

---

## Appeal Decision

Site visit made on 3 May 2016

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 07 June 2016**

---

**Appeal Ref: APP/W0530/W/16/3144909**

**Land to the north of Lanthorn Stile, Fulbourn**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr John Lacey of G.C Lacey and Sons against South Cambridgeshire District Council.
  - The application Ref S/1442/15/OL is dated 4 June 2015.
  - The development proposed is the erection of 50 N<sup>o</sup> houses. The proposed development will include landscaping, public open space, children's play area, internal access roads and a pavement to be provided along part of Lanthorn Stile and Barleyfields.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matters

2. The application is for outline planning permission with all matters apart from access reserved. A layout plan has been submitted which illustrates a possible scheme and I have considered that plan on this basis.
3. Although the Council did not make a decision on the application it states that it would not have been minded to support the proposal and has set out its reasons. I have considered the reasons as set out in the Council's statement as forming the main issues in my decision but in doing so I have also taken into account the responses received to consultation and the views expressed by interested parties.
4. The appellant has submitted additional archaeological information in the form of an evaluation report and an updated written scheme of investigation. The County Council Senior Archaeologist has reviewed this and advised that the archaeological interest on the site could be conserved through the imposition of a suitable condition should planning permission be granted. Although the Council had previously indicated that insufficient archaeological information had been submitted this matter appears to have been resolved such that it is not in dispute between the parties.

### Main Issues

5. The main issues in the appeal are:
-

- i) whether or not the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
- ii) the effect of the proposal on the openness of the Green Belt;
- iii) the effect of the proposal on the character and appearance of the area;
- iv) the effect of the proposal on agricultural land as a resource;
- v) the need for a planning obligation to secure affordable housing provision and contributions towards infrastructure;
- vi) whether or not there are other considerations weighing in favour of the proposal; and
- vii) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## **Reasons**

### *Inappropriate Development*

- 6. The appeal site is open agricultural land to the immediate north of the built up area of Fulbourn. It is enclosed on three sides by the built up area. The fourth side of the site adjoins open countryside but there is a railway line further to the north adjacent to which there are some industrial/storage buildings. The site is outside the Development Framework boundary as defined in the development plan and forms part of the Cambridge Green Belt.
- 7. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt. That paragraph sets out a number of exceptions to this which include limited infilling in villages. The proposed development would be of a significant scale and as such would not be limited infilling. The proposal does not fall within any of the stated exceptions in paragraph 89 of the Framework and would therefore be inappropriate development in the Green Belt.
- 8. Paragraph 87 of the Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 9. Policy GB/1 of the South Cambridgeshire Development Control Policies (DCP) (2007) states a presumption against inappropriate development in the Cambridge Green Belt. The proposal would not accord with that policy although I note that the policy does not make provision for very special circumstances.

### *Effect on openness*

- 10. The site is 3 hectares of arable and grazing land which adjoins the rear gardens of adjacent dwellings, other farm land and Lanthorn Stile which is a residential cul-de-sac. The railway line which is further to the north separates the site and adjoining land from the wider open countryside as do the adjacent commercial

buildings to some extent. The evergreen trees along the railway line provide some sense of visual enclosure. I saw that the buildings adjacent to the railway line have limited visibility from the site and do not have the effect of enclosing the land. An industrial building is visible to the north of the site but this has a limited effect on the general openness of the site and the adjoining land.

11. The site is in any case of a significant area and together with the adjoining land is clearly open irrespective of whether the railway line, the adjacent trees and buildings and the adjoining built up parts of the village are enclosing features. The openness of the site is of value in providing a break between the built up areas of the village.
12. The Cambridge Green Belt Study (2002) does not identify the site and adjoining land as being 'distinctive and supportive townscape/landscape' but this does not diminish its role in safeguarding the countryside from encroachment which is one of the purposes of the Green Belt.
13. The trees to the north may screen the proposed development from views across the countryside to the north. However this would not alter the effect the proposal would have on openness and its conflict with the fundamental aim of Green Belt policy which is to keep land permanently open.
14. Taking into account the scale of the proposal, this would have a significant impact on the openness of the Green Belt. In accordance with paragraph 88 of the Framework I give substantial weight to that harm.

#### *Character and Appearance*

15. The Fulbourn Conservation Area extends along Apthorpe Street, adjoining the western site boundary and includes the modern housing at The Chantry which adjoins the southern boundary of the site. Saint Vigor's church to the south is listed at grade II\* and 15 Church Lane is listed at grade II. Other buildings on Apthorpe Street and Church Lane are listed. The historic pattern of development along the main roads adjoins the open countryside and the open land forms a key part of the character of the area. By providing an open setting to the Conservation it positively contributes to its value as a heritage asset.
16. The proposed development would be separated from the Conservation Area by existing and proposed boundary planting but the urbanisation of the site would clearly alter the setting and erode the historic relationship of the village with the open countryside beyond.
17. The church and 15 Church Lane are quite closely associated with the site and prominent in views along Barleyfields/The Chantry. 15 Church Lane was historically connected to a route leading northwards through the appeal site but this historic connection has been diminished through the construction of modern housing between that property and the site. The settings of the nearby listed buildings and others in the area would not be harmed because the development would be sufficiently separated from those buildings and an open area would be included along the historic route to the north thereby maintaining views.
18. However the overall setting of the Conservation Area would be adversely affected for the reasons given above. The central open space would go some

way to maintaining a connection with the open countryside but this would not overcome my concern. Historic England expressed similar concerns and I concur with those views.

19. The harm to the Conservation Area would be less than substantial because this would be limited to its setting. That less than substantial harm must be weighed against the public benefits of the proposal.
20. The Council has advised that it cannot demonstrate a five year supply of deliverable housing sites. Given the shortfall in housing land supply the proposal would be of public benefit in addressing that shortfall. The number of proposed dwellings would be of significant benefit in this context. The development would include plots for self-build dwellings and homes for the elderly and weight can be given in favour of these elements of the proposal. I give significant overall weight to the public benefits of the proposed housing.
21. The open space that would be provided within the site would primarily be required to off-set the need arising from the new dwellings. Any wider community benefit in this respect would be very limited and accordingly I give this matter very limited weight.
22. In accordance with paragraph 132 of the Framework great weight must be given to the conservation of the heritage asset. On this basis I attach considerable importance and weight to the harm to the Conservation Area that I have identified. The significant and very limited weights that I have given to the public benefits are not sufficient to outweigh the considerable weight that I give to the harm to the setting of the Conservation Area.
23. The proposed development would be screened from view to some extent by existing vegetation in adjacent back gardens and along boundaries. Additional planting would be provided including around the site boundaries which would provide visual screening and help to blend the development into its setting. Although the existing and proposed landscape features would mitigate the effect of the development to some extent it would remain visible from adjacent parts of the village, particularly from Lanthorn Stile and Barleyfields and would significantly alter the character and appearance of the area. This effect would be adverse given the existing open character of the land. Overall, taking into account the harm to the setting of the Conservation Area I give considerable weight to this adverse effect.
24. I have taken into account the submitted Landscape and Visual Impact Assessment and also the comments of the Council's Landscape Officer in this regard. However the general visual containment of the site would not be sufficient to allay my concerns.
25. Policies DP/1 and DP/2 of the DCP require conservation and preservation of landscape character. For the reasons given the proposal would not accord with those policies.
26. Policy DP/7 of the DCP restricts development outside development boundaries but given that there is not a five year supply of housing land that policy is out of date. The proposal does not accord with policy DP/7 but for these reasons only limited weight can be given to that policy conflict.

### *Agricultural Land*

27. The proposal would result in the loss of 3 hectares of agricultural land which is of grade 2. This is land of the best and most versatile quality. The Framework advises against the loss of such land unless there is no other land of lesser value available. No information is before me regarding the availability of other land of lesser value.
28. The appellant says that agricultural practices are limited by the close proximity of housing which limits crop spraying activity and imposes other constraints in terms of acceptable noise levels. However the proposed dwellings would still be in close proximity to farm land and the proposal would not alter this relationship.
29. The loss of farm land of good quality will often be necessary in order to meet housing requirements. A balanced approach is required taking into account the availability of land of lesser value. In the absence of evidence in this respect I conclude that the effect of the proposal in terms of the loss of good quality agricultural land has not been justified. I give moderate weight to this consideration.

### *Planning Obligation*

30. It is a requirement of policy HG/3 of the DCP that 40% of the proposed dwellings are affordable. In addition, the Council has identified a number of infrastructure contributions that would be necessary. The appellant has discussed those requirements with the Council and has provided draft Heads of Terms for a planning obligation.
31. Policies DP/1 and DP/4 of the DCP require contributions towards necessary infrastructure. The Council has identified deficiencies in outdoor sport facilities and indoor meeting facilities in Fulbourn. The development would create additional demand for such facilities and contributions towards new infrastructure would be necessary. The Council has identified projects on which the contributions would be spent.
32. There is also an identified need for additional children's play facilities in the village. Provision could be made on site in this respect but financial provision for future maintenance would be required by means of a planning obligation.
33. Cambridgeshire County Council has identified a need for contributions towards early years, primary and secondary education facilities and towards libraries and lifelong learning facilities. The adopted RECAP document requires financial contributions towards waste receptacles.
34. The need for the various contributions has been demonstrated to be necessary and to meet the other tests in Regulation 122 of the CIL Regulations<sup>1</sup>. The Council and the County Council have advised that the pooling restriction in Regulation 123 of the CIL Regulations would not be exceeded for the requested infrastructure contributions.
35. For these reasons there is a requirement for a planning obligation to secure the necessary affordable housing and infrastructure contributions. While I note the appellant's intention to provide an obligation no such obligation is before me.

---

<sup>1</sup> The Community Infrastructure Levy Regulations 2010

In the absence of formal provision for the requisite infrastructure the proposal would not make adequate provision in this respect. The effect on existing infrastructure would thus be harmful and the proposal would not accord with the policies identified above. I give significant weight to this consideration.

#### *Other Considerations*

36. Paragraph 14 of the Framework states a presumption in favour of sustainable development. Where housing supply policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole or specific policies in the Framework indicate that development should be resisted. Footnote 9 to that paragraph specifically refers to Green Belt policy in this respect.
37. In the context of the lack of a five year housing land supply, the proposal would be of clear benefit. The development would be in close proximity to a range of local services and facilities in Fulbourn. There are frequent bus services giving access to Cambridge and to sources of employment. I have already concluded that significant weight should be given to the benefit of the proposed housing. This takes into account the benefit from the provision of self-build plots and almshouses within the development.
38. Although affordable housing is proposed the lack of a planning obligation to secure this means that I cannot give any additional weight in favour on this basis.
39. I have already given very limited weight to the public benefit in terms of open space provision.

#### *Very Special Circumstances*

40. I have found that the proposal would be of benefit in addressing housing need and in providing specific types of housing for which there are identified needs. The proposal would also be of some benefit in providing open space facilities.
41. However on the other hand I have found that there would be harms arising from the impact of the proposal on the openness of the Green Belt, to which I give substantial weight, the character and appearance of the area to which I give considerable weight and the loss of good quality agricultural land to which I give moderate weight. The absence of provision for infrastructure also weighs significantly against the proposal. Those weights clearly outweigh the significant and very limited weights that I have given to the identified benefits.
42. Because the identified benefits of the proposal do not outweigh the totality of the harms there are no very special circumstances that justify approval of the proposal.

#### *Other Matters*

43. Interested parties have expressed concern about the local road network and its ability to accommodate the extra traffic that would be generated as well as concern about pedestrian safety. However the appellant has demonstrated that there would be no unacceptable effect on highway safety and the Highway Authority is in agreement with this.

44. The appellant has provided an extract from an appeal decision concerning a site in Dunbartonshire. Because the circumstances of each case differ this does not alter my conclusions.
45. I have taken into account the representations made in support of the proposal including in terms of the need for new housing in the village and the support that would be given to local businesses but for the reasons given above those matters do not alter my conclusions.

### **Conclusions**

46. Because there are no very special circumstances that justify the development in the Green Belt, the presumption that permission will be granted in paragraph 14 of the Framework does not apply. However paragraph 14 contains a presumption in favour of sustainable development.
47. The harms that I have identified in respect of the openness of the Green Belt and the character and appearance of the area do not accord with the environmental dimension of sustainable development. The loss of good quality agricultural land would not accord with the economic dimension.
48. The proposal would accord with the social dimension in as far as it would provide needed housing in close proximity to local facilities. The construction of the development and support for local businesses would also accord with the economic dimension to some extent. However the lack of provision for affordable housing and the necessary infrastructure weigh against the proposal in terms of the social dimension.
49. For these reasons I conclude that the proposal considered in total would not be a sustainable form of development.
50. For the reasons given I conclude that the appeal should be dismissed and planning permission refused.

*Nick Palmer*

INSPECTOR