



Appeal Decision

Hearing held on 14 October 2014

Site visit made on 14 October 2014

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 31 October 2014

Appeal Ref: APP/W0530/A/14/2216081
Willingham Green Road, Brinkley CB8 0SW

- 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 Mr David Garrad against the decision of South Cambridgeshire District Council.
 - The application Ref S/2353/13/OL, dated 1 November 2013, was refused by notice dated 30 January 2014.
 - The development proposed is redevelopment of former vehicle breakers yard including demolition of existing buildings and removal of hard standings. Construction of five private and five social ECO housing units with separate access roads.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant was granted an extension of time to prepare a Unilateral Undertaking to secure planning contributions and the delivery of affordable housing. This obligation and the associated comments by the Council have been considered in my decision.
3. Mr Dellow said at the Hearing that he acted on behalf of the appellant and the owner of the site. This was contradicted by the appellant in correspondence after the Hearing which said that Mr Dellow does not act for him and that he acted on his own behalf. But Mr Garrard also said in the correspondence that he did ask Mr. Dellow to put forward some points on the joint behalf of the owner and the appellant. I have considered the representations made by Mr Dellow accordingly.
4. It is accepted by the Council (SCDC) that at present it cannot demonstrate a five-year supply of deliverable housing sites. Consequently the housing policies in the Development Plan should not be considered up-to-date and the proposal should be considered in the context of the presumption in favour of sustainable development.
5. The Council also relied, in their decision, on policies from the adjacent district, East Cambridgeshire District Council (ECDC). This was because the site is close to the administrative boundary and the appellant has based part of his justification for the proposed housing on the needs of a village that lies in the adjacent district. Neither of the parties could tell me whether or not the ECDC

housing policies are up-to date. In the absence of evidence to the contrary I shall accord them some limited weight as a material consideration in my decision.

Background

6. The appeal site is located on the south side of Willingham Green Road, within a ribbon of about 10 houses known as Willingham Green and is isolated from any settlement. The hamlet is located in an area which is very sparsely populated. I was told the entire parish of Carlton cum Willingham (CWP) only numbers about 160 persons and there is an almost complete lack of local services and facilities in the locality. The only service in Willingham Green is an occasional bus.
7. The site is roughly rectangular and has a depth of about 140m and a frontage of some 90m. Most adjacent residential plots are relatively shallow and I saw that the layout of the hamlet following the line of the central road is a feature of the settlement pattern hereabouts and is replicated in the other nearby settlements such as Carlton and Weston Colville.
8. Until the recent past the site was used for vehicle breaking, storage and sales of vehicles and repairs and has the benefit of a certificate of lawfulness. The vehicles have now been cleared and all that remains are a few structures, containers and modest buildings. The site is almost entirely laid to gravel or concrete and is screened, at least when the trees are in leaf, in views from the south, east and west. The land slopes down to the south and west and drains to ditches around the perimeter. To the north, fronting onto Willingham Green Road is a high corrugated metal fence erected behind a wide verge which appears to have been used for parking in conjunction with the previous use. The site contrasts with the otherwise primarily residential development of 1 and 2 storey houses hereabouts.

Main issue

9. Whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework (the Framework) taken as a whole.

Reasons

Benefits

10. The development would bring some short term economic benefits during the construction phase in terms of employment but such benefits are likely to be short-lived and fairly limited. In the longer term the additional population would increase the potential for spending in local shops, and support for local services, raise revenue from the Council tax payable and provide an additional pool of employees in this fast growing region.
11. The appeal site is within a small cluster of existing dwellings in a rural location and the approach to rural housing development in the Framework is in principle supportive of development in villages where that may support services in a village nearby¹. Thus in these circumstances development should be supported

¹ Paragraph 55: The National Planning Policy Framework

where there would be an ensuing tangible social gain and improvement in rural vitality.

12. It is common ground that there is a critical shortage of affordable housing in the District as a whole and the development would facilitate 5 units which would contribute towards addressing the shortfall.
13. The site is previously developed land and the Framework encourages the re-use of such land provided it is not of high environmental value². Moreover, although the vehicle salvage, repairs and sales enterprise has now ceased and the vehicles removed from the site, the industrial fencing along the road elevation is unsightly. Neither are the remaining hard standing or buildings positive assets. Furthermore, as noted by the appellant, there is a lawful development certificate in place which means that the previous use could recommence. In such circumstances the principle of re-development is accepted by the main parties, the Parish Council and local residents and I agree that development could lead to an environmental gain. I am also satisfied that the appellant intends to ensure that the individual design of the proposed housing would be of high quality and accord with the design aims of the Development Plan and guidance in the Framework.

Vitality and sustainability

14. The Framework encourages housing which is located where it would enhance or maintain the vitality of rural communities. But the dwellings in Willingham Green are isolated from even basic support services such as food shops, medical services, sources of employment and education facilities. The site is about 1.6 km from the nearest shop, a part time post office in Weston Colville which appears to stock only a few items of convenience foods, and a village shop in Balsham about 6.4km distant.
15. Where services do exist these do not appear to be concentrated in any one village, but are spread around various settlements and thus multiple journeys may be necessary to access them. Although some of these could be reached by bicycle I saw little evidence of such means of transport. Whilst I accept that the two visits I made to the site before and at the end of the Hearing represent snap shots in time, I consider that it is highly probable that residents without access to a car would be isolated from essential facilities. The addition of 10 households would be unlikely to make any significant difference to the vitality of Willingham Green or the other rural communities in this part of rural Cambridgeshire.
16. I acknowledge that the Framework does support isolated development in special circumstances. But this is not determinative because the appellant conceded at the Hearing that the development would not comply with any of the listed exceptions³. It also seems to me that, given the relative ease of access to Newmarket, Haverhill and Cambridge for motorists, future residents would be less likely to support the limited village facilities. Thus in my view the economic contribution of this development in terms of support for local services would be at best marginal. Neither do I agree that the additional residents who would occupy the 10 houses are likely to result in any significant improvement to the local bus service which I heard currently provides one bus

² Paragraph 17: The National Planning Policy Framework

³ Paragraph 55: The National Planning Policy Framework

- to Newmarket per day⁴. There is no regular service bus to the nearest station or other larger settlements.
17. I accept that the development could provide housing for potential employees moving into the region, but equally the housing could be occupied by employees already in South Cambridgeshire and possibly in more geographically sustainable locations. There appears to be little local employment in the immediate vicinity other than some limited rural initiatives such as equestrian enterprises. In such circumstances, future residents are likely to commute into the larger towns and into Cambridge which is contrary to the aim of sustainable development. Moreover, future occupants of the affordable housing would be likely to be disadvantaged by higher costs of commuting and those without access to a car would have considerable difficulty in accessing employment opportunities.
18. The Parish Council do not accept that there would be a long term net economic benefit following from redevelopment for housing and said that the site should be used to facilitate rural business. That is not the proposal before me though the Council confirmed that the aim of Development Plan employment policy seeks the retention of rural employment which supports rural vitality. I also note that the Framework is supportive of economic growth in rural areas in order to create jobs and prosperity⁵.
19. It is common ground that there is a critical shortage of affordable housing in the District as a whole. But within the relevant SCDC parish, CWP, which is an important factor in the nomination of tenants, there is only one entry on the Housing Register. However the appellant says that there is a need for social housing in the village of Brinkley which lies in ECDC and letters from a Registered Provider (RP) supports the application in principle. There was conflicting information from Brinkley Parish Council and an absence of factual evidence to support the suggested need. It became clear in the Hearing, which was attended by an interested RP, that there had been no detailed assessment of need, discussion about the mix and proposed tenure, or an assessment of the suitability of this particular site. I also found that there was an absence of evidence about the viability of the site and no explanation about the split between the market and affordable housing.
20. Moreover, whether or not there is a need in ECDC, the submitted Unilateral Undertaking gives nomination rights to SCDC and the evidence for CWP is that this is not a locality where there is a demonstrable need for affordable housing. In these circumstances it appears that the provision of affordable housing on the appeal site does not reflect the expressed locational requirements of prospective tenants. I also have concerns about the clauses in the submitted obligation which would not ensure that the affordable rented dwellings would be retained in the long term. Nor is there any formal involvement or contractual agreements with a RP. In these circumstances the weight I attach to the benefit of affordable housing is reduced.
21. ECDC policy applies in Brinkley and the aims of that authority's development strategy support only minimal development in the smaller villages⁶. Where development is outside the village, Policy H4 of the *East Cambridgeshire Core*

⁴ 2 on Fridays

⁵ Paragraph s28: The National Planning Policy Framework

⁶ Up to two dwellings Policy CS1 *East Cambridgeshire Core Strategy*

Strategy seeks to ensure that all the dwellings would be made available to people in identified housing need. But in the absence of cogent evidence of need in that area, and because of the proposed mix and amount of housing I also find conflict with ECDC policies. These policies are a material consideration in this appeal albeit with limited weight.

22. Turning now to environmental considerations the appellant confirmed that the estate layout shown is indicative. But because of the shape of the site, it is highly probable that the residential development would be in depth. This is because the number of proposed dwellings, which are described by the appellant as detached family dwellings with garages, would not appear feasible if these are to be constructed only along the frontage of the site. The description of the development also says that the housing would be served by 2 separate access roads and thus the intention appears to be to construct separate enclaves of housing, comprising the market and affordable housing.
23. This form of development would fail to respond to local character. Moreover the separate enclaves within the site and the doubling of the size of this small hamlet would, in my view, be unlikely to promote an inclusive community⁷. Thus although I agree that the re-use of the site would have environmental benefits, because of its current appearance and the possibility that the lawful use could recommence, this enhancement this is tempered by the almost inevitable harm arising from the numbers of dwellings and probable form, scale and depth of the proposed development.

The planning balance and conclusion

24. It is common ground that the SCDC housing policies (South Cambridgeshire Core Strategy 2009 (CS) Policies ST/2, ST/5, ST/6 and ST/7 2007 and South Cambridgeshire Development Control Policies 2007 (DCP) Policy DP/7) are not up to date. Because this is the case, the starting point in this appeal is paragraph 14 of the Framework which says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework says that the planning system should play an active role in guiding development to sustainable solutions and economic, social and environmental gains should be sought jointly.
25. In this appeal I have found the economic and environmental gains would, at best, be marginal. But there would be serious harm to the social dimension because the proposed dwellings would be in a demonstrably unsustainable location, isolated and remote from basic everyday services and this would be contrary to the Framework which says that journey lengths for employment, shopping, leisure, education and other activities should be minimised⁸. Future residents would be seriously disadvantaged and for those on lower incomes, without access to a car, this would be likely to harm their quality of life. For these reasons I conclude that the benefits would be outweighed by the adverse impacts. Accordingly the proposal is not sustainable development.
26. I acknowledge that the development would facilitate the delivery of 10 residential units and this would contribute towards addressing the shortage in

⁷ Paragraphs 50 & 58: National Planning Policy Framework

⁸ Paragraph 37: The National Planning Policy Framework

deliverable housing sites. But this shortage does not mean that the merits of the scheme should not be assessed against the aims of the Framework as a whole. Taking all factors into account, including the submitted Unilateral Undertaking, I find that the proposed development would not be sustainable and thus would undermine the core objective of the Framework. Consequently the appeal is dismissed.

Sukie Tamplin

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Robert Dellow	Atkins Thornton Solicitors
David Garrad	Appellant in person
Steve Nugent	Cocksedge Building Contractors Ltd
Emma Hall	Havebury Housing Partnership
Kate Wise	Havebury Housing Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Karen Pell-Coggins	Senior Planning Officer, South Cambridgeshire District Council
James Fisher	S106 officer, South Cambridgeshire District Council

INTERESTED PERSONS:

Cllr Steven Roberts	Chair, Carlton cum Willingham Parish Council
Cllr Caroline Revitt	Carlton cum Willingham Parish Council and Local Resident
Jonathon Dawe	Local Resident
Diana Grimwood	Local Resident
Barry Snow	Local Resident
Maureen Lord	Local Resident

DOCUMENTS : Received at and after the Hearing

- 1 Letter from Mr & Mrs Lord, dated 10 October 2014
- 2 Letter from the residents of Willingham Green signed individually by 18 residents between 9-14 October 2014
- 3 Letter from Mary Maitland dated 29 September 2014
4. Letter from Barry Snow and Diana Grimwood undated
5. Letter from Brinkley Parish Council dated 18th August 2014
6. Heads of terms form for Planning Obligations 20 November 2013
- 7 Bundle of emails and enclosures dated 18th-29th October concerning drafting and clarification of Unilateral Undertaking and plan submitted by the Appellant and the Council
- 8 Copy Completed Unilateral Undertaking dated 29 October 2014
9. Power of Attorney dated 16 October 2014
10. Supplemental Planning Obligations Statement dated 29 October 2014 submitted by the Council and enclosures.