



Appeal Decision

Hearing held on 24 and 25 March 2026

Site visit made on 25 March 2026

by P Hanna PGDip MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2026

Appeal Ref: APP/V0510/W/25/3360559

Land between Sun Street and The Causeway, Isleham, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Abbey Properties Cambridgeshire Limited and Robin Diver against the decision of East Cambridgeshire District Council.
 - The application reference is 24/00455/OUM.
 - The development proposed is up to 49 affordable dwellings to include public open space, landscaping, access and associated works. Approval sought for vehicular access to Sun Street only at this stage with layout, landscaping, scale and appearance as reserved matters.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application seeks outline planning permission with the principal means of access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. I have determined the appeal on that basis.
3. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990, in the form of a deed of agreement, was discussed at the hearing. The signed obligation is dated 16 April 2026. I return to this below.
4. The hearing was originally scheduled to open on 27 January 2026 but was postponed to ensure that the process remained procedurally fair following lack of notification. Additional information was submitted by both East Cambridgeshire District Council (the Council) and the appellant before the hearing, in accordance with timetables that were agreed in advance by the main parties. One document, a BMG metric prepared by the appellant and purported to represent the Council's position, was not accepted into the hearing, to ensure procedural fairness.

Main issues

5. The main issues are:
 - whether the proposal is in a suitable location with regard to local and national policies on affordable housing;
 - whether occupiers of the proposed development would have reasonable access to education, employment, retail and public transport services;
 - the effect of the proposal on biodiversity, protected species and habitats, including veteran trees;

- whether the proposed development would be at risk of flooding or increase the risk of flooding elsewhere, including with regard to the sequential test; and
- the effect of the proposal on the character and appearance of the site and surrounding area, with particular regard to provision of blue and green infrastructure.

Reasons

6. The appeal site is a former chalk pit of some 2.68 hectares, now comprising agricultural land. The periphery of the site is steeply sloping, with the central part of the site being largely level and lower than the surrounding ground levels by between two and five metres. The boundaries of the site to Sun Street and The Causeway are lined with dense hedgerows and woodland, with partial landscaping along the residential areas to east and west. Access to the site comprises an informal grassed arrangement to the northeast corner of the site.
7. The proposal is for 49 affordable dwellings with public open space and landscaping. A new access is to be provided from Sun Street.
8. The development plan includes the East Cambridgeshire Local Plan 2015 (amended 2023)(LP) and the Isleham Neighbourhood Plan (2022)(NP).

Need for affordable housing

9. The locational strategy of the LP seeks to focus development on the three main market towns in the district. The village of Isleham is defined by a settlement boundary, which wraps around three and a half sides of the approximately square-shaped appeal site. Beyond this boundary, policy HOU 4 states that housing is only to be permitted in exceptional circumstances such as for affordable housing on exception sites, subject to there being an identified local need, amongst other things. Policy 1a of the NP reflects that requirement in providing for housing growth. Although neither of these policies are referred to in the reasons for refusal, the Council's case has evolved and it now cites conflict with these policies.
10. The Council assert that the number of households with a local connection to Isleham is 47. It is inevitable that the levels of identified need will fluctuate, as demonstrated by the higher figure of 60 in the officer report. Recent information from the appellant indicates that the overall number of households on the register is 1,064; that 305 households would prefer the Isleham parish; and that 103 families had bid for a two-bed affordable home in the parish.¹ Taken on face value, even the Council's lower figures demonstrate that a level of need exists.
11. The Council assert that two previous planning permissions for housing in the village would meet the asserted identified need for 47 units, claiming that the nominations agreements contained within the s106 planning obligations for Station Road and Hall Barn Road² would allow the Council to secure priority for those with local connections to the village. However, these obligations can be distinguished from that provided with the appeal proposal.
12. Whereas the secured nominations agreements on those previous permissions would provide a potential opportunity to secure residents who may have a local

¹ Freedom of Information response dated 2 February 2026.

² The permissions at Station Road (ref 21/01572/FUM) and Hall Barn Road (ref 20/00260/FUM) would secure 45 and 5 affordable dwellings respectively.

connection, the proposed appeal obligation would instead require the affordable housing to be specifically prioritised for those who meet local connection criteria. As such, the earlier permissions can also meet the wider, district level need for affordable housing, of which there is no dispute. Consequently, it cannot be presumed that those earlier permissions will respond directly to the local need, unlike the current proposal. Indeed, even the Council only go as far as saying that identified need is “*very likely*” to be met by the two approved developments.

13. Therefore, whilst the levels of local need may fluctuate, I am satisfied that the proposal would meet an identified need that may not be delivered by the sites within the settlement boundary or by existing planning permissions. The proposal is therefore in a suitable location with regard to local and national policies on affordable housing, and accords with the relevant requirements of policy HOU4 of the LP and policy 1a of the NP. Whilst policy GROWTH 5 is referred to in the Council’s reasons, this policy simply reiterates the National Planning Policy Framework’s (the Framework) presumption in favour of sustainable development.

Accessibility

14. Although identified as a village, Isleham contains a wide range of services and facilities, including primary school and pre-school, churches, recreational grounds, café, convenience store, part time post office, farm butchers shop, public houses, hot food takeaway, community centre, some 33 business units on two industrial estates and, according to the NP, 36 small businesses involved in a wide variety of trades. Many of these services and facilities are generally easily walkable from most locations within the village. Isleham is therefore a highly sustainable location in respect of retail and community facilities and the employment opportunities that could be expected of a settlement of this size.
15. Despite this, Isleham has relatively poor existing public transport options, operating just one return bus service per day Monday to Saturdays (two on Tuesdays and Saturdays). This would not be changed or improved by the development. Nonetheless, this bus service offers a potential, albeit limited, option for employment opportunities in Newmarket. The Framework recognises that the opportunity to maximise sustainable transport solutions varies between urban and rural areas, suggesting that a degree of flexibility is necessary in locations such as Isleham. Indeed, the local highways authority raise no objection to the proposal on accessibility grounds and, whilst a residential travel plan had been proposed as a measure to reduce car dependency, the Council conceded that this would not be efficient in these circumstances.
16. The Council and local residents are concerned that the lack of capacity at the primary school may result in children from the proposed development having to travel unsustainably to a more distant school. However, the location of additional school places is a matter for the education authority to deal with and is within its control. The developer would make an appropriate contribution to provision of education places, as discussed in the planning obligation below, which would be used at a location deemed to be suitable by the education authority. If additional capacity could not be provided at the nearby Isleham Primary and attendance at a more distant school was required, there is no substantive evidence before me to suggest that a sustainable form of school transport could not be provided, such as a school bus.

17. Overall, whilst the proposal falls marginally short in terms of reducing car usage and offering genuine choices of transport modes, the circumstances of this appeal justify a more pragmatic approach. Indeed, this is reflected in the Council's approval of other permissions within Isleham, including those referred to above.
18. In conclusion, whilst occupiers of the proposed development would have only limited access to sustainable public transport options, they would have good access to employment, commercial and retail services. When taken together, the proposal would meet the overall expectations of policy COM7 of the LP and chapter 9 of the Framework when read as a whole, which seek to reduce the need to travel by car. I return to policy GROWTH 3 in considering the planning obligation below. Whilst policy 8 of the NP is referenced in the reason for refusal, this relates to the delivery and retention of new community facilities, which does not apply to the appeal proposal.

Ecology

Biodiversity net gain

19. For the purposes of biodiversity net gain, planning permission is deemed to be granted subject to the condition that the biodiversity net gain objective is met. That objective seeks to deliver at least a 10% increase in biodiversity value relative to the pre-development value of the on-site habitat. The increase could be achieved through onsite gains, registered off-site gains or statutory biodiversity credits, in line with the biodiversity gain hierarchy. This is a post-permission matter, and the development could not be begun unless and until the biodiversity gain plan is approved. As such, there is no statutory or policy requirement to assess or settle these matters at this stage, including the detailed dispute between the parties on the quantification of the baseline.
20. Furthermore, Planning Practice Guidance (PPG) states that it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective will not be met. Nonetheless, in considering whether the condition is capable of being successfully discharged, consideration can be given to matters including the biodiversity gain hierarchy, and other policies and objectives relating to matters such as design, open space and tree retention.
21. Various revisions of the metric have been provided for this proposal, the most recent of which indicates, in summary, that there would be a total net change of just 8.47% for habitats and -16.84% for hedgerows, with the trading rules not being satisfied.³ Despite these results, the appellant asserts that the proposal is capable of meeting the biodiversity net gain objective. Firstly, they indicate that the linear gain can be delivered on site through on-site planting of new species rich native hedgerow within the site. Secondly, that the loss of on-site habitat units can be compensated with on-site enhancement, registered off-site gains, or purchase of biodiversity credits.
22. However, in order to provide an access to the site, the proposal would result in the loss of some 31 of 183 metres of very high distinctiveness habitat along the central part of the northern boundary of the site, comprising species rich native hedgerow with trees associated with bank. Such habitats are scarce, and the hierarchy states that adverse effects should be avoided and, if unavoidable, mitigation provided by

³ BNG Metric dated 24 March 2026 based on the appellant's position (the gains would be less using the Council's position).

prioritising on-site, off-site and credits in that order. The location of the proposed access is limited by the need to accommodate highways safety standards, including visibility splays and, therefore, in order to develop the site, the loss of very high distinctiveness habitat could not be reasonably avoided.

23. Nonetheless, it is important that any such loss should then follow the mitigation hierarchy, notwithstanding that the site is not included in the Local Nature Recovery Strategy. It is clear to me that a site of this size could in itself comfortably accommodate the replacement habitat that would be required. Indeed, given the scarcity and value of some of the habitat on the site, and its location as a pocket of valuable habitat within the settlement, there is considerable merit in ensuring that this valuable site resource is not diminished by the development. In other words, if that very high distinctiveness habitat is to be lost, then the biodiversity gains should first be provided on-site, in line with the hierarchy. In this respect, the appellant estimates that mitigation could include a length of species rich native hedgerow, suggesting scenarios that would achieve over 10% gain, by planting along the eastern and western boundaries.
24. However, the Council are concerned that the proposed replacement hedgerow would not represent like for like replacement under the trading rules. Whether it does or not, even the appellant's own final metric calculation (which represents the most up to date position) fails to meet the minimum required 10%. The appellant accepts that, as part of the reserved matters process, refinement of the development and landscape proposals would be required, with a future fully detailed landscape plan to be submitted as a reserved matter. As things stand, it is not clear to me that, even with refinement, the capacity of the site could deliver the maximum size of development proposed *and* on-site gains, as discussed in greater detail below. No such illustrative plans have been provided, despite the various iterations submitted.
25. The appellant further asserts that, if provision could not be achieved on site, off-site measures would be pursued. However, no substantive justification has been provided by the appellant as to why mitigation could not be provided on site, despite the PPG requirement to take into account how the hierarchy has been applied. It is therefore uncertain how both the maximum development and the net gain could be accommodated together on site, and neither has adequate justification been provided for why it should not be.
26. In reaching this conclusion, I am aware that the description of the proposal is not for a specific quantum of development but, instead, for up to 49 dwellings, notwithstanding that discussion at the hearing focused on provision of the maximum. It may therefore be possible for a development to be conceived that accommodates all of the identified constraints and necessary requirements with a lower number of affordable dwellings. Nonetheless, this in turn would create further uncertainty about the level of delivery of affordable housing and the weight to be given to it, as well as potentially changing the nature of the development such that further consultation would have been necessary.
27. Overall, the appellant has not satisfactorily demonstrated that the proposal would be capable of meeting the biodiversity net gain objective and accord with the biodiversity gain hierarchy. This is a matter to be resolved post-determination and does not make the proposal unacceptable in itself. I return to this in the planning balance. Even so, the capacity of the site to accommodate the proposed

development, along with biodiversity net gain provision, in the absence of adequate justification for off-site provision, are matters for this appeal. I return to this in the assessment of character and appearance below.

Protected species

28. The Council's objections in this respect relate to the potential impact of the development on both bats and reptiles.
29. Bat surveys were carried out in July 2022 and February 2024, with monthly activity surveys between July and October 2022. There were eight trees with potential for use by higher numbers of roosting bats. One of the eight of these trees (tree T4) has been subject to a further roost presence survey and was subsequently downgraded by the appellant to having only minor features suitable for roosting. The appellant asserts that the remaining trees will not be impacted by the proposal, with reference to their proposed retention and mitigation in the form of a lighting scheme for the completed development, amongst other things.
30. However, there are three key factors that persuade me that a more precautionary approach is necessary in this instance, as opposed to the imposition of a standard condition for a lighting plan:
 - *The importance of the bat assemblage at this site.* In total, nine species of bat were confirmed, including five rarer species, notably barbastelle which is one of the rarest species in England, indicating that the bat assemblage is of importance at county level. In this context, the carrying out of further surveys on only one of the eight trees is not, to my mind, sufficiently precautionary, despite the analysis of likely population sources. Either way, mitigation would be necessary to avoid adverse impacts on any protected species and, whilst no direct impacts are proposed to those seven trees (T4 would be pollarded), potential indirect impacts could occur from lighting.
 - *Lighting.* No lighting strategy has been submitted, nor has any information been provided that would enable a better understanding of how lighting parameters for the site would be influenced by foraging or any roosting habitats. As such, the extent of any necessary unlit zones on the site is uncertain.
 - *Impact of layout.* The extent of unlit zones may have a consequential impact upon the layout of the proposal. As discussed in further detail in the section on character and appearance below, I am not persuaded that the realistic developable area within the site, once any unlit zones are taken into account, could accommodate the maximum provision of 49 homes, drainage features, open space, access to the site and circulation roads, along with biodiversity net gain requirements. My conclusion on this is reinforced by the various iterations of indicative framework plans, all of which show circulation roads, that would require some form of lighting, alongside the periphery of the site and any potential habitats.

Taken together, these points raise considerable uncertainty about the capability of the site to accommodate the full extent of the proposed development, such that the proposal would have a significant adverse effect on bats as a protected species.
31. Reptile surveys were conducted in February 2022 and February 2024, and neither found evidence of reptiles. The most recent survey concludes that the site does not contain suitable areas of open habitat to support reptiles, and the nearest previous recording of grass snakes was in 2017 and at a location some 0.27km distant from the site. The timing of the surveys was not optimal, with signs of use

more likely to be evident later in the year. Nonetheless, when the lack of features suitable for reptiles on the part of the site that would be developed is taken together with the most recent recorded findings, and the site's relative isolation, I am satisfied that the proposal would not result in a risk to reptiles as a protected species, subject to a precautionary working method statement.

Trees

32. The Framework directs that proposals resulting in the loss or deterioration of irreplaceable habitats should be refused except in wholly exceptional circumstances. Such habitats include veteran trees. Ancient or veteran trees are defined in the Framework as trees which, because of age, size and condition, are of exceptional biodiversity, cultural or heritage value. The consultation draft Framework (December 2025) amends this to "*age, size or condition (my emphasis)*". Although this is of limited weight given the early stage, it has some relevance as a technical revision. All ancient trees are veteran, but not all veteran trees will be ancient. Reference is made by both parties to a considerable number of other methodologies for identifying veteran trees, all with varying definitions.
33. Tree T4 is located along the north eastern boundary of the site within the existing strip of landscaping. Its upper living crown has been lost, it is developing a newer lower canopy, the upper portion of the trunk has broken away leaving prominent deadwood in its crown, and the trunk is understood to be hollow. The tree's rooting area is restricted by the adjacent public road to the north and the steep quarry face to the south, where exposed roots are visible. Although the stem diameter is not as large as the most ancient of ash trees, this is likely to be a result of the restricted growing conditions.
34. The appellant and Council differ in their estimation of the age of the tree; the differences being 88-98 and some 108 years old respectively, and I am persuaded towards the latter due to the restricted growing conditions. T4 is also habitat rich, with cavities and bat urine stains, invertebrate burrowing holes, fungi and lichen all present to varying extents, with some unexplored unusual habitat opportunities at the exposed roots. The landscaping strip within which T4 is located is identified as being of very high distinctiveness habitat. Finally, over the past 16 years, the tree's condition appears to have remained stable, notwithstanding the disputed presence of fungal decay.
35. In my judgement, the above features point heavily towards T4 being veteran. My conclusion is reinforced by two key factors, first, that the appellant accepts that the tree is a veteran tree for the purposes of biodiversity net gain requirements⁴ and, second, the Council's photographic evidence showing the physical similarities between T4 and a recognised veteran tree.⁵ In reaching this judgement, I have been mindful of the high test the Framework sets in terms of the protection of irreplaceable habitats. Therefore, a precautionary approach is necessary. I am not persuaded by the various arguments put forward by the appellant to assert that T4 is not a veteran tree, including the results of resistograph drill tests (which are disputed) and the risks of overclassification, even taken together.
36. Tree T4 is identified as being off-site and within the control of the highways authority. Nonetheless, the presence of a veteran tree means that development of

⁴ Whilst acknowledging that this assessment differs from the national planning policy definition.

⁵ Figures 1 and 2 at paragraph 4.10 of the Council's Statement of Case.

a site must not result in deterioration of that irreplaceable habitat, which as a consequence would also be excluded from biodiversity gain considerations. Retention of T4 would have an impact on the layout of the proposal but, to this end, the extent of the tree's protection area has not been fully defined. This impact is potentially small in respect of the overall development, especially if the asserted highway safety considerations are taken into account. Nonetheless, when this is taken together with the other uncertainties identified in this decision, I conclude that it has not been demonstrated that the proposed development could be satisfactorily provided, as discussed further in character and appearance below. Given this, and the precautionary approach that is required, it would not be appropriate to impose a condition to secure mitigation.

Ecology conclusion

37. Overall, the proposal would have a significant adverse effect on protected species and habitats, notwithstanding that reptiles would not be adversely affected. The proposal would be contrary to policies ENV1 and ENV7 of the LP, policy 7 of the NP and Chapter 15 of the Framework, which together seek to protect and enhance biodiversity, including individual trees and the function of landscape features as ecological corridors. Whilst policies GROWTH 5 and ENV 2 are referred to in the Council's reasons, these policies are not biodiversity focused but instead relate to the Framework's presumption and design respectively.

Flood risk

38. Whilst the appeal site is in flood risk zone 1, mapping indicates a risk of surface water flooding to the north east of the site. The Council refer to failure of the proposal to address the sequential test within the site. However, the Framework and PPG use this term in respect of preferentially locating development on other sites, to which a proportionate approach should be taken. Instead, the relevant Framework test in this respect is paragraph 181, which states that the most vulnerable development should be located in areas of lowest flood risk within the site, unless there are overriding reasons to prefer a different location. The risk is shown as shallow ponding over a small area, to a depth of just some 200mm (present day) to 300mm (climate change scenario). The ponding is contained entirely within the site, it does not affect surrounding properties or the public road, and there is no risk of affecting any on-site or off-site overland flood flow pathways.
39. An indicative layout has been provided, as part of this outline proposal, showing that the area subject to flood risk would contain an engineered detention basin, alongside new public road and several houses. Although the Council argue that development should avoid the area of flood risk entirely, infiltration testing indicates the site to be suitable for a wide range of SUDS features. Accordingly, the surface water from the indicative road and houses could readily be managed as part of the detailed layout and design process, notwithstanding my conclusions on the capacity of the site to accommodate the development. As such, the proposal would not be at risk of flooding nor increase the risk of flooding elsewhere, including with regard to the sequential test. The proposal complies with policy ENV8 of the LP and chapter 14 of the Framework.

Character and appearance

40. The area surrounding the site is characterised primarily by residential development, predominantly detached dwellings with gardens, of low to medium

density. Although the site is some 2.68 hectares in area, a considerable proportion of the periphery of the site contains hedgerows and trees, as well as steeply sloping ground. This leaves a reduced but defined developable area within the centre of the site. The key issue in dispute between the parties is the capacity of the site to accommodate the proposed development.

41. As discussed above, the periphery of the site contains valuable ecological habitat. A significant proportion of that habitat on the northern boundary would be lost in order to provide vehicular access to the site and, as I have already found, the hierarchy indicates that replacement and net gain requirements should first be provided on site. It is also currently unclear to what degree the existing trees contain bat habitats, as discussed above. As a consequence, it is uncertain to what extent light free zones will need to be provided around the periphery of the developable part of the site in order to minimise adverse effects on these protected species. The extent of any embankments to facilitate access into the site, which is considerably lower than the street, is also undefined, as is the extent of protection area required for T4. In effect, these factors would reduce the developable area again, but to an undefined extent.
42. Given this undefined developable area and the maximum number of dwellings proposed, along with associated road infrastructure, drainage infrastructure and open space, it is my view that this quantum of development could not be adequately accommodated within the site, notwithstanding that the amount of open space to be provided and total building footprint would be dependent upon the final housing mix. If a design could somehow be contrived to provide the maximum level of development, the layout would be considerably more densely packed than the existing residential development surrounding the site, and in sharp contrast to it.
43. My conclusions on this matter are reinforced by the various illustrative layouts that have been provided, none of which show the full extent of identified constraints and requirements. Indeed, the indicative proposals all involve the provision of a road and public footpath around the periphery of the site, which would require some form of lighting, and there is no substantive evidence before me to demonstrate the effect of this on protected species and their habitats.
44. Open space is also significantly concentrated around the periphery of the site. This linear and dispersed provision of green space would be more akin to a road verge, and open space in this form offers limited active benefits, notwithstanding some marginal passive enhancement. The indicative open space is also largely unrelated to the surface water drainage features on the site, such that it does not achieve the multifunctional benefits that could otherwise be achieved by being integrated together, in terms of water quality, biodiversity and amenity, as set out in the Framework. Provision of open space in the form proposed in the illustrative layout would not represent the good design envisaged by the Framework.
45. Therefore, when biodiversity net gain, the hierarchy, potential protected species mitigation and veteran tree protection areas, and blue and green infrastructure requirements are considered together, I am not persuaded that the proposed maximum quantum of 49 units is achievable at the site, or even a figure reasonably close to this. I return to this in the planning balance.

46. Overall, the proposed development would have a significant adverse impact upon the character and appearance of the site and surrounding area, with particular regard to provision of blue and green infrastructure. The proposal would conflict with policies ENV1 and ENV2 of the LP, policy 3 of the NP and Chapter 12 of the Framework which together require the design of new development to create positive and complimentary relationships with existing development and be of high quality design. Whilst policy GROWTH3 is referred to by the Council, this relates to infrastructure requirements and contributions and is not relevant to this main issue.

Other matters

47. There are two Grade II listed buildings close to the site's boundaries, Sunbury House and No 79 The Causeway (No 79), and two non-designated heritage assets, No 80 Sun Street (No 80) and No 47 Sun Street (No 47). All are houses, with Sunbury House dating from around 1700, No 79 from the early nineteenth century, and Nos 80 and 47 from the late nineteenth century. None of the buildings are known to have had a functional relationship with the site, and all have intervening structures, landscaping or the road separating them from the site.
48. The site makes no contribution to the significance of Sunbury House by way of impact upon setting, only a minor contribution to Nos 47 and 79, and a moderate contribution to No 80 due to the openness of its boundary. There would be a considerable gap between the indicative development and built forms, along with new landscaping, such that the parties agree that no harm would be caused to any of these assets. I see no substantive evidence to cause me to conclude otherwise.

Planning obligation

49. The ambulance service anticipate that the proposed 49 dwellings will generate an additional 27 or so emergency calls per annum. A contribution of £18,175 is sought, calculated on a tariff basis against service delivery costs. The appellant objects to the contribution, with reference to *The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin)*. In summary, the Clinical Commissioning Group has a duty to provide ambulance services, amongst other things, regardless of whether permission were to be refused or granted and that, in considering this appeal, no localised harm has been identified.
50. No substantive counter argument to this judgement has been made by the Council, notwithstanding the Council's oblique reference to such contributions having been allowed previously in other appeal decisions. I am not persuaded that the suggested contribution would be necessary, directly related to the development and fairly related in scale and kind. It would therefore not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the Framework.
51. Education contributions would be secured by the planning obligation, towards the enhancement and/or provision of new facilities for early years and primary education, and the provision of secondary places at Soham Village College, on a tariff basis. The Council assert that the additional capacity arising from the proposal has not been accounted for as the site is outside the settlement boundary, however the location of the proposed development is policy compliant as an exception site as I have found above. Furthermore, the local education authority has no objection to the proposal subject to securing the contribution.

52. Affordable housing for sale and rent would be secured by the obligation, at a range of dwelling sizes to meet local needs, which would be provided to eligible households that meet local connection criteria. The ongoing maintenance of open space and any sustainable urban drainage system would be managed by the owner or a management company, with mechanisms to be agreed by the Council. A habitat management and monitoring plan, along with a monitoring fee, would ensure that habitats are appropriately managed. Contributions would be made towards provision of refuse bins for each dwelling, and to the mobile community library on a tariff basis.
53. Overall, with the exception identified above, the obligations comply with policy GROWTH 3 of the LP, which requires development proposals to contribute to the cost of providing services. The obligations also meet the Framework tests and comply with the CIL Regulations.

Planning balance

54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration. In assessing harms and benefits, the scale used is; limited, moderate and significant.
55. Harm would be caused through loss of very high distinctiveness habitat to form the site access as well as to habitats and protected species by virtue of the uncertainty arising from the capacity of the site to accommodate the full extent of the development. I give this significant weight. The proposal would also cause considerable harm to the character and appearance of the surrounding area, for the reasons given above, to which I again afford significant weight.
56. In terms of benefits, the proposal would provide up to 49 affordable houses for which there is an identified need, notwithstanding that previous permissions have some potential to meet that need. However, the quantum that could be provided is uncertain, given the identified constraints and other requirements necessary for the proposed development of the site. Furthermore, it is my judgement that, based on all the available evidence before me, the quantum could be below the maximum quantum of 49 units applied for to an extent that any permission could conflict with the operative part of what has been applied for. Nevertheless, taking these points together, the weight to be attached to affordable housing is still significant.
57. Economic benefits would accrue during construction, to which I give moderate weight due to their temporary nature. The contribution to library services would benefit more than just residents of the development, and this attracts limited weight. The energy efficiency of the buildings and electric vehicle charging facilities would contribute to climate targets, despite only being policy compliant, such that these also attract limited weight.
58. The uncertainty around delivery of biodiversity net gain and the hierarchy of provision are such that this is of neutral weight. A new public footpath linking The Causeway and Sun Street is indicative only and its provision would be dependent on the ability of the site to accommodate it. In light of my above conclusions, this is also of neutral weight. S106 contributions to education and refuse arrangements

are policy compliant and sufficient to mitigate the need arising from the development and therefore again attract neutral weight.

59. Drawing together the harms and the benefits, the adverse impacts of the proposal are not outweighed by the benefits. The proposal would conflict with the identified policies and with the development plan as a whole, and there are no material considerations to indicate a decision other than in accordance with it.

Conclusion

60. For the reasons given above the appeal is dismissed.

P Hanna

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Andy Brand BSc(Hons) MA MRTPI	The Abbey Properties Cambridgeshire Ltd
Shelley Dix BEng (Hons) MTPS MCIHT MCILT	SLR Consulting Limited
Andrew Poynter BSc (Hons) FArborA MICFor Cenv	Tetra Tech RPS
James Bird BSc Hons CEcol MCIEEM	Tetra Tech RPS
Chris Patmore CEnv, Beng DIP EIA MIEnvSci MCIHT MCIWEM	Tetra Tech RPS

FOR THE LOCAL PLANNING AUTHORITY:

Yole Medeiros BArch MScUDP MRTPI	Major Projects Officer and Planning Appeal Lead
Richard Kay BA(Hons) MA DipTP	Natural Environment and Climate Change Manager
Amy Robinson MSc BSc	Senior Ecologist
Kathryn Reading BSc(Hons) MCIWEM	Principal Sustainable Drainage Officer
Tom Walczak	Housing Strategy & Enabling Officer
Kevin Drane	Trees Officer

INTERESTED PARTIES:

Cllr Julia Huffer	Fordham & Isleham Ward
Cllr Richard Radcliffe	Isleham Parish Council
Cllr Glenda Preece	Isleham Parish Council
Lydia Sear	Local resident
Zoe Leeson	Local resident
Anne Noble	Local resident
Daniel Stackhouse	Local resident

HEARING DOCUMENTS

- H1 Fire service consultation
- H2 Interested party comment on infiltration testing
- H3 Email from Ms Medeiros regarding CIL
- H4 Final s106 planning obligation dated 23 March 2026
- H5 Parties' responses to Inspector's comments on conditions
- H6 Isleham Neighbourhood Plan
- H7 Developer Contributions SPD
- H8 Final BNG Metric dated 24 March 2026 (containing plan)
- H9 Cllr Huffer written statement
- H10 CIL infrastructure list
- H11 Updated suggested condition relating to bat monitoring
- H12 Signed s106 planning obligation dated 16 April 2026