



Appeal Decision

Hearing held on 19 November 2025

Site visit made on 18 and 20 November 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/J0540/W/25/3367425

Land East of 29 Peakirk Road, Glington, Peterborough PE6 7LT

- 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 Hereward Homes Ltd against the decision of Peterborough City Council.
 - The application Ref is 25/00376/FUL .
 - The development proposed is for the construction of 24 dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Hereward Homes Ltd against Peterborough City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There are a number of listed buildings near to the appeal site. In the exercise of planning functions I am required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.
4. The appeal site lies outside but contiguous with part of the boundary of the Glington Conservation Area. There is no statutory protection for the setting of a conservation area. However, as a conservation area is a designated heritage asset there is still a need to consider whether its significance would be affected by development proposed outside it.
5. At the Hearing the parties submitted a draft planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the s106), that required some amendments. A signed and dated s106 has now been submitted.
6. I did an extensive unaccompanied site visit of the village and surrounding area the day before the hearing and showed the parties where I had been. Due to fading light, the day after the hearing I made another unaccompanied site visit that included seeing sites and views the parties wanted me to consider.

Main Issues

7. The main issues in this appeal are:

- Whether the appeal site would be a suitable location for housing, with regards to local and national policies,
- The effect of the proposal on the character and appearance of the area,
- The effect of the proposal on the setting of Glington Conservation Area (the GCA) and on nearby listed buildings, and
- The likely long-term effect upon trees to be retained in the vicinity of the site.

Reasons

Whether a suitable location of housing

8. The appeal site is about 1.59 hectares of open agricultural arable land to the east side of Glington, bounded by Peakirk Road to the south and a linear hedgerow and line of trees to the west. There are some residential dwellings fronting the other side of Peakirk Road.
9. Policy LP2 of the Peterborough Local Plan¹ (the Local Plan) sets out the overarching spatial strategy for the district with a settlement hierarchy for the distribution of housing development based on settlement size and the range of services and facilities, in order to promote sustainable patterns of development. It prioritises the City of Peterborough before large villages, then medium villages such as Glington, and finally small villages. In 'medium' villages, development proposals within the identified village envelope will generally be supported. Land outside the village envelope is defined as countryside for policy purposes, where development will be restricted to certain types.
10. The appeal site lies outside the village envelope, which is tightly drawn around the built form of the village, and forms part of a much wider swathe of countryside. The proposal is not any of the listed countryside developments, which Local Plan Policies LP8 and LP11 deal with in more detail.
11. Policy GNP2 of the Glington Neighbourhood Plan² (the GNP) supports development within the village envelope, where it would satisfy other Development Plan policies. Outside of the village envelope in the countryside development will be restricted to certain exceptions, with some crossover and more detail in Local Plan Policies LP8 and LP11.
12. Local Plan Policy LP8 allows rural exception sites for affordable housing outside of, but adjacent to, village envelopes. The proposal is not promoted as a rural exceptions scheme and does not have demonstrable local support of the community³, which is a prerequisite although Glington Parish Council are supportive. However, the proposal would provide 30% affordable housing in accordance with policy, which would be secured via a s106. The 24 dwellings would also be of varying sizes, types and tenures, including homes for market rent,

¹ Adopted 24 July 2019

² Made July 2021

³ According to the Council's Delegated Report there were 6 responses received from the public consultation - 5 objecting to the proposal and 1 in support.

and with a mix of 2, 3, 4 and 5 bedroom dwellings comprising a short terrace and a number of semi-detached and detached dwellings, including bungalows.

13. Local Plan Policy LP11 sets out the types of development (Parts A to G) considered suitable for the countryside. The proposal is not any of these.
14. The appeal site lies outside the village envelope of Glington in the countryside. Apart from the 30% provision of affordable housing, the proposal would be none of the rural housing exceptions considered appropriate for countryside locations. The proposal would thus undermine the Council's spatial and settlement strategy for the location of housing and promoting sustainable patterns of development. Accordingly, the proposal would be contrary to Local Plan Policies LP2, LP8 and LP11 and GNP Policy GNP2.

Character and appearance

15. Neither the appeal site nor surrounding countryside is a protected landscape. However, the site lies within the local Welland Valley Landscape Character Area, one of six character areas within the Peterborough Landscape Character Assessment. It is characterised by low lying flat open arable land. Villages tend to be nucleated with an historic core and attractive stone buildings, with modern development more prominent on the fringes, and vegetation generally in linear belts. The ancient drainage patterns has allowed the creation of rectilinear field pattern that characterises much of the area.
16. The site is currently undeveloped and part of a large flat open field, that itself forms part of a wider swathe of countryside that surrounds Glington, particularly on the northern and eastern sides. I saw during my visit, walking footpaths and driving around the area, that the openness of the surrounding countryside is a striking feature and distinctive setting to the historic village, whose tall church spire is a prominent landmark for some distance. Peakirk Road leaves the village on a bend, and is hedge lined giving it a rural character and appearance. The appeal site makes a positive contribution to this distinctive open landscape and to the approach/exit to the village.
17. In terms of landscape character, Local Plan Policy 27 states that development should, amongst other things, be located and designed to be sensitive to the particular landscape setting, reflect and enhance local distinctiveness, and safeguard and enhance important views and vistas. The Peterborough "Design and Development in Selected Villages" Supplementary Planning Document (the Design SPD) also requires consideration to be taken of views into the village from both roads and footpaths. New development outside the conservation area but on the edge of the village should conserve and enhance the soft landscape edge.
18. GNP Policy GNP7 takes matters further and identifies views radiating out from Glington's northern boundary and views towards the village from the north across the open flat 'Fen Edge' countryside that are of particular significance and require protection. These are shown as a 'blue arc' on policy Map 7.2. There was some discussion at the hearing about the significance of the dark-to-pale blue shading of the arc. From what I heard at the hearing the shading generally indicates that the further one moves away from the village, the influence of those views might lessen. Nonetheless, the appeal site is clearly within the 'blue-arc', as is the entire field within which the appeal site sits as far as the permissive footpath to the east and beyond the footpath to the north and South Drain. As I walked the footpaths

around the north and east of the village and drove to areas at the arc's northern extremities, I saw that the flat open landscape was a striking feature and distinctive setting for the village, as was the absence of development beyond the village limits in these areas.

19. From the northern footpath, looking back towards the site, the separation distance would make the development less obvious when viewed against the distant rooftops of the houses on the other side of Peakirk Road. However, from the permissive footpath along the eastern extremity of the 'blue-arc', and when approaching the site from Peakirk, and through the gate and gap in the roadside hedge, the proposed development would be more discernible and intrusive into this pastoral scene and wide open field, with artificial boundaries effectively creating an isolated rectangular intrusion into the field.
20. The appeal site is located behind an overgrown roadside hedge. Whilst this impedes direct views northwards from the road across the wider field in the radiating 'blue-arc' to some extent, the openness is still appreciated as there is no built form behind the hedge. As one approaches the site from the village of Peakirk the development would be more visible as a countryside encroachment. The proposal would align with the eastern-most extent of existing built development on the south side of Peakirk Road. However, the housing on the south side adjoins a different countryside context and one that lies outside the blue-arc of significant views, unlike the appeal site. Therefore the presence of housing opposite is not justification to 'round off' the village.
21. The prevailing pattern of development in Glinton is for housing to front the road, apart from some later housing estates that have cul-de-sacs, such as housing off Clevedon Way and the Willows off Wellmore Road. The proposal would have a single access point off Peakirk Road that would lead to a cul-de-sac, off which the 24 dwellings would be accessed on foot and by vehicle, with only plots 1 and 2 having their front gardens facing Peakirk Road. Whilst the roadside hedge would be retained to help screen the dwellings and help retain a rural character of this section of Peakirk Road, the layout of the development would be at odds with Glinton's prevailing pattern of built form.
22. The last two existing properties on Peakirk Road are two storey properties, but they are part of a linear road-facing development. The proposal would arrange 4 two-storey dwellings (Plots 16-19) along the eastern edge of the site with the boundary with the field. This line of 4 dwellings, extending back from the road into a field with no natural or existing boundary features, would be an incongruous addition to the pattern and form of the village. The proposed new hedge and a few trees that would be planted along the site's eastern boundary would take time to mature. It would be unlikely to screen the dwellings from view or ensure the development integrates into the surrounding landscape and this softer and transitional edge to the eastern approaches of the village.
23. The plans show the dwellings would be faced in limestone. Most of the old historic properties in the centre of the village are built of this. However, I saw that the newer development moving out from the centre, was more brick or rendered properties and there was no use of stone as the main facing material along this stretch of Peakirk Road. Therefore, the proposed limestone dwellings would be out of context. At the hearing I heard that the appellant was willing to look at different materials as part of a planning condition. However, this would not overcome the

other concerns I have identified. The proposal would be for ordinary suburban style housing that is not particularly contemporary or unusual, although I have no reason to doubt the dwellings would not be built to a high standard.

24. Drawing all of the above points together, I find the proposal would be an incongruous form of development that would be an inappropriate encroachment into the countryside. It would also adversely affect views in and out of the village, reduce the countryside setting and erode its distinct character and identity. In short, the proposal would unacceptably harm the character and appearance of the area.
25. Accordingly the proposal would be contrary to Local Plan Policies LP16 and LP27 and GNP Policies GNP3 and GNP7. Collectively these seek to ensure that the design of development is appropriate for the site and respects the context of the site and surrounding area, and responds positively to important local characteristics, and respects, responds to and protects important views. It would also be contrary to the guidance in the Design SPD.
26. Whilst not mentioned specifically in the reason for refusal, but discussed at the hearing and mentioned a little in the submitted evidence, is the matter of coalescence. Policy GNP2 states that development outside the village envelope should not result in the physical or visual coalescence of Glinton with any neighbouring settlement. One of Glinton's most valued assets is the surrounding countryside and due to the proximity to other settlements, gaps are considered sensitive and essential to the character and identity of Glinton. The nearest neighbouring village is Peacock, only about 590m away to the east.
27. Due to the size of the gap and relatively small scale of the appeal site, the proposal would not result in the two villages actually joining. However, there is no doubt in my mind, from what I saw on my site visits, that the erection of houses on part of the large open fields between the two villages along Peakirk Road would result in the physical and visual reduction in the gap between the two villages. This would contribute to taking the built form of Glinton closer to Peakirk, and thus would contribute towards coalescence, contrary to Policy GNP2. Whilst this element of Policy GNP2 is not determinative of itself, it adds to my concerns about the harm that would be caused to the character and appearance of the area.
28. I have been made aware of a large housing development proposed for land on the south side of Peakirk Road, between the last house and Foxcovert Road, which is subject to a current appeal. The sites have very different contexts and are of hugely different scale and layout and the other site does not lie within the 'blue-arc' of significant views. Whilst there may be some local preference for the appeal proposal before me, I must determine the appeal before me on its own merits.

Heritage

29. The appeal site lies outside but contiguous with a small section of the boundary of the Glinton Conservation Area (the GCA). There are also a number of listed buildings in the vicinity. Pertinent to the appeal, the significance of a heritage asset can also be derived from its setting, which the National Planning Policy Framework (the Framework) explains is the surroundings in which the heritage asset is experienced. This may not remain fixed and may change as the asset and its surroundings evolve. The Framework goes on to state that any harm to, or loss of,

the significance of a designated heritage asset (from alteration or destruction, or from development within its setting) should require clear and convincing justification.

Glinton conservation area

30. I saw that there was an older historic core of the village, centred on the 13th century Church, which is the only surviving medieval building in the village, and the Green on which it stands and on the 18th century Manor House. The town and historic streets that converge on the church (High Street and North Fen Road) have likely Saxon origins. Many of the older surviving properties are of locally quarried stone and Collyweston slate roofs, indicative of the wealth from the local agricultural economy. The Conservation Area Appraisal (the CAA) describes the village sitting on slightly higher land above the flat landscape of the fens and open fields. This was clearly evident on my site visit with long views of open countryside and frequent views of the tall church spire. The boundary of the GCA has been extended more recently to include the “full curtilage” of the Manor House. A short section of this boundary abuts the appeal site. The rest of the linear conservation area boundary runs northwards as a hedge, providing a distinct soft rural boundary to the GCA.
31. From the evidence before me and what I saw during my site visits, the character and appearance of the GCA, and thus its special interest and significance for the purposes of this appeal, are in part derived from the architectural richness and variety of its historic buildings, historic street patterns, and relationship of buildings and spaces, reflecting the village’s evolution and agrarian past.
32. The rural connection is still evident today as the village is still surrounded by open fields and countryside, particularly to the north and to the east towards Peakirk, with fields abutting the GCA boundary. The CAA also mentions that the land between Glinton and Peakirk, especially on the footpath connecting the villages, is largely unchanged. This was evident and could be appreciated as I walked part of the footpaths. The appeal site clearly forms part of a wider swathe of open countryside on the eastern undeveloped edge of the village that contributes to Glinton’s open rural setting and links to its agricultural past. Hence the appeal site positively contributes to the rural setting of the GCA and in turn to its significance.
33. The proposal would see the construction of 24 dwellings on part of an open field, with no existing boundary features or physical demarcations with the open field. Whilst the roadside hedge would be retained, the proposed dwellings would rise above the height of the hedge. The proposal would visually and physically diminish the rural setting to the village, particularly on its eastern edge that is rural and is largely unaltered. It would also reduce the open land between the villages along Peakirk Road, which is an historic road that has remained largely unchanged. As the rural open countryside setting is an integral part of the GCA, it follows that the heritage significance of the conservation area would be harmed by the proposed housing development.

The Church of St Benedict⁴.

34. This Grade I listed building dates from the 13th century and is the only surviving medieval building in the village. It occupies a prominent and central position in the

⁴ National Heritage List for England: list entry number 1163848

village on the green, around which the historic core is centred. The church spire is recognised as one of Britain's finest needle spires. Due to the flat surrounding countryside the spire not only dominates the immediate setting of the churchyard and the core of the village, but is clearly visible in the surrounding area for some distance dominating the flat surrounding landscape as a distinctive local landmark.

35. The age and prominence of the church reflect its social and community importance and as being an historic landmark building in the surrounding area. Given the above, and as a Grade I listed building, the Church has special architectural and historic interest and significance. Historic associative interest is also drawn from the church's link with the 18th century poet John Clare who lived locally and mentioned the spire and the village of Glinton in some of his poems.
36. The wider setting of the church, insofar as is relevant to this appeal, is primarily associated with the visibility and prominence of the tall church spire within the wider surrounding landscape. This directly and positively contributes to its special interest and significance.
37. The Neighbourhood Plan identifies four views towards the church spire that are of particular importance in Map 7.1 of Policy GNP7. There was some discussion at the hearing as to how the viewpoints had been chosen and why. I heard from the vice chair of the Parish Council, who had been involved with the preparation of the policy, that they were selected as being favourite views of local residents, rather than having been technically assessed. From these four viewpoints I saw that the appeal site is not visible from them and therefore the proposed dwellings would not interfere with these views of the spire.
38. The supporting policy text also refers to there being a "multitude of locations" from which the spire can be seen. Indeed, as I walked around the area I saw that the church spire was visible from a number of other vantage points. For example, as I walked in both directions between the avenue of trees along the permissive footpath about 850m east of the church and the appeal site, as the crow flies, the church spire was visible above the tree line of the hedge boundary along the eastern edge of the GCA. Sometimes views of the spire were filtered by the footpath trees: other times gaps in the tree planting provided a more uninterrupted view. I accept that when the trees are in leaf, these views would be lessened or obscured.
39. As the appeal site is located within an open rural setting over which the views of the church spire can be seen, then it falls within the wider setting of the church and thus contributes to its significance, albeit in a small way given the large extent of surrounding land over which the church spire is visible.
40. As the church spire rises above the tops of the trees, the proposed dwellings would not be tall enough to obstruct the spire from view from land to the east or the permissive footpath. The appellant's cross-section shows this, although the Council did not have the benefit of it during their determination of the application. Nor would the proposed dwellings obstruct the intermittent views that are possible as one walks along the road from Peakirk to Glinton, and which would be virtually non-existent when the trees of the permissive footpath are in leaf. From the footpath to the north of the site, views of the church spire are less obvious and the proposed dwellings would not obstruct views of it or affect the church's setting from here. From within the appeal site, the existing trees and hedge along the site's western

boundary already obscure views of the church spire. However, I saw that from some of the proposed plots on the eastern-most edge of the site, future occupiers would likely get some views of the spire.

41. Historic England advises⁵ that church towers and spires are often widely visible across land and townscapes. However, unless development competes with them, their significance is unlikely to be affected by small-scale development where the development does not impact on the significance of the heritage asset.
42. From the evidence and my own observations, I am satisfied that views of the church spire would not be obscured or lost by the proposed development. The visual dominance of the church spire as a historic landmark in the surrounding landscape would be retained and would continue to be appreciated from the wider rural area, as well as from a number of vantage points in the surrounding area, including from the four viewpoints identified in Policy GNP7. Hence, I find the setting of the church and its spire would be preserved and its significance would not be harmed.

Manor House⁶

43. The Council confirmed at the hearing that the third reason for refusal should have included harm to the setting of this Grade II* listed building. It dates from about 1630-1640 and is thought to be built by the Wildebore family. It is a large, coursed rubble and ashlar house, two storeys and attic and a steeply pitched Collyweston stone roof. As already mentioned, the boundary of the GCA has been extended to include the "full curtilage" of the Manor House, which now includes the linear hedge that runs north south and joins part of the appeal site's western boundary. The building's special interest and significance is largely derived from its architectural and historic interests. The building's age, use of traditional materials and construction, and surviving historic fabric make important contributions in these regards.
44. Insofar as is pertinent to the appeal, the building's setting in which the heritage asset is appreciated is limited to the immediate grounds of the property and from the road in the village opposite the Church. The grounds are clearly demarcated from the adjoining agricultural field by hedgerow. Whilst there would once have been greater association between the house and the surrounding agricultural fields, that association has been diminished over time and with the extension of the boundary of the GCA to coincide with its 'full curtilage'.
45. From the evidence and what I saw I am satisfied that the setting of the Manor House would be preserved and its significance would not be harmed.

Heritage conclusion

46. To draw the above points together, the proposal would preserve the setting of the Grade I listed Church of St Benedict and the Grade II* listed Manor House and their significance would not be harmed. In this regard, the proposal would satisfy the Act and relevant provisions of the Framework.
47. However, the proposed development would harm the setting of the GCA and hence its significance and would conflict with Local Plan Policy LP19 and Neighbourhood

⁵ The Setting of Heritage Assets Good Practice Advice in Planning Note 3 (second addition)

⁶ National Heritage List for England: list entry number 1126792

Plan GNP7. Collectively these policies seek to enhance the Borough's diverse heritage assets and their settings and ensure that new development respects, enhances or reinforces the local character and distinctiveness of the area, particularly in areas of high heritage value, and more locally development does not significantly detract from any important countryside views.

48. With reference to Framework paragraphs 214 and 215, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and scale of the proposed development and in line with the Framework and the Planning Practice Guidance, I find the harm to the significance of the conservation area would be at the lower to middle end of 'less than substantial'. Where development will lead to 'less than substantial harm' paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal. I shall undertake this as part of the Heritage and Planning Balance later in the decision.
49. My attention has been drawn to a current development for 9 dwellings within the grounds of the listed Manor House. I do not have full details of the scheme, but from the limited evidence before me and what I heard at the hearing the development would bring additional heritage benefits, including the restoration of the listed dovecote. It is therefore not directly comparable and, in any event, I must determine the appeal before me on its own merits.

Trees

50. There are two main groups of trees that are of particular relevance to the appeal. A shelter belt hedge (identified as Groups G02 and G03) along the southern site boundary with Peakirk Road, and a group of white poplars (Group G05 and associated group G07) located on the site's western boundary.
51. Groups G02 and 03 would be retained, with maximum heights of around 16 and 8 metres respectively. The shelterbelt hedge would run along the back gardens of 5 proposed dwellings (plots 19, 20, 22,23 and 24). The appellant has provided measurements which indicate at their closest, rooms in plots 19, 20 and 24 (a bungalow) would be about 10 metres away. At this distance there is the potential for these gardens, and some south facing rooms, to be overshadowed. The trees are outside the conservation area and occupiers would be entitled to prune overhanging branches. However, due to the proximity of these plots to the shelter belt, there would be the potential likely pressure for the shelter belt to be reduced. This would potentially affect the tree belt, one of the existing landscape features along Peakirk Road, and reduce the screening from it.
52. Group 05 with an associated smaller group 07 comprise an off-site linear group of white poplars to heights of about 25m and 9m respectively. They are located on adjacent land, within the conservation area, and thus are protected trees. It is Group 05 that is closest to the proposed dwellings – the terrace of three dwellings plots 5-7. I accept, from the Arboricultural Impact Assessment drawing, that the dwellings would be beyond the root protection area and combined canopy of the group and that the development would not directly impact on the trees.
53. Plots 5-7 would be within 'strike' distance should any of these trees fell, which could increase future occupiers' fears. However, the trees are assessed as being in a good physical condition with a 20+ year life expectancy. This should alleviate some concerns.

54. However, plot 5 in particular is closest to the white poplars. Much of the property's private garden area would be to the side of the house and beneath the tree canopy. As the trees sit to the west of the plot, the garden would also be in shade for much of the afternoon, especially when the trees would be in leaf during which the weather is generally sunnier and warmer and occupiers would be more likely to be outside using their garden. The rest of its rear garden is short and north facing, such that much of that would be partially shaded by the trees and the house itself at certain times of the day. Whilst the trees are deciduous, the combined effect of the shading effect of the group of trees and the small areas of garden, there would likely be overshadowing for significant parts of the day and year, even though a blank elevation has been designed to face the trees to avoid affecting rooms. This would make the gardens particularly dark and potentially unattractive to future occupiers.
55. Even though the trees would be protected to some extent by their location within the conservation area, the close proximity of the dwelling to the trees would nonetheless increase the pressure to get the trees reduced or felled. I accept that any application to carry out works to the trees would be subject to the Council making an appropriate assessment with regard to any application for consent. The Registered Provider of the affordable housing plots 5-7 would also have some involvement in pursuing any request of the Council, as would the owner of the trees on the adjacent land.
56. Whilst the appellant regards the pressure to prune/fell to be theoretical and that with climate change shadier gardens have some welcome benefits, in the absence of substantive evidence to the contrary I find there has not been adequate consideration of the impact of development on existing trees with regards to overshadowing. I therefore consider it more than likely that there would be pressure to prune or even fell the trees due to their close proximity, arising from overdevelopment of the site. This would have a consequent harmful impact on the character and appearance of the area
57. Accordingly the proposal would be contrary to Local Plan Policy LP29. This seeks, amongst other things, to ensure that adequate consideration is given to the impact of development on existing trees and woodland found on and off-site

Other Matters

58. There is support for the proposal from Glington Parish Council. I heard at the hearing that the appeal site was preferred to some other sites being put forward as part of the Local Plan review. Be that as it may, it does not diminish the harm I have identified.

Heritage and Planning Balance

59. Paragraph 202 of the Framework states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. A finding of 'less than substantial harm' still carries considerable importance and weight. Indeed paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
60. Public benefits of the proposal would include the provision of 24 new homes, of which 30% would be affordable. There would also be some associated short-term

economic benefits from jobs and the supply chain during construction and some longer-term spending by future occupiers, at least some of which would likely be spent in the local area and support local services and facilities. There would also be some modest benefits to the wider environment with opportunities for biodiversity net gain including from new trees and landscaping.

61. Even though these are significant benefits they would not in this instance outweigh the considerable importance and weight I have given to the less than substantial harm to the GCA.
62. As the Council is unable to demonstrate it has a 5 year supply of deliverable housing land, paragraph 11d) of the Framework is engaged, which is not in dispute. This means 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* [my emphasis].
63. Whilst I have found that there would be harm to a heritage asset, I am not of the view, in this instance, that would be sufficient in itself to provide a strong reason for refusal.
64. For the hearing, the parties agreed that the housing shortfall was 4.88 years. Whilst I heard that the Council has a good past record of housing delivery, even exceeding delivery targets, the current shortfall nonetheless indicates that its housing strategy as part of a plan-led system is not currently working. However, the quantum of shortfall is, of itself, not significant and so while the weight given to the policy conflict with the Council's spatial strategy is reduced, it would still be of a moderate level.
65. The provision of 24 new homes in an accessible location, of which 30% would be affordable homes, would attract significant weight in the balance and would support the Framework's objective to significantly boost the supply of homes. The proposal would also meet the Framework's aim for there to be a mix of house size, types and tenure. The scale of the proposal would also recognise the important role that the Framework places on small to medium sized sites in meeting the housing requirements of the area as they can often be built out relatively quickly. Due to the scale of the proposal, the short term economic benefits of building 24 dwellings and future spend attracts moderate weight. The environmental gains from biodiversity and landscaping proposals would also attract moderate weight.
66. On the other side of the balance, the harm to the character and appearance of the area would be contrary to the Framework's aims of achieving good design and ensuring development is sympathetic to local character and history, including the surrounding landscape setting. As a result it would fail to meet the objective of establishing a strong sense of place. The proposed development in a distinctive countryside and the pressure to fell trees would fail to recognise the intrinsic character and beauty of the countryside, including trees and woodland, as well as causing harm to the significance of a designated heritage asset, all of which the Framework seeks to protect. I give these harms very significant weight. They would be the adverse impacts of granting planning permission that would not, in my view, significantly and demonstrably outweigh the benefits I outline above, when assessed against the policies in the Framework taken as a whole.

67. For the reasons above, the proposal would conflict with the development plan as a whole. The material considerations I outline above, including the Framework, are not sufficient to outweigh this conflict. Consequently, the appeal should be dismissed.

K Stephens
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Connor Liken	Senior Development Management Officer
Phil Moore	Head of Planning
Khalifa Abubakar	Urban Design Officer
Gemma Wildman	Planning Policy Manager
Daniel Worley	Senior Conservation Officer

FOR THE APPELLANT:

Neil Osborn	Director, Pland (Development Consultants) Ltd
Roland Bolton	Director, Pland (Development Consultants) Ltd
Jon Gibbison	Managing Director, Hereward Homes Ltd
Dave Pinnock	Heritage Consultant, Humble Heritage Ltd
Phil Gower	Arboricultural Consultant, Arbtech Consulting Ltd

INTERESTED PARTIES:

Bob Randell	Vice Chair Glinton Parish Council
John Haste	Clerk to Glinton Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Appellant's application for costs
2. Cross section showing view of Church spire
3. Draft Section 106 agreement
4. Statement read out by Bob Randall of Glinton Parish Council

DOCUMENTS SUBMITTED AFTER THE HEARING by agreement

1. A signed and dated Section 106 agreement
2. Final agreed conditions
3. Rebuttals in relation to the appellant's application for costs



Costs Decision

Hearing held on 19 November 2025

Site visits made on 18 and 20 November 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Costs application in relation to Appeal Ref: APP/J0540/W/25/3367425

Land East of 29 Peakirk Road, Glinton, Peterborough PE6 7LT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Hereward Homes Ltd for a partial award of costs against Peterborough City Council.
 - The appeal was against the refusal of planning permission for the construction of 24 dwellings.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG also indicates that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense, and this can relate to the entire appeal or only part of the process.
3. The appellant's claim is that the Council (in particular its legal department) acted unreasonably during the preparation of the required s106 legal agreement (the s106). A lack of co-operation and failure to provide tracked changes in various re-drafting of the document caused the appellant to incur significant additional legal costs and unnecessary expense. The Council refuses this.
4. The PPG gives examples of the types of behaviour that could give rise to a procedural award of costs against a local planning authority. They are not exhaustive but include lack of co-operation with the other party, or delay in providing information or failure to adhere to deadlines.
5. The Procedural Guide: Planning appeals - England, requires that a draft s106 is sent to the Planning Inspectorate no later than 10 working days before the hearing. The hearing was scheduled for 19 November, so 10 working days beforehand was the 5 November.
6. As part of the appeal process and intent on adhering to the appeal timetable, the appellant sent a draft s106 to the Council in June, and following no response submitted an amended draft in September. In October the Council submitted a different template, apparently due to formatting issues that prevented tracked changes. As some issues had not been commented on the appellant also produced a Unilateral Undertaking as an alternative course of action. In early November the

Council's legal department commented that the drafting was nearing completion. It appears that a number of drafts had been prepared and the appellant sought to chivvy the Council to respond a number of times in order to have a final draft ready in time.

7. I sent a pre-hearing note on 29 October giving the parties until 12 November to submit a final draft of the s106. This date was 1 week before the hearing and so gave the parties a little longer than the Procedural Guide's suggested timescale. Another draft s106 was submitted as part of the pre-hearing timetable so I was able to read it before the hearing commenced. However, the appellant was still waiting for confirmation from the Council about redrafting and hence was unable to submit a 'final draft'.
8. Nonetheless, at the hearing I was presented with a final draft. I saw that most of the previous drafting errors had been resolved, but I had a number of points requiring clarification. At the hearing and after mutual agreement, I gave the parties 2 weeks in which to address them, correct the remaining drafting issues and get the document signed and dated. I received a final signed and dated s106 on 3 December, ahead of the agreed two-week deadline of 5 December.
9. The fact the Council was unable to submit a tracked-changes version of the s106, apparently due to formatting issues, is not unreasonable behaviour, as the Council was still able to comment on the document's content. Nor is it unusual for multiple draft versions of s106 legal agreements to be exchanged, especially when there are other parties involved. Delays can also arise if there are other parties to liaise and co-ordinate with.
10. I understand that after the hearing some further changes were requested by the Council's legal department, as a full time legal colleague was brought in to assist the other part-time solicitor. It is entirely reasonable for the persons involved to double-check and produce a legally sound document.
11. Even if the Council was slower to respond than the appellant would have liked, the Council have cooperated - drafts versions were exchanged and a final s106 has been submitted to the appeal. This does not amount to unreasonable behaviour.
12. As a prudent measure the appellant produced a Unilateral Undertaking, as an alternative legal agreement should a s106 not be prepared in time. The appellant undertook that course of action fully cognisant of the additional costs that would entail.
13. I find nothing to indicate to me that the appellant incurred significant costs beyond what would normally be expected when producing a s106 and the inevitable exchange of drafts for either side's legal representatives to check and amend. The appellant may well have been frustrated at the time it took the Council to respond, but I have found nothing to indicate to me the Council has acted unreasonably. I had a final draft s106 at the time of the hearing and have since been furnished with a signed and sealed s106 ahead of the agreed timescale. Hence, the appeal has not been affected as a result of any delays that may have occurred earlier in the process.
14. Overall, I find the Council has not behaved unreasonably. Consequently, I need not concern myself as to whether wasted expenditure has occurred, as both tests need to be satisfied before an award of costs can be made.

Conclusion

15. I find that unreasonable behaviour, resulting in unnecessary or wasted expense at appeal as described in the PPG, has not been demonstrated. An award for costs is therefore not justified.

K Stephens

INSPECTOR

Richborough