



Appeal Decision

Site visit made on 22 March 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2022

Appeal Ref: APP/X1925/W/21/3279843

Land at Station Road, Ashwell, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Wilkinson, Beck Homes (UK) Ltd against the decision of North Hertfordshire District Council.
 - The application Ref: 20/03070/FP, dated 18 December 2020, was refused by notice dated 27 May 2021.
 - The development proposed is residential development of 28 no. dwellings and landscaping including ponds, wildflower meadow and woodland.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 28 no. dwellings and landscaping including ponds, wildflower meadow and woodland at Land at Station Road, Ashwell Hertfordshire in accordance with the terms of the application, Ref: 20/03070/FP, dated 18 December 2020, and the plans submitted with it, subject to the conditions in attached Schedule A.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) has been published since the Council's decision. The parties have had opportunity to comment on the engagement of the Framework in relation to the appeal, and so will not be disadvantaged by my consideration of it.
3. Since their decision, the Council have confirmed that affordable housing provision, and open space and sustainable urban drainage (SuDS) management and maintenance can be satisfactorily covered by planning conditions. Also, a Planning Obligation by way of Unilateral Undertaking has been submitted by the appellant. This covers provision for secondary education, special educational needs and disabilities, youth and library services. In the light of this, the Council indicates that these matters, which were the basis of the second reason for refusal (RFR) have been acceptably addressed, so that this RFR is overcome, which I accept.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site comprises a wedge-shaped area of field, situated in countryside on the south-eastern approach to Ashwell village. The site is located in a modest dip within gently rolling landscape, and slopes down towards its Station Road frontage.
6. A couple of houses to the north-west look over the site, and the road leading into the village from the site is characterised by mainly two-storey pitched roof dwellings, of twentieth century style, with some more recent residential infill development. Hedging, some of which includes trees, along boundaries including at the front of properties, is a noticeable characteristic of the residential area along Station Road that leads up to the site. This helps contribute to a verdant and visually relaxed 'edge of village' feel to the western foreground of the site. The hedging theme then segues and evolves into field boundaries in the countryside, including around much of the appeal site.
7. Within this context, the proposal's introduction of built form to the site, with consequent reduction in openness and verdancy, would modestly extend the built-up area of the village in a south-easterly direction, with associated urbanising impact.
8. However, that said, the development would be located on a relatively lower lying site within the gently rolling landscape. This topography, together with the dense, established deciduous and evergreen tree and shrub buffer strip along the south-eastern boundary of the site would substantially contain views of the proposal from countryside to the east.
9. Also, the locality's distinctive hedgerow theme would be continued by the proposed retention of hedging along much of the site's perimeter, and new structural hedge and tree planting along the meandering roadway within the development. The set-back of houses from the hedge-lined perimeter would lessen the visual impact of proposed housing, viewed from Station Road. And the proposed on-site green space would include a naturalistic pond, meadow and additional woodland planting. Together these elements would to some extent visually soften the interface of the proposed development and village edge.
10. Furthermore, the proposed development site would adjoin a stretch of Station Road that contains the village entrance sign, lighting columns on one side, and a combination of speed calming measures in the form of chicane road layout, speed signs and road markings. Together these elements to some extent dilute the rural character of this part of the south-eastern approach to the village, and result in a somewhat transitional feel between the village edge and the wider countryside beyond.
11. Together, the above factors would help visually soften the proposed development's presence, contained mainly to viewpoints within the site itself, around its access and in the immediate vicinity of its perimeter.
12. Also, the depth of development in the locality on the north-eastern side of Station Road, including the recent Philosophers Gate residential development, and the caravan site beyond, would go some way to contextually limit the discordance of the depth of proposed housing.

13. Moreover, the extent of green open space around three sides of the 'farmstead' style cluster of housing would help avoid an overly cramped sense of place within that part of the development.
14. While in 2018 the previous Inspector for a larger appeal scheme on land including the current appeal site¹ found significant harm to village and countryside character, from what I have seen and read in the current case the above combination of factors would moderate the visual impact of this edge-of-village development, while preserving much of the fundamental character of the village and wider landscape.
15. In conclusion, the proposal would result in localised reduction of countryside character of part of the south-eastern setting of the village. This moderate harm to the character and appearance of the area would conflict with saved Policy 6 of the North Hertfordshire District Local Plan, which seeks to maintain countryside character.
16. In this respect, the proposal would also conflict with Policies CBG1 And D1 of the proposed new North Hertfordshire Local Plan which together seek to ensure that development complements countryside context, including its open nature.

Other Matters

17. Concerns have been expressed by some members of the local community about agricultural land, primary school capacity, traffic, parking pressure and sewage infrastructure in the locality. These matters go beyond the reasons for refusal. The appeal site is a proportionately modest part of a larger countryside area, and so the proposed development is unlikely to significantly reduce the supply of high quality agricultural land in the area. Also, since the Council's decision, Hertfordshire County Council have stated that in the light of updated forecasts showing some surplus capacity, sufficient primary education provision is available to mitigate the proposed development, which I accept.
18. The scale of proposed development would not significantly increase traffic volume, such as to harm highway safety. This is reflected in the no objection position of the Local Highway Authority. Furthermore, several planning conditions are attached to help secure safe highway access to and from the development. Also, off-street parking at proposed properties would help avoid pressure on parking elsewhere in the locality. While I do not underestimate local concern about sewage treatment capacity, Anglian Water's consultation response indicates that Ashwell Water Recycling Centre would have sufficient wastewater treatment capacity for the proposed development.
19. As such, these matters do not constitute grounds to dismiss this planning appeal.

Conditions

20. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. I have found them to be broadly reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision.

¹ Appeal Ref: APP/X1925/W/17/3192151, for a 46 dwellings scheme.

21. Conditions relating to approved plans, the submission and implementation of reserved matters and associated time limits are necessary to provide certainty. Conditions relating to materials, landscape and ecology are required to safeguard the character and appearance, and biodiversity of the area. A condition is attached to ensure suitable standards of open space management. I attach conditions relating to construction management, bin storage and waste collection and contaminated land to safeguard residents' living conditions.
22. Conditions relating to the site access and construction highways safety are attached in the interests of highway safety. Conditions regarding bus stop provision and electric vehicle charging infrastructure are required in the interests of sustainable transport. A condition is attached to safeguard archaeological assets. Conditions regarding flood risk and drainage are necessary to ensure sustainable water management. A condition relating to affordable housing is necessary to provide an inclusive mix of housing. A condition about fire hydrants is attached in the interests of fire safety.

Planning Balance and Conclusion

23. The Council confirms that it cannot demonstrate a five year supply of deliverable housing sites. Judging by the finding of the Inspector in the 2021 appeal decision² on another site in the district, I consider that, for the purposes of my decision, the housing land supply shortfall is in the region of 3.5 years.
24. The proposal would provide the following range of benefits. The appeal site is a relatively short drive and walk from the centre of Ashwell, and so village facilities are likely to be accessible to a range of residents. Socio-economic benefit during and after construction would include custom for local facilities, businesses and services, which would contribute towards sustaining them, including through new bus stop provision. Moreover, the appeal scheme would provide some new publicly accessible green space. And the new pond, wildflower meadow area and additional tree and hedge planting would provide some biodiversity value.
25. Furthermore, the proposed development would contribute 28 new dwellings, within the context of a significant shortfall in the district's housing land supply. The development would comprise a mix of housing, including one, two and three bedroom dwellings as well as some larger properties. The scheme would also include 11 affordable dwellings, of which seven would be for affordable rent and four for shared ownership. As such, the proposed development would deliver a mix of new homes that would help provide for a variety of accommodation needs in the neighbourhood, including for smaller and affordable dwellings. The above together amounts to a substantial combination of benefits.
26. The harm to the area's character and appearance would be moderate, and the resultant conflict with the development plan as a whole carries moderate weight.
27. As a result of the housing land supply shortfall, policy which is most important for determining the appeal is out of date. Consequently, the tilted balance, under the terms of paragraph 11 of the Framework, is engaged. This tells us

² Appeal Ref: APP/X1925/W/21/3273701, cited by the appellant.

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 of the Framework as a whole.

28. The moderately adverse impact on the area's character and appearance would not significantly and demonstrably outweigh the substantial totality of planning benefits, when assessed against the policies in the Framework taken as a whole.
29. As such, the proposal benefits from the presumption in favour of sustainable development. I find that this consideration is of sufficient weight to indicate that planning permission should be granted, notwithstanding the conflict with the development plan. I therefore conclude that the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 9802/P/001 Location Plan; 9820/P/002 Plot 1 Floor Plans; 9820/P/003 Plot 1 Elevations; 9820/P/004 Plot 2 Floor Plans; 9820/P/005 Plot 2 Elevations; 9820/P/006 Plot 3 Floor Plans; 9820/P/007 Plot 3 Elevations; 9820/P/008 Plot 4 Floor Plans; 9820/P/009 Plot 4 Elevations; 9820/P/010 Plot 5 Floor Plans; 9820/P/011 Plot 5 Elevations; 9820/P/012 Plot 6 Floor Plans; 9820/P/013 Plot 6 Elevations; 9820/P/014 Plot 7 Floor Plans; 9820/P/015 Plot 7 Elevations; 9820/P/016 Plot 8 Floor Plans; 9820/P/017 Plot 8 Elevations; 9820/P/018 Plot 9 Floor Plans; 9820/P/019 Plot 9 Elevations; 9820/P/020 Plot 10 Floor Plans; 9802/P/021 Plot 10 Elevations; 9802/P/022 Double Garage - Floor Plans and Elevations; 9820/P/023 Plots 11-14 Floor Plans; 9820/P/024 Plots 11-14 Elevations; 9820/P/025 Plots 15-17 Floor Plans; 9820/P/026 Plots 15-17 Elevations; 9820/P/027 Plots 18-21 Floor Plans; 9820/P/028 Plots 18-21; 9820/P/029 Plot 22 and 23 Floor Plans; 9820/P/030 Plots 22 and 23 Elevations; 9820/P/031 Plot 24 Floor Plans; 9820/P/032 Plot 24 Elevations; 9820/P/033 Plot 25 Floor Plans; 9820/P/034 Plot 25 Elevations; 9820/P/035 Plot 26 Floor Plans; 9820/P/036 Plot 26 Elevations; 9820/P/037 Plot 27 Floor Plans; 9820/P/038 Plot 27 Elevations; 9820/P/039 Plot 28 Floor Plans; 9820/P/040 Plot 28 Elevations; 9820/P/041 Northern Edge. Plots 1 and 2 street scene; 9820/P/042 Station Road. Plots 27 and 28 street scene; 9820/P/043 Farmstead Cluster. The Farmhouse Plots 18-21 street scene; 9820/P/044 Site Sections; M3239-PA-01-V5 Landscape Layout; M3239-PA-02-V3 Landscape Layout; Tree Plan.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority details and samples of materials to be used on all external elevations and roofs of the proposed buildings. The materials as approved shall be installed.

- 4) A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a comprehensive hard and soft landscaping scheme. The landscaping scheme shall include:
- i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
 - ii) seed mixes;
 - iii) details of the existing trees and hedgerows to be retained as well as any to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
 - iv) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- B) The approved soft landscaping/planting details for each dwelling shall be carried out prior to occupation or before the end of the first planting season following occupation of that dwelling. All other approved soft landscaping/planting details shall be carried out no later than the end of the first planting season following completion of the development. 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 during the next planting season with others of similar size and species, unless the local planning authority agrees in writing to vary or dispense with this requirement.
- C) Prior to first occupation of the development hereby permitted, the estate road and footpaths shall be constructed to base course stage. Driveways shall be completed prior to the occupation of each dwelling. Hard standing shall be implemented as approved, and retained and maintained thereafter to the satisfaction of the local planning authority.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a landscape and biodiversity management and maintenance plan (LBMMP). Thereafter the LBMMP shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed open space management and maintenance scheme (OSMMS). This shall include provision for on-site open space and public areas, and long term management and maintenance of on-site sustainable urban drainage (SuDS) provision. Thereafter the OSMMS shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.
- 7) No development apart from the access road into the development shall commence until the proposed access has been constructed to base course for the first 12m, and the join of the existing carriageway has been constructed to the current specification of Hertfordshire County Council, and the local planning authority's satisfaction. Arrangements shall be made for surface water drainage from or onto the highway carriageway. The gradient of the access shall not be steeper than 1 in 20 for the first 12m from the edge of the carriageway.

- 8) Prior to occupation of the development hereby permitted, the main access road shall be constructed to a minimum of 5.5m wide with the kerb radii being 8 metres complete with improved footways 2m wide to Station Road along the frontage of the site. Thereafter the access and highway shall be retained as illustrated on drawing number BDLASHWELL.1/08 revision A, in conjunction with the layout drawing number M3239-PA-01-V5. Arrangements shall be made for surface water drainage from or onto the highway carriageway.
- 9) Before the access is first brought into use, vehicle to vehicle visibility splays 2.4m by 43m to both directions shall be provided and permanently as identified on drawing number BDLASHWELL.1/09. Within which, there shall be no obstruction to visibility between 600 mm and 2m above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and to the intersection of point along the edge of the carriageway.
- 10) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a construction phasing and environmental management programme (CPEMP) for the development, including any pre-construction or enabling works. The CPEMP shall include the following elements: i) hours of construction operations, including times of deliveries and removal of waste; ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction; iii) site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas; iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; v) screening and hoarding details, to protect neighbouring residents; vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the local planning authority; vii) wheel washing facilities for construction vehicles leaving the site; viii) storage and removal of building waste for disposal or recycling; ix) no construction activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

The CPEMP shall be implemented as approved, unless otherwise agreed in writing by the local planning authority.

- 11) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a Construction Traffic Management Plan (CTMP). The CTMP shall include the following details: a) construction vehicle numbers, type and routing, agreed with the Local Highway Authority; b) traffic management measures; c) access arrangements to the site; d) construction traffic management requirements; e) construction and storage compounds (including areas designated for parking, loading/unloading and turning areas); f) siting and

details of wheel washing facilities; g) timing and delivery arrangements for construction vehicles; h) cleaning of site entrances, site tracks and adjacent public highway; h) provision of sufficient on-site contractor and construction vehicle parking; i) post-construction restoration/reinstatement of the working areas and temporary access to the public highway; j) where works cannot be contained wholly within the site a plan shall be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; k) dust and waste minimisation plans; and l) hours of operation and deliveries to and from site. Construction of the development shall be carried out in accordance with the approved CTMP.

- 12) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of the on-site storage facilities for waste including waste for recycling. Such details shall identify the specific positions of where wheeled bins will be stationed and walk distances for residents, including the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point (or within 5m). The approved facilities shall be provided prior to the commencement of the use hereby permitted and retained thereafter, unless alternative arrangements are agreed in writing by the local planning authority.
- 13) Prior to the commencement of the development hereby permitted, additional bus stops shall be provided along Station Road adjacent to the development's footway. The stops shall be provided with real-time information screens, easy access kerbs and appropriate shelters. Such works shall be secured through the implementation of a S278 Agreement with the Local Highway Authority.
- 14) Each dwelling shall have an Electric Vehicle (EV) ready domestic charging point installed prior to its occupation.
- 15) A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority an Archaeological Written Scheme of Investigation (AWSI). The AWSI shall include an assessment of archaeological significance and research questions and a) the programme and methodology of site investigation and recording; b) the programme and methodology of site investigation and recording as required by the evaluation results; c) the programme for post investigation assessment; d) provision to be made for analysis of site investigation and recording; e) provision to be made for publication and dissemination of analysis and records of the site investigation; f) nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.

B) The development shall be carried out in accordance with the programme of archaeological works set out in the approved AWSI. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the approved AWSI, and provision made for analysis and publication where appropriate.

- 16) Any evidence of contamination encountered during the development of this site shall be brought to the attention of the local planning authority as soon as practically possible and development shall cease; a scheme to render the contamination harmless shall be submitted to and approved in writing by the local planning authority, and subsequently fully implemented prior to the occupation of the development.
- 17) A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It shall identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- B) If the local planning authority is of the opinion that the report which discharges part A) above indicates a reasonable likelihood of harmful contamination, then no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a Site Investigation (Phase II environmental risk assessment) report which includes: i) a full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; ii) the results from the application of an appropriate risk assessment methodology.
- C) If a Remediation Method Statement report (RMS) is required as a result of part B) above, no development other than that necessary for the discharge of this condition shall be commenced until the RMS has been submitted to and approved in writing by the local planning authority. The development shall not be occupied or brought into use until: i) all works which form part of the RMS have been completed, and if required a formal agreement has been submitted, that commits to ongoing monitoring and/or maintenance of the remediation scheme; ii) a Remediation Verification Report confirming that the site is suitable for use has been submitted to and agreed in writing by the local planning authority.
- D) Any contamination encountered during the development of this site, other than that reported by under parts A) and B) shall be brought to the attention of the local planning authority as soon as practically possible. A scheme to render this contamination harmless shall be submitted to and agreed in writing by the local planning authority and subsequently fully implemented prior to the occupation of the development.
- 18) A) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Sutcliffe, Ref: LRD3112 issue 3, dated December 2020, and the following mitigation measures detailed within the FRA: i) limiting surface water run-off generated by critical storm events, so as to not exceed surface water run-off during a 1 in 100 year event + 40% climate change event;

ii) provide storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 years + climate change event; iii) discharge of surface water from the private network into the ground.

B) The mitigation measures shall be fully implemented prior to occupation of the development, and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 19) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed surface water drainage scheme (SWDS) for the site, based on the approved drainage strategy and sustainable drainage principles. The drainage strategy should demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall events.

The SWDS shall include: i) final detailed infiltration tests to be conducted to BRE Digest 365 Standards at exact locations and depths where the infiltration basin is proposed; ii) detailed engineering drawings of the proposed SuDs features including cross-section drawings, their size, volume, depth and any inlet and outlet features including any connection pipe runs; iii) final detailed surface water modelling calculations for all rainfall events up to and including 1 in 100 years + 40% climate change event; iv) a final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The SWDS as approved shall be implemented before the development is completed.

- 20) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a full scheme of affordable housing provision on site, to achieve 40% affordable housing as approved. The scheme shall detail the dwelling mix and tenure breakdown, including provision of transfer to a Registered Provider, and phasing of the overall development to include delivery of affordable housing in a timely manner. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 21) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of fire hydrant provision across the development site. The approved provision shall be installed prior to the first occupation of the development.