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## Appeal Decision

Hearing Held on 2 October 2018

Site visit made on 2 October 2018

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 26<sup>th</sup> October 2018**

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### **Appeal Ref: APP/X1925/W/17/3192151**

#### **Land at Station Road, Ashwell, Herts**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Beck Homes (UK) Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 17/01406/1, dated 26 May 2017, was refused by notice dated 17 October 2017.
  - The development proposed is 46 dwellings, children's play area, 2 sports pitches, pavilion and associated infrastructure.
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#### **Decision**

1. The appeal is dismissed.

#### **Application for costs**

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

#### **Preliminary Matters**

3. The Council's reasons for refusal included reference to lack of provision for affordable housing and in relation to archaeology. Submissions made by the appellant have now satisfied the Council that these matters can be acceptably dealt with and do not represent obstacles to permission being granted. In addition, the Council accept in the Statement of Common Ground that the loss of agricultural land is not a matter that would prevent permission being granted, in this case. This was confirmed at the Hearing and it was stated that they would not offer any opposition on this matter.
4. The Council accepts that it cannot demonstrate a minimum of 5 years' supply of housing land.

#### **Main Issues**

5. The main issues in this appeal are the effects of the proposal in relation to;
  - The countryside
  - The character of the village
  - Education matters and locational sustainability

- The need for sports pitches

## **Reasons**

### ***Countryside***

6. The appeal site is a roughly rectangular field which has a frontage onto Station Road, outside the defined settlement boundary of Ashwell. The settlement boundary is defined in the North Hertfordshire District Local Plan (LP) and also shown within the Submission Local Plan (SLP) which was the subject of examination earlier this year but is not yet adopted. The boundary sits immediately to the north of the appeal site. Within the LP, the area outside the settlement boundary is defined as 'rural area beyond the Green Belt' and Policy 6 of the LP states that in such areas development will only be allowed if it falls within certain restricted categories, which do not include development of the type proposed in this appeal.
7. The appellant indicates that Policy 6 is out of date and inconsistent with the NPPF and so should be afforded little weight. The NPPF states at paragraph 170, amongst other things, that planning decisions should contribute to and enhance the natural and local environment, including recognising its intrinsic character and beauty. In my judgement, when taken with other policies in the LP, Policy 6 is consistent with this part of the NPPF and would enable a balanced view of sustainable development to be undertaken. I therefore attach weight to it. In addition, I note that the general aim is taken forward in SLP Policy CGB1, although I fully recognise that it has not been adopted and could be the subject of modifications.
8. The site is open, relatively flat and contains no buildings. In its southern part is a relatively narrow belt of trees. The site is bounded by open land to the east and south and on the opposite side of Station Road is open land. To the north is land within the settlement boundary but from what I saw on site, the houses close to Station Road only extend to the east a relatively small distance; the remainder of the land is open and appears to be in a mixture of agricultural use and open sports use. There is little or no intrusion from buildings here. At present, this gives the edge of the village an appearance of blending with the adjacent countryside, rather than forming an abrupt or harsh edge. I consider that this is an important feature of the area.
9. I consider that the open, rural character of the appeal site would be significantly compromised by the appeal scheme. It would result in a significant development of a suburban character which would not be consistent with Policy 6 of the LP. The appellant refers to existing development to the north and to the belt of trees within the south of the site. The development to the north is low key and dispersed and, in my view, forms an appropriate transition where built form gives way to open countryside; the appeal scheme would not represent such a transition, would be deeper into the site and of a more suburban form. I accept that trees within the south of the site would be retained, but my judgement is that this is insufficient to disguise the unacceptable effects of the proposal in this respect. I accept that the land has no specific landscape designation but it clearly represents an attractive area of open countryside which has intrinsic qualities. I consider that the proposal would not be consistent with paragraph 170 of the NPPF for these reasons.

### ***Character of the village***

10. There is some over-lapping in relation to the first issue in that I have found that the proposal would have an unacceptable effect on this area, including by providing a form of development which is at odds with both the open land and with the low-key and dispersed nature of the adjacent development to the north, within the village. Added to this, the development here at present where it is within the village is close to the road and contains significant open areas in the form of the open land/recreational uses. My view is that the proposal would not provide development that is consistent with this pattern here, as it would provide a small estate of housing land at some depth from the road, before the open land uses are present. Rather than blending with the adjacent edge of the village, it would provide a development that is of much greater intensity and depth. In my judgement, this would significantly harm the character of the village here contrary to policy 57 of the LP and the advice within section 12 of the NPPF
11. I note that some effort has been put into consideration of the townscape that would be formed by the proposal and the appellants state that they have used references within the existing village. Whilst this may be the case, these matters do not outweigh the harm that I envisage arising from the proposal, as described above.

### ***Education matters and locational sustainability***

12. The County Council as Education Authority express the view that the appeal site would generate children of primary school age, who could not be accommodated at the local Ashwell Primary School. This would then involve children being transported to remote schools, with prejudicial effects on health and well-being, as well as adding to car journeys within the area.
13. The County Council has included within its assessment, the likely numbers of children that would arise from a nearby proposal site within the SLP (referred to as the Claybush site) and has assumed that this development would go ahead, for the purposes of calculating school places. The appellant casts doubt on the likelihood of the Claybush site being developed, pointing out that the planning application has been with the Council for some considerable time and remains undetermined and is the subject of unresolved issues.
14. In my view, the proximity of a site to services must be judged as a whole and whilst access to a local primary school may be an important consideration, it forms just one of a list of numerous facilities and services which could determine whether a site or village is well-served or not. In the case of Ashwell, it was acknowledged, and I saw at my visit, that it contains a broad range of shops, health services, social, recreational and religious establishments.
15. When taken as a whole, even if the proposal would result in a relatively small number of children being unable to find a school place at Ashwell, I consider that the other locational advantages are such that this would not form a reason for dismissing the appeal.

### ***The need for sports facilities***

16. The Council expressed the view that the facilities contained within the proposal had not been tailored to suit a specific and quantifiable need within the area.

They indicated that local clubs had merely provided a 'wish-list' and that no considered justification is present.

17. Having considered the views expressed at the Hearing, whilst some may have doubts about whether such facilities are needed, my view is that they should be seen as part of the proposal and this aspect of it would represent a modest benefit to the area and this should be weighed in the balance when concluding on this appeal.

### **Planning Obligations**

18. The appellant has submitted completed S106 Agreement and a Unilateral Undertaking. The Council considers that the provisions within the Agreement are necessary to make the proposal acceptable but that the Unilateral Undertaking includes provisions which have been neither sought nor justified. Based on what has been presented, I agree with these conclusions and, where justified, I have taken account of these provisions in determining this appeal.

### **The Planning Balance and Conclusions**

19. The appellant and Council have submitted other appeal decisions which are intended to support their respective cases. It is no surprise that these generally pull in opposite directions in respect of the various issues and cases put forward. Whilst I have read them, what is clear is that the individual circumstances of each appeal case are seldom, if ever, replicated. Each case includes consideration of differing issues which are attributed differing amounts of weight as the individual circumstances dictate. When weighing different issues, with different weights in areas and landscapes with individual characteristics, it is no surprise that a spectrum of conclusions and different decisions arise. Whilst I have born in mind the general conclusions, I have determined this appeal in relation to its individual merits and short-comings.
20. There would undoubtedly be benefits arising from the proposal; the provision of new homes with an element of affordable homes, would be a considerable benefit to the area. The provision of additional sports and recreation facilities would represent a modest benefit, in my judgement. The construction of the development would provide some modest support to the local economy, as would the additional spending in the area provided by new residents, in supporting local shops and services. However, I have found that the negative effect on the countryside here would be significant; combined with the clear and negative effect on the character of the settlement, I find that the disadvantages of the proposal are weighty and significant. Taking account of paragraph 11 of the NPPF, I consider that the adverse impacts that would arise from the proposal would significantly and demonstrably outweigh its benefits. Therefore, the appeal is dismissed.

*S T Wood*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

S Booth  
S Wadsworth  
B Wilkinson  
C Schwick

FOR THE LOCAL PLANNING AUTHORITY:

J Cousins  
R Tiffin  
A Bearton  
A Proietti

INTERESTED PERSONS:

D Short

Richborough Estates