



Appeal Decision

Site visit made on 13 November 2018

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2018

Appeal Ref: APP/W0530/W/18/3203109

Land off Breach Road, Cottenham, Cambridgeshire CB24 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes Ltd. against the decision of South Cambridgeshire District Council.
 - The application Ref S/0012/18/OL, dated 3 January 2018, was refused by notice dated 9 April 2018.
 - The development proposed is described as "outline planning permission with all matters reserved except for access for the erection of up to 50 dwellings (use class C3) and associated works, including access, car and cycle parking, open space and landscaping".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by South Cambridgeshire District Council against Manor Oak Homes Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application was submitted in outline form with only access for consideration. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration. The appellant provided an indicative layout of the development which I have treated as illustrative for the purposes of this appeal.
4. Since the submission of the appellant's appeal, the South Cambridgeshire Local Plan (the Local Plan) was adopted on 27 September 2018 and replaced the South Cambridgeshire Local Development Framework Policies DPD 2007. The appellant also refers to the Cottenham Neighbourhood Plan 2017-2031: Pre-Submission Working Draft. However, this Plan is at a very early stage on its journey to becoming part of the Development Plan and may be subject to change following its examination. Consequently, I afford the plan very little weight in the determination of this appeal.
5. The appellant has provided a Transport Assessment ¹ as part of its appeal submission. The Council have considered the assessment and state that its Transport Assessment Team raise no objection to the development subject to the mitigation package identified being implemented.

¹ Transport Statement Ref R-TS-8903M-01-B

6. I note that the appellant states that an application for costs against the unreasonable behaviour of the Council would be submitted "*prior to the exchange of final comments on the appeal*". However, no subsequent application was made by the appellant and I have proceeded on that basis.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is located on the junction of Long Drove and Beach Road and is a parcel of agricultural land that is roughly rectangular in shape. The site is relatively flat and an existing access off Long Drove allows vehicles to enter to site where an agricultural barn and a bungalow are located. The area is generally rural in character with the main core of the village of Cottenham to the north and west of the site.
9. The appeal site itself is part of the wider agricultural land that surrounds the village at this point and lends itself to the rural character of the area. The site contributes to the overall openness of the area that is a characteristic defined within the 'Landscape' section of the Cottenham Village Design Statement 2007. While the site is close to the development to the north, it nevertheless relates better to its rural surroundings.
10. The appellant undertook a Landscape and Visual Impact Assessment² (LVIA) which I have carefully considered along with the subsequent response from the Council's Landscape Officer. While I acknowledge the presence of development to the north of the site, I am cautious of the susceptibility of the landscape to accept the development without causing material harm to it. I accept that the site itself "*appears unremarkable within the context of the existing built edge of Cottenham*". However, I find this to be part of the site's quality which contributes towards the open and rural character which defines the area as part of the Fen Edge. Furthermore, the site and the wider area to the south provide a natural buffer to the developed land to the north with Long Drove itself a defining boundary which provides a clear transition between the Fen Edge and the village.
11. I do not share the appellant's optimism that the impact of the proposal would reduce from high to low over a 10 year period as the development would fail to integrate successfully with the southern developed fringes of Cottenham. The proposal relies on the "*generous landscaped buffers to the site boundaries*" and would not appear as a natural progression of the existing built development that lies to the north of the site at Racecourse View and the village beyond. It would result in a disconnected residential development of heavily landscaped land that would be separate and distinct from the remainder of the village and one that has failed to successfully assimilate with its rural surroundings.
12. Furthermore, notwithstanding the wireframe montages that the appellant has produced, and albeit localised, it is inevitable that the development would be

² LVIA 6206.LVIA.001.VF dated December 2017

visible from the surrounding area. It would be perceptible from the north through the existing access into the site off Long Drove and from the access that would be created through the existing landscaping off Beach Road. Furthermore, whatever its final form, it would also be visible over the existing landscaping. The proposal would appear as an obtrusive and sporadic form of development that would extend the built environment into the surrounding countryside, resulting in material harm to the character and appearance of the area. Moreover, the addition of landscaping at the site would take a very long time to mature and cannot be relied upon to remain in perpetuity.

13. Thus, the development would result in material harm to the character and appearance of the area. It would be in conflict with Policies S/7, NH/2 and HQ/1 of the Local Plan which seek, amongst other things, to ensure that development proposals preserve or enhance the local character and responds to its context in the wider landscape.

Other Matters

14. A planning obligation for the provision of a variety of services and infrastructure was submitted during the appeal. The appellant, the Council and Cambridgeshire County Council entered into the obligation which demonstrates that all parties are satisfied with its aims. While I have given moderate weight to the contribution towards affordable housing, it is not necessary for me to give further consideration to the other provisions in the obligation given my decision to dismiss the appeal.
15. The LVIA refers to a recent decision³ which allowed a development of 154 dwellings at Rampton Road, Cottenham. While I have not been provided with full details of the development, the Inspector found a minor adverse effect on the landscape character resulting from the development and stated that the Council had overstated the value of the landscape and its sensitivity to change. However, the Inspector also found that the *"formal well maintained appearance of the playing fields wrapping around its eastern side, its value as open countryside and contribution to the setting and form of the village is limited"* and the site's location to *"300 dwellings outside the village framework off Oakington Road and opposite the appeal site on the other side of Rampton Road"* would allow the development to *"complement the form of the village"*. I do not share that opinion in relation to the appeal site for the reasons as set out above.
16. Although I note that the Framework states at paragraph 68 that small and medium sites can make an important contribution towards meeting the housing requirement of an area, such developments must also accord with the development plan in other respects. I also note that there were no technical objections to the development. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified.

The Planning Balance

17. It has been suggested that the Council's ability to demonstrate a five year housing land supply (around 6 years) is uncertain as it relies on large strategic sites at Waterbeach and Bourn to deliver a significant proportion of the housing

³ APP/W0530/W/17/3187048

requirement. The appellant argues that as these sites will require a significant amount of transport infrastructure improvements they may not come forward which may affect the Council's housing land supply position. Moreover, paragraph 73 of the Framework states that only sites which are deliverable should be included within the five year housing supply assessment.

18. However, the Local Plan is recently adopted and in accordance with paragraph 74 of the Framework, it follows that the Council can demonstrate a five year supply of housing and its policies which are the most important for determining the application remain up to date. Moreover, the Local Plan will be reviewed at an early stage through the preparation of the joint local plan with Cambridge City Council, which was accepted by the Inspectors examining the Local Plan at Issue 17 of their final report⁴.
19. I acknowledge that the proposed scheme would deliver a number of benefits as it would support the local economy through construction jobs and the circulation of funds and that the site is close to the services and amenities that Cottenham provides. However, I have not been provided with any evidence that the local economy is currently under threat. Furthermore, taking into account the decision allowed at Rampton Road, which would provide 40% of its 154 dwellings as affordable homes, it is clear that efforts are being made to address affordable housing provision within the district. This is also reflected at paragraphs 35 and 36 of the Inspectors report on the Local Plan which acknowledges that the affordable housing provision for the District can be met over the plan period. Thus, these factors limit the weight I attach to these benefits.
20. However, I have found that the proposed development would be contrary to the development plan in that it would result in material harm to the character and appearance of the area, to which I afford significant weight. Therefore, even if the Council is unable to demonstrate a five year housing land supply and whether or not policies which are the most important for determining the application are out of date, the harm I have found to the character and appearance of the area is serious and in my view that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

21. For the reasons given above, and having regard to the Development Plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

⁴ Report on the Examination of the South Cambridgeshire Local Plan dated 29 August 2018