

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 September 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1093/15/OL

Parish: Willingham

Proposal: Outline planning for two self build 3 bedroom houses each with a floor area of 120 square metres and a ridge height of 8.5 metres.

Site address: Land adjacent to 155 Rampton Road, Willingham

Applicant: Daniel Peacock

Recommendation: Refusal

Key material considerations: Principle of development
Countryside impact
Availability of services and facilities
Highway Safety

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: David Thompson

Application brought to Committee because: At the request of the Local Member

Date by which decision due: 23 June 2015

Relevant Planning History

1. S/2023/14/OL – Outline Planning for 2 four bedroom houses with a maximum floor area of 1605sqm and a ridge height of 8.5m - Refused

Policy

2. **National Policy**
National Planning Policy Framework (NPPF)
Planning Practice Guidance
3. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 – Minor Rural Centres

4. **South Cambridgeshire Local Development Framework Development Control Policies**

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure in New Developments
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
NE/4 Landscape Character Areas
TR/2 Car and Cycle Parking Standards

5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**

District Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted March 2010
Biodiversity SPD – Adopted 2009
Landscape in New Developments SPD – Adopted March 2010
Affordable Housing SPD – Adopted March 2010

6. **Proposed Submission Local Plan (July 2013)**

S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/9 Minor Rural Centre
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/2 Protecting and Enhancing Landscape Character
TI/2 Planning for Sustainable Transport
TI/3 Parking Provision
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards

Consultations

7. **Willingham Parish Council** – Approve

8. **Local Highway Authority (LHA)** – Requests that the application is refused as it fails to show the required visibility splays. Otherwise it will have no significant adverse effect upon the public highway. Any approval should be conditioned to provide for pedestrian visibility splays; access driveway materials and drainage; suitable access width; and a traffic management plan. An informative should be added re highway authority approval for works affecting the public highway.

9. **Environmental Health Officer** - No objection subject to a condition restricting the hours of operation of power driven machinery during the period of construction, and informatives relating to the burning of waste, the use of driven pile foundations.

Representations

10. No neighbour representations received.

11. **Cllr Manning** has commented that the Council should encourage self build and therefore if the officer recommendation is for refusal I would ask for it to go to Committee. The Parish Council was unanimous in recommending approval.

Site and Proposal

12. The site comprises the front part (approximately 60m wide by 50m deep) of a large agricultural/horticultural field located outside of the village framework of Willingham and in the designated countryside.
13. The application is effectively a re-submission of that refused under reference S/2023/14/OL. It is submitted in outline and seeks consent for the erection of two 3 bed houses. A location plan showing the approximate siting of the dwellings has been submitted, but is for illustrative purposes only. All matters are to be reserved for later approval.

Planning Considerations

14. The main issues to consider in this instance are the principle of the development, housing supply, countryside impact, and open space and indoor community infrastructure.

Principle of development

15. Paragraph 55 of the NPPF states that new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided unless there are special circumstances. Local Policies DP/1 and DP/7 share this aim in restricting development outside of urban and village frameworks to agricultural, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside, as well minimising the need to travel and reducing car dependency.
16. The NPPF also requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
17. On the 25 June 2014 two appeal decisions in Waterbeach (like Willingham, a Minor Rural Settlement) found that the Council did not have a 5 year supply of housing land. The Council's housing supply policies in adopted and emerging plans are therefore out of date. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to advice in the NPPF, which states that adopted policies which are "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply.
18. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.
19. Officers consider the main concern in this scheme is the proposal's impact on countryside character and its failure to meet the environmental objectives of sustainable development.

Countryside Impact

20. The South Cambridgeshire Village Capacity Study (1998) commissioned at that time to support village capacity studies describes Willingham as a Fen Edge village with a character influenced by the strong horticultural traditions of the locality, with a widespread road framework enclosing smallholdings, nurseries and orchards, and resultant linear development. This conclusion is still true and Policy NE/4 identifies the site as lying within “the Fens” character area. It states that development will only be permitted if it respects and retains or enhances the local character and distinctiveness of the individual character area in which it is located.
21. The landscape around Willingham is flat, being typical Fen character. In the south there are smaller fields and more hedgerows, together with scattered houses and farmsteads. Nearer to Willingham, the setting is more enclosed with smaller fields, paddocks, horticulture, orchards, glasshouses and a caravan park. These transition areas between the village and more open Fen Edge landscape beyond form an intricate patchwork setting and also contain numerous trees along hedge lines and in groups.
22. The application site is distanced approximately 80m from the edge of the existing ribbon development south east of the village where there is a discernible transition from the built up village area to a more open, undeveloped rural character. The siting of two new dwellings in this location would represent a significant encroachment of built development in the countryside, causing adverse harm to the rural character and approach to Willingham village. Furthermore, if the proposed dwellings were to be allowed, the district council would find it difficult to resist further encroachment into the countryside in this location, or elsewhere on sites that are similarly peripheral to a village.
23. Consequently, officers conclude that the proposed development would cause demonstrable and adverse harm to the rural character of the area contrary to the environmental aims of sustainable development. The development is therefore contrary to paragraphs 7, 17, and 55 of the NPPF and Policies DP/1 (p), DP/2 (1a), DP/3 (2 l & m) and more specifically NE/4 of the South Cambridgeshire LDF Development Control Policies 2007.

Services and Facilities

24. Willingham is generally very well served by services and facilities. The site is connected to the village by a lit footpath and is within walking distance of the village school, shops and public transport links. To this extent the site is a generally sustainable location having regard to the district generally.
25. Nonetheless, the new development would put extra demand on community infrastructure and community open space in Willingham. In support of the previous refused application, the applicant submitted a heads of terms document to confirm financial contributions towards open space and indoor community facilities infrastructure by way of a S106 legal agreement.
26. Recent Government advice (issued through Planning Practice Guidance) has led to confusion over the ability of local planning authorities to seek financial contributions. That advice has now been largely cancelled as a result of the recent judicial review decision, which allows the payment of contributions to continue in appropriate cases. However, Willingham is one of the villages that have pooled five or more offsite public open space contributions and as such any further request would not be Community

Infrastructure Levy (CIL) compliant. The more informal policy on indoor community facilities is also lacking when considering the CIL and in the absence of any request from the Parish for a specific need to be met, the requirement for a contribution is unwarranted.

27. As such, no request for contributions should be sought in the event the application was to be approved.

Highway safety

28. The LHA requires visibility splays with dimensions of 2.4m by 43m on both sides of the access. While these are not shown on the submitted location plan, access details are reserved for later approval. Officers see no reason why these could not be achieved. As such, no objections relating to highway safety are raised.

Other matters

29. In support of the application, the applicant states that the dwellings are for two local brothers who wish to stay working and living in the village. They wish to build their own homes and believe current local plan policies make inadequate provision for self-build housing. He also notes that the Council's recent Right to Build initiative is limited by the land that becomes available – it cannot guarantee when or if a suitable plot of land will be offered.
30. While recognising the difficulties in promoting self-build schemes, it is a long-established principle that planning permission inures for the benefit of the land. Permissions cannot be made personal (by legal agreement or otherwise). The proposal is not for an exception such as agricultural workers dwellings, which are allowed in principle through both government and local plan policy. No such encouragement is found in the NPPF or Planning Practice Guidance. Specific encouragement for self-build housing would need to be promoted through the local plan and not by ad hoc decision-making.
31. Reluctantly, therefore, the applicant's objectives cannot be given weight and to do so would set an unwelcome precedent for residential development in similar locations across the district.

Conclusion

32. The adverse impacts of the development, namely the harm to the countryside and landscape character, are considered to significantly and demonstrably outweigh the benefits when assessed against the material considerations set out in this report. The application should therefore be refused.

Recommendation

33. Refuse for the following reason:

The application site is approximately 80m from the existing ribbon development south east of the village where there is a discernible transition from the built up village area to a more open, undeveloped rural character. The siting of two new dwellings in this location would represent a significant encroachment of built development in the countryside, causing adverse harm to the rural character and approach to Willingham village. Furthermore, if the proposed dwellings were to be allowed, the district council would find it difficult to resist further

encroachment into the countryside in this location. The application does not present any exceptional circumstances for the need for new dwellings in this location and is not justified on the essential need for rural worker accommodation. Consequently, the proposed outline development would cause demonstrable and adverse harm to the rural character of the area contrary to the environmental aims of sustainable development. The development is therefore contrary to paragraphs 7, 17, and 55 of the NPPF and Policies DP/1 (p) and DP/2 (1a), DP/3 (2 l & m) and NE/4 of the South Cambridgeshire LDF Development Control Policies 2007.

Background Papers

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1093/15/OL

Report Author: John Koch – Team Leader
Telephone: (01954) 713265