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## Appeal Decision

Hearing held on 22 February 2022

Site visit made on 23 February 2022

**by Zoe Raygen DipURP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 March 2022**

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### **Appeal Ref: APP/W0530/W/21/3271081**

### **Tanner & Hall Ltd, Station Road, Harston CB22 7QP**

- 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 Axis Land Partnerships Ltd against the decision of South Cambridgeshire District Council.
  - The application Ref S/4057/19/OL, dated 14 November 2019, was refused by notice dated 12 October 2020.
  - The development proposed is the demolition of existing buildings and provision of up to 16 dwellings, up to 120sq.m of office accommodation, access, public open space and landscaping (including details of access and with all other matters reserved)
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The planning application the subject of this appeal was submitted in outline form with only matters of access to be considered. However, the submission is accompanied by Development Parameter Plans which identify maximum building heights, the extent of built development, open space, land use and access and movement. A masterplan and axonometric view of the scheme are submitted for illustrative purposes only. I have treated the appeal on the same basis.
3. With agreement, after the hearing, a signed S106 agreement was submitted which secured 40% of the development as affordable units and contributions towards outdoor sport, formal children's play space, community facilities, secondary education, libraries and lifelong learning, waste receptacles and the monitoring of the S106. The agreement is a material consideration which I have taken into account in this decision.
4. There are a number of trees on the north-west boundary of the site located within the garden of the adjoining Tiptofts House but with canopies overhanging the appeal site. Although the Council did not raise the issue of harm to trees as a reason for refusal, evidence was submitted by the owner of Tiptofts House, in the form of an arboricultural survey, and the appellant had the opportunity to respond. I have taken all submissions into account in my determination of the appeal.

## **Main Issues**

5. The main issues are:

- whether or not the proposal is inappropriate development in the Green Belt;
- the effect on the openness of the Green Belt;
- the effect on the character and appearance of the area, including effect on neighbouring trees;
- the effect on the setting of Station House and Rowleys Hill, if considered to be non-designated heritage assets;
- the effect of the proposal on the availability of employment land; and
- if the development is inappropriate, 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 the development.

## **Reasons**

### *Inappropriate development*

6. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded to be inappropriate in the Green Belt with the exception of the developments listed within paragraph 149 of the Framework which includes 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use' subject to one of two criteria regarding impact on the openness of the Green Belt.
7. The parties are in agreement, given the current use of the land and the requirement for affordable housing within Harston, that the latter criterion is relevant in this case, namely that the development would not cause substantial harm to the openness of the Green Belt. Although this is slightly different to the requirements of Policy NH/9 of the South Cambridgeshire Local Plan 2018 (the Local Plan), I see no reason to disagree as that policy was adopted prior to the latest iteration of the Framework. Furthermore, Policy S/4 of the Local Plan requires that new development in the Green Belt will only be approved in accordance with Green Belt policy in the Framework.
8. A two storey building is located near to the entrance from Station Road and extends a small way into the site. There is a single storey building extending about a third of the way along the southern boundary. In addition, a leylandii hedge is sited along the south-eastern boundary which provides a fairly impenetrable visual block to the appeal site from that direction. Furthermore, the presence of trees, the undulation of the land and the location of Station House to the east of the appeal site, means that the existing buildings have very limited visibility from the surrounding Green Belt and the village of Harston. The total site area is 6400m<sup>2</sup>, with a building footprint of 840m<sup>2</sup> and the remainder of the site being covered by hardstanding capable of use for open storage, albeit restricted in height to no more than 2.44m. This creates a total potential volume of development of 8,728m<sup>3</sup>.

9. It is agreed between the parties that the spatial impact of the development, based on the footprint and volume of the proposed houses and employment block would be less than existing. The Council's concern relates primarily to the visual impact of the proposal on openness particularly what it considers to be the extension of permanent built development to the south-west of the appeal site.
10. The illustrative masterplan shows a terrace of three properties fronting the site and a mixture of terraces, semi-detached and detached houses extending in a linear form along the appeal site to the south-west, together with an employment block to the rear of the Station House. The terrace to the front would have a similar impact on openness as the existing two storey office building in terms of its extent, location and height.
11. The employment block would be located in a similar position to the existing single storey building but would be two storeys in height. The majority of the houses would be located beyond the extent of the existing permanent buildings and would be two storeys in height. They would therefore have an impact on openness, particularly to the south-west of the site where the buildings would be visible against a backdrop of green land. The proposal would see the removal of the dense leylandii hedge which would increase the visibility of any buildings on the appeal site. It would also though allow views through the site to the surrounding green environment.
12. Furthermore, it must be borne in mind that the majority of this land could be used for open storage up to what is effectively single storey in height. While at my site visit, there was very limited materials being stored, this may not always be the case. I acknowledge that storage may not be permanent and would be dynamic in nature. However, the buildings would be punctuated by gaps between the built form, together with an area of open space in the centre of the development, all of which would allow views through to surrounding green areas. This together with the reduction in volume of development and consequent reduction in hardstanding, means that, in my view, the increase in permanent development and height would not, in this instance, cause a level of harm to openness that would be considered substantial.
13. The Council refers to three appeal decisions in support of its case (one conjoined decision)<sup>1</sup>. Both cases concern the redevelopment of previously developed land but consider whether there would be a greater impact on openness rather than whether there would be substantial harm. In addition, in each case the proposed buildings were of greater volume than those existing on the appeal site irrespective of their position on the site. I am of the view therefore that the decisions are not sufficiently comparable to the proposal before me now to justify a similar decision.
14. While therefore there would be some conflict with Policy NH/9 of the Local Plan in that I have found that the proposal would have a greater impact on the Green Belt than the existing buildings, given that Policy is contrary to the requirements of the Framework, it limits the weight I give to that conflict, particularly given that the proposal would not be inappropriate development as identified by the Framework. Furthermore, the proposal is in accordance with Policy S/4 of the Local Plan in that it accords with the requirements of the Framework.

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<sup>1</sup> APP/W0530/W/20/3264149, APP/W0530/W/20/3265563, APP/W0530/W/20/3258419

15. For the reasons above therefore, I conclude that the proposal is not inappropriate development as it would be in accordance with paragraph 145g of the Framework. As I have considered the impact on openness as part of the assessment of whether the proposal is inappropriate development or not, there is no need to look at the matter separately. Furthermore, there is no need for me to go on and consider whether there are any other considerations that may amount to very special circumstances.

*Character and appearance*

16. On the north side of Station Road close to Harston is residential development, both fronting Station Road and within estates extending in a linear form from Station Road to the north-east. These are mainly formed from large, detached houses with garages set back from the road behind front gardens with planting, giving a verdant, suburban character to this part of Station Road.
17. The south side of Station Road where the appeal site is located is more rural. To the north-west of the appeal site is Tiptofts House set in its own spacious planted grounds and to the south and east is Station House and the railway line, beyond which on all sides is open countryside. Further north-west is a farmstead with a number of low level agricultural buildings set in a linear form from Station Road.
18. The appeal site lies at the southern edge of Landscape Character Area (LCA) 4C Rhee and Bourn Valleys as identified within the Cambridge Green Belt Study 2015. It is also close to the boundaries with LCA 4B Granta Valley and LCA 3C Newton Chalk Hills. All largely depict rural landscapes, with LCA4C describing a low density of settlement giving a rural character to the area, although some villages have areas of modern housing to their edges, they have generally retained their small scale and historic character nature, being key features.
19. The appeal site has relatively small zone of visual influence, largely due to existing trees and the landform. Views from the footpath to the north-east and beyond on higher ground are mainly of the office building on the frontage, with the remainder of the site shielded by trees. To the north-west views are filtered by trees and existing development. From the south-east the existing dense leylandii hedge is an uncharacteristic feature, but nevertheless provides an element of green, and screens the commercial buildings, in what is essentially a predominantly rural landscape at this point. The site currently has most visibility near to the site entrance where the full site can be viewed. The buildings on the appeal site are modest in size and scale and cover some of the appeal site, with open storage on the remainder of the site. The appeal site therefore currently has a neutral effect on the character and appearance of the area.
20. Harston as a settlement is punctuated with green space between built form, mainly in lineal development extending from the main roads through the settlement. The proposal in that respect would reflect the character of Harston and being development of previously developed land would not encroach development into the wider countryside, maintaining the essential landscape character of LCA4. However, given that the site is within that rural landscape and on the very edge of the settlement, development should reflect that sensitive location.

21. In order to accommodate the number of dwellings proposed would require the provision of properties on small plots, with limited gardens to the rear, which together with the inclusion of terraces would be uncharacteristic of the immediate area. Some plots would have no front garden. Instead, parking would be accommodated at the front with little opportunity for planting to enable it to be sensitively integrated into the built form. As a result, it would dominate the development and the street scene. Generally, due to the amount of development, opportunities for planting integral to the built form, appear limited other than in the central open space and the south. Consequently, it would not be characteristic of the verdant street scenes in nearby estates.
22. While examples of similar housing, of a comparable density, can be found elsewhere in Harston, these are mostly located in the heart of the settlement, rather than the village edge. All of this would give a distinctly urban character which would be at odds with the immediate rural landscape and character and the wider suburban built form, particularly on the village edge. The leylandii hedge would be replaced with native planting, which would be more appropriate for the local landscape character. However, as a consequence, views of the housing would be more widely available particularly from the south-east where there are breaks in the hedgerow and in and around the entrance of the appeal site. Given the above, the proposal would form an overly discordant and harsh edge obtrusive in the landscape, even in the longer term, particularly when the trees lose their leaf.
23. From further afield on the footpaths to the north-east and from Royston Road, the views would be little altered due to the intervening landforms and trees. From higher ground at the Obelisk, the views of the houses would be more apparent, particularly in the winter months. While the houses would be viewed in association with those on the north side of Station Road, their visibility within the rural landscape on the edge of the settlement would form a discordant note given their form and layout.
24. The appellant has confirmed the concrete plinth on the boundary with Tiptofts House would not be removed. Furthermore, the introduction of changes in levels to the garden areas would adequately deal with the requirement to import topsoil to a 600mm depth to provide appropriate garden material, given the fill that currently exists beneath the hardstanding. Moreover, revisions have accommodated the terrace of properties to the front outside the root protection areas of trees within the garden of Tiptofts House, notwithstanding this could be mitigated by the use of specialist foundation systems, given the apparent lack of root system in the fill material to a depth of about 1 metre. I am satisfied therefore that the trees would not be harmed from these works.
25. The two tree reports before me from the appellant and the neighbouring resident are broadly consistent with regards to the categorisation of the trees. On the whole those along the front of Tiptofts House and to the immediate south-west of the frontage collectively are of moderate quality and make a good contribution to local landscape character having at least 20 years contribution remaining. Those further south-west are mainly of lower quality with only about 10+ years contribution remaining. From my observations on site, I would concur, while noting that the trees overall form a lineal feature which is characteristic of the local landscape.

26. I noted at my site visit, that the canopies of the trees overhang the appeal site, in some instances quite considerably. However, the trees are not protected, and works could be carried out to prune them without causing significant harm. Nevertheless, there would always be an element of tree canopy over the rear gardens of the proposed houses and continued maintenance is likely to be necessary, particularly to those trees that have been identified as having over 20 years of continued growth. Even given the orientation of the properties there is likely to be some shading of the garden areas from these trees. The small size of the gardens leads me to conclude that a significant part of the garden would be in shade limiting its functionality and potentially leading to pressure to remove the trees in the longer term. Although the harm caused would not be sufficient to be a reason for refusal, due to the quality of the trees particularly further into the appeal site, this reinforces my view that the small plot sizes and consequent limited garden space available is not only uncharacteristic of the local area, but inappropriate for this rural location.
27. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to policies NH/2, HQ/1 and NH/8 of the Local Plan. These require, amongst other things, that development does not have an adverse effect on the rural character of the Green Belt, respects and retains or enhances the local character and distinctiveness of the local landscape and preserves or enhances the character of the local rural area and responds to its context in the wider landscape.

*Non-designated heritage assets*

28. The Council has identified two non-designated heritage assets within the vicinity of the appeal site which it considers to be harmed by the development. Non-designated heritage assets are defined within the Planning Practice Guidance (PPG) as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions...A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets<sup>2</sup>. It goes on to say that it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.
29. The Council's evidence in relation to both the Station House and the Strip Lynchets are their inclusion within the Cambridge Historic Environment Record Historic England though point out that "The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions"<sup>3</sup>.
30. The appellant has carried out an assessment of the significance of both structures in line with Historic England guidance and concludes both are not of sufficient architectural or historic interest to warrant local listing. Having viewed the evidence, and from my observations on site, I would concur.

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<sup>2</sup> Paragraph: 039 Reference ID: 18a-039-20190723

<sup>3</sup> Paragraph 61, Historic England Advice Note 7 'Local Heritage Listing: Identifying and Conserving Local Heritage' (Second Edition) (27 January 2021) (HEAN7)

31. The Station House was constructed in the mid-1800s and formed the Station Masters House, being located at the front of the former railway goods yard. It is the only remaining building associated with the railway. It is not particularly legible in the street scene as the Station Masters House and is of a common age of buildings within South Cambridgeshire being one of a number of surviving Victorian railway buildings. It has been much altered through the introduction of render, replacement windows and the removal of the chimney. Its interest therefore is limited to its historical association with the station, the only other remnant of which is the railway line itself. In my view this is not sufficient in isolation for the building to be considered as a non-designated heritage asset.
32. The Strip Lynchets are located at Rowleys Hill to the south-west of the appeal site. Originally recorded as six in number dating back to the medieval period, four are described as having have been ploughed out in the Pastscape Record. Although their age gives them some significance, according to the appellant there are a number of surviving examples in the district and county, and this is not disputed by the Council. They provide local historic and archaeological interest in evidencing the Medieval settlement of Harston and farming practices. However, the extent of their erosion by modern farming practices, limits that interest and therefore, they are not of sufficient special interest to be considered as a non-designated heritage asset.
33. Even if I were to consider the structures as non-designated heritage assets then I am satisfied that the proposal would not cause harm to their significance. The historic plans of the station from 1885 supplied by the appellant show Station House with a large building to its west and the remaining structures on the opposite side of Station Road. This with the railway would have formed the immediate setting of Station House which has been considerably eroded since the demolition of the station buildings and the erection of the current buildings on site for the builders' merchant.
34. Therefore, it is the buildings relationship to the railway line which contributes to its significance and enables any indication of the buildings previous use to be acknowledged. The proposal would not harm that relationship. Furthermore, the proposed employment block would be in a similar location to the historic building on site reflecting the historic building pattern and giving space to the Station House to be fully appreciated. The proposed terrace would have a similar relationship to the Station House as the existing two storey office block and would be set to the rear of the building so that it would retain primacy in views along the road. The houses to the rear would not interfere with views of Station House and therefore there would be no harm to its significance.
35. The Strip Lynchets are an agricultural feature in a predominantly rural landscape. The surrounding countryside therefore contributes to their understanding. The appeal site is already developed and therefore does not contribute to that agricultural understanding of the features. While I have found harm to the character and appearance of the area by the form of the development, the considerable intervening distance between the appeal site and the Strip Lynchets means that they would still be viewed within a predominantly agricultural landscape and there would be no harm to their significance.

36. For the reasons above I conclude, based on the evidence before me, that Station House and the Strip Lynchets do not merit status as non-designated heritage asset. Even if they were, also for the reasons above, I conclude that the proposal would not be harmful to their significance. Consequently, there would be no conflict with Policy NH/14 of the Local Plan which requires development to sustain and enhance the significance of non-designated heritage assets.

#### *Employment land*

37. Policy E/14 of the Local Plan states that the redevelopment of existing employment sites to non-employment uses within or on the edge of development frameworks will be resisted unless one of three criteria is met.
38. The parties agree that this is an existing employment site on the edge of the development framework for Harston. The existing use provides 8 jobs. The proposal includes a two storey office block, which dependent on the type of offices could provide between 4 and 15 jobs as based on the Employment Density Matrix<sup>4</sup>.
39. There is dispute between the parties as to the existing level of other employment available in Harston, with the Council considering that car and motorcycle dealerships together with the BP service station to be mainly centred on retail and service. There is no definition of an employment use within the Local Plan and the car and motorcycle dealerships provide between them about 50 jobs to the local economy.
40. Nevertheless, the more traditional employment uses are also catered for at Harston Mill (9,100m<sup>2</sup>) and Button End Industrial Estate (2,810m<sup>2</sup>) providing research and development and mixed light industrial premises. The village is therefore well served for employment uses. However, making the best use of existing employment sites reduces the pressure for development of new sites and enables a greater range of employment opportunities reducing the need to travel by car. There is no dispute that the appeal site is within an accessible location.
41. I accept that wholesale redevelopment of the appeal site for employment uses would be difficult given its location within the Green Belt and the restrictions of paragraph 145g of the Framework. However, the total footprint of buildings on the site (840 metres<sup>2</sup>) could be used by other employment uses and yield a much higher number of jobs than currently exist.
42. Therefore, there would be some loss of potential employment opportunities on the appeal site by the proposal. However, this would be limited due to the existing good provision of employment in Harston, whether traditional employment uses or not, and the proposal to provide an office block on the appeal site. Criterion B of Policy E/14 allows redevelopment if the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises.
43. The proposal would provide 6 affordable houses. It is agreed that there is a high level of affordable housing need in the district. Furthermore, Harston has a significant need for new affordable housing with 21 people on the Council's

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<sup>4</sup> Employment Density Guide 2015

affordable housing register with a local connection. This is reiterated by the Parish Council which strongly supports the proposal. In this instance therefore I am firmly of the view that the overall benefit to the community of the provision of affordable housing outweighs the limited adverse effect on employment opportunities and the range of available employment land and premises and consequently there would be no conflict with Policy E/14.

### **Other matters**

44. The Council also refers to conflict with Policies S/7 and S/10 of the Local Plan in its reason for refusal as it considered that the proposal would be incremental growth of residential development in an unsustainable development. In its statement though, and at the Hearing, it confirmed that it now considered the appeal site to be in an accessible location, linked to the village with a range of services and facilities by a path giving access by foot and cycle. From my observations on site, I would concur.
45. Policy S/7 seeks to restrict development outside of development frameworks, such as the appeal site to allocations within Neighbourhood Plans, uses which need to be located in the countryside or, where supported by other policies in the Local Plan. Policy S/10 states that development may exceptionally consist of up to about 15 dwellings where this would make best use of a single brownfield site within Group Villages which would include Harston. Although the Policy does not specifically state the brownfield site should be within the development framework of the village, the Council confirmed at the Hearing it had always taken it to mean so.
46. As I have found no conflict with Policy S/4, then the Council confirmed at the Hearing that this would mean that Policy S/7 would also be satisfied. Whether or not the intention of Policy S/10 is only for sites within the development framework the reason for the restriction on numbers of dwellings is because Group Villages are generally less sustainable locations, having fewer services and facilities, allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village. However, I have already found that the appeal site would be accessible, and residents would have convenient access to services and facilities by means other than the car. Therefore, the principle of residential development on the site would be acceptable and any conflict with Policy S/10 due to its location outside of the development framework would be very limited.

### **Planning Balance and Conclusion**

47. The proposal would deliver 16 houses While I appreciate that the Council is able to demonstrate a five year housing land supply, this is not a cap on development and 16 houses would contribute towards the Government's objective of significantly boosting the supply of homes as required by the Framework. I therefore give appreciable weight to the provision of market housing in this accessible location at this time.
48. As already discussed, the provision of affordable housing, secured by the Section 106 agreement, would be a significant benefit, supported by the Parish Council. I am also mindful that there is a pressing need for affordable housing within Harston which is surrounded by Green Belt and has no current allocations for housing.

49. I give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs in accordance with Paragraph 120c of the Framework.
50. There would be economic benefits through the creation of construction jobs, the increased local spend within the economy and the provision of an office block. I give these modest weight based on the scale of the development.
51. There is no doubt that the benefits of this proposal are considerable, and in that respect the proposal would broadly accord with many policies of the Local Plan. However, in my view although the harm would be relatively localised, the design of the development in this essentially rural location in the Green Belt should be of utmost importance. I understand the proposal before me is in outline form and the layout is for illustrative purposes only, but I need to be satisfied that 16 houses can be accommodated without harming the character and appearance of the area and I have seen no other way of achieving the number which would not be materially harmful. The harm caused to the character and appearance of the area brings it into fundamental conflict with Policies NH/2, HQ/1 and NH/8 of the Local Plan of the Local Plan and therefore the development plan as a whole. Therefore, in the overall planning balance, although considerable, the benefits of the proposal are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan.
52. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY

Karen Pell-Coggins

Senior Planning Officer, South  
Cambridgeshire District Council

### FOR THE APPELLANT

Richard Turney of Counsel

Instructed by Matthew Hare  
Partner, Carter Jonas

Matthew Hare

Partner Carter Jonas

Joanna Burton

Director, JB Heritage  
Consulting Ltd

Charles Crawford

Direct LDA Design

Glen Richardson

Urban Designer Carter Jonas

Giles Hill

Partner Land and Sculpture  
Design Partnership

### INTERESTED PARTIES

Mr Norman

Local Resident

### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Planning application report and decision notice 21/02415/FUL

### DOCUMENTS SUBMITTED AFTER THE HEARING

- A Arboriculturalist final comments
- B Signed S106 Agreement dated 23 February 2022
- C Revised list of agreed conditions