



Appeal Decision

Hearing held on 9 September 2025

Site visit made on 10 September 2025

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/A2470/W/25/3366418

Land North of College Close, Great Casterton, Rutland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Sam Jones (Stancliffe Homes Limited) against the decision of Rutland County Council.
- The application Ref is 2024/1311/MAF.
- The development proposed is a residential development of 41 no. dwellings, provision of open space, children's playground and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for a residential development of 41 no. dwellings, provision of open space, children's playground and landscaping at Land North of College Close, Great Casterton, Rutland in accordance with the terms of the application, Ref 2024/1311/MAF, subject to the conditions in the attached schedule.

Preliminary Matter

2. Although close in some parts to the Planned Limits of Development (PLD) boundary of Great Casterton, the appeal site is, in planning policy terms, located in the open countryside. The main parties agree that none of the exceptions set out in Policy SP6 of the Site Allocations and Policies Development Plan Document 2014 (SAPDPD), which refers to housing in the countryside, would be met. I shall return to this matter later in my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the landscape of the surrounding area and upon visual receptors; and
 - The design of the proposed development and its effect on the character and appearance of the settlement.

Reasons

Landscape and visual receptors

Landscape

4. In their critique of the appellant's Landscape and Visual Impact Assessment (LVIA), the Council considers that it is the divergence of judgements on several

matters which then feeds into the differences in the overall conclusion on landscape impact. This includes discussion as to how the scale of the proposal should be defined and whether the location of the appeal site should be described as being at the settlement edge or in the open countryside. Neither are however, to my mind, of overriding importance to the overall assessment. In terms of scale, as Great Casterton has grown it has accommodated new development which exceeds more than a handful of dwellings, with my attention having been drawn to development at Ermine Rise, High Crescent and along College Close itself, all of which delivered more than twenty new dwellings. In planning policy terms, it cannot be disputed that the appeal site is in the open countryside, but its proximity to existing development is also clearly relevant to my consideration of this main issue.

5. The landscape impact is most strongly related to the containment of the proposal on the appeal site and how it would relate to the existing settlement. This is not the same as the site being well screened, although it certainly helps that the site for the most part is bounded by established mature vegetation along the north, east and west boundaries and by the presence of the dwellings on College Close to the south. There appears to have been a conscious thought process in the size and positioning of the proposed open space and the building line of the northern most proposed development. This is not only in that the amount of built development on the highest parts of the site would be minimised, but also that the edge of the built form would follow a line roughly equivalent to the northern boundary of the adjacent playing fields. Whilst Great Casterton may have developed as a linear settlement along the River Gwash, it has generally evolved away from such a form over time.
6. I acknowledge that the playing fields to the east do not have any notable built form upon them. But they have a land use which differs from the agricultural fields that for most part surround the settlement. It is a land use which is clearly associated with the use of buildings located within the settlement and it appears as a modified element of the landscape in comparison to agricultural fields. The proposed built form on the site would appear well contained from the north, east and west because it would fill in the area between the existing dwellings and the playing field, and it would position the large area of open space to its northernmost point. It would also be contained to a large degree by the existing dwellings along College Close to the south, although the upper parts of the proposed dwellings would be clearly visible in views from the south-east.
7. My attention has been drawn to two landscape studies that have been undertaken on behalf of the Council. With the slightly curious exception of a very small part of its north-east corner, the appeal site falls entirely within assessment zone GC3 in the Landscape Sensitivity and Capacity Study Land around Local Service Centres – Addendum Final Report, March 2017 (LSCS). This zone is judged to have moderate to high Landscape & Settlement Character Sensitivity and Visual Sensitivity, high Overall Landscape Sensitivity, low to moderate landscape value and low to medium overall landscape capacity.
8. The more recent Rutland Settlement Landscape Sensitivity Assessment 2023 (SLSA) considers larger parcels of land, with the majority of the appeal site falling within study parcel GCA1. This area is considered to have a high/medium sensitivity to housing development. It is noted within the SLSA that the sensitivity of the study parcel lies in its location on the rising landform of the Clay Woodlands

Local Character Area above the settlement and that the open skyline is important to the setting of Great Casterton in the landscape. However, it is also stated that new housing development within the study parcel would continue the settlement pattern and could provide opportunity to soften the settlement edge and provide a more harmonious relationship with the surrounding countryside.

9. The LSCS and SLISA are certainly of assistance in outlining the key landscape and visual considerations around the settlement of Great Casterton. However, given that in both instances those documents assessed much larger areas than the appeal site, a more specific assessment of the site and the proposal has been appropriate. I am satisfied from their extensive written submissions and from what they were able to explain in detail at the hearing that the appellant has undertaken a very comprehensive and well-thought-out assessment of the landscape impacts, even if the Council does not ultimately agree with their conclusions.
10. From the north the proposed development would be well contained by existing and proposed vegetation and adjacent land uses, and because of the specifics of the proposed layout I have identified above, in particular in terms of the location of the open space. It would serve to create a better visual settlement edge than what exists at the present time, as that formed by the dwellings along College Close is somewhat urban in appearance and lacking any meaningful landscaping. The view of the landscape across the appeal site takes in the dwellings of College Close in the foreground and the higher ground in the distance, looking towards the horizon. There is little to no appreciation of the Gwash valley as a result. The Council accept the impact would be highly localised from the north and I concur with the conclusion of the appellant that there is a low to medium landscape sensitivity in terms of the site and its immediate context, and there would be a medium to high magnitude of impact on completion, reducing to a medium impact at Year 15.
11. The relationship of the appeal site to the wider landscape and in particular that of the Gwash Valley is much more apparent from the south-east, where the Council identify an impact stretching approximately 700 metres from the site. The proposed development would be higher than the existing dwellings on College Close and at the point where two landscape character types transition. Although there would be extensive planting on the appeal site, and this would aid integration because vegetation breaks the skyline in other locations, the planting would be located to the north of the proposed dwellings. It would therefore do nothing to address the impact that would arise on the landscape because of the new development on higher land and its impact on the skyline. The sensitivity of the landscape here is greater than the low to medium stated by the appellant. The magnitude of impact would be high, even at Year 15.
12. There was disagreement between the parties at the hearing as to whether the term 'significant' can be applied in general terms, or whether where related to landscape assessment this should be more appropriately reserved for use in Environmental Statements. However, using it in the usual dictionary definition sense as something important enough to merit attention, the landscape effects in the area 700 metres to the south-east would be significant. As I have outlined, this is primarily because development would be placed on higher ground than what has previously taken place and there would be an impact on the skyline as a result. This would notably alter the landscape and the setting of Great Casterton within it when viewed from the south-east. To the north there would be some impact and a loss of the skyline, but the overall impact on the landscape would be

less because the site is well contained and there is no real perception of the valley location. There would not be a significant landscape impact from this direction.

13. In conclusion, I consider that the proposal has been laid out to be as sensitive as it reasonably can be to the landscape in which it would be introduced. Nonetheless, for the reasons I have set out it would not avoid significant harm to the landscape in terms of its impact to the south-east. Consequently, it would fail to accord with Policies CS1 and CS21 of the Core Strategy 2011 (CS) and Policy SP23 of the LP where collectively they seek to conserve the landscape.

Visual receptors

14. A number of viewpoints were considered in the LVIA provided with the planning application. It was common ground between the main parties at the hearing that of those, Viewpoints 1, 3, 4 and 5 are the most important in order to make an assessment of the impact of the proposed development on visual receptors. Those viewpoints formed the basis for the accompanied site visit which took place, along with viewpoint 2 owing to its relatively close proximity to viewpoint 1 and because walking between the two gives a sense of the approach to Great Casterton from the north along the Rutland Round walking route. I also visited viewpoint 14 unaccompanied.
15. From viewpoint 2 walking down Pickworth Road towards viewpoint 1 the rural character of the landscape and the surroundings cede to the built form of the settlement. It is evident to a person approaching from that direction that they are heading towards a settlement before they become aware of the appeal site, or indeed any development that might take place on it. This is because the dwellings further along Pickworth Road are visible and the fields to either side of the road are well screened which funnels vision down the road. The proposed development would not be an unexpected visual addition in that context. I am not persuaded that that perception would be materially different if a person was elevated on horseback, and in any instance, it is likely that far fewer people would experience the entrance to Great Casterton via that form of transport. I concur with the finding of the LVIA that from viewpoints 1 and 2 the significance of the impact on visual receptors would be moderate adverse at Year 1, reducing to minor adverse at Year 15.
16. The visual impact would be much greater when seen from viewpoint 4, and from the additional viewpoint identified further along Toilethorpe Road. But again, the pertinent question is who would be able to view from those locations, or anywhere else along that road. There are no public footpaths along the road or pavements, and the road has bends and undulations along its route. It makes for a very unattractive proposition for the pedestrian. The presence of mature hedgerows which have very few breaks in them, alongside the fact that the characteristics of the road outlined above would necessitate the constant focus of drivers and cyclists on it, mean that such users would not realistically be visual receptors. Although it was suggested at the hearing that horse riders would be able to see over the hedges, the road again is unattractive in safety terms but, even if it is frequented by such users, they too would need to ensure their vision was on the road for the vast majority of the time. Because of these factors, I concur with the finding of the LVIA that the significance of impact on visual receptors at viewpoint 4 would be minor adverse at completion.

17. The impact from viewpoints 3 and 5 is less clear because no photomontages have been provided from those locations. But at this point Ryhill Road shares many similarities with Toilethorpe Road which means that it also would not be attractive to pedestrians and that drivers, cyclists and horse riders would not be able to spend any period of time looking in the direction of the appeal site. On that basis, I do not disagree that the significance of the impact on visual receptors would in both cases be minor adverse, reducing to negligible to minor adverse at Year 15. The photomontage at viewpoint 14 suggests that limited parts of the development, consisting mainly of the roofs of some of the proposed dwellings, would be visible. The existing dwellings along Ermine Rise are sited at a higher ground level than Old Great North Road and already break the skyline when viewed from that location. Whilst it is probable that more people would observe this viewpoint than some of the others, I am satisfied that the significance of the impact would be minor to moderate adverse, reducing to negligible to minor adverse at Year 15.
18. Reference is made in the reason for refusal to the visual impact in terms of the existing dwellings on College Close. However, whilst it is clear that there would be a substantial impact as an open field would be replaced with a housing development, this would be the same impact that occurs in many if not most instances where a settlement extends outwards onto open fields. It is not tenable to prevent new housing developments because of the visual impact that would occur on what are private and not public views. There is nothing unusual with respect to the appeal development or its relationship with the existing dwellings that would warrant the withholding of planning permission on visual impact grounds. Reference has also been made in the appeal submissions to potential visual receptors at properties in the settlement of Toll Bar which face across the valley. However, these too are private views taken from some considerable distance. Any impact here would also not justify the refusal of planning permission.
19. In conclusion, I am satisfied that none of the impacts on visual receptors would be significant, adopting the same definition of significant as I have in respect to landscape effects. Policies CS1, CS19 and CS21 of the CS and Policy SP23 of the SAPDPD refer more closely to impacts on the landscape as opposed to visual receptors. Nonetheless, in terms of the impact on visual receptors that would occur as a result of the proposed development, I find no conflict with the overarching aims of any of those policies.

Design

20. The specific design concerns of the Council are limited to those which are set out in the reason for refusal. It is those upon which I have therefore focused my assessment. The main parties agree that the matter relating to the stone to be used as the external facing material on the proposed dwellings has been resolved and that natural stone would be used. That could be secured by way of a planning condition. The Council's position in its Statement of Case is that although they consider that the provision of further street trees could enhance the scheme, the current design achieves an acceptable standard and aligns with recognised design principles. I do not therefore find this to be a matter which should weigh against the development in design terms.
21. The appellant has provided amended plans with their appeal submission which show how amendments could be made to the elevations of dwellings to ensure that windows better align. These are relatively minor design changes on which all

parties who have an interest in the appeal have had the opportunity to comment during the appeal process. They would improve the visual appearance of the dwellings and would not substantively alter the proposed scheme. I am satisfied that securing those amendments via a planning condition would not prejudice the interests of any party, or cause harm in any way.

22. The Design Guidelines for Rutland Supplementary Planning Document 2022 (SPD) states that roofs typical of the local vernacular generally have a pitch of at least 40 degrees and that new development is expected to do so too in order to reinforce local identity and make a positive contribution to local distinctiveness and character. The roof pitch of the appeal dwellings would be 35 degrees, which it is explained is to reflect the pitches of the roofs on the existing dwellings along College Close. Given that the closest visual relationship of the appeal proposal to existing built form would be those dwellings on College Close, I consider that there is justification in this instance to depart from the guidance set out in the SPD and that the roof pitches as originally submitted would ensure better integration into the surroundings.
23. It is understood that a pedestrian connection to and along Pickworth Road was part of earlier submissions for development on the site, but it was subsequently removed because the Highway Authority (HA) did not support it. However, the position of the HA has changed, and the proposed connection has been reinstated at this appeal stage. Given that interested parties are familiar with this specific element of the proposal and have had time to make comment during the appeal process, I am satisfied that there would not be any harm to their interests in my consideration of plans showing this. I also consider that this amendment would not substantively alter the proposed scheme.
24. In visual terms these proposed works would have an impact on Pickworth Road, which currently appears as it passes the appeal site as a rural lane with grass verges to either side and with no pavement. The verges are also a local wildlife site (LWS), and therefore a section of this would be lost. With respect to the visual impact, the harm caused would be minor and very localised. This visual harm would be outweighed by the considerable benefits in making the proposed public open space more accessible to the residents of Great Casterton. With respect to the loss of part of the LWS, the assessment of baseline habitats provided by the appellant finds these to be modified grassland and ruderals in moderate or poor condition and with low strategic significance. The loss of this area would be compensated in ecological terms by the wider development, which would take place on what is currently an arable field and would include considerable biodiversity net gain.
25. In terms of the turning head to the north of the proposed development, the concern of the Council is that pedestrians would follow a straight desire line to reach the area of open space which would mean leaving the pavement and walking across the road. However, there is the option to remain on the pavement. Furthermore, there would only be six of the proposed dwellings served beyond the location of the turning head. It is therefore highly unlikely that there would be any considerable traffic flow in this area. Coupled with the option for pedestrians to stay on the pavement, the turning head is acceptable, and a lowered curb as suggested by the Council is neither needed nor justified.

26. The drainage basin would occupy a relatively large portion of land and would have a profile of 1 in 3. Whilst it is primarily a functional addition to the site layout, it would also provide an open aspect at the site entrance and would accommodate some tree planting. I do not concur with the Council that there would be a need to more extensively plant this area than is proposed, and there would be no benefit in screening the basin or need to do so. There would not be likely to be any great visual impact resulting from any headwall incorporated into the drainage area. I am satisfied that what has been submitted would be an attractive entrance to the site. In terms of the Council's concern with respect to the public realm and street design, in the reason for refusal they refer only to the area of open space in front of plots 35, 36 and 6. However, this is a very minor matter and one which does not undermine the overall design quality of the proposed scheme.
27. Of the eight design concerns outlined on the decision notice, the connection to Pickworth Road, the facing material, the window alignment and the matter of street trees have either been adequately addressed or could be addressed by way of planning conditions. I have set out why I do not consider that amendments to roof pitches are necessary and why the turning head and entrance adjacent to the drainage basin are acceptable. This leaves only the matter of public realm and street design unresolved. Whilst the reason for refusal refers to only land adjacent to plots 35, 36 and 6, my attention has been drawn to the rtu Building for a Healthy Life assessment which highlights similar concerns with land close to several other plots. However, even considered collectively this is still a minor matter and one which does not undermine the design quality of the scheme as a whole.
28. Policy CS19 of the CS states that new developments of 10 or more dwellings will be expected to meet a "good" or "very good" rating against Building for Life criteria unless it can be demonstrated that this is not feasible or viable on a particular site. However, Building for Life has since been superseded by Building for Life 12 and then by Building for a Healthy Life (BHL). There have been three BHL assessments carried out and submitted, two on behalf of the appellant and one by the Council and they differ quite considerably in their conclusions. Whilst I have had regard to those in my consideration of the appeal, ultimately, I have found that only one of the eight areas of concern raised by the Council would benefit from an improvement that would not be secured, and that matter is only a minor one. I am satisfied the proposal as a whole would be well-designed and that there would be no harm to character and appearance of the settlement as a result of it.
29. In conclusion, the proposal would accord with Policy CS19 of the CS and Policy SP15 of the SAPDPD where, taken together, they seek to promote good design. There would also be no conflict with the aims of the SPD, section 12 of the National Planning Policy Framework (the Framework) or the National Design Guide in the same respect.

Other Considerations

30. The proposal would deliver 41 new dwellings in a location directly on the edge of a smaller service centre. It is common ground between the main parties that the Council can only demonstrate a 3 year supply of deliverable housing sites. This represents a substantial undersupply when considered against the requirements set out in the Framework. In that context, the provision of the new houses offers significant weight in favour of the proposal. There would also be the delivery of just over 34% of the proposed new dwellings as affordable homes. The evidence

provided by the appellant is that there is a chronic under delivery of affordable homes in the area and, whilst I heard at the hearing that delivery in terms of the number of units provided per year has been increasing, the deficit of under supply is actually worsening. Therefore, the provision of the affordable dwellings is a matter which too offers significant weight in favour of the proposed development.

31. It is common ground between the main parties that Great Casterton is a sustainable location for housing development, given its placement in the settlement hierarchies of the adopted and emerging development plans. I acknowledge the concerns of interested parties on this matter, for reasons including the access to services and facilities, jobs and the frequency of the local bus service. However, there are considerations such as the proximity to Stamford and the range of services, facilities, jobs and public transport options offered there and the fact that Great Casterton itself has some facilities, most notably both a primary and a secondary school. Balancing these considerations against one another, the location of the appeal site in locational sustainability terms offers moderate weight in its favour.
32. There would be economic benefits during the construction phase and then from spend in the local economy by the future occupiers of the proposed dwellings. This is a consideration which carries moderate weight in favour of the proposal. The proposal would deliver a biodiversity net gain well in excess of the statutory requirement of 10%. This too is a consideration which carries moderate weight in its favour.
33. The area of open space would be accessible to the wider public and thus would provide a benefit for the settlement. I was able to visit another new children's play area which is awaiting opening and which means that the proposed play area on the appeal site would not be the only such provision in Great Casterton, as the appellant had suggested would be the case in their submissions. However, the provision of the sizeable area of open space and the play area are nonetheless benefits of the proposed scheme which carry moderate weight in its favour.

Paragraph 11d)

34. The tilted balance set out in paragraph 11d) of the Framework is engaged because the Council cannot demonstrate a five year housing land supply. It has not been suggested that the provisions of paragraph 11d)i) are applicable in this instance. In terms of paragraph 11d)ii), this states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
35. I have found that there would be harm in landscape terms, limited to the south-east but nonetheless significant in its impact. The proposal would boost the supply of homes, including affordable homes, in the face of the substantial undersupply that exists in both respects. These are considerations which each carry significant weight in favour of the proposal. The sustainable location of the appeal site weighs moderately in its favour, as do the economic benefits and the level of biodiversity net gain that would arise. Open space of substantial size would be provided and, although it would not be the only playground present in the settlement, this would

be a benefit of moderate weight. I have also found that the proposed development would be well-designed.

36. In conclusion on this matter, I find that the harmful impact upon the landscape that would arise would not significantly and demonstrably outweigh the combined benefits. Consequently, the presumption in favour of sustainable development applies.

Other Matters

37. A number of representations have been made with respect to matters of highway safety. However, it is clear that detailed consideration has been given by the HA to the impact on the highway network that would arise from the scale of the development that is proposed, including in terms of the cumulative impact with other developments taking place in the wider area. They further raise no concerns as to the visibility available from the College Close junction with Ryhill Road, the use of College Close to serve the proposed development or the amount and size of parking areas that would serve the proposed dwellings.
38. Although on my unaccompanied pre-hearing site visit I observed a number of cars parked to pick up pupils from the nearby college parked on College Close and that there was a considerable amount of traffic on Ryhill Road at that time, this will be a relatively brief occurrence in duration terms. There is no substantive evidence before me that this is a situation which is unsafe in highway terms, or that the appeal proposal would serve to make it so, nor that the appropriate highway specifications would not be met. The HA does not raise concerns with the swept path details provided or that College Close would not be able to accommodate construction traffic. It was suggested at the hearing that the ownership of the land which would provide access is unknown and thus that the width of the access from College Close cannot be established. However, the width proposed is shown on the plan submitted and any matters of land ownership would need to be resolved outside of the planning process.
39. The proposed development has been thoughtfully laid out in order to minimise any impact on the occupiers of existing dwellings located adjacent to the appeal site. The distances maintained between the proposed dwellings on plots 2 to 5 and the side elevation and rear garden of 8 College Close are adequate to provide a reasonable degree of separation and prevent harm to living conditions. The proposed dwellings on plots 4 and 5 would be offset from the common boundary with 7 College Close, be positioned to the north of that existing dwelling and there would be no significant differences in ground level. The windows on the front and rear elevations of the proposed dwellings would not face towards No 7, and at worst would allow only oblique views towards it, in a way which is usual in residential environments. The only first floor window in the side elevation of proposed plot 5 would serve a bathroom and thus not give rise to overlooking opportunities.
40. Elsewhere, the proposed dwellings would either be positioned further from the boundaries with existing properties, would be bungalows or would be well separated from other dwellings owing to the lengths of existing rear gardens. I am satisfied that there would not be harm to living conditions arising from loss of light, overlooking/loss of privacy or from the massing of the proposed development. The density of development is appropriate to its surroundings. Noise generated by the

development when occupied would be residential in nature and would not give rise to harm to living conditions. Any light pollution and air pollution from a residential development would not be significant in terms of its impact upon the living conditions of nearby occupiers. A Construction Environmental Management Plan has been submitted which would protect living conditions during the construction period.

41. The consultation response from Archaeology raises no objection subject to the approval and subsequent undertaking of a suitable written scheme of investigation. This could be secured by way of a planning condition. A Preliminary Ecological Assessment has been submitted and reviewed by the Ecology and Biodiversity team. No objection is raised subject to conditions relating to a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features and a Construction Environment Management Plan for biodiversity. All of those matters could be controlled by way of a planning condition.
42. The Lead Local Flood Authority (LLFA) consider the drainage proposals to be acceptable subject to conditions. There is also no objection from Anglian Water on that ground or in terms of the impact that would arise on the wider water supply network in the area. Both the NHS Leicester, Leicestershire & Rutland and NHS Lincolnshire Integrated Care Boards request a Community Infrastructure Levy (CIL) contribution towards the provision of additional general practitioner services that would be likely to be impacted upon by the proposed development. This would therefore be addressed via CIL. The submissions do not suggest that there would be an impact upon the dry stone wall that runs to the rear of the existing dwellings on College Close.
43. Radon protection measures would be a matter for consideration under building regulations. Matters relating to potential radon and carbon dioxide being released during construction have not been raised as of concern by the Environmental Protection Team. A Historic Environment Desk-Based Assessment has been provided which concludes that the proposed development would have no impact on the setting and significance of any designated heritage assets within the surroundings. The Council does not dispute this, and I find no reason to take a different view.

Planning Obligation

44. A completed Section 106 Agreement, which includes three obligations to come into effect if planning permission is granted has been provided. I have considered these obligations against the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010. The obligations relate to the following matters:
45. Affordable Housing: It is common ground between the main parties that the provision of affordable housing that would be provided meets with the requirements of the development plan. The Agreement ensures that the policy requirements would be met and therefore this obligation passes the statutory tests.
46. Open Space: this sets out an obligation to deliver a public open space scheme and to arrange for the subsequent management and maintenance of it. This would ensure that the policy requirements of Policy CS23 of the CS and Policy SP15 of the SAPDPD would be met, and therefore this obligation meets the statutory tests.

47. Biodiversity Net Gain: this obligation requires the delivery of biodiversity net gain and its management and maintenance for a period of thirty years. This is to ensure that the statutory biodiversity net gain requirements are met and therefore it too meets the tests.

Planning Balance

48. By virtue of its location outside of the PLD of Great Casterton, the proposal fails to accord with Policy SP6 of the SAPDPD. I have also found that there would be landscape harm, limited to the area to the south-east of the appeal site but significant in its impact from that direction, resulting in a failure to accord with Policies CS1 and CS21 of the CS and Policy SP23 of the LP. These conflicts mean that the proposed development would fail to accord with the development plan, taken as a whole.
49. Balanced against this is the presumption in favour of sustainable development set out in the Framework, which I have found to apply, and which advocates for the granting of planning permission. The Council's current housing land supply position and the fact that the proposal would deliver affordable housing in the face of a chronic shortage are matters which offer significant weight in support. That the proposal would have reasonable sustainability credentials in a locational sense, would result in economic benefits, would provide a BNG uplift and would provide a sizeable area of open space including a play area are matters which also weigh in its favour.
50. In conclusion, I find that the benefits of the proposal outweigh the harm that would result and the conflict with the development plan. The material considerations set out above therefore indicate that a decision should be made otherwise than in accordance with the development plan, and that planning permission should be granted.

Conditions

51. Conditions relating to the period to commence development and the approved plans are required to provide certainty. In order to ensure that new housing is delivered sooner in light of the current housing supply position, the appellant sets out that the commencement condition should refer to a two-year commencement period instead of the standard three-year period. A condition requiring the submission of a sample of the stone and roofing material is needed to ensure that the proposal would have an acceptable visual appearance. A written scheme of investigation for archaeological work is needed to address archaeological considerations.
52. Details of proposed street trees are required in the interests of enhancing the character and appearance of the development and conditions relating to tree protection and the period for its retention are needed to protect existing trees. A condition is required to ensure that works take place in accordance with the Construction Method Statement and Environmental Management Plan, to protect living conditions and highway safety. The dissemination of a residential welcome pack to future residents is needed to promote sustainable transport. Details of bird, bat and hedgehog features are required to enhance and protect wildlife.
53. A Construction Environment Management Plan for Biodiversity is needed to protect wildlife interests. Details of a dropped kerb crossover for plots 25 to 33 are

needed in the interests of highway safety, and for the same reason conditions should be imposed relating to pedestrian visibility splays, car parking, the junction with the existing highway, the construction of roads to base level, root protection for street trees and private external lighting.

54. A condition requiring the implementation of the submitted surface water drainage scheme is needed to ensure that adequate provision is put in place. Details of how Secured by Design would be met is needed to promote good design and crime prevention. Given the proximity to the A1 a condition addressing the impact of noise from that road and any mitigation is needed to ensure that appropriate living conditions are provided for future occupiers. A condition setting out the timeframe for undertaking the approved landscaping is needed to ensure that this is carried out and to set out the period over which replanting would be required. The appellant agrees that this should be a ten-year period given the importance of landscaping in aiding the integration of the proposed development into the wider landscape. A landscape management plan condition is needed to ensure appropriate management and maintenance.
55. The LLFA request a revised flood exceedance routing plan, and this is considered to be necessary to prevent flood risk. A pre-development highway condition survey is needed in the interests of highway safety. A condition securing amended window alignments on some of the proposed plots is required for the reason set out earlier in this decision. A condition securing the works along Pickworth Road is needed to ensure that these works are delivered and that highway matters have been addressed in doing so.
56. A Construction Management Plan condition is needed to provide additional detail beyond that in the Construction Method Statement & Environmental Management Plan (CMS&EMP). However, the wheel washing details in the CMS&EMP in conjunction with the powers available under the Highway Act are adequate to prevent mud and debris on the highway during construction. I have included in that same condition a requirement for the provision of details of surface water management during construction as this does not appear to be on the plans referenced and is needed to prevent flood risk during construction. It is not necessary to impose a condition relating to off-site works to the turning head at the end of College Close, as the highway authority has control over those works.
57. A condition preventing the discharge of surface water and loose material onto the highway is both reasonable and necessary in the interests of highway safety. Such a condition would to my mind be enforceable and does not appear to be onerous on future occupiers. I am not persuaded that the removal of permitted development rights for additions or alterations to the roofs of the proposed dwellings or any other alteration to their roofs would be reasonable or necessary in this instance. This is because any works possible under those provisions would not materially alter the impact that the proposed development would have in terms of the matters that have been relevant to my assessment of this appeal.

Conclusion

58. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Tucker – King’s Counsel, Kings Chambers

Jim Lomas – DLP Planning

Andy Cook – Head of Environment, Pegasus Group

David Kemp – Urban Design Associate Director, Marrons

Steve Windass – Technical Director Development, local transport projects

FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell – Counsel, Kings Chambers

Nick Thrower – Principal Planning Officer

James Faircliffe – Housing Strategy

Richard Shaw – Principal Design Officer

Anthony Brown – Bayou Bluenvironment Ltd

Ricky Parsons – Highway Engineer

INTERESTED PARTIES:

Joanne Milnes – Great Casterton Parish Council

Ben Shelbourn – Local resident

Sarah Riddell – Local resident

Ross Burrell – Local resident

Carol Brys – Local resident

Melissa Collins – Local resident

Jonathan Peacock – Local resident

DOCUMENTS

Appellant’s list of corrections

Schedule of Conditions

- 1) The development hereby permitted must be begun before the expiration of two years from the date of this permission.
- 2) The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents:

Planning Layout 2431.01 rev G

Location Plan 2431 2431.02

Materials Layout 2431.03

Street Scenes 2431.04 Rev A

Cross Section 2431.05 Rev A

Boundary Treatment Plan 2431.06 Rev A

Affordable Housing Layout Plan 2431.07 rev B

Play space offset plan – 2431.10

Planning Drawings – Garages 2431.G. 01

Soft Landscaping P22 2291 EN 0010K 0001

Soft Landscaping P22 2291 EN0010 L 0002

Detailed LAP P2291 EN 0028 A 00001

P22 -2291 EN 10b Photomontages LR

Planning Drawings - 2431.ARL.01 – Arlington elevations

Planning Drawings - 2431.ARL.02 – Planning Drawings Floor plans

Planning Drawings - 2431.ASH.01 - Planning drawings – Ashton

Planning Drawings 2431.BUR.01 – Planning Drawings- Burford

Planning Drawings - 2431.CAM.01 - Planning drawings - Cambridge

Planning Drawings - STEN 2431.CHE.01 – Planning Drawings – Chesham

Planning Drawings - 2431.GAI.01 - Planning drawings - Gainsborough

Planning Drawings – STEN 2431.HAR.01 – Planning Drawings. – Harwood

Planning Drawings – STEN 2431.HEN -01- Planning Drawings – Henley

Planning Drawings – STEN 2431.OXF .01 – Planning Drawings – Oxford

Planning Drawings - 2431.PEM.01 - Planning drawings – Pembroke

Planning Drawings - 2431.THO.01 - Planning drawings – Thornham

Planning Drawings - 2431.WIN.01 - Planning drawings - Windsor

Planning Drawings - 2431.WOB.01 - Planning drawings – Woburn

SH-CAST-0001 Planning Layout with FFL and RH Rev D

SH-CAST-0002 Access Land Location Plan Rev A

SH-CAST-0003 Surface and Kerbing Layout Rev D

SH-CAST-0007 Estate Road Dimensions Rev B

SH-CAST-0008 Site Set Up Plan Rev C

SH-CAST-0012 Rev A Solar Plan

SH-CAST-0013 Rev A EV Charger Plan

SH-CAST-0016 Rev A – Garden Areas

SH- CAST 0017 – Tree Protection Barrier Plan

47596- ECE-XX-XX-DR-C-0002 P06 – Drainage Strategy Plan

47596-ECE-XX-XX-DR-C-0004 P03 – Flood Routing Plan

47596- ECE-XX-XX-DR-C-0007 P01 – Drainage Areas

Construction Method Statement & Environmental Management Plan Rev B

- 3) Notwithstanding the details approved under Condition No 2 (see above contained in Materials Layout 2431.03), no development above damp course level shall be carried out until precise details, including samples, of the manufacturer and types and colours of the external natural facing stone and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
- 4) a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
- I. The programme and methodology of site investigation and recording
 - II. The programme for post investigation assessment
 - III. Provision to be made for analysis of the site investigation and recording
 - IV. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - V. Provision to be made for archive deposition of the analysis and records of the site investigation
 - VI. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 5) No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
- 6) Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) in accordance with the Tree Protection Plan Dec 2024 and the Tree Protection Barrier Plan SH – CAST-0017.
- 7) Unless approved in writing in advance by the Local Planning Authority, the fencing approved under Condition 6 will remain in place and intact until construction works adjacent to the fenced area are complete.

Furthermore, unless agreed in writing in advance by the Local Planning Authority there shall be:

- i) no access to the fenced areas for pedestrians/plant/vehicles.
- ii) no waste/equipment/materials/consumables/spoil storage in the fenced areas.
- iii) no fires in the fenced areas or within 10m of them.
- iv) no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to.

In certain circumstances, temporary ground protection may be authorised in writing in advance by the Local Planning Authority instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the Local Planning Authority.

- 8) The development shall be carried out in accordance with the approved Construction Method Statement & Environmental Management Plan Rev B.
- 9) Prior to occupation of the first dwelling there shall have been submitted to and approved in writing by the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident upon occupation.
- 10) Prior to commencement of development, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and

approved in writing by the Local Planning Authority. The integrated bird roosting features shall include universal swift bricks. Thereafter and prior to the occupation of any dwelling hereby permitted the features shall be installed on the site in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

- 11) No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following details:
- a. Identification of potentially damaging construction activities;
 - b. identification of biodiversity protection zones;
 - c. practical measures and sensitive working practices to avoid or reduce impacts during construction;
 - d. timing of works to avoid harm to protected species;
 - e. responsible persons for overseeing sensitive works;
 - f. use of protective fencing where required;

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 12) Notwithstanding the details shown on the approved plans, prior to the commencement of the development, a scheme shall be submitted and approved in writing by the Local Planning Authority detailing a dropped kerb crossover access arrangement for plots 25 to 33. The 2 metre wide footway shall then be designed across the access frontage in line with the footway at the carriageway edge. The access shall then be constructed in accordance with the approved plans.
- 13) Prior to occupation of each dwelling pedestrian visibility splays serving that dwelling shall be provided on both sides of all vehicular accesses shown on the approved plans. The splays shall measure 2.0 metres by 2.0 metres measured along each side of the access and along the back edge of the highway. The splays shall thereafter be maintained and retained free from any obstructions over 600mm in height above ground level.
- 14) Car parking including garages and turning shall be provided in accordance with the approved layout plan(s) prior to the first occupation of the dwellings to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.
- 15) The proposed junction with the existing highway, inclusive of cleared land, and any underlying utilities shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other part of the development.
- 16) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and

footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or six months in the case of a shared surface road or a mews) from the occupation of such dwelling.

- 17) Any trees located within 5 metres of the proposed highway must be planted with root-protection, details of which must first be approved in writing by the Local Planning Authority.
- 18) Any private external lighting shall be designed and installed such that it does not illuminate any part of the proposed public highway or users of the public highway.
- 19) The surface water drainage scheme will be completed in accordance with the details shown on the Drainage Strategy plan reference 47596-ECE-XX-XX-DR-C0002 Rev P06 subject to further infiltration testing in the locations of the infiltration ponds and the soakaways, the details of which together with any redesign must be submitted to the Local Planning Authority for approval in writing prior to commencement of development. The sustainable drainage features will be completed prior to the upstream flows commencing. Once fully implemented, the scheme will thereafter be managed and maintained in accordance with the SUDS maintenance table shown in Section 2.7 of the Drainage Assessment document dated 11th September 2024.
- 20) Prior to commencement of works, written details as to how the development will meet requirements of 'Secured by Design' shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of the said details has been received by the authority.
- 21) No development above ground level shall commence until a scheme for protecting the proposed development from road noise generated by the A1 has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the noise sensitive development is occupied.
- 22) All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 10 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
- 23) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas and walls and fencing, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local

Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

- 24) Prior to the commencement of development, a revised flood exceedance routing plan and coordinated site-wide levels strategy (including road levels, footway levels, and plot finished floor levels) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details to ensure safe overland flow routing in exceedance scenarios.
- 25) Prior to commencement of the development, the developer shall agree the extent of and carry out a pre-condition highway survey with the Local Highway Authority to establish the condition of the public highway before site traffic commences, the results of which shall be provided by way of a photographic survey to the Local Planning Authority. A similar inspection shall be undertaken on substantial completion of the development to identify any damage arising from the construction phase.
- 26) Notwithstanding the details shown on the approved plans, prior to commencement of development, new house type elevations showing amended windows/window alignments for the 'Burford', 'Chesham', 'Harwood', 'Henley' and 'Oxford' house types (see drawing references STEN-2431-EC-01 to 05) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 27) Prior to the first occupation of the dwellings hereby approved, highway improvements as specified in the list below shall have been submitted to and approved in writing by the Local Planning Authority and implemented in full:
- a) Within 12 months of the commencement of the development and prior to any works involved in the construction of the footway under part b) of this condition, a combined Road Safety Audit 1 and 2 along with designers response is to be carried out on the proposed footway link and submitted to and approved in writing by the Local Planning Authority.
 - b) Notwithstanding the details provided on plan number LTP/221/P1/01.01 Rev A and prior to the commencement of the development, full details of the offsite 2 metre wide footway along the north side of Pickworth Road shall be submitted to and approved in writing by the Local Planning Authority. The footway shall thereafter be constructed in accordance with the approved plans prior to the first occupation of the development.
 - c) The Traffic Regulation Order process is carried out within 12 months of the commencement of the development and prior to any works involved in the construction of the footway under part b) of this condition and then constructed in accordance with the approved details
- 28) No development shall take place, including any demolition work, until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-

- a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action
- b) Haul routes to the site
- c) Details of a site notice with contact details and a scheme for dealing with complaints
- d) Details of any temporary lighting which must not directly light the public highway
- e) Details of measures for the control of surface water drainage during the construction stage of the proposed development.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

- 29) All private vehicular and pedestrian accesses shall be designed to prevent the discharge of private surface water or loose surfacing material onto any proposed public highway and shall be regularly maintained to ensure that surface water does not discharge onto the public highway.

-----End of Conditions-----