



Appeal Decision

Site visit made on 19 June 2018

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/W0530/W/18/3195084

Land at Royston Road, Whittlesford, CB22 4NW

- 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 Budworth Development Limited against the decision of South Cambridgeshire District Council.
 - The application Ref S/2777/17/OL, dated 4 August 2017, was refused by notice dated 3 November 2017.
 - The development proposed is outline application for up to 20 dwellings with all matters reserved for subsequent approval.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. The Council states that, since the original application was determined, it can now demonstrate a five year supply of deliverable housing sites. I will return to this later under the other matters relating to this appeal.
4. Refusal Reason 3 on the Council's Decision notice relates to failure to provide sufficient details in relation to required highway visibility splays. Since the determination of the planning application, detailed evidence and drawings showing the required highway visibility splays has been submitted by the appellant and the Council has confirmed that based on the findings, they no longer wish to pursue this reason for refusal. As this matter is no longer being disputed, I have determined the appeal on this basis accordingly.
5. A signed and completed Section 106 Unilateral Undertaking (UU) has been submitted by the appellant. This would secure contributions towards infrastructure provision and I return to this matter later.
6. Since the determination of the application the revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018. The main parties have been consulted on the revised Framework and provided comments in relation to this appeal. I have therefore considered the development against the relevant aims and objectives of the revised Framework.

Main Issues

7. The main issues are:

- (i) Whether or not the proposed development would accord with the Framework and the policies in the development plan relating to the location of new development in the District, having particular regard to the accessibility of local services and facilities; and
- (ii) the effect of the proposed development on the character and appearance of the area; and
- (iii) whether appropriate provision is made for on-site children's play space.

Reasons

Location of development

- 8. Policy ST/6 of the South Cambridgeshire Core Strategy (2007) (CS) identifies a number of villages including Whittlesford as Group villages. It indicates that residential development will be restricted to schemes of up to 8 dwellings and in exceptional circumstances, up to 15 dwellings on brownfield sites within the village development framework. The appeal site is outside the village development framework. Policy DP/7 of the South Cambridgeshire Local Development Framework Development Control Policies (2007) (DCP) sets out the circumstances in which development outside village development frameworks will be acceptable, none of which apply to the appeal proposal.
- 9. The Council considers that the appeal site is in an unsustainable development and to allow such a substantial amount of new housing would undermine the local plan approach to the settlement and the overall development hierarchy set out in CS Policy ST/2 that seeks to direct most housing development to the district's larger settlements and lesser amounts to the villages in the rural areas. DCP Policy DP/1 seeks, amongst other things, to minimise the need to travel and to reduce car dependency.
- 10. Paragraphs 78 and 79 of the revised Framework seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances which do not apply in this case. The appeal site is located on the southern edge of the village adjacent to the village development framework boundary and the built-up area of Whittlesford.
- 11. Whittlesford has a range of facilities and services, including a post office/village shop, primary school, hotel, two pubs, church, vets and some business and employment uses. The facilities in Duxford including village shop, primary school, hotel, three pubs and further employment opportunities are located about 0.7 miles to the south of the appeal site. The facilities in these settlements are within walking distance of the site along established highway footpaths.
- 12. The Whittlesford Parkway train station is located about 0.3 miles away with a service operating every half an hour on a daily basis providing access to Cambridge and London. Two bus stops are situated a short walk from the site on Duxford Road and opposite the Red Lion Hotel. The information provided by

the main parties indicates that the village has a bus service linking the village to the larger settlements of Sawston and Cambridge that operates during the day, Mondays to Saturdays, until early evening, with no service on a Sunday. As such, although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby larger settlements, some day to day trips could be undertaken by sustainable means.

13. Consequently, I conclude that the appeal site is reasonably sustainably located and the future occupiers could support the local services and communities. The appeal site is adjacent to the village development framework and built-up area of Whittlesford and would not be remote from the services and facilities in the villages of Whittlesford and the nearby settlement of Duxford. The proposed development would not be in an isolated location in the context of Paragraphs 78 and 79 of the revised Framework. There would at least be a choice to use accessible modes of transport to access local services and facilities and additional dwellings in this location would not significantly undermine the aim of DCP Policy DP/1 to minimise the need to travel and reduce car dependency across the District as a whole.

Character and appearance of the area

14. The appeal site comprises an open agricultural field covering about 0.74 hectares on the south side of Royston Road on the southern edge of the village. A linear form of residential development is located to the east along Royston Road that forms one of the main approaches into the village from the busy A505 classified road that runs along the southern boundary of the site. It is located set back behind a small grass verge with a relatively open frontage and generally flat topography with open countryside to the north, south and west of the site, which adds to the open and rural character of the area. This is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens and open countryside. The indicative details show a linear form of residential development of 20 dwellings with a 2m high earth bund/planting along the southern and western boundaries of the site and vehicular access off Royston Road.
15. A main objective of the revised Framework is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 170 of the revised Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Based on the evidence before me, the site lies in an area which has no national or local designation and as such does not fall within the scope of the valued landscapes under Paragraph 170 of the revised Framework.
16. The appeal site is located within the Chalklands Landscape Character Area¹ defined by large arable fields and strong rural character with a distinctive landform of smooth rolling chalk hills and gently undulating chalk plateau. Villages in this area typically have strong historic linear forms typically abutted by fields or woodlands that contribute to the rural character of the area, although this is disrupted by major transport corridors such as the A505 and M11. The Council seeks to protect and enhance the local distinctiveness of these areas. DCP Policy NE/4 states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.

¹ South Cambridgeshire District Design Guide Supplementary Planning Document 2010

17. It is clear from the evidence provided and from my observations during my site visit that, given the topography of the site and immediate surroundings, the appeal site would not be highly visible in the wider landscape. Nonetheless, on a more local level, given the scale of the development, it would represent a significant shift of the built up development beyond the edge of the village. The appeal site, together with the adjoining fields, provides a significant contribution to the visual quality and the openness of the area. It adds substantially to the character and appearance of this part of the village and provides an important contribution to the rural landscape setting of the village. This positive contribution to the character and appearance would largely be lost by the development, which would significantly urbanise the open and undeveloped nature of the site.
18. These shortcomings would be exacerbated by the relatively open frontage of the site and the proposal's prominent position where it would be visible from a number of public vantage points along Royston Road and A505 classified road. I therefore consider that the introduction of the new dwellings and associated features including gardens and other domestic paraphernalia would significantly harm the undeveloped and open character of the site which contributes to the open rural character of the area.
19. I have considered the appellant's arguments that the scale and layout of the proposed development has been carefully considered in order to minimise any impacts on the area and the impacts for the future occupiers associated with the busy A505 classified road. Whilst I recognise that the indicative layout would not be in keeping with the other properties in the area and the retention and enhancement of the landscaping around the site would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I consider that the proposal would adversely harm rather than positively contribute to the rural character and appearance of the area.
20. Consequently, I conclude that the proposed development would have a significant harmful effect on the character and appearance of the area. The development conflicts with Policies DP/2, DP/3 and NE/4 of the DCP. These policies, amongst other things, seek to ensure that all new development is of a high quality design that preserves or enhances the character of the area, respects the local context and local distinctiveness of the area and would not have unacceptable adverse impact on the village and landscape character. The proposal would conflict with aims of the revised Framework that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character and landscaping setting (paragraph 127).

On-site children's play space

21. Policy SF/10 of the DCP requires all residential development to provide or contribute to outdoor playing space (including children's play space and formal outdoor sports facilities) and informal open space, in accordance with the standards in Policy SF/11 of the DCP. The Council's Open Space in New Developments Supplementary Planning Document 2009 (SPD) states for developments of more than 10 dwellings, a Local Area for Play (LAP) and informal play space should be incorporated into the development and provided on-site.

22. The Council's supporting appeal statement confirms that formal children's play space of 193 sqm should be provided plus 193 sqm of informal children's play space and an additional 193 sqm of informal open space. The indicative development scheme does not show any of this open space provision, nor a LAP, to meet these minimum requirements. The appellant states that, given the physical constraint on the site and the character of the surrounding area, any provision of open space on-site would detract from the linear character of the proposal and the existing development in the area. The appellant states that each dwelling in the high quality development would benefit from a private garden of size sufficient to provide safe play space as well as outdoor leisure and gardening activities for the future occupiers.
23. The appellant considers there is sufficient open space in the locality to serve the needs of the development. The appellant states that a large recreation ground, which includes open space, a play area and sport facilities located about 1km to the north of the site at King George Field is sufficiently close to the appeal site to serve the needs of the development. The appellant has offered to make a financial contribution in the signed and completed UU submitted with this appeal towards formal children's play space, informal children's play space and informal open space at the King George Field recreation ground based on the figures in the Council's S106 Justification Statement.
24. However, the Council have stated that the recreation ground at King George Field would be beyond the recommended walking distance in the SPD of 450m for a Local Equipped Area for Play. The appellant's Transport Statement outlines that the Manual for Streets (DfT 2007)² states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas, although walking offers the greatest potential to replace shorter car trips of less than 2km³. That may well be satisfactory for an active adult individual or cyclist, but young children and older people would find the journey more onerous and time consuming. This is particularly the case for the children's play area and open space facilities at King George Field where it is doubtful parents would choose to walk young children especially in inclement weather.
25. The appellant also states LAPs and open space are available within the nearby existing housing development at Knight's Orchard and The Moraine and the approved housing development at Moorfield Road in the village. However, the Council outlines that the LAPs and open space in the nearby residential developments are firstly of a size to meet the needs of those residents and secondly are privately owned and as such there are no opportunities for expanding the existing provision within the vicinity of the site.
26. Whilst it is not inconceivable that the local facilities within the nearby housing developments could not be used by the future residents of the development, in the absence of any convincing evidence to the contrary, these factors do not address the shortfall in the open space provision and the fundamental shortcomings arising from the development as proposed. Cumulatively, the combination of the number of dwellings proposed and the failure to meet the minimum open space standards would in my view result in a poor quality living environment.

² Department of Transport Manual for Streets 2007

³ SLR Transport Statement July 2017 paragraph 3.5

27. Consequently, I conclude that the proposal would not make adequate provision for on-site children's play space contrary to Policies SF/10 and SF/11 of the DCP and the SPD. Similarly, the proposal would conflict with aims of the revised Framework that seeks to ensure suitable access is provided to high quality open spaces which make an important contribution to the health and well-being of communities (paragraph 96).

Other Matters

28. A signed and completed UU has been submitted by the appellant towards affordable housing provision and local infrastructure including education, waste, indoor community space, sports and open space provision. However, in light of my findings on the main issues above, it is not considered necessary to look at the UU in detail, given that the proposal is unacceptable for other reasons.
29. In relation to affordable homes, Policy HG/3 of the DCP states that proposals for housing developments will only be permitted if they provide an agreed mix of affordable housing to meet local needs and the amount of affordable housing sought will be 40% on schemes of 2 or more dwellings that must be available over the long term. The appellant's has stated that they would provide up to eight affordable homes in accordance with DCP Policy HG/3.
30. The Council have provided evidence that South Cambridgeshire has a high level of housing need across the District. The appellant does not dispute this evidence and the signed and completed UU deals with such provision and would make a contribution towards local affordable housing need. The agreement necessarily sets out the requisite numbers, tenures, definitions (including that relating to Affordable Rent) and provision rate in accordance with DCP policy HG/3, the Affordable Housing SPD and the revised Framework. Based on the evidence before me, I am satisfied that the proposed contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the revised Framework and the Community Infrastructure Levy Regulations 122 and 123. I have therefore attached weight to this aspect of the UU in reaching my decision.
31. I have noted the other developments in the area drawn to my attention by the appellant. However the existing housing development at Knight's Orchard and The Moraine and the approved housing development at Moorfield Road currently under construction and the Lion Works development in the village have different development characteristics to the appeal scheme. Consequently, I do not consider them to be directly relevant to the case before me and, as such, I afford them limited weight as comparable cases.
32. I also note the appellant's comments regarding the identification of the appeal site as a Rural Travel Hub as part of a feasibility study within South Cambridgeshire⁴. However, this relates to a different scale and form of development to the appeal scheme and as such I afford this limited weight.
33. I have considered the appellant's comments regarding the previous application on the site and the pre-application advice provided by the Council. The Council, however, provided this advice in a different policy context when the Council could not demonstrate a 5 year land supply and in any event, are not

⁴ Rural Travel Hubs Feasibility Study Report prepared by Skanaka November 2017

bound by the officer's pre-application advice in making their final decision. I also note the appellant's comments regarding the support from Whittlesford Parish Council and the lack of formal objections from key consultees to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the area and is not a determinative factor on its own. I therefore accord these matters limited weight.

34. The appellant questions the Council's current housing policy position in light of the overall housing supply requirements in the district and the robustness of the Council's latest Five Year Housing Land Supply Update⁵. The Council states that it is able to demonstrate a housing supply of 5.0 years for the period 2018-2023 with a surplus of 67 dwellings using the Sedgefield Methodology because a number of sites have been approved recently or allowed on appeal, that were not accounted for in the housing trajectory in the Council's submitted Annual Monitoring Report (AMR) for the period 1 April 2016 to 31 March 2017. This surplus includes the removal of 150 dwellings at Sawston as none of those will now be delivered within the period and a 10% reduction for non-delivery applied to smaller sites of less than 10 dwellings in line with the AMR. The Council has cited a recent appeal decision regarding the weight to be attached to this approach⁶.
35. In light of the appellant's submitted five year housing land supply assessment and the requirements in the revised Framework, the appellant has questioned the deliverability of specific sites, particularly on larger sites, the Council's assumptions used for its windfall allowance and the reliance on the delivery of a number of housing allocations from the emerging South Cambridgeshire Local Plan (ELP) in the five year supply. The appellant has calculated a revised Housing Land Supply of 4.5 years using the Liverpool Methodology and 3.6 years using the Sedgefield Methodology⁷.
36. I adopt some caution with the figures given to me by the Council because although 'health checked' the actual completions for 2017-2018 are not available. However, the Council appeal submissions have indicated that the housing trajectories have been produced in consultation with various agents, developers and landowners responsible and, on the larger sites, have taken a more cautious approach to their delivery than promoted by the relevant agents, developers and landowners to ensure that the sites are considered deliverable. For the last 5 years actual completions have been more than predicted and despite the undoubted challenges of bringing forward development, including those sites where legal agreements are still outstanding, the Council's assessment, including its approach to the windfall allowance, seems reasonably robust in the current circumstances.
37. In relation to the allocated sites, having regard to the judgements in St Modwen⁸ and Wainhomes, the consideration of housing land supply should not be expected to provide certainty that sites will be brought forward, but it should give a realistic assessment of deliverability. Sites may be included if there is no greater than a realistic prospect of housing being delivered within

⁵ Update on South Cambridgeshire Five Year Housing Land Supply 21 May 2018

⁶ APP/W0530/W/17/3186104

⁷ Bidwells 5 Year housing Land Supply Rebuttal Statement July 2018

⁸ St Modwen v SSCLG & ERYC [2017] EWCA Civ 1643

the five year period. The Wainhomes judgement⁹ also confirms that an allocation in an emerging local plan may be evidence in support of a conclusion that such sites are deliverable, albeit that this is a starting point.

38. Annex 2 of the revised Framework states for a site to be deliverable, it should be available now, offer a suitable location for development now, and be available with a realistic prospect that housing will be delivered on the site within 5 years. It goes on to state that sites allocated in the development plan should only be included where there is clear evidence that housing completions will begin on site within five years. Thus, as the appellant accepts the decision maker has to have clear evidence to show that there is not simply doubt or improbability but rather no realistic prospect that the sites will come forward within the 5 year period.
39. The allocated sites in dispute¹⁰ have passed the examination stage and the ELP is at a very advanced stage. I am mindful that the proposed number of dwellings could go up or down given the requirement for a design led approach. However, based on the evidence before me, including the latest update on the status of these sites in the Council's appeal submission, there appears to be a realistic prospect, in my view, that the proposed housing would be delivered and as such the inclusion of these allocated sites in the five year supply of deliverable housing sites appears to be reasonable.
40. Paragraph 8 of the revised Framework requires the social, economic and environmental objectives of sustainability to be considered together. The appellant considers that the proposal would provide social and economic benefits through contributing to the supply and mix of housing in the area, including affordable homes, providing construction jobs, supporting local services and facilities through new residents and financial contributions towards local infrastructure provision. The revised Framework promotes sustainable development in rural areas, and the housing would make a positive, albeit modest contribution to the supply of housing and supporting the vitality of the village and the surrounding rural communities, that weigh in favour of the proposal and to which I attach moderate weight.
41. In environmental terms, the appellant states that the scheme's design, landscaping, ecological enhancement, noise mitigation measures, effective use of land and the accessibility to services by other means of transport than the car would amount to environmental benefits and would help reduce emissions and mitigate climate, to which I attach moderate weight.
42. However, in this case, I have found that the scheme would harm the objectives set out in the revised Framework and the great weight it places on conserving the landscape and scenic beauty of the countryside. I have found above that taken overall the development would cause significant harm to the area's character and appearance and fail to make adequate provision for on-site children's play space. This harm would conflict with the environmental and social dimensions of sustainable development. In addition, I found that the provision of the dwellings in this location would be in conflict with Policies

⁹ Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government [2013] EWHC 597

¹⁰ Bidwells 5 Year housing Land Supply Statement June 2018 - Table 4.9 and Bidwells 5 Year housing Land Supply Rebuttal Statement July 2018 - Table 3.1

DP/2, DP/3, NE/4, SF/10 and SF/11 of the DCP. These policies relate to matters of design, character and appearance, landscape character and open space provision and, in spite of the age of the plan, I consider that they are broadly consistent with the aims of the revised Framework.

43. The revised Framework indicates that in the absence of relevant or up to date development plan policies the balance is tilted in favour of the grant of planning permission except where the benefits are significantly or demonstrably outweighed by the adverse effects or specific policies in the revised Framework indicate that development should be restricted. If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development.
44. Therefore, even if I were to conclude that there is a shortfall in the five year land supply as suggested by the appellant and that the relevant policies for the supply of housing could not be considered up to date, the adverse impacts of granting permission that I have identified, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits in this case. As such, the proposal would not comprise sustainable development when assessed against the revised Framework read as a whole.
45. Accordingly neither this nor any of the other matters outlined above amount to material considerations which would outweigh the conflict with the policies in the development plan when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.

Conclusion

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

David Troy

INSPECTOR