



Appeal Decision

Hearing Held on 6 December 2022

Site visits made on 6 & 7 December 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/H0520/W/22/3305802

Land West of Mill Way / Church Street, Needingworth PE27 4TF

- 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 Mr Tony Dicarlo of Innerspace Homes Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 20/00443/FUL, dated 27 February 2020, was refused by notice dated 28 April 2022.
 - The development proposed is erection of 14 dwellings with associated landscaping, parking, cycle and refuse storage, sustainable drainage system (SUDs) and vehicular access point off Mill Way.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amendments were made to the proposal prior to determination of the planning application by the Council, reducing the number of houses proposed from 16 to 14. I have proceeded on that basis. I have used the amended description of the development in my banner heading above.
3. The Council's third refusal reason concerned the absence of planning obligations entered into under a legal agreement relating to affordable housing, public open space, local outdoor sports facilities, and waste management. A draft section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) (the s106) was discussed at the hearing, with a final completed version (dated 19 December 2022) submitted after the hearing with my agreement. The Council confirmed that on completion of the agreed s106, its third refusal reason would be withdrawn. I have proceeded to determine the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the development would be located within the built-up area of Needingworth, having regard to its effect on the character and appearance of the area; and
 - Whether or not the development would represent good design.

Reasons

Built-up Area

5. The appeal site forms part of an agricultural field located at the south-western edge of the village of Needingworth. Needingworth is defined as a 'small settlement' by Policy LP9 of Huntingdonshire's Local Plan to 2036, adopted 2019 (HLP). Policy LP9 states that development on land well-related to the built-up area of a small settlement may be acceptable subject to other policies within the plan. In this case, Policy LP10 in relation to the countryside is relevant.
6. The HLP defines built-up areas to be distinct groups of buildings, including 30 or more homes, and land which relates more to the group of buildings rather than to the surrounding countryside. The table at 4.85 of the HLP provides guiding principles to be used to determine whether land is within the built-up area. This includes whether it would be 'minor scale development opportunities which would provide infill and rounding off opportunities on land which is physically, functionally and visually related to existing buildings.' The glossary to the HLP defines major scale development as 10 or more homes for residential development. The proposal is for the erection of 14 homes and it would therefore be a major scale development and would not comply with the policy requirement.
7. The site is bounded by Cinders Close to the north, the buildings off Mill Way and Church Street to the east and agricultural fields to the west. A residential property (Sunrhyl), which has a number of single-storey outbuildings and a paddock to the rear, is located to the south.
8. Approaching Needingworth along Mill Way from the south, the edge of the main built form of the village appears defined by the visual bulk of the continuous run of buildings on the eastern side of the highway, and by the 2-storey flank of 25 Church Street (no 25) which represents the start of the continuous built form along the western side of Church Street. The western side of Mill Way / Church Street to the south of no 25 predominantly has the characteristics of a country lane, with a grass verge and mature hedgerows separating the highway from the expansive agricultural fields to the west.
9. The site separates Sunrhyl from no 25 Church Street, providing a significant gap between buildings on the western side of Mill Way through which filtered views of the open countryside are possible. Sunrhyl, as a low profile, hip-roofed bungalow, predominantly surrounded by open fields and mature roadside hedgerows, appears visually as part of the open countryside rather than the main built form of the village. The buildings extending furthest to the rear of the bungalow, located in a linear arrangement within a paddock, are of typically rural appearance, including low profile timber structures such as stables. The largest single-storey building to the rear of the bungalow ('The Music Room') also has a rural utilitarian appearance by virtue of its simple linear gable form, corrugated roof and limited fenestration. The rural appearance of the buildings to the rear of the bungalow, in combination with the paddock and the mature boundary planting, strengthens the perception that Sunrhyl is part of the rural hinterland to the village.
10. The appellant's Landscape and Visual Appraisal (LVA) identifies the site as within the Bedfordshire and Cambridgeshire Claylands National Character Area

(NCA). The site and wider surrounding open countryside landscape broadly corresponds with this NCA's key characteristic of being a predominantly open, arable landscape of planned and regular fields bounded by open ditches and trimmed, often species poor, hedgerows. The site forms part of the wider arable landscape and its coherence with the NCA is not significantly disrupted by urban fringe features. The LVA finds that the site and surrounding landscape is of medium value, with overall medium sensitivity. I see no reason to disagree and this adds to my view that the site makes a positive contribution to the landscape character of the area and to the rural setting of the village

11. Whilst the dwellings on Cinders Close represent built form along much of the northern boundary of the site, they are separated from the site by garden areas and mature boundary planting. As such, there is limited visual association between Cinders Close and the site given the crisply defined boundary. The gaps in the boundary treatment of the eastern frontage to the site allows views from the public highway across the open agricultural fields to the west of the village. Neither the low-profile buildings to the rear of Sunrhyll, nor the dwellings on Cinders Close, are prominent in these views given existing boundary planting. The character of the site is not, therefore, significantly influenced by these buildings such that it is perceived to relate physically, functionally, or visually to the built-up area of the settlement. Instead, the site appears as part of the attractive open countryside setting to the village.
12. Rather than rounding off the village, the development would project into the open countryside, representing a harmful urban intrusion that disrupts the established crisply-defined south-western boundary of the village. The depth of the development would result in 2-storey dwellings adjacent to the low-profile single storey timber buildings in the adjacent paddock. The proposed development would not, therefore, be visually contained by existing development of a similar scale or character. Whilst the meaning of 'infill' is not defined within the HLP, in light of my findings above, it is clear that the development would not be 'infill' on land which is physically, functionally, and visually related to existing buildings.
13. The proposed change from arable field to a residential suburban cul-de-sac would fundamentally change the intrinsic rural character of the site, altering its nature and function, which can only be seen as high magnitude change. The existing highway grass verge and hedgerow would be lost and replaced by an engineered access, 2 frontage dwellings and tarmac pavement. While there would be replacement planting and landscaping, particularly within the play area, it would inevitably have a more managed appearance not in-keeping with, or replicating, the existing field boundary. The positive contribution of the site to the landscape character of the wider open countryside, and to the setting of the village, would, therefore, be harmfully disrupted by the urbanising effect of the proposed housing.
14. The detrimental impact on local landscape character and appearance would be readily apparent to any passers-by. During my site visit, I observed significant amounts of pedestrian traffic adjacent to the site on Mill Way, Church Street, and Harris Crescent, particularly at school opening and closing times. By virtue of the replacement of the existing roadside hedgerow and filtered views across the wider open countryside setting of the village with an incongruous suburban development, the visual effect of the development on these pedestrians would be harmful. The planting belt proposed for the western edge of the

development would soften the visual impact of the proposal in long distance views from the west. The overall harm to the character and appearance of the area would not, however, be significantly mitigated in the longer term by the proposed planting given the views into the site from the east.

15. For the reasons given above, the proposal would not be located within the built-up area of Needingworth. It would also detract from the character and appearance of the area. The proposal would, therefore, be contrary to HLP Policies LP2, LP9 and LP10 and paragraph 174b of the National Planning Policy Framework (the Framework). These policies, taken together, support development located within a built-up area of a small settlement that recognises the intrinsic character and beauty of the countryside.

Design

16. The entrance to Harris Crescent, opposite the site, is framed by 2-storey semi-detached dwellings with clay tile hipped-roofs, chimneys and rendered elevations. The dwellings on Harris Crescent, and at the junction of Harris Crescent with Church Street, form a relatively cohesive grouping, appearing as a planned development of predominantly 2-storey semi-detached dwellings. The dwellings on Church Street to the north of the site, in contrast, have a wide variety of different building forms and layouts, reflective of the differing time periods of their construction. The dwellings on Church Street and Cinders Close are predominantly 2-storey, with facing brick (sometimes painted) elevations, tiled gable roof forms and chimneys. Whilst most dwellings on Church Street have gables to their flanks, front facing gables and hipped roofs are also a feature of the streetscene.
17. The built form of the proposed dwellings would be intentionally contemporary in design and appearance. Whilst the use of facing brick and tiles would be reflective of local character, the proposed roof forms would appear contrived and out of kilter with the surrounding traditional roof forms. I have had regard to the examples of parapet gables drawn to my attention by the appellant. These are, however, uncommon and on unique buildings, such as the church building on the High Street. The proposed dwellings would lack the chimneys, traditional eaves and verges common amongst surrounding dwellings. The incongruous appearance of the proposed roof forms would be most pronounced when viewing the side elevations of the dwellings, particularly those on plots 1, 13 and 14, which would be prominent in views of the established streetscene. The side elevations of the dwellings offer minimal visual relief, and the eye would be quickly drawn to the contrived roof forms when viewed from the public highway.
18. The development would also be highly uniform in terms of scale, design and layout. The limited visual relief on the side elevations of plots 1 and 14 would accentuate the urban edge of the development. The use of landscaping and decorative boundary treatments would not significantly mitigate the poor relationship of these plots' side elevations with the public realm. There would be clear public views into the development and its uniformity would result in a development that is unduly urban in appearance, creating a harmfully urban edge to the village rather than a comfortable transition with the surrounding open countryside.
19. I am mindful that the Framework advises against discouraging appropriate innovation and change. However, the Framework also sets out that it is proper

to seek development that is sympathetic to local character and that establishes and maintains a sense of place. Overall, I find the proposed design, form and layout of the development would be too far removed from the character and appearance of existing dwellings in close proximity to the appeal site, which, whilst varied in type and style, are of a more traditional ilk and construction.

20. Accordingly, the development would not represent good design and is contrary to HLP Policies LP11 or LP12, paragraphs 130 a), b), and c) and 134 of the Framework, parts C1, I1, I2, I3, B2 and H2 of the National Design Guide (2019) and the placemaking principles set out in the Huntingdonshire Design Guide Supplementary Planning Document (2017). Taken together, these policies, amongst other things, require development to be of high-quality design that contributes positively to the area's character and identity, adding to the overall quality of an area.

Planning balance

21. The proposal would contribute towards the Government's objective of significantly boosting the supply of housing, providing 14 modern homes, including 6 affordable homes, in a location with adequate access to services. The homes would be highly energy efficient and meet the Building Regulations requirement M4(2) for accessible and adaptable dwellings. Given the limited scale of the proposal, the provision of the additional housing, including the affordable housing, attracts only moderate weight.
22. The scheme would also lead to a time-limited economic benefit during the construction phase and would contribute to the vitality of the village. These economic and social benefits would be moderate given the limited scale of the proposal.
23. Although the development would lead to the loss of some existing trees on the site, a range of ecological enhancements are proposed, including bird and bat boxes, native species planting, and insect houses. Subject to these enhancements being secured by condition, I acknowledge that limited biodiversity net gain would be achieved and afford this benefit limited weight.
24. The obligations contained within the s106 carry limited weight in favour of the proposal given that they are necessary to adequately mitigate the effects of the development in relation to public open space, sports facilities, and waste management. I acknowledge that the public open space would attract users from nearby existing residential development, however, given its limited scale, I ascribe limited weight in favour of the scheme to the provision of the on-site public open space.
25. Weighing against these benefits is the conflict with the HLP's strategy for development as set out in Policies LP2, LP9 and LP10. The location of the proposal beyond the built-up area of the settlement would undermine the Council's plan-led approach to the delivery of housing. The development's design would also be detrimental to the overall quality of the area, harmful to the character and appearance of the area. These matters attract significant weight and outweigh the benefits associated with the proposed development.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework,

indicate otherwise. Paragraph 12 of the Framework states that proposed development that conflicts with an up-to-date local plan should be refused unless other material considerations indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

27. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

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FOR THE LOCAL PLANNING AUTHORITY:

Richard Sakyi BA(Hons) Pg Dip MRTPI

Senior Development Management Officer, Huntingdonshire District Council

Cllr John Neish

Deputy Leader, Huntingdonshire District Council

Cllr Sarah Conboy

Executive Leader, Chair of the Cabinet and Executive Councillor for Place, Huntingdonshire District Council

INTERESTED PERSONS:

J Barrett

Local Resident

G Huttley

Local Resident

Cllr A Whyte

Holywell-cum-Needlingworth Parish Council

J Bowd

Parish Clerk,
Holywell-cum-Needlingworth Parish Council

POST-HEARING DOCUMENTS

1. Section 106 Legal Agreement