul Drainage Analysis (February 2016) accompanies the application, concluding that the site is not at undue risk of flooding, nor would it be likely to cause flooding elsewhere. There are proposals to incorporate Sustainable urban Drainage Systems (SuDS) into the development to deal with surface water and there is sufficient capacity within the public sewer network to accommodate expected foul flows. The Council, Environment Agency and Lead Local Flood Authority are all satisfied with the proposals and I have no reason to take a different view.

#### *Ecology, Green Infrastructure and Open Space*

86. The site is predominantly arable in nature and its cultivation means that it provides very little ecological value. The hedgerows surrounding the site provide some habitat and opportunities for biodiversity and these are largely to be retained within the development. The short stretches of hedgerow to be removed will be compensated with replacement planting and the large area of public open space and associated landscaping, which ultimately would achieve a net biodiversity enhancement.
87. The proposed quantum of public open space exceeds the Council's policy requirement. There is dispute between the parties as to whether there is a deficiency of open space in the village and whilst there is no dispute that the provision would benefit future occupants, it is suggested that it would not represent a wider benefit to the area. Even if I accepted the BPC view that the village is adequately served by open spaces, it seems to me that the proposed area would allow a greater choice and variety that existing residents would be able to utilise and this should be seen as a benefit.

#### *Infrastructure and Planning Obligations*

88. The Council has adopted a Community Infrastructure Levy (CIL) and the appeal proposal would be liable. This would fund strategic infrastructure such as footpaths and access, health, community facilities, libraries and lifelong

learning, education and the capital costs of play equipment. As these matters are funded by CIL, the Council cannot seek contributions as Planning Obligations.

89. Concern has been raised regarding pressure on the local primary and secondary schools but the County Council expect there to be capacity for the anticipated number of pupils arising from the development. The submitted Education Impact Assessment (April 2017) suggests that pupil numbers are in fact falling at Buckden Primary School and that the development would help to sustain pupil numbers. This conclusion conflicts with school role numbers introduced as evidence to the inquiry by BPC (Inquiry Doc. 28) but whichever figures are used, there is significant available capacity, as well as evidence that many pupils are attending the school from outside its catchment.
90. Buckden Surgery currently has capacity for around 175 additional patients. This would be insufficient to accommodate all future patients expected from the development but CIL monies could be used to fund any necessary improvements.
91. The appeal is accompanied by two Unilateral Undertakings. The first would secure the provision and ongoing management/maintenance of the proposed public open space and a monetary contribution to fund the required wheeled refuse bins for new properties in accordance with the Council's Developer Contributions Supplementary Planning Document (2011). The second would ensure that 40% of the proposed dwellings are provided as affordable housing in accordance with Policy CS 4 of the CS. I am satisfied that these obligations are necessary to make the development acceptable and otherwise meet the tests at paragraph 204 of the Framework, as well as Regulation 122 of the Community Infrastructure Levy Regulations 2010 so far as they apply.

### **Planning balance**

92. The Framework identifies three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependent and should not be undertaken in isolation.
93. The appellant identifies a range of economic benefits including a significant construction spend, new resident expenditure, New Homes Bonus and Council Tax revenue, amongst others. Each of these is quantified in the submitted Socio-Economic Sustainability Statement (March 2016). It is also expected that the construction phase would generate around 174 FTE construction jobs over a 6 year period, along with 189 FTE jobs in associated industries and potential for construction employment for local residents.
94. The figures identified are sizeable and are not disputed by the Council, though it suggests that these generic benefits could be achieved by development anywhere in the district. It is right to say that the entirety of these benefits would not be confined to Buckden or even Huntingdonshire and that development elsewhere might reap similar benefits. However, they are benefits nonetheless and the proportional benefit to Buckden and the surrounding area will clearly be greater with proximity, particularly in relation to local expenditure. This is notwithstanding that there is no evidence that local services and businesses are under financial strain at present. There would undoubtedly be a benefit to the local economy and I attribute these benefits moderate weight.

95. There would be clear social benefits arising from the development, principally deriving from the provision of up to 180 dwellings, including up to 72 affordable dwellings. There is a recognised lack of housing supply across the country and the Framework seeks to boost significantly the supply of housing across the country. I have determined that this is not currently being achieved in Huntingdonshire by virtue of the lack of a five year housing land supply. There is also a demonstrable need for affordable housing in the local area which the Council accepts is not being met at present. These are benefits that I attach significant weight.
96. Some parties raise concern that the development would not achieve effective social integration with the existing village but the development would be well related to the existing built form with pedestrian links allowing easy access to services and facilities in the village. I see no reason why future residents would not make use of these services and facilities alongside existing residents, as part of the same sports and social clubs or in the village public houses.
97. In environmental terms, I have already established that the development would provide a net biodiversity enhancement through the creation of new public open spaces, landscaping and tree planting, along with measures such as bat and bird boxes. This is a benefit that attracts moderate weight. In addition, the provision of open space itself is a benefit I have attached limited weight, even if there are alternative spaces available.
98. Against these benefits, there will clearly be environmental harms in terms of the landscape and visual effects that I have identified above. This is inevitable where an undeveloped arable field is developed for housing. However, in this case, I have established that the overall landscape effects would be no more than Minor Adverse and that visual effects would be confined to a localised area. Again, these would be Minor Adverse with the exception of effects on the local residents immediately adjoining the site. I attach moderate weight to the harm arising in this regard.

### **Conditions**

99. The Council and the appellant have agreed a list of conditions that are considered reasonable and necessary in the event that planning permission is granted. I have attached the standard conditions defining reserved matters and setting out the time limits for their submission, along with the period within which development must commence.
100. In the interest of certainty, I have attached a condition listing the approved location plan, specifying the maximum number of dwellings approved and securing details of the proposed phasing for the development.
101. A Construction Method Statement is required in order to minimise visual impacts and the effects on neighbouring living conditions, as well as ensure highway safety. Details of noise attenuation to be incorporated within the development are required to ensure that suitable living conditions are achieved for future residents in respect of noise from the A1.
102. All properties are required to connect to the public foul sewers and details are secured of the proposed surface water drainage scheme, including SuDs, to be implemented. Details of its management and maintenance to ensure that the site is appropriately drained, avoid flood risk and protect the water

- environment are also secured. Conditions also require the investigation and remediation of contamination on the site as necessary to ensure that the site is suitable for human habitation and to avoid pollution.
103. Full details of the proposed highway modifications are secured for approval, along with details of all roads, footways and cycleways within the development to ensure highway safety and convenience. Details of street lighting between the proposed site access and the existing village are also secured.
104. I have required general accordance with the submitted development framework to identify the broad parameters within which development should occur so as to provide certainty and ensure that an appropriate landscape edge is maintained, avoiding the harmful coalescence of settlements. A scheme of protection will ensure that existing trees and hedgerows are safeguarded during construction to maintain their contribution to the character and appearance of the area. In addition, an Arboricultural Method Statement is necessary to ensure that appropriate construction techniques are utilised for the proposed footpath link and highway modifications in proximity to retained trees and hedgerows.
105. Details of the proposed finished floor levels for buildings and the surrounding land are required to ensure an appropriate appearance for the development and avoid harm to neighbouring living conditions. For the same reasons, details of external lighting must be submitted for approval. A Design Code is secured to ensure that good quality development is proposed at the reserved matters stage.
106. I have secured a Travel Plan to promote sustainable means of travel and minimise reliance on private vehicles. A scheme of fire hydrants is required in the interests of public safety. Bat and bird boxes are required within the development to ensure a net gain in biodiversity and vegetation clearance is restricted to outside of the bird nesting season unless a scheme of protection is approved and implemented. A scheme of Archaeological investigation and recording is necessary for the reasons I have identified above.
107. The parties agreed that it was no longer necessary to attach a condition securing affordable housing following the submission of a Unilateral Undertaking (UU) that secured the required provision. It not necessary to replicate this provision of the UU and so I have not attached the previously proposed condition.
108. I have altered the wording of the proposed conditions as necessary to improve their precision and otherwise ensure accordance with the tests set out at paragraph 206 of the Framework and guidance contained in PPG.

## **Conclusion**

109. The development would be in conflict with Policies CS 1 and CS 3 of the CS but I have found these policies to be out of date and inconsistent with the Framework, failing to boost significantly the supply of housing and instead having a restraining effect on delivery. Policies En17 and H23 of the LP have a similarly restrictive approach, preventing development outside of settlement boundaries even where it is otherwise found to be sustainable. Importantly, these policies are also inconsistent with the Framework in that they do not

promote sustainable development in rural areas or allow the necessary boost to the supply of housing.

110. I have found these policies to be incapable of delivering the necessary level of housing in the area and, even on the best case housing land supply position I have identified (4.58 years), there is a significant deficit which should be addressed. It is far from certain that the Draft LP will do so at present given its early stage of preparation, particularly in the short to medium term. As such, I attach the conflict with these development plan policies only limited weight and the conflict with the Draft LP very limited weight. The proposal is otherwise in accordance with the development plan, which identifies Buckden as a Key Service Centre where development is expected to take place as a matter of principle.
111. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, nor are there specific policies in the Framework that indicate development should be restricted. The development would not be in accordance with the development plan, taken as a whole. However, the benefits I have identified, in the context of the Council's lack of a demonstrable five year housing land supply and the Framework's presumption in favour of sustainable development, are important material considerations that warrant a decision other than in accordance with the development plan. As such, planning permission should be granted.
112. In light of the above, and having considered all other matters, the appeal is allowed.

*Michael Boniface*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

James Corbet-Burcher Counsel

He called:

Chris Thompson MA  
(Cantab), MA  
(Landscape Design),  
CMLI Landscape Officer

Clare Bond BA, MA,  
PgDip Planning Policy Team Leader

Gavin Sylvester BSc,  
MSc, MRTPI Senior Development Management Officer

### FOR THE APPELLANT:

Thea Osmund-Smith Counsel

She called:

John Mackenzie BSc  
(Hons), DipTP, MRTPI Planning Director, Gladman

Phil Rech BA, B Phil LD,  
CMLI Director, FPCR

Nigel Weeks BSc, FACE Director, Stirling Maynard

Paul Chadwick BA  
(Hons), MCIFA, FSA Director, CGMS Consulting

Gail Stoten BA (Hons),  
MCIFA, FSA Heritage Director, Pegasus Group

James Donagh BA  
(Hons) MCD, MIED Director, Barton Willmore

Mike O'Brien MTCP,  
MRTPI Director, Hourigan Connolly

### BUCKDEN PARISH COUNCIL (Rule 6 Party):

Fiona Shirley On behalf of BPC

Alec MacAndrew Chairman of BPC Planning Committee

Terry Hayward                      Councillor

PROTECT BUCKDEN'S FUTURE GROUP (Rule 6 Party):

Barry Jobling                      Chairman, PBF  
Bruce Bamber BSc, MA,        Director, Railton TPC Ltd  
MSc, CMILT, MCIHT  
Bronwen Angel                      For PBF

INTERESTED PERSONS:

Cynthia Alers                      Local resident  
Hamish Masson                      Local resident  
Chris Bylett                      on behalf of the Woman's Institute  
Richard West                      Councillor  
Ken Gray                      Local resident  
Jeanette Howard                      Local resident  
Toby Angel                      Local resident  
Anne Scott                      Local resident  
Arthur Payne                      Local resident  
Elspeth Thomas                      Local resident  
Jenny Wilma                      Local resident  
John Davies                      Local resident

**DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1      Rebuttal Statement from Mr Mike O'Brien on Housing Land Supply
- 2      Archaeological Evaluation (April 2017)
- 3      Committee report for Land north west end of Dorling Way, Brampton
- 4      Planning Statement of Common Ground (May 2017)
- 5      Appendix 3 of Mr Phil Rech's Proof of Evidence; winter views of Millennium Wood
- 6      Replacement CD 11.04, Wainhomes judgment, Case No: CO/12207/2012
- 7      PPG Extract, Housing and economic land availability assessment
- 8      Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)
- 9      Gladman (Appellant) v Daventry and SSCLG (Respondents), Case

- No: CO/3447/2015
- 10 Bloor Homes (Appellant) v SSCLG and Hinckley and Bosworth  
Borough Council (Respondents)  
Case No: CO/2334/2013
- 11 Cotswold District Council (Appellant) v SSCLG and Hannick Homes  
and Development Limited (Respondents) Case No: CO/3629/2013
- 12 Appellant's Openings
- 13 Council's Openings
- 14 Buckden Parish Council's Openings
- 15 Protect Buckden's Future Group's Openings
- 16 Statement from Mr K B Gray (31 Greenway)
- 17 Statement from Jeanette Howard (Springfield Close)
- 18 Statement from Arthur and Elizabeth Payne (The Osiers)
- 19 Statement from Terry Hayward (District Councillor for the  
Buckden Ward)
- 20 Letter from Savills regarding development at Loves Farm East, St  
Neots
- 21 Disputed Site Table- 16.05.2017
- 22 Comparison between the Cambridgeshire Research Group (CRG)  
and Barton Willmore (BW) OAN
- 23 Appellant's Supply Figure (Updated) (Mike O'Brien)
- 24 Email from Clara Kerr regarding Wintringham Park housing  
trajectory (17.05.2017)
- 25 PPG extract, Flood risk and Coastal Change
- 26 Land opposite 315 Ugg Mere Court Road, Ramsey Heights Appeal  
Decision, APP/H0520/W/16/3167776
- 27 Statement from Mr John Davies
- 28 Buckden School numbers provided by school 18/05/2017
- 29 Statement from Mr Reg Parker
- 30 Location Plan, A3 enlargement of Appendix B, Mr. Bamber's  
Addendum 2
- 31 Note from the Headmistress of Buckden School
- 32 Image of Buckden Towers and Church (1816)
- 33 Gavin Sylvester email to PINs 12th May confirming CCC position  
with regards to Archaeology
- 34 Annotated viewpoint plan for the site visit
- 35 Traffic Accident Reporting System extract – Buckden, December  
2016 and extract from Cambridgeshire News Website
- 36 Email regarding Forensic Lab, Hinchingsbrooke, Huntingdon
- 37 Housing Supply Table
- 38 Email about archaeology at the George Street, Huntingdonshire  
sites
- 39 Revised Tree Retention Plan
- 40 Archaeological Statement of common Ground
- 41 Design Code Condition



### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters pursuant to condition 1 shall accord with drawing no. 5524-L-05 Location Plan, which is hereby approved.
- 5) The Reserved Matters pursuant to condition 1 above shall be in general accordance with the development framework shown on drawing 5524-L-03\_K.
- 6) The development hereby permitted shall be limited to no more than 180 dwellings (C3 Use Class).
- 7) No development shall commence until a development phasing plan outlining the details of the proposed phasing of the dwellings, related site accesses, infrastructure and associated works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.
- 8) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be complied with throughout the construction period. The Statement shall provide for:
  - i) the routes to be used for Heavy Goods/Commercial Vehicles delivering plant and materials to the site or removing waste or other materials from the site;
  - ii) site compounds and offices and the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust, dirt, noise and light during construction
  - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - ix) the hours of work.
- 9) No dwelling shall be occupied until it is connected to a public sewer maintained and operated by a statutory water undertaker and thereafter waste water from each dwelling shall be discharged to the public sewer.

- 10) No development shall commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
  - i) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water;
  - ii) Flood water exceedance routes, both on and off site;
  - iii) A timetable for implementation;
  - iv) Site investigation and test results to confirm infiltration rates.

The development shall be carried out in accordance with the approved details.

- 11) No dwelling shall be occupied until details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SuDS features) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall identify run-off, sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 12) No development shall commence within a phase until details of the proposed finished floor levels of all buildings and the levels of the site and any changes proposed to the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13) No dwelling shall be occupied in a phase of development until full details of all external lighting within that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be operational before the occupation of any dwelling within that phase.
- 14) No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan shall be complied with.
- 15) No development beyond slab level shall commence until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a phasing plan. No dwelling unit hereby permitted shall be occupied until the fire hydrant serving it has been installed and made operative in accordance with the approved phasing plan.
- 16) No dwelling shall be occupied until a scheme for the provision of bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and numbers of boxes to be provided, their proposed locations and a programme for their

installation. The boxes shall be provided in accordance with the approved scheme.

- 17) No development shall commence unless and until:
- i) A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by the Local Planning Authority;
  - ii) Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment of the extent, scale and nature of contamination shall be submitted to, and approved in writing by the Local Planning Authority.
  - iii) Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
    - a) an options appraisal and remediation strategy;
    - b) remediation objectives and remediation criteria;
    - c) remediation works to be undertaken;
    - d) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in c) have been completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

- 18) If remediation is required, the approved Remediation Strategy must be carried out in accordance with a scheme approved in writing by the Local Planning Authority. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development (or each phase of the development to which the Site Verification Report refers) being brought into use.
- 19) If, during development, contamination not previously identified is found to be present at the site:
- i) it shall be reported to the Local Planning Authority within 1 working day;
  - ii) no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until site investigations have been carried out and a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination will be dealt with;
  - iii) the Remediation Strategy shall be implemented as approved;
  - iv) no occupation of any part of the permitted development identified in the Remediation Strategy as being affected by the previously unidentified contamination shall take place until (a) the approved scheme has been implemented in full and any verification report

- required by the scheme has been submitted to and approved in writing by the Local Planning Authority and (b) if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the Local Planning Authority;
- v) the long-term monitoring and maintenance plan shall be implemented as approved.
- 20) No development shall commence until a scheme for protecting the dwellings hereby permitted from road traffic noise from the A1 trunk road has been submitted to and approved in writing by the local planning authority. The scheme shall include the details of any noise barrier, building insulation and alternative ventilation arrangements for the dwellings concerned. The scheme shall ensure that the internal noise levels from road traffic noise shall not exceed 35dB LAeq 0700-2300 hours in any habitable room or 30dB LAeq 2300-0700 and 45dB L<sub>max</sub> 2300-0700 inside any bedroom and that noise levels from road traffic noise in any amenity area shall not exceed 55dB LAeq (1 hour) within the first 5 metres from the building façade to which the amenity area relates. No dwelling shall be occupied until the noise protection measures serving the dwelling have been installed in accordance with the approved scheme.
- 21) Vegetation clearance works shall be carried out on the site between 1st March and 31st August inclusive unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.
- 22) No development shall commence in a phase nor shall any equipment machinery or materials for the purpose of the development hereby permitted be brought onto land in a phase until all trees and hedges to be retained within that phase have been protected by fencing that complies with BS 5837:2012, in accordance with a Tree Protection Scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior written permission of the Local Planning Authority. The approved protection fencing shall be retained for the duration of the development and not removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the Local Planning Authority.
- 23) No dwelling shall be occupied until detailed plans for the proposed provision of the site access junction on Lucks Lane and footways/cycle ways, and the proposed highway improvement works on Lucks Lane, Stirtloe Lane and its junction with the A1 Trunk Road, as shown on drawing 4746-00-15 B, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been completed in accordance with the approved plans.

- 24) No development shall commence in a development phase until (a) a plan showing the extent of the road/footway/cycleway network within the phase which is to be offered for adoption by the local highway authority and (b) a scheme for the construction and long term management of any development road/footway/cycleway which is not to be adopted by the local highway authority has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) road/footway/cycleway cross-sections showing their construction;
  - ii) details of lighting;
  - iii) the provision to be made for access to these roads by Local Authority refuse collection vehicles.

The development shall be carried out in accordance with the approved scheme and no dwelling shall be occupied until that part of the road/footway/cycleway network which provides access to it has been constructed up to binder-course level. The surface course shall then be completed within a timescale which has been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

- 25) No dwelling shall be occupied until a scheme for the provision of street lighting on Lucks Lane between the approved access junction and the existing street lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to first occupation of the development.
- 26) No development in the construction of (i) the footpath link extending from the site access on Lucks Lane (including any boundary treatment) to Stirtloe Lane, and (ii) 'passing bay 3' as shown on drawing 4746-00-15 B, shall commence until an Arboricultural Method Statement detailing the 'no dig' techniques for construction of the development within the root protection areas of retained trees denoted as T27, T39 and T41 in the Addendum to Environmental Appraisals dated 5 April 2017, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Arboricultural Method Statement, unless any variations to the Method Statement are agreed in writing by the Local Planning Authority.
- 27) A Design Code for the development shall be submitted to the Local Planning Authority and approved in writing prior to the submission of the first Reserved Matters application for the development. The Design Code shall demonstrate how the objectives of the Design and Access Statement (2016) will be met, and shall take account of the drawings referred to in Conditions 4, 5 and 23 above. The Design Code shall include the following:
- i) principles for determining the quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using recycled construction materials;
  - ii) principles of built-form, massing and relationship with adjoining land, including areas of transition with adjoining development, open spaces and the wider countryside;
  - iii) principles of building types, heights and location of key buildings/frontages and Character Areas;

- iv) principles for the location, design and function of open space (including areas for play, the Community Park and key SUDs features);
- v) principles of street grain and permeability, street enclosure and active frontages;
- vi) principles of hard and soft landscaping including the palette of surfacing materials and the use of tree pits;
- vii) principles for determining the design of structures, including: street lighting, boundary treatments, utility boxes and street furniture;
- viii) principles of establishment and conservation of flora and fauna interests and encouragement of biodiversity (including but not limited to creation and management of habitat types and ecological green infrastructure);
- ix) principles of a hierarchy of streets, routes and spaces, including the treatment of the Lucks Lane gateway feature and extent of the adoptable highway;
- x) principles of how car parking, cycle parking and refuse storage will be accommodated;
- xi) a mechanism for periodic review and refinement if necessary of the approved design code.

The Development shall be carried out in accordance with the principles established in the approved Design Code and all applications for reserved matters shall include a Design Code Compliance Statement. Any variance from the approved Design Code shall be recorded within the Design Code Compliance Statement and justification provided for the variation.

- 28) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- the statement of significance and research objectives;
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.