



Appeal Decision

Site visit made on 16 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/W0530/W/17/3175304

Spinney Hill Farm, Newton Road, Whittlesford CB22 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Knight against the decision of South Cambridgeshire District Council.
 - The application Ref S/3364/16/FL, dated 5 December 2016, was refused by notice dated 23 February 2017.
 - The development proposed is change of use from a dwelling house and former agricultural land to a nature reserve and burial ground, the demolition of existing buildings, the erection of a remembrance Hall and associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues in the determination of this appeal. These are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether the proposed development would be in an appropriate location with specific regard to access via sustainable means; and
 - If the proposed development 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

3. The appeal site comprises a detached two storey dwelling with a number of outbuildings contained in a landscaped rectangular plot largely obscured from the road by large trees. To the west via a gated access is a substantial open roughly triangular field, bounded by some further tree planting to its southern edges and post and rail fencing elsewhere. It is elevated from and directly abuts the cutting that contains the M11 motorway and located a considerable distance from the nearest settlement, separated by an unlit single carriageway road without a continuous segregated footway.

4. The proposed development seeks planning permission for the demolition of the existing buildings and the erection of a memorial hall building with associated car park and hardstanding with landscaped areas. The larger field is proposed as the main burial ground area and a nature reserve would be established to the south eastern corner.
5. By way of background, an appeal was dismissed for a similar development in February of 2016¹. The scheme subject of this appeal differs. It includes the establishment of a nature reserve, the relocation of the car park and notes referring to a limit on the height of permanent memorials.

Inappropriate Development

6. Paragraph 89 of the Framework² sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are however exceptions which are explicitly listed. Whilst the provision of appropriate facilities for cemeteries is referred to as being not inappropriate development, the same is not true for changes of use. For this reason, the material change of use of the appeal site from agricultural land to a cemetery would be inappropriate development in the Green Belt.
7. The installation of a car park and other areas of hardstanding would be an engineering operation. Whilst the construction of a new building, the remembrance hall would effectively replace the existing dwelling and outbuildings, be at a lower height and in effect provide appropriate facilities for a cemetery. These elements, whilst integral parts of the appeal scheme, would not be inappropriate development in themselves, for the purposes of the Framework.
8. Any inappropriate development is, as per paragraph 87 of the Framework, harmful by definition, harm which is ascribed substantial weight³. Policy GB/1 of the Local Plan⁴ also sets out that there is a presumption against inappropriate development in the Green Belt.

The Openness of the Green Belt

9. Openness is an essential characteristic of the Green Belt. Not solely limited to visual matters, openness also has a spatial dimension. The latter of these aspects can be taken to mean the absence of built form.
10. There does not seem to be any dispute between the Council and the appellant on this matter which ostensibly considered the effect on openness of the hall, the car park and the memorials. I would agree with the findings of the previous Inspector on the matter of the hall, referring to my findings above. However, and notwithstanding the comments of the main parties, the matter of the car park and the memorials gives me cause for concern.
11. I agree with both main parties that the revised location of the car park offers almost complete visual cover which is clearly relevant in terms of the previous Inspector's findings on the effect of the car park on the visual aspect of the Green Belt. However, and as per the previous scheme, the use of the car park

¹ Planning Inspectorate Reference APP/W0530/W/15/3136267

² The National Planning Policy Framework 2012

³ Paragraph 88 of the Framework

⁴ South Cambridgeshire District Council Local Development Framework: Development Control Policies Development Plan Document 2007

would be relatively constant and thus parked cars would have an inevitable effect on openness, drawing parallels with the case law that has been advanced in the evidence. The relocation of this car park to a less conspicuous location may reduce the effect it would have on the visual aspect of the openness of the Green Belt, but would not reduce its effect on the spatial aspect. A net reduction in this aspect would therefore still result.

12. I also note that the plans show the memorials will be no higher than 600mm. Should planning permission be granted for the scheme it would be specified by condition to be carried out in accordance with the submitted plans and thus a degree of control could be exercised in this respect to minimise the effect memorials would have on openness. Both visually and spatially.
13. Notwithstanding the Council's views on this matter, it is difficult to see how the matter of the height of the memorials can be controlled in the future. The compliance with the plans would relate to the development carried out, memorials not strictly being buildings or necessarily development in planning terms. Thus I would be further concerned that they could not be the subject of their own condition to limit their height. Further, I do not have any other sufficiently robust mechanism before me to stipulate, and indeed control, the finished height of memorials that would be used in the future. The memorials would therefore likely also have a reducing effect on both the spatial and visual aspects of the openness of the Green Belt. An effect which would be exacerbated by the sheer number of them, having regard to the scale of the burial ground element of the proposed development.
14. Taking all of these factors together, the proposed development would result in a net reduction in the openness of the Green Belt in the manner that I have described. This reduction in openness would represent another harm to one of the essential characteristics of the Green Belt. This is in addition to the harm that would be caused by the inappropriateness of the proposed change of use.
15. A proliferation of uncontrolled memorials would lead to encroachment into what is currently open countryside falling within the Green Belt. The extent of the appeal site that would be covered by memorials is an extensive area of land and views of it would be available from a multitude of, albeit transient, vantage points. This encroachment would, as found by the previous Inspector, bring hard elements into the countryside, conflicting as it would with one of the purposes set out by paragraph 80⁵ of the Framework.

Location

16. The appeal site is not part of an existing settlement and is located some considerable distance from the closest. As I have alluded to above, there is a combination of environmental factors which would mean access to the proposed development would likely rely on the use of the private car.
17. Alternative options aside for the time being, it seems reasonable to me in terms of the use of the appeal site that visitors would be more likely to use the private car given the private and often close knit family or friendly nature of funeral congregations. It does not seem logical to me that, even if such were available, people would rely in the main on public transport options for this purpose. Similarly, people wishing to pay their respects at the grave side or in

⁵to assist in safeguarding the countryside from encroachment;

any memorial garden area in the future would likely make journeys on an ad hoc basis, preferring to use a car for this purpose. Given where the appeal site is and the scale of the proposed development, I would conclude that such journeys would be often, of notable length, and many in number.

18. The appellant has suggested that the operation of the proposed development would provide an electric bus to encourage access to the appeal site via more sustainable means. Whilst this is a laudable approach, I have no further details of how this would work before me such as to what extent it would be provided, where it would go and the frequency of operation. Moreover, and similar to my concerns over the height of the memorials, there is nothing before me which would secure such a service. The Council have suggested a condition to agree details of this facility. The condition is however limited in its effect to simply agreeing details. The lack of mention as to how such details may be carried forward and managed is of significant concern to me. As is the unfair burden that would be placed on the Council for monitoring and enforcement going forwards.
19. Notwithstanding this, I remain of the view that visitors to such a use would have a general preference for the use of car for the reasons I have specified. Based on my findings here, the location of the appeal site would not minimise the need to travel or reduce the reliance on the use of the private car, representing further harm in planning terms. This would lead to confliction with Policy DP/1 of the Local Plan as well as the Framework for these reasons.

Other Considerations

20. The proposed development would provide a nature reserve along the southern extent of its eastern boundary. This element has garnered support from local wildlife specialists. It is detailed in its proposed layout and habitat arrangement and there seems little doubt in my mind that it would be beneficial in ecological terms, improving as it would the general biodiversity of the area. It would be a positive element of the proposed development. The reserve would not be wholly separate in operational terms. It would rely on and re use some of the soil and other deposits that are removed from burial spaces and other landscaping works in the operation of the burial site.
21. Nonetheless, and how it may interact with the burial site element aside, the provision of a nature reserve would be a distinct and separate use of the land. Whilst being positive, I remain to be persuaded that it would have the effect of reducing the harms that would arise out of the other elements of the proposed development on the Green Belt. In essence, I cannot see how the nature reserve does something that would result in the planning harms being less so. It would be a benefit, but a benefit unrelated to harm to the Green Belt, which would remain and as per the Framework, should be apportioned substantial weight. Put simply, it would not make the change of use not inappropriate development, reduce the effect of the car park or memorials on openness and the location of the proposed development would not alter.
22. The appellant has provided corroborated evidence of the demand for burial space. Similarly, the Council refer to information produced by Whittlesford Parish Council which sets out that there is sufficient space provision within the parish itself and the district more generally. I also have regard to the previous Inspectors findings on this matter.

23. Taking into account the stated new cemetery that is due to come forward at Northstowe, the evidence from the Parish Council on need that is more locally driven and existing provision I cannot see anything in the appellant's evidence that would lead me to a different conclusion that there is no immediate pressing need for additional burial space that would justify the location and scale of the proposed development in light of the harms that I have found.
24. I note the assertions of the Framework in the context of the positive planning to enhance the beneficial uses of the Green Belt. Specifically in respect of this point which is to look for opportunities to provide access for outdoor sport and recreation. I further note that a cemetery can be used as a site for a walk during contemplation or remembrance and the appeal scheme would fund a footpath extension to link two local public rights of way. The appellant advances that this would respond to the Framework's assertions as I have referred to them above.
25. The additional footpath would be a benefit albeit limited in its scale, particularly since the Council's evidence states that there is already sufficient linkages in this respect. The closest extending along one of the boundaries of the site. Moreover, and in the same respect as my findings on the matter of the electric bus and the memorials, no mechanism is before me to secure the footpath link to ensure its provision.
26. There would be some educational benefit to local schools and other groups in connection with the nature reserve and I can see that the hall could be put to a dual purpose in this regard. This element could however operate completely independently of the wider burial site and whilst beneficial, it is thus a weak consideration against the scale and extent of the harms that I have identified.

Conclusion

27. The Framework is explicit that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly (my emphasis) outweighed by other considerations.
28. The proposed change of use would be inappropriate development in the Green Belt which, it is established, would be harmful by definition. Further harm to the Green Belt would be caused by the net reduction in both the spatial and visual aspects of its openness in the manner that I have described. The proposed development, given its scale and nature would not be able to minimise journeys via unsustainable means which would constitute further environmental harm in planning terms. These harms would result in clear conflict with Policies GB/1 and DP/1 of the Local Plan which seek, along with the relevant sections of the Framework, to protect the Green Belt's essential characteristics from harm and promote sustainable patterns of development.
29. I have weighed the arguments of benefit against these harms above and for the reasons given I conclude that they would not be sufficient to clearly outweigh them. Consequently a case for very special circumstances has not been made in their light. The appeal therefore fails.

John Morrison

INSPECTOR