

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

DETAILS OF PLANNING APPLICATION

Parish: Steeple Morden

Reference: S/0209/04/F

D.o.E. Coding: M/1

Map  
Ref: 496

Grid E 528502  
Ref: N 241833

Applicant: Marchfield Developments Ltd  
Agent J B Planning Associates Ltd

Date Red'd: 4/2/04

Description: Demolition of Existing Workshops and Redevelopment of Site to Provide Five Detached Dwellings

Location: 15 Ashwell Road

Previous Applications affecting this land: 78/0021 78/0762

Other related files: 99/0292 97/0704 Withdrawn 96/1064 A/

Environmental Impact Assessment:

Yes

No

Amendments &  
date received:

Planning Committee/Delegation  
and date:

Date of  
Notice

05/06/05

Decision: Part/Approved/with conditions/Refused/Deferred/Withdrawn

Section 106 Agreement:

Yes

No

D.o.E. Action: Appeal Lodged/Application Referred

Date

6/06/05

Decision: Part Allowed/with conditions/Dismissed

Date

19/07/06

Directions:

Date

NOTES:

CHARGE AND FEE PAID £ .....

P.C.R.N. ....



# Planning Appeal Decision

Hearing held on 28 June 2006

by **Lucy Drake BSc MSc MRTPI**

an Inspector appointed by the First Secretary of State

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Date 18 July 2006

**Appeal Ref: APP/W0530/A/05/1181688**

**15 Ashwell Road, Steeple Morden, Royston, Herts, SG8 0NZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Marchfield Developments Ltd. against the decision of South Cambridgeshire District Council.
- The application No.S/0209/04/F, dated 24 December 2003, was refused by notice dated 5 May 2005.
- The development proposed is the demolition of the existing workshops and the redevelopment of the site to provide 6 dwellings.

**Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the Formal Decision below and to a unilateral undertaking**

## Procedural matters

1. At the hearing an application was made on behalf of Marchfield Developments Ltd. for an award of costs against South Cambridgeshire District Council. This is the subject of a separate Decision.
2. After the hearing a completed unilateral undertaking was submitted to the Planning Inspectorate concerning affordable housing provision and a contribution to educational facilities to meet the requirements of the local authority in these respects. I have taken this into account in my consideration of the appeal.

## The main issues

3. The main issues in this case are:
  - (a) The effect of the development upon the character and appearance of Steeple Morden.
  - (b) Whether the development would cause highway dangers through the use of its access.

## Planning policy

4. The development plan for the area includes the Cambridgeshire and Peterborough Structure Plan 2003 and the South Cambridgeshire Local Plan, adopted in 2004. The appeal site lies within the village framework of Steeple Morden. This is defined by Local Plan Policy SE4 as a Group Village in which residential development up to a maximum scheme size of 8 dwellings will be permitted, subject to a number of criteria, provided also that it provides an appropriate mixture of dwelling size, type and affordability. In the Council's view the proposed development would conflict with the second policy requirement: that it should be sensitive to the character of the village. While the development would also be contrary to the

provisions of Local Plan Policy EM8 which concerns the safeguarding of village employment sites, in view of the poor condition of the buildings, their limited potential for re-use and the planning permission granted in 2001 for some 3,000sq.m of B1 and B8 uses in converted buildings at Wyndmere Farm to the south west, the Council considered that the loss of the appeal site to residential use was acceptable.

5. Other relevant Local Plan Policies include HG7, which sets out the background to and requirements for affordable housing in village frameworks. The scheme proposes two, two-bedroom affordable housing units on Plot 1. The Policy provides that in settlement of less than 3,000 population, up to 50% of the total number of proposed dwellings should be affordable housing, with the figure in each case dependent on a number of factors including the level of local need and particular costs associated with the development. In this case the Council accepted that the additional costs of site clearance and land de-contamination, and the limitations of the site access, justified provision at the level of 33%. This is to be secured by a unilateral undertaking (Document 4).
6. Local Plan Policy HG10 requires residential development to contain a mix of units (as in SE4), make the best use of the site and promote a sense of community which reflects local needs. The design and layout should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness. HG11 concerns backland development. Both sides regard the scheme as backland development but the Council is not objecting to such development in principle. While the site has had an independent road access for many years the Council's concerns focus on criterion (3) that development in these situations should not result in highway dangers through the use of its access. There are also additional local concerns regarding noise and disturbance to existing residential properties through the use of the access.
7. Relevant Structure Plan Policies include P1/3, P5/2 and P5/5, although they are of a general nature and informed the Local Plan policies on which the Council primarily based its decision.

### **Background**

8. The appeal site lies on the south east side of Ashwell Road to the rear of the dwellings at numbers 17-23 and with its road access between Nos. 11 and 17. It extends to some 0.38ha in area and, except for a short stretch where it abuts fields to the south west, is surrounded by residential curtilages. The site has been used for industrial/commercial purposes for many years and contains a linked collection of single storey buildings amounting to about 800sq.m. total floorspace. These are of some age, are in poor condition and would require substantial refurbishment to make them usable for commercial purposes. The site has not been actively used for over 2 years.
9. The Council has no objection in principle to the redevelopment of the site for residential purposes, but would also be likely to accept a redevelopment for business (B1) use, given its past history, although probably at a smaller scale in order to limit the likely traffic generation. The principal concerns of the Council centre on the scale and design of the dwellings and their likely traffic generation and the consequences for highway safety on the access drive and at the junction with Ashwell Road.

## Reasons for the decision

### *The effect of the development upon the character and appearance of Steeple Morden.*

10. The appeal site lies at the southern end of this long village which contains a great variety of dwellings of different ages, styles and types. The oldest buildings date back to medieval times but there has been significant growth since the mid 20<sup>th</sup> century, especially to the north and south of the historic core along Hay Street/Station Road, and along side roads to the east and west, including Ashwell Road. The southern part of the village is characterised by mainly frontage residential development in the form of two-storey detached and semi-detached dwellings which reflects the architectural styles adopted in most of the decades since the 1950s: unexceptional and with little obvious local distinctiveness or common theme, but not untypical of many Cambridgeshire villages.
11. Even with the removal of the tall boundary trees, the development will be barely visible from any public highway. Glimpses of the upper parts of the roofs of the proposed dwellings will be seen between the dwellings on Ashwell and Station Roads, at a distance of at least 80m. A small part of the dwellings on Plots 1 and 5 may be glimpsed when standing at the site entrance on Ashwell Road. Their upper parts will be more visible from surrounding houses, but those in Ashwell Road have long rear gardens with mature trees and the nearer ones in Plough Close would face onto the narrower side elevations of the houses on Plots 1 and 5. Although the dwellings would be larger and have a more complex form than most of the late 20<sup>th</sup> century houses nearby, they would not be so substantially different as to have a discordant effect and their setback and 'land-locked' situation would mean they would have only a minimal impact on the character and appearance of the village.
12. Where the new dwellings are seen, their scale and form would be perceived as very similar to those in Plough Close; indeed they would probably be regarded as a natural continuation of that development. From within the development itself the views out would be principally of the adjoining dwellings in Plough Close and the gardens and rear of houses in Ashwell Road and Station Road. But to all intents and purposes it would be a self-contained enclave of typical of late 20<sup>th</sup>/early 21<sup>st</sup> century detached housing, providing a mix of units in accordance with Local Plan Policies SE4 and HG10. While being of unexceptional appearance, I see nothing fundamentally wrong with the development, which would essentially echo the style of the most recently built adjoining dwellings in a part of the village where there is no distinctive single architectural character. In my view the development adequately responds to the requirement of Local Plan Policy SE4 to be sensitive to the character of this village of varied character. It would certainly cause no harm to it, but rather continue the established pattern of each 20<sup>th</sup> and early 21<sup>st</sup> century residential development contributing its own small stamp on the evolution of Steeple Morden.

### *Whether the development would cause highway dangers through the use of its access.*

13. The site access would be between 4.1 and 4.2m wide along its 70m length, once the posts carrying electricity to the site have been removed and the cables re-routed underground. It was used by vehicles, including HGVs, on a daily basis, when the site was in commercial use and occupied by up to three different companies employing, at times as many as 15-20 staff, most of whom travelled to work by car. This information was provided at the hearing by the site owners who ran one of the businesses from 1986-2004, when they moved to premises elsewhere rather than incur the costs of refurbishing the buildings on site. They

provided the rough estimate of 40 vehicle movements per day. No party was in a position to contradict or confirm this figure and so it was accepted as a guide in this case.

14. The owner of 17 Ashwell Road reports regular past damage to the fence alongside his front garden caused by lorries, cars and delivery vehicles misjudging the corner. The site owners believed that most of the damage was caused by HGVs reversing into the driveway. But there are no reported personal injury accidents for this part of Ashwell Road and the same local resident reports very little noise from vehicles moving up and down the access road when the site was in active commercial use, although there was little or no activity in the evenings or at weekends.
15. The appeal scheme provides for two-way traffic movements within the site and a 10m turning head designed to allow the District Council refuse vehicles to turn. Page 39 of DB32, Government guidance on Residential Roads and Footpaths, published in 1992, advises that a 4.1m carriageway will allow wide cars to pass each other with a tolerance of 0.5m. While it is too narrow for a pantechnicon to pass vehicles other than cyclists, it will provide two-way traffic flow for the majority of residential traffic. It is also wide enough for a car to safely pass pedestrians or cyclists (Note 81 on p.39). Paragraph 3.17 provides that 4.1m wide access roads can serve up to 25 dwellings. This guideline figure is repeated on page 54 of the more recent Companion Guide to DB32: Places, Streets & Movement.
16. Both the Council and the appellants agree that the proposed 6 dwellings are likely to generate an average of about 8 two-way vehicle movements per day each, based on nationally collected data and taking into account local circumstances, i.e. about 48 two-way movements per day. The great majority of these would be private cars belonging to the residents who will be familiar with the capacity of the road, its likely use by pedestrians and the maximum safe speed in different conditions. There will be occasions when two vehicles are seeking to use the access drive at the same time and from opposite directions, but given the number of dwellings involved this will be a relatively infrequent occurrence. If the drivers feel that they are unable to pass each other somewhere along the driveway, one or other is likely to wait at one end, which may occasionally involve a reversing manoeuvre. The scheme layout provides plenty of room within the site if the departing driver chooses to wait to let an in-coming vehicle through.
17. A driver seeking to enter the access road would have good visibility along its length before committing themselves to drive down it. If they spotted another vehicle trying to exit they could wait on the highway, or partly on the highway and partly on the 4m wide footway if they had already begun to turn in from the east, to let the other vehicle out. Ashwell Road is relatively wide at this point (6.1m) and there would be plenty of room for other vehicles on the road to pass. Following vehicles would be aware of a vehicle signalling and slowing down to enter the driveway. Such movements are not uncommon on this part of Ashwell Road; in the short time spent at the site visit I saw several vehicles manoeuvring on the road to reverse into or out of private driveways without any obvious difficulty or danger to pedestrians or other road users. Visibility from the site entrance is good in both directions, even taking into account the fact that the lay-by outside Nos. 9 and 11 is used for parking. In the 'worst case scenario' of a vehicle reversing out of the access drive back onto the road to allow another to exit, if there was an on-coming vehicle on Ashwell Road the driver would be able to see it and wait until it had passed before undertaking the manoeuvre.

18. Although Ashwell Road was reported by local residents to be busy at rush hours, the traffic counts undertaken by the appellants, and accepted by the Council, indicate well under 200 vehicles even during the peak hours which have to be regarded as lightly trafficked. At the site visit, which took place during the evening peak period, there were lengthy gaps when there were no moving vehicles on the road.
19. The appeal site is going to be used for some form of traffic generating activity. The access drive has been used by commercial and other vehicles for many years without any evidence of highway dangers. The amount of traffic generated by 6 dwellings is small by most standards. The access road is of adequate width to cater for all but the most exceptional circumstances. In those cases even the 'worst case scenario' of a heavy vehicle reversing out onto Ashwell Road is very unlikely to endanger highway safety. I found no evidence to indicate that the development would cause highway dangers through the use of its access such as to conflict with criterion (3) of Local Plan Policy HG11.

### **Other matters**

20. Local residents are concerned about a number of other matters. While the appeal site and access drive has, up to now, been quiet in the evenings and at weekends, given the relatively small number of dwellings and their distance from the nearest houses I do not consider its residential use would be materially harmful to the living conditions of surrounding residential occupiers. The traffic using the access drive during the evenings and weekends may be noticed by the adjoining residents, but the few windows on the side elevations of Nos. 11 & 17 Ashwell Road are small and are unlikely to serve habitable rooms and the dwellings are set back several metres from the driveway. The tall conifer hedge on the side boundary of No.17 also provides a good screen. Compared to having no traffic using the drive, as has been the case in the last two years, the additional traffic will have some impact, but the frequency of movement is likely to be low and the great majority will be the cars of the site residents who are unlikely to be travelling at a speed to disturb their neighbours.
21. Several residents, especially those in Plough Close, have expressed concerns about the removal of the trees on the site boundaries. The majority of these are a mature cupressus-type with some poplars. While providing a good visual screen they are also reported to be causing some problems because of their height and their propensity to drop branches. Redevelopment of the site provides the opportunity for their removal and replacement by less vigorous species that would more happily co-exist with their neighbours. This would make the appeal site and the new houses on it more open to view, but the distance between the rear of the new houses and those in Ashwell Road, as well as the trees within their own gardens, is such that any loss of privacy would be minimal.
22. The nearest two houses on the appeal site would be at least 10m back from the boundary with Plough Close. They would be much lower than the existing trees and would have a far less overbearing and overshadowing effect. Conditions can be imposed preventing the insertion of side windows with clear glass in those two houses. The view from the rear of the Plough Close properties would be different, and their gardens will receive considerably more sunlight, but I do not consider that these changes will be materially harmful to the amenities of their occupants.
23. The appellants have offered a unilateral undertaking to provide for the two semi-detached units on Plot 1 to be provided as affordable housing and to make a contribution to

educational provision at Bassingbourn Village College in accordance with the requirements and expectations of Local Plan Policies HG7 and CS10. I consider such provisions are necessary and justified in this instance in order to allow the development to proceed.

### Conclusions

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed, subject to conditions.

### Conditions

25. I have considered the conditions suggested by the Council in the light of Circular 11/95, Government advice on The Use of Conditions in Planning Permissions. In addition to the standard time condition I consider conditions are necessary requiring details of the materials to be used in the external parts of the dwellings; boundary treatments (fences/walls etc); refuse storage arrangements; hard landscaping and foul and surface water drainage to be submitted to the Council for their approval to ensure these matters which affect the appearance of the development, its operation and its relationship with its neighbours are satisfactorily addressed and resolved. Also to require the submitted landscaping scheme to be implemented. All of these will be important to the appearance of the development and its relationship with its neighbours. A separate condition is required to ensure the provision and retention of the parking and turning areas within the site to minimise the likelihood that the access roads are used for this purpose.
26. Concerns arising from the site clearance need to be addressed by a ground contamination assessment and remediation programme, which should be formally approved by the Council. A condition specifying the hours of audible construction work can be justified on the basis of safeguarding the residential amenity of adjoining occupiers. Finally, as discussed at the hearing, I consider it necessary to impose a condition requiring the north east-facing side window, serving the first floor landing in the nearest house in Plot 1 to be fitted and maintained with obscure glazing to safeguard the privacy of the nearest dwelling in Plough Close. Also for the removal of permitted development rights that would otherwise allow the insertion of additional windows in the first floor of the north east wall of the house on Plot 5 which could overlook the garden of 5 Plough Close.

### Formal Decision

27. I allow the appeal and grant planning permission for the demolition of the existing workshops and the redevelopment of the site to provide 6 dwellings at **15 Ashwell Road, Steeple Morden, Royston, Herts, SG8 0NZ** in accordance with the terms of the application No.S/0209/04/F, dated 24 December 2003, and the amended plans as listed at the end of this decision, subject to the unilateral undertaking dated 14 July 2006 ensuring the provision and maintenance of the two units on Plot 1 as affordable housing and for an educational contribution of £10,000 towards improvements to educational facilities at Bassingbourn Village College; and also to the following conditions,:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
  - 2) Building operations audible at the boundaries of the site shall only be undertaken between the hours of 08.00 and 18.00 on Mondays to Fridays, 08.00 and 13.00 on

Saturdays and at no time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the walls and roofs of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of schemes for the provision of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings, or in accordance with a programme agreed in writing by the local planning authority.
- 5) No development shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include details of the means of enclosure around all site and plot boundaries, hard surfacing materials for vehicular and pedestrian circulation areas, refuse storage arrangements and any external lighting. The approved details shall be carried out in their entirety prior to the occupation of any dwelling, or in accordance with a programme agreed in writing by the local planning authority.
- 6) The proposed planting scheme as shown on drawing No.1216/LS1, as amended 24 January 2005, shall be carried out in accordance with that scheme prior to the occupation of any of the dwellings, or in accordance with a programme agreed in writing by the local planning authority.
- 7) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to any variation.
- 8) No development shall take place until details of a scheme for the investigation of ground contamination and proposals for its remediation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) The window shown in the first floor north eastern elevation of the dwelling on Plot 1 shall be fitted with obscured glass and permanently maintained with the same.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modifications) no widow or other opening shall be inserted in the first floor of the north eastern elevation of the dwelling at Plot 5 without first obtaining planning permission from the local planning authority.
- 11) No residential unit shall be occupied until areas have been laid out within the site in accordance with the plan numbered 1216/SLP/E for the purposes of manoeuvring, turning and parking of vehicles and those areas shall not thereafter be used for any other purpose.

*Lucy Drake*

INSPECTOR



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**APPEARANCES****FOR THE APPELLANT**

Paul Atton	JB Planning Associates, Chells Manor, Chells Lane, Stevenage, SG2 7AA
Peter Prutton	Singleton Clamp & Partners, 269 Green Lanes, London N13 4XE
John James	Marchfield Developments Ltd., Chells Manor, Chells Lane, Stevenage, SG2 7AA
Pauline & Andrew Dring	14 The Beeches, Newmarket Road, Royston, SG8 7DY

**FOR THE LOCAL PLANNING AUTHORITY**

John Koch	Principal Appeals Officer
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**INTERESTED PERSONS**

Cllr Cicely Murfitt	South Cambridgeshire District Council Ward Councillor
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**DOCUMENTS SUBMITTED AT THE HEARING**

Document 1	List of persons present at the hearing.
Document 2	Copy of letter notifying local people of the hearing and list of those notified.
Document 3	Copies of Structure Plan Policies P5/2 and P5/5 and Local Plan Policies EM8 & CS10.
Document 4	Unilateral undertaking dated 14 July 2006.

**PLANS**

Plan	A	Site plan at a scale of 1:1250
Plan	B	Site plan at a scale of 1:200 No.1216/SLP/E
Plan	C	Plans & elevations Plot 1, No.1216/130/A
Plan	D	Plans & elevations Plots 2& 5, No.1216/12
Plan	E	Plans & elevations Plot 3, No.1216/13/A
Plan	F	Plans & elevations Plot 4, No.1216/14
Plan	G	Landscape layout, No.1216/LS1
Plan	H	Site survey



# Costs Decision

Following an application made at the hearing held on 28 June 2006

by **Lucy Drake BSc MSc MRTPI**

an Inspector appointed by the First Secretary of State

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Date

**13 JUL 2006**

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**Appeal Reference: APP/W0530/A/05/1181688**

**15 Ashwell Road, Steeple Morden, Royston, Herts, SG8 0NZ**

- The hearing was in connection with an appeal against the refusal an application for planning permission for the demolition of the existing workshops and the redevelopment of the site to provide 6 dwellings.
- 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 Marchfield Developments Ltd. for a full award of costs against South Cambridgeshire District Council.

**Decision: The application for costs is allowed in the terms set out in the attached Schedule.**

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## **The case for Marchfield Developments Ltd.**

1. With regard to paragraphs 8 & 9 of Annex 3 to Circular 8/93, the Council had failed to produce evidence to substantiate their two reasons for refusal. The first alleged that the scale and design of the proposed dwellings were not sensitive to the character of the village and thereby conflicted with criterion (b) of Local Plan Policy SE4. The Council had also sought to introduce other policies at the appeal which had taken extra time to deal with.
  2. The character in the village is very varied in terms of ages, styles and materials and the site is not within a conservation area. The new properties immediately next door at Plough Close were pleasing in design. This project would complement them and add to the character of the village. In their hearing statement and at the hearing itself the Council had failed to substantiate how the development would harm the character of the village.
  3. The second reason for refusal was that the existing vehicular access to the site is of insufficient width to accommodate the number of vehicular and pedestrian movements likely to be generated by the 6 dwellings and that this would lead to a greater likelihood of conflict of movement within the track, particularly at the junction with Ashwell Road, resulting in vehicles manoeuvring/waiting in Ashwell Road to the detriment of the safety of users of the public highway. But the Council had not substantiated these allegations by expert evidence by a qualified highway engineer. There had been first hand evidence from a Councillor but no more than that in support of the reason for refusal.
  4. The Council accepted that the site could continue to be used for commercial purposes and that they might grant planning permission for commercial redevelopment. In either case
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they could not guarantee that future users would be 'low key' in terms of traffic generation. The appellant's highway expert had shown that the residential development would be likely to generate less traffic than the fallback position. The Council's reason for refusal was without substance.

### **The case for the local planning authority**

5. The Council does not accept it failed to produce substantial evidence with regard to paragraphs 8 & 9 of Annex 3. The Council had had regard to the development plan, government guidance and other material considerations. In cases where the planning issues are finely balanced, paragraph 8 says that an award of costs relating to substantive matters is unlikely to be made against the local planning authority.

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- ~~6. With regard to the reference to other planning policies at the appeal stage, the appellants were fully aware from the Committee Report that other policies were relevant: they referred to them in their own statement supporting the application. It was unfair of them to suggest that the Council were being unreasonable in adding extra policies.~~
7. The appellants had acknowledged that issues of design are to a degree subjective. The evidence in the Council's hearing statement is substantial and demonstrates the Council's position with regard to the character and appearance of the area. Reference had been made to Local Plan Policy HG10 and PPG3 regarding local distinctiveness and the Council's concerns for what it considers to be the harm arising from the proposal to the character of the village. The conditions suggested could not overcome the Council's concerns on design matters. Members took the decision after a site visit and whilst not agreeing with the case officer, they had come to an informed decision. The appellants had not produced any evidence as to how the scheme would fit in or relate to local distinctiveness, but just said they regarded it as 'rather nice'. They had been offered the opportunity to go through the genesis of the scheme, but had declined.
8. It was accepted that the Council had not produced a highways expert. The County Council officer had been requested to attend the hearing had declined to do so and the District Council had no powers to insist they did. Its evidence was based on the available evidence regarding the existing use of the site, the fallback position and the potential arising from the development. The site owners had produced further evidence at the hearing.
9. Highway safety has been accepted as a legitimate reason for refusal. It was open to the appellants to provide detailed highways evidence at the application stage but the first sight of it was at the appeal. There is simply no realistic agreed fallback position on traffic flows and what the site may be used for in the future. The appellant's highways expert agreed that there is always an element of guesswork in traffic numbers.
10. The Council made its own assessment of traffic flows for the existing and proposed uses and there was nothing inherently unreasonable or untenable with regard to the evidence put forward by the Council to support the second reason for refusal. The reason had been based on the highway authority's recommendation. In the absence of any other evidence the Council's decision to refuse the application was not unreasonable. In doing so the Council had not mechanically applied standards but had taken a reasonable view regarding all material factors and considerations. It does not accept that it has acted unreasonably on either ground.

### **Inspector's reasoning**

11. I have dealt with the application for costs in accordance with the policy guidance in Circular 8/93: "Awards of Costs Incurred in Planning and Other Proceedings" and all the relevant circumstances. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
12. Paragraph 7 of Annex 3 to 8/93 says that a planning authority should not inhibit, prevent or delay development which could have reasonably been permitted in the light of the development plan, so far as it is material to the application, and other material considerations. Paragraph 9 says that planning authorities are not bound to adopt, or include as a part of their case, the professional or technical advice given by their own officers, but they will be expected to show that they had reasonable planning grounds for taking a decision contrary to the advice of officers and are able to produce relevant evidence to support their decision in all respects. If they fail to do so, costs may be awarded against the authority.
13. This clearly establishes that in any refusal of planning permission the onus is upon the Council to justify, though the production of relevant evidence, all of their reasons for refusal. In this case, after a very lengthy period of negotiation, the officers recommended approval of the scheme to the Committee.
14. With regard to the first reason for refusal, I agree that design matters are to a degree subjective. But to justify the reason for refusal it was necessary for the Council to provide at least a degree of objective evidence that the scale and design of the proposed dwellings would be insensitive (and therefore harmful) to the character of the village. The Council claimed in their hearing statement (paragraph 5.3) that compared to the 'generally small and modest' dwellings at the southern end of the village 'the proposed market dwellings are of a substantial scale where the use of half-hipped gables and low eaves lines gives them a very heavy appearance. They will be prominent when seen from the rear gardens of neighbouring properties, including those in Plough Close .. parts of the site will also be visible from Westbrook Close to the south east.' At no time did the planning officer refer to or ask me to view the site from Westbrook Close when I sought suggestions as to which viewpoints were important. The gardens of the houses in Ashwell Road are unusually long and include mature trees. Those in Plough Close are much smaller and the new houses would be clearly seen from them; albeit principally the upper parts of the two nearest side gables. But no objective reason was provided as to how or why these views would appear harmful or insensitive to their surroundings.
15. At the hearing the officer criticised the complex form and detailing of the dwellings, which he claimed would be dominated by their roof form and would give them a heavy and bulky appearance, out of character with the rest of the village. To a large extent these criticisms are not borne out by a consideration of the drawings and a comparison with other dwellings nearby. The height of the dwellings, about 8.5m maximum, and their individual scale is towards the top end of typical two-storey detached development, but they are no taller (and by the appellants' estimate lower) than those in Plough Close and would appear similar in scale and bulk. The pairs of semi-detached houses in Ashwell Road are perceived as single, and fairly substantial blocks to the casual observer and the detached houses in that road and Station Road are of a mix of sizes which do not give the impression of being unusually

small or modest. The new houses would be very well set back from any nearby road in generous plots with only limited parts of them visible from outside the site.

16. The roof forms are varied but only small elements would project below the first floor windows. In the rear elevations facing Ashwell Road, which would provide the only possible public views of them at some distance and beyond mature trees, only a small part of the lower section of the roof of Plot 5 projects below the dormer windows. Only side elevation with half-hips would face Plough Close. If anything the variation of roof form, the use of half-hipped gables and low eaves lines would add interest to their design and reduce the impression of bulk. I noticed the substantial new dwelling under construction at the Mill site on the other side of Ashwell Road had far more pronounced low eaves. I found no evidence to justify the view that the dwellings would appear heavy or unduly bulky either as individual units, as a group or in the context of their surroundings.

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17. The scale, height and appearance of the dwellings would be very similar to those of the Plough Close houses, which themselves form part of the character and appearance of the area and provide as good a starting point as any for the style of house adopted for the appeal site. The dwellings will be barely visible from any public part of the village and their contribution to its character would be minimal. The proposed dwellings may be different from others nearby dating from earlier decades, but being typical of their period, and different from those that went before, is a description which could be applied to most of the surrounding houses. In my view the Council has not produced any relevant objective evidence to show that the scale and design of the proposed dwellings would be insensitive or cause any harm to the character of the village.
18. With regard to the second reason for refusal, for it to be justified the Council would have needed to provide evidence that the likely traffic generation and use of the access drive would cause highway dangers. It is not for the appellants to provide evidence that it would not. There was no good reason, in terms of highway safety, for traffic generation from the site to be capped at a level no higher than the estimated figure for past use of the site. There was no evidence to show that that figure (itself only a rough estimate) caused highway danger or was at a critical level. The matter needs to be considered objectively, in terms of the capacity of the site access and local traffic and highway conditions, not in terms of past or potential fallback uses. The highway authority had accepted the principle of 5 dwellings on the site, and noted that an extra unit had 'the potential to add another 8 vehicle movements per day', and that 'the more traffic likely to be generated the greater the likelihood of conflict within the track, particularly at the junction, resulting in vehicles manoeuvring/waiting in Ashwell Road'. But they provided no objective evidence to show how or why this would cause highway dangers.
19. Rather, all the available evidence pointed in the opposite direction. Government guidance has consistently for many years set out suggested guideline widths for highways to serve developments of various sizes. A road of 4.1m width has been judged adequate to serve up to 25 dwellings with the assumption that wide cars will be able to pass each other. Although there is no specific guidance on the appropriate width of shared surfaces in DB32, or the Companion Guide, it would be illogical to assume that a width which permits two cars to pass each other safely would be inadequate for a car (likely to be travelling slowly) and pedestrians/cyclist to pass each other safely. Neither was any evidence put forward at the hearing, or demonstrated at the site visit, to indicate that in the rare event of a vehicle having reverse onto Ashwell Road, or wait on the road for another vehicle to emerge, that

this would be an inherently dangerous manoeuvre or the affect the safety of users of the public highway.

### Conclusions

20. In failing to provide relevant evidence to show that the development would conflict with criterion (b) of Local Plan Policy SE4 and criterion (3) of Policy HG11 the Council failed to show that the development would be contrary to the provisions of the development plan. They furthermore failed to produce relevant evidence to support their decision in either respect and have sought to prevent development which could have reasonably been permitted in the light of the development plan and other material considerations. I consider that unreasonable behaviour, as described in Circular 8/93, has been demonstrated and I therefore conclude that an award of full costs is justified.
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### Schedule:

In exercise of my powers under Section 250(5) of the Local Government Act 1972 and paragraph 6(4) of Schedule 6 to the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that South Cambridgeshire District Council shall pay to Marchfield Developments Ltd. the costs of the proceedings of this hearing, such costs to be taxed in default of agreement as to the amount thereof. The subject of the proceedings was an appeal under Section 78 of the Town and Country Planning Act 1990 against the refusal of an application for planning permission for the demolition of the existing workshops and the redevelopment of the site to provide 6 dwellings at **15 Ashwell Road, Steeple Morden, Royston, Herts, SG8 0NZ.**

Marchfield Developments Ltd is now invited to submit to South Cambridgeshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount thereof.

*LMDrake*

INSPECTOR

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL  
CAMBRIDGESHIRE**

Register  
Form 5  
Ref. S/0209/04/F  
Chee 2/3/05

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PLANNING PERMISSION**

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TO: JB Planning Associates Ltd  
Chells Manor Farmhouse  
Chells Lane  
Stevenage  
Herts  
SG2 7AA

The Council hereby refuses permission for Demolition of Existing Workshops and Redevelopment of Site to Provide Six Dwellings

at 15 Ashwell Road, Steeple Morden  
(For Marchfield Developments Ltd)

in accordance with your application dated 24<sup>th</sup> December 2003 (as amended by Drawing Nos. 1216/LS1; 1216/SLP Rev. E and 1216/130 Rev. A franked 24<sup>th</sup> January 2005)

for the following reasons:-

1. The proposed re-development of the site for 6 residential dwellings is unacceptable in that the scale and design of the proposed dwellings are not sensitive to the character of the village. As a result the scheme fails to comply with the criteria set out in Policy SE4 of the South Cambridgeshire Local Plan 2004.
2. The existing vehicular access to the site from Ashwell Road is of insufficient width to accommodate the number of vehicular and pedestrian movements that is likely to be generated by the 6 dwellings proposed. As a result this is likely to lead to a greater likelihood of conflict of movement within the track, particularly at the junction with Ashwell Road, resulting in vehicles manoeuvring/waiting in Ashwell Road to the detriment of the safety of users of the public highway.

*D. B. Russell*

Dated: 5<sup>th</sup> May 2005

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA. Development Services Director

**SEE NOTES OVERLEAF**

