



Appeal Decision

Site visit made on 1 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/P0240/W/20/3247976

Land South of Ickwell Road, Upper Caldecote SG18 9BS

- 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 Clive Wiley (Parrott Holdings Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02382/OUT, dated 18 July 2019, was refused by notice dated 5 February 2020.
 - The development proposed is described as a "Residential development of up to 24 dwellings and associated works including access and open space".
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Decision

1. The appeal is allowed and outline planning permission is granted for a residential development of up to 24 dwellings and associated works including access and open space at land south of Ickwell Road, Upper Caldecote SG18 9BS in accordance with planning application ref CB/19/02382/OUT, dated 18 July 2019 subject to the conditions on the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination and I have considered the proposal on this basis. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.

Main Issue

3. The Council's decision notice refers to the location of the development beyond the settlement envelope of Upper Caldecote, its encroachment into the open countryside and its effect on the pattern of development in the settlement and the wider landscape.
4. Thus, with the above in mind, I agree with the appellant that the main issue in this appeal is whether the location of the proposed development is suitable having particular regard to the effect of the development on the character and appearance of the area.

Reasons

Location

5. Policy CS1 of the Central Bedfordshire Council Core Strategy and Development Management Policies 2009 (CSDMP) sets out the development strategy for the area and seeks to focus development at the larger settlements and growth

areas and identifies Upper Caldecote as a Large Village. Policy CS1 also states that new development in rural parts of the district will be limited in overall scale.

6. Policy CS1 of the CSDMP is an overarching policy that sets out the general approach to development into a strategy for specific locations. In addition, Policy DM4 of the CSDMP also sets out the type of development that will be supported in specific locations, both within and beyond settlement envelopes. It clarifies that within the settlement envelope of Large Villages such as Upper Caldecote, small scale housing and employment uses will be permitted. Beyond settlement envelopes, development is limited to extensions to gardens. Reasoned justification in support of Policy DM4 clarifies that the essential thrust of the policy and defined settlement envelopes is to protect the countryside from inappropriate development, as well as delivering development in areas with good accessibility to services and facilities.
7. Thus, as the proposal before me seeks a new residential development beyond the settlement envelope of Upper Caldecote, it would be in conflict with Policies CS1 and DM4 of the CSDMP.

Character and Appearance

8. The proposal seeks a residential development of up to 24 dwellings on the site with associated access and open space. Although close to the settlement envelope of Upper Caldecote, the appeal site lies within the countryside and is a parcel of land that is mainly covered in unmanaged grass and scrub. Further west are agricultural fields and the open countryside.
9. The majority of development within Upper Caldecote is located off the two main thoroughfares of Biggleswade Road and Hitchin Road with subsidiary roads radiating from them. On the whole, development in the area is formed by the linear arrangement of dwellings that face onto the road with examples of back to back development in the wider vicinity of the appeal site, such as within the larger concentration of development that is found towards the centre of the village. The built extent of the village nonetheless diminishes at its periphery, especially on the western side of Hitchin Road.
10. However, the appeal site is clearly defined by landscaping on its boundaries and is partly bound on two sides by existing in depth residential development at 21 and 33 Ickwell Road. Moreover, when travelling east along Ickwell Road, views of the village and the appeal site are largely obscured by the mature evergreen hedge that sits on the western boundary of 33 and 35 Ickwell Road. Furthermore, even though there is no reason to suggest that the hedge would be removed in the future, the existing dwellings at 33 and 35 Ickwell Road would also shield the majority of the appeal site from wider views from the east. The appeal site is also obscured from the west by dwellings along Hitchin Road, the dwellings at 3-13 Ickwell Road and the development behind 21 Ickwell Road.
11. Therefore, although the proposal would result in the loss of an open parcel of land, it would be largely contained within two areas of existing development to the east and west and bound by Ickwell Road to the north. I acknowledge that the site would extend further south and the level of development would ultimately change the character of the area. However, in the context of the adjoining built development, the effects would be limited to the immediate area

and there are opportunities to improve landscaping on the site boundaries and to provide an area of open space within the southern part of the site. This would provide a suitable buffer in keeping with the landscape character and is consistent with the advice from the Council's Landscape Officer.

12. Therefore, I do not find the development to be wholly at odds with the density or arrangement of development in the area and would assimilate with the varied suburban grain in the vicinity of the appeal site. The provision of an area of open space, with an attenuation pond, along with additional landscaping, which could be secured during reserved matters stage, would strengthen the distinctiveness of the development. Therefore, given the individual spatial limitations of the appeal site, any harm as a result of the development on the character and appearance of the area would be limited and localised.
13. Policy NP5 of the Northill Neighbourhood Plan (NNP) refers to back-land sites as any land that sits behind existing development with little or no frontage onto a public highway. It is clear from the appellant's sketch scheme that, although some of the proposed plots would be sited behind frontage development on Hitchin Road, they nonetheless would have a frontage onto a public highway. Thus, I find no conflict with Policy NP5 of the NNP.
14. Therefore, although I have found that the proposal would result in limited and localised harm to the character and appearance of the area, it would nonetheless result in a development beyond the settlement envelope of Upper Caldecote. It would be in conflict with Policies CS1 and DM4 of the CSDMP which seek, amongst other things, to direct developments to within the confines of existing settlement envelopes in the interests of sustainable development and the character of the open countryside.

Other Matters

15. I have carefully considered the representation made from a local resident and reference to a number of houses being built in the village. However, I have not been provided with any details of developments in the village to enable me to make a direct comparison to the development that is the subject of this appeal. Nevertheless, I am aware of the planning history of the appeal site and the development at Vinegar Hill¹ which was approved by the Council last year. Whilst I understand that this development would provide up to an additional 35 dwellings at Upper Caldecote, it is not a reason in itself to find against the development before me, which is seeking to boost the supply of housing within the area, in line with expectations of the National Planning Policy Framework (the Framework). In addition, I have not been provided with any substantive evidence that local services could not cope with the addition of 24 households proposed by the appeal.
16. Furthermore, the planning system is concerned with land use in the public interest and as the impact on property values is a private interest, it is not material to the determination of the appeal. The Council has also determined that the proposed access would be safe to serve the development and from the evidence before me, I see no reason to disagree with that assessment.

¹ CB/19/01024/OUT dated 4 May 2020

17. The proposal would be the subject of a planning condition requiring submission of an ecological strategy to ensure that biodiversity enhancements are part of the development.

Planning Balance

18. The appellant has provided a completed planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) which secures financial contributions towards education, play space, sports pitches and health. The contributions for infrastructure provision would only be necessary to make the development acceptable in planning terms and thus, this aspect of the obligation is a neutral factor in the case rather than a benefit. However, the obligation also secures 37.5% of the development to be affordable housing and, given the number of affordable units that would be secured, it is a matter to which I afford moderate weight.
19. The contributions are necessary and directly related to the development and fairly and reasonably related in scale and kind to it. Accordingly, I am satisfied that the contributions would meet the tests set out at Regulation 122 of the CIL Regulations² and paragraph 56 of the Framework.
20. Furthermore, the proposal would boost the supply of housing on a site that is close to the services, facilities and transport links available within Upper Caldecote. This would result in both social and additional economic benefits which would ensue both during the construction of the development and once the dwellings are occupied which also weigh in favour of the proposal.
21. The Council has provided a housing land supply statement³ to demonstrate a 5.85 years supply of deliverable housing sites. However, the appellant argues that Policies DM4 and CS1 are nonetheless inconsistent with the Framework and as such, the weight afforded to these policies should be reduced to less than moderate as DM4 applies a blanket approach to development outside of settlement envelopes and CS1 is based upon a Regional Spatial Strategy that was revoked several years ago.
22. Policy DM4 is a restrictive policy in that it limits development outside of settlement boundaries and essentially discourages development within the countryside and seeks to protect the countryside from inappropriate development. Although the Framework now encourages development to recognise the intrinsic character and beauty of the countryside rather than protect it in all instances, I do not consider Policy DM4 to be wholly inconsistent with these objectives.
23. However, the Framework also requires that patterns of growth are actively managed by the planning system and that is what Policies CS1 and DM4 of the CSDMP seek to do. Therefore, as they are not fully aligned with the Framework, which acknowledges that development which supports thriving rural communities can occur in such locations, I afford Policies CS1 and DM4 moderate weight. This is consistent with the findings of other Inspectors referred to by the Council, that have arrived at similar conclusions.
24. Therefore, I find that the remaining objection to the proposed scheme is that it would result in a development beyond the settlement envelope of Upper

² The Community Infrastructure Levy Regulations 2010

³ Central Bedfordshire Five Year Housing Land Supply Statement (1st October 2019)

Caldecote which would modestly harm the character and appearance of the area and thus be in conflict with Policy CS1 and DM4. However, I consider in this instance, having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, that the benefits of the development amount to material considerations, sufficient in this case given the very site specific context of the scheme, to outweigh the harm arising through the conflict with Policy DM4 and CS1.

Conditions

25. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. The appellant has also agreed in writing that in accordance with the pre-commencement regulations⁴, such conditions are acceptable. In some instances, I have amended the conditions for clarity and concision
26. In addition to the outline implementation conditions (1-3), it is necessary for certainty, to define the plans (4) with which the scheme should accord and the maximum number dwellings approved (15). In the interest of highway and pedestrian safety the junction of the approved access shall be constructed in accordance with the approved plans (5), appropriate visibility splays provided (6) and a footway connecting the development to Ickwell Road shall also be provided (7).
27. To minimise the risk of flooding a detailed surface water drainage scheme (8) and a foul water strategy (10) shall be submitted to the Council for approval along with a maintenance and management plan for the surface water drainage scheme (9). In the interest of sustainable development, details of how renewable and low energy sources shall be incorporated into the proposal (11) shall be submitted to the Council for approval. In the interest of the visual amenity and to protect trees, details of protective fencing (12) throughout the site shall be agreed with the Council.
28. To secure biodiversity enhancements at the site, details of an ecological enhancement strategy (13) must be agreed with the Council. To meet identified housing needs, the development shall ensure an appropriate mix of dwellings across the site (14). In the interest of public safety, details of fire hydrants (16) to serve the site shall also be agreed with the Council.
29. The Council also suggested conditions relating to landscaping and layout⁵. However, it is not necessary to apply these conditions as these matters are reserved for future consideration.

Conclusion

30. Thus, for the reasons given above, and having regard to the development plan when read as a whole and other material considerations, the appeal is allowed.

Graham Wyatt

INSPECTOR

⁴ Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

⁵ Conditions 2, 6, 10, 13 and 14 of Appendix SK16 – Suggested Conditions

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 development hereby permitted shall be carried out in accordance with the following approved plans: 16157(B)006 A and CTP-18-723 insofar as they relate to site access.
5. No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details and retained thereafter.
6. No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 94m to the east with 161m to the west measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.
7. No dwelling shall be occupied until a 2m wide footway connection between the development junction and existing footway infrastructure on Ickwell Road has been constructed (including widening of existing footway to 2m joining on to Hitchin Road) in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.
8. No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the QBAR rate. The final detailed design shall be based on the agreed drainage strategy (SK02 REV A, submitted 4/10/19) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.

9. No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system and boundary ditch, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.
10. No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.
11. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out and retained in accordance with the approved details.
12. No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on the approved drawing. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
13. Any Reserved Matters Application will be accompanied by an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content shall be informed by an up to date Ecological Appraisal of the site and include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) details of initial aftercare and long-term maintenance.The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

14. The submission of any reserved matters application, pursuant to this outline permission, shall include a mix of housing types and sizes (including the provision of no less than 3 bungalows), and shall demonstrate how the proposed mix and tenure types meets identified housing needs.
15. The development hereby approved shall not exceed a maximum total of 24 dwellings.
16. Any future Reserved Matters application shall include details of the provision of fire hydrants dispersed throughout the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.

~End~

Richborough Estates