

Appeal Decision

Site visit made on 27 August 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/W0530/W/24/3343585

Land to the north of Heath Road, Gamlingay, Cambridgeshire SG19 2JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by KACH Capital Estates Ltd. against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/01631/OUT.
 - The development proposed is an outline application for 10 self-build dwellings with some matters reserved except for access, landscaping and layout.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access, landscaping and layout. Appearance and scale would be the subject of future applications for approval of reserved matters.
3. Further to the decision of the Council, the appellant has submitted additional information relating to biodiversity and drainage. As such, the Council is now satisfied that subject to the imposition of conditions, their third and fourth reasons for refusal have fallen away. Having regard to the original decision, cases made and additional information, I am satisfied with this agreed, updated position.
4. A signed and executed planning obligation which would secure the delivery of the development and the occupation of the dwellings as self-build and custom housing in accordance with the relevant statutory definitions, as well as a number of other contributions has been submitted.
5. On 30 July 2024 the government published an open consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a draft text for consultation has been published, the consultation runs until September 2024, and at this stage there is no certainty that the draft text will be the final text. I have carefully considered the changes currently proposed to the Framework and am satisfied that the cases made, evidence given, and conclusions drawn in this appeal, would not be affected by them.

6. In particular, I note that the support in paragraphs 60 and 70b of the current version of the Framework for self-build housing remains in the consultation draft. I have not therefore sought the views of the parties on the draft text for consultation and am satisfied that no prejudice arises as a result.

Main Issues

7. Therefore, the main issues are whether or not the site is a suitable location for the development proposed, and the effect of the proposal on the character of the area.

Reasons

Location

8. The appellant and the Council agree that the appeal site lies beyond the development framework for Gamlingay and is therefore within open countryside. I find the same. Policy S/7 of the South Cambridgeshire Local Plan adopted September 2018 (the Local Plan) allows for limited development beyond development frameworks and the proposal is not one of the exceptions listed. Policy S/9 of the Local Plan defines Gamlingay as a Minor Rural Centre, setting out its sustainability credentials within the settlement hierarchy, and defining acceptable proposals for housing, which are required to be within the development framework.
9. As such, the appeal site is not a suitable location for the development proposed, and the proposal therefore conflicts with Policies S/7 and S/9 of the Local Plan.

Character

10. The Gamlingay Village Design Guide Supplementary Planning Document adopted January 2020 (the VDG), highlights Dennis Green (explicitly referred to in the Council's decision) as one of the hamlets which probably led to the formation of the village itself. The VDG also identifies the site as being a sensitive edge, identified by local residents as an important part of the landscape setting of the village and seeks to maintain the integrity of the satellite hamlets around the village.
11. The VDG is post-dated by the Gamlingay Neighbourhood Plan, made November 2022 (the NP), which post-dates it but plainly builds on and evolves the principles within it, with further detail in some parts, notably relevant to the appeal site. The NP supports development which follows the guidance in the VDG, so in effect gives greater weight to the sensitivity of the village edge which runs through the site, identified in the VDG. In protecting local character, the NP also seeks to retain the separate identities of the settlements (Gamlingay and the satellite hamlets which radiate from it), with particular emphasis on the sensitive edge at, and the settlement gap between, Gamlingay and Dennis Green. The NP specifically identifies views across the settlement gap between Gamlingay and Dennis Green as landscape features which should be protected.
12. That gap then, and the separation between Gamlingay and Dennis Green is a significant feature which contributes to the character of the area. The appeal site is in that gap.

13. There are clear, material differences between the appeal site and the now-consented, implemented and partly-sold self-build site to the south of Heath Road. As that site now has a named road within it, Soule Croft, I will refer to it as that in my decision from this point.
14. The appeal site has a closer physical and visual relationship to the properties within Dennis Green; its boundary adjoins the houses at 2-8 Heath Road, within Dennis Green, whereas a gap remains between Soule Croft and the houses on West Road.
15. Broadly, both the appeal site and Soule Croft would be built-upon to the same extent along Heath Road, with the houses on the former being broadly level with the site boundary of the latter. However, the appeal site immediately abuts the houses at 2-8 Heath Road, part of the Dennis Green hamlet.
16. The appeal site access, which is submitted for approval, is further along Heath Road, away from Gamlingay and on the outer edge of the proposed housing, between it and the drainage feature proposed to be set in open space.
17. From Gamlingay looking out, and travelling along Heath Road into Gamlingay, the appeal site is very different to Soule Croft. That is clearly more enclosed, with hedging and trees limiting views into it. In contrast, despite the summer growth of weeds and vegetation at the time of my site visit, the appeal site is open, with relatively long, clear views available across it to the housing on Green Acres and beyond, or in the opposite direction to the houses in Dennis Green.
18. Further, the character of the village edge, both to the appeal site and Soule Croft is different. At Soule Croft, the previous edge is, to my mind, less well-defined, with rear gardens and lower boundaries, whereas Green Acres appears as a more obvious, outward-looking, transitional, edge-of-settlement area of development, with the single-sided road particularly reinforcing that, facing onto trees and vegetation, contributing strongly to that settlement-edge character.
19. The obvious gap between the houses at Dennis Green, which do, by their signage and names, identify as being Dennis Green rather than Gamlingay, and Green Acres would, despite the retention of open space at the western edge of the site, be largely eroded by the proposal.
20. The layout, which is before me for approval, includes an area of open space and drainage between the proposed housing and Dennis Green, and a generous set-back from Heath Road itself. However, whilst that gap to Dennis Green would not have *housing* or other built-form within it, it would have a very different character to the present, becoming developed rather than undeveloped land. Land containing the drainage attenuation feature and featuring a rolled gravel path, species-rich, wet grassland with scattered trees and native marginal planting may be characteristic of a riparian setting, but would still be developed land, and, with large areas of eco species-rich lawn, would have a fundamentally different character to the existing.

21. The set-back, un-built buffer to Heath Road would give rise to the same effect. As a result, I do not consider that the proposal would maintain the gap between Gamlingay and Dennis Green, either on plan-view or seen on the ground.
22. The site would also be a markedly different character to nearby parts of Dennis Green and Gamlingay in terms of its relationship to the road and other built form around it. I note the visualisations provided by the appellant, but to my mind, these reinforce my conclusions, rather than their case. Demonstrating in my opinion that the proposal would create a visual, perceptual and a spatial link across the site between Gamlingay and Dennis Green, eroding the separate identities of the settlements and joining them together. Simply, there would no longer appear to be any undeveloped land between Gamlingay and Dennis Green on this side of Heath Road.
23. To my mind, my conclusions on the effect of the proposal are broadly consistent with some of those in the Landscape and Visual Impact Assessment (LVIA) submitted by the appellant. That the views of the proposal would be highly localised and that perceived effects would be limited to the immediate setting of the site. I also agree that with the set-back from Heath Road, the proposal would not be overbearing. However, I do not find that the conclusions of the LVIA lend support to the proposal overall.
24. I do not necessarily disagree with the conclusions of the LVIA at a higher-order, landscape scale. However, the harm identified in the Council's decision, and in my reasoning above, is at a much more local, site- and (in this case), settlement-edge and settlement-gap specific scale. As set out above, given both the visibility of the proposal and its presence in the gap between Gamlingay and Dennis Heath, I consider that it would harm the sensitive edge protected in the development plan, and erode the settlement gap, the identity and distinctiveness of those two settlements, also protected in the development plan. This would be clear harm to the character of the area, even if not to the wider landscape.
25. On the basis of the development plan and my observations on site, I find that even that set-back and the other open space would not prevent the sense of separation being eroded to a harmful degree, and there would be a clear perception of coalescence. In particular, I note that the gap is a relatively small one and as a result, I find that even though visual effects would remain localised to the site and the area around it, the gap is simply too small to accommodate the effects of the proposal without causing unacceptable harm to the settlement gap, the distinct identity of the separate settlements and as a result, the character of the area.
26. Considering views along Heath Road in both directions, even in localised views, the proposal would be clearly visible and given the specific characteristics of the site, would in my opinion clearly erode that important settlement gap. This would harm the character of the area.

27. I accept that the proposal has been designed with the character of the area and its surroundings, including the settlement gap and the sensitive edge, in mind, as well as the potential effect of the proposal on it with the intention to respect the former to minimise the latter. I also note the relative percentage of the site that would be built-on, and the conclusions of the LVIA. However, for the reasons set out above, I do not consider that the proposal as a whole has been successful in achieving the balance between developing the site whilst not causing unacceptable harm to the character of the area, in particular the settlement gap.
28. I note the comparisons drawn between the appeal site and Soule Croft. However, for the reasons set out above, its location, its pattern of development, and its particular relationship to its surroundings are so site-specific, as are the effects of this proposal on this site, that it does not alter my conclusions on this proposal.
29. The location of the Gamlingay village sign and 30mph speed limit sign in Dennis Green, as noted in the LVIA, does not alter my conclusions above. Regardless of that sign, the on-the-ground visual and spatial relationship of Dennis Green to Gamlingay is one of a close physical relationship, but with a retained, clearly visible and important separation, which maintains their identity as separate settlements. This is consistent with and protected by policies in the development plan.
30. As such, I find that the proposal would have an unacceptable effect on the character of the area, by encroaching into the open countryside, failing to maintain the integrity of Dennis Green and removing the settlement gap between Dennis Green and Gamlingay. It therefore conflicts very significantly with Policies S/7, HQ/1 and NH/2 of the Local Plan and Policies GAM3 and GAM9 of the NP, which, taken together, seek to protect the character of the area, in particular the integrity of settlements, the sensitive edges and the gaps between them. It would also conflict with the aims of the SPD.

Planning balance

31. There is no dispute between the main parties (although some third-parties have questioned it) as to the need for self-build housing in the area, the legislative and policy support for its provision, or the importance which its delivery finds in previous appeal or application decisions.
32. This Council is a Right to Build Vanguard Authority with a statutory duty under section 2A of The Self Building and Custom Housebuilding Act 2015 to grant permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Council area. Both the Council and the appellant recognise that there is an established need for self-build housing in the area, that this need is largely unmet and growing, and that as a result, the delivery of self-build housing should be given significant weight. I do not dispute that position.

33. However, that need, and the delivery of it, is to be balanced against the requirements of the development plan. I have found very significant conflict between the proposal and the development plan, and whilst the need for, and provision of self-build housing is a material consideration of significant weight in favour of the proposal, I do not consider that it is sufficient to outweigh the policy conflict I have found, principally in terms of the harm that the proposal would cause to the character of the area, expressly found in the separation between Gamlingay and its satellite settlements which the development plan seeks to protect.
34. It is clear from both the Local Plan, the NP which post-dates it by some time, the VDG, on which the NP builds, and the comments of third-parties that the protection of the character of settlements, and in particular the contribution of settlement gaps to that character, as well as the protection of the countryside from encroachment is of critical importance to residents and by extension, the Council. As noted, that finds clear expression in the development plan, and in the earlier SPD.
35. I acknowledge the similarities between the appeal site and Soule Croft, in terms of its physical relationship to Gamlingay, and accept that such a self-build site being found acceptable weighs somewhat in favour of this proposal. However, as I have set out above, there are crucial, site-specific, material differences between the two, notably around their relationship to satellite hamlets which have led me to my conclusions on the main issue and the planning balance in this respect.
36. I accept the need for self-build housing in the area, and note the relatively weak, and weakening supply. However, even acknowledging that, and the national policy position and support for self-build housing, I do not consider that in this case, on this site, those outweigh the very significant harm I have found to the character of the area, or the very significant conflict with the development plan.
37. I have been provided with a number of other appeal decisions by the appellant and the Council, including that for Soule Croft, to seek to bolster their respective cases on the relative weight of the delivery of self-build housing and the development plan. The decisions I have been provided with cannot provide a complete picture of the approach or give rise to a definitive weighting to be given to self-build. Further, whilst the decisions submitted to me make plain the conclusions of those Inspectors on those appeals, I have not seen the evidence which led to those conclusions.
38. Whilst consistency in decision making is an important part of the planning process, decisions are necessarily made on the particular merits of the particular case, and fundamentally, each case is decided on its own merits. As such, whilst I acknowledge all of those previous appeal decisions, the conclusions reached in them do not affect my reasoning or conclusions here.

39. Therefore, whilst the need for self-build housing is a material consideration of significant weight, I do not find that it is of such weight, either alone or in combination with other positive considerations, including the delivery of housing irrespective of its type and tenure, to indicate that in this case a decision should be taken other than in accordance with the development plan.

Conclusion

40. For the reasons given above, the harm I have found and the very significant conflict with the development plan, I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR

Richborough