
Appeal Decision

Inquiry Opened on 16 January 2018

Site visit made on 16 January 2018

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2018

Appeal Ref: APP/W0530/W/17/3179762

Land Off Back Road, Linton

- 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 Gladman Developments Limited against the decision of South Cambridgeshire District Council.
 - The application Ref S/0096/17/OL, dated 12 January 2017, was refused by notice dated 10 July 2017.
 - The development proposed is an outline application for up to 95 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) and vehicular access point from Back Road. All matters reserved except for means of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The inquiry sat for 7 days from 16 January 2018. There was an accompanied site visit on 24 January 2018, and I carried out unaccompanied site visits to the site and surrounding area. Linton Parish Council was a Rule 6 Party at the inquiry.
3. The appeal relates to an outline planning application with all matters except access reserved for future determination. The details of the access into the site (including its location and junction arrangements) were submitted for approval.
4. An agreement under s106 of the Town & Country Planning Act 1990 was submitted by the appellant. This covenants to make contributions towards a number of services including the provision of household waste receptacles, outdoor sports, indoor community space, early years and primary education, and libraries. The obligations include the provision of open space within the site, including a play area. They also provide for the creation of a grassland area and undertake to form a Management Company in respect of the open space, SuDS and grassland area, as well as the provision of affordable housing. The Council submitted a statement to demonstrate that these obligations would comply with the statutory tests within the Community Infrastructure Regulations.
5. Prior to the commencement of the inquiry, the Council decided that it would not be defending the reasons for refusal in relation to the effect of the proposal

on the archaeological interest of the site, the loss of grade 1 agricultural land, and, subject to the mitigation proposals submitted by the appellant, the effect of the proposal on the ecological interest of the Protected Roadside Verges. In terms of the highway reasons for refusal, the Council agrees that the proposed access would be of an acceptable standard and would not be detrimental to highway safety. It also accepts that the proposal would provide satisfactory pedestrian links with the village. Notwithstanding this, Linton Parish Council maintained its objection in relation to the effect on the protected roadside verge and the archaeological interest of the site.

6. A Statement of Common Ground between the Council and the appellant in relation to planning matters was submitted. A separate Statement of Common Ground between the Highway Authority and the appellant was also submitted.
7. The landscape evidence on behalf of the appellant was prepared by Mrs House. She was unable to attend the inquiry and her evidence was presented by Mrs Kennedy. Mrs Kennedy made some revisions to Mrs. House's proof, including Tables 1-4 and the matrices that accompanied the photo views within it, to reflect her own professional judgment. This decision relies on the evidence presented by Mrs. Kennedy to the inquiry.
8. Following the close of the inquiry an email was received from Linton Parish Council expressing concern that that the judgements circulated with the appellant's closing submissions had not been submitted earlier in the appeal process and that this was procedurally unfair. The submitted judgements related to cases referred to by the appellant during the course of the inquiry in respect of the relationship between paragraphs 14 and 109 of the National Planning Policy Framework. They do not represent new evidence.

Main Issues

9. I consider the main issues to be:
 - The effect of the proposal on the landscape character and setting of Linton;
 - The effect of the proposal upon the Furze Hills Protected Roadside Verge County Wildlife Site and Hildersham Protected Verges;
 - The effect of the proposal on highway safety and the functioning of the highway network;
 - The effect of the proposal on features of archaeological interest on the site;
 - The effect of the proposal on designated heritage assets with particular reference to Linton Conservation Area and the Grade II listed buildings at Little Linton; and
 - The overall planning balance having regard to the Council's five year housing land supply position.

Reasons

Landscape

10. The appeal site comprises part of two arable fields situated to the north-west of Linton and extends to an area of about 6.16 hectares. It occupies the lower slopes of an area of land which rises up towards Pains Pasture woodland. The

site is divided by a well-established hedgerow which runs broadly north to south. It is bound by Back Road to the south and the Ickniel Way adjoins the eastern boundary of the site.

11. The village of Linton extends to the south and east of the appeal site. Although the appeal site lies within an area designated as open countryside it is directly opposite the existing dwellings within Linton. I consider that this part of Back Road has a suburban, or transitional character, rather than a rural character.
12. The proposal is for 95 residential dwellings. Although the layout of the site is a reserved matter, the appellant advises that the dwellings would occupy about 3.18 hectares of the site, and there would be about 2.98 hectares of formal and informal open space. This would include 0.83 hectares of new woodland, 0.18 hectares of new hedgerow, and 0.90 hectares of new native grassland along with a series of wetland swales designed to maximise ecological diversity and habitat gain.
13. The proposed site entrance would require the removal of about 75 metres of hedgerow. It is proposed to translocate this to the boundary with Ickniel Way. Although the site occupies rising land, the northern boundary does not rise above the 60m AoD contour line. It is intended that the built development would not exceed the 55m AoD contour and the density of the proposed dwellings would decrease towards the northern boundary of the site.
14. The wider landscape, of which the site forms part, comprises rolling chalk downland, blocks of deciduous woodland and a medium to large field structure. The village of Linton, including Paynes Meadow and Chalklands, together with the valley of the river Granta, also contribute to the landscape character.
15. Amongst other matters policy DP/3 of the Development Control Policies DPD (adopted 2007) states that development must not have an unacceptable adverse impact on the countryside, and landscape character. Policy NE/4 states that development will only be permitted where it respects and retains, or enhances, the local character and distinctiveness of the individual Landscape Character Area in which it is located. The supporting text to policy NE/4 identifies five landscape character areas and advises that the Council will prepare a district-wide design guide to ensure that development respects the local distinctiveness of these landscape character areas. It also notes that it will be important to maintain a clear transition between the urban areas and the countryside and to ensure that development on the edge of the urban area does not create obtrusive and unattractive skylines.
16. The appeal site is located within National Character Area 87: the East Anglian Chalk character area. This area is characterised by the narrow continuation of the chalk ridge that extends from Breckland in the east to the Chilterns in the west. It is described as a visually simple and uninterrupted landscape of smooth, rolling chalkland hills with large regular fields enclosed by low hawthorn hedges, with few trees, straight roads and expansive views to the north. It is an open landscape, but trees on the hill tops are characteristic of the area. The chalklands are traversed by several ancient trackways, including the Ickniel Way.
17. The Cambridgeshire Landscape Guidelines, published in 1993, defined landscape character areas (LCA) for the County. This placed the site lies within Area 1: South-East Clay Hills, although Area 2: Chalklands, lies a short

distance to the south east. The Clay Hills are described as an undulating area, quite high for Cambridgeshire. The small villages and hamlets within it are generally situated within more sheltered situations usually along the spring line and in the shallow valleys. The Guidelines state that the landscape character is derived from the scattering of farmsteads and small settlements interspersed with farm woodlands. Improvements identified for this area include the creation of new woodlands which should link with existing woodlands or be about 2 to 5 hectares in area. The Guidelines also support the planting of woodland belts and wide hedgerows, as well as improved hedgerow management, including allowing some of the existing hedges to grow taller.

18. South Cambridgeshire District Council (SCDC) adopted the District Design Guide SPD in March 2010 pursuant to policy NE/4. This divides the district into 5 distinctive Landscape Character Areas (LCA). The appeal site falls within LCA B:Chalklands. The identified characteristics are broadly similar to those in the national landscape character assessment. Linton Parish Council suggests that the landscape assessment evidence within the District Design Guide SPD should carry more weight than that within the Cambridgeshire Landscape Guidelines since the appeal should be determined in accordance with the development plan. Whilst the SPD adds further detail to development plan policies, and is a material consideration in respect of this appeal, it is not part of the development plan. Moreover, each of the landscape assessment documents above provide guidance as to the various landscape characters within an area together with aspirations for future development and enhancement, but are not intended to be prescriptive.
19. The landscape in which the appeal site is located is typical of the chalkland landscape described in the National Character Area and the District Design Guide SPD. It exhibits a generally open rolling character in arable production, with trees and copses on hilltops, as well as on some of the lower slopes. In addition, the remnant chalk grassland, including road verges, support rare chalkland flora and populations of invertebrates, which is a noted characteristic of this typology. Ancient routes such as the Icknield Way are also characteristic of such areas. Nonetheless, the locality also reflects some of the characteristics of the South Clay Hills character area identified at County level. These include the undulating landscape, which is uncharacteristically high for Cambridgeshire, and the location of settlements within more sheltered situations such as along the spring line and in the shallow valleys.
20. In terms of the character area the landscape includes not only the arable fields that comprise and surround the appeal site, but also Linton itself. Within the immediate vicinity of the appeal site the dwellings within Linton include those on the opposite side of Back Road, and those to the east of the appeal site where it extends up the lower slopes of the chalk downland. The dwellings at Chalklands and Paynes Meadow extend a considerable distance up the slopes from Back Lane. The Parish Council sought to distinguish some of these dwellings as social housing. Whether or not this is the case, they are clearly long established dwellings and come within Linton and impact upon its setting of Linton regardless of tenure. Therefore for the purposes of assessing the effect of the proposal on the surrounding landscape they are simply existing dwellings.
21. The Council is critical of the boundary of the appeal site in that it follows a straight line and does not reflect the contours of the site. The illustrative

masterplan within the Design and Access Statement shows a more sinuous edge to the developed part of the site that broadly reflects the contour line. Regular boundaries, such as that proposed, are not uncharacteristic of the surrounding area. Other residential development in the locality, including that on the opposite side of Icknield Way, also cuts across the contours. In addition, there are several areas of woodland with boundaries that cut across the contours, including Pains Pasture to the north of the appeal site.

22. The proposal would however fragment the existing fields and alter the long established field pattern. The remainder of the western-most field would adjoin the existing farm track, and form a continuous belt of arable land with the existing fields to the north-west. The remainder of the other field would be separated from the surrounding arable land by the existing hedgerow between the fields. It would adjoin Pains Pasture Woodland, the Icknield Way, and the proposed development. Mrs Kennedy, on behalf of the appellant, suggested that it would be practical to continue to use the remainder of this field for arable purposes. In my opinion due to its size, shape, and the hedgerow, it would be inaccessible from and unrelated to, the arable land to the west and would be at odds with the surrounding large scale arable landscape.
23. The character of the appeal site would change from a predominantly rural pastoral landscape to a suburban one, with the associated infrastructure and activity including street lighting, play areas and vehicular movements. Although the hedgerow that crosses the site would be largely retained it would lose its pastoral setting and would be contained within the development.
24. This change in character would be noticeable from Back Road as well as from the Icknield Way. However, the site is not visible from within the historic core of the town and therefore it would have a more limited effect on the setting of Linton as a whole.
25. The proposals include provision for a belt of woodland adjacent to the north-west boundary of the site and an enhanced hedgerow with trees along the boundary with Back Road. The appellant considers that whilst the proposal would initially cause some harm to the character of the landscape, once the proposed landscaping has established this would be mitigated. It is suggested that views over and beyond the proposed development would be retained, and that the current harsh urban edge would be replaced with a more sympathetic gateway to the village.
26. The proposed woodland belt would not necessarily be uncharacteristic of the locality, but it would erode the open nature of the landscape of which the appeal site forms part. I appreciate that once the landscaping matures some views over the proposed dwellings would remain, nevertheless there would be a significant change in landscape character. The proposed hedgerow planting to the front of the site would not be uncharacteristic of the area. It would reflect the planting found elsewhere in the locality, including opposite the appeal site adjacent to the Woodlands. Whilst I do not consider that the proposed hedgerow would be harmful, I am not persuaded that it would be a significant benefit of the proposal.
27. The appellant considers that the extent of the harm would be lessened because the landscape is not intact. Reference was made to parts of the hedgerow missing along Back Road and within the site. In my opinion this does not detract from the overall landscape character of the locality.

28. I consider the most significant views of the proposed development to be those from Back Road and the Icknield Way. The importance of the site and adjacent landscape as a setting for Linton is particularly evident in views from Back Lane to the west, where the open rural character of the landscape dominates.
29. From Back Road in the vicinity of the appeal site, the lower slopes and chalk downland would be occupied by the proposed dwellings. These would be obscured to some extent by the boundary hedge. The proposed dwellings could be viewed as a continuation of Linton, although they would extend up the slope to a greater extent than the properties immediately to the east of Icknield Way. Nevertheless, they could be considered to be a logical extension to the existing residential development that currently extends up the lower slopes, including that at Paynes Meadow and Chalklands. It is also apparent that development on the northern side of Back Road where it adjoins Balsham Road is fairly continuous on this side of Linton. Subject to a satisfactory landscape scheme, I consider that over time, once the proposed landscaping has established, the proposal would not significantly harm these views.
30. Approaching Linton from the west along Hildersham Road and Back Road the view is one of a rolling arable landscape. Owing to the nature of Back Road the appeal site and surrounding landscape are visible over a considerable distance. The open nature of the road frontage emphasises the rolling, rising landform of the area. The alignment of the road and the hedgerow adjacent to the public footpath screen views of the dwellings on the southern side of Back Road until shortly before they are reached. The proposal would appear conspicuous in views on the approaches to Linton from the northwest where the rest of Linton Village is currently hidden from view until one is very close to the appeal site. During the early years of the development the view would be of a housing estate, albeit with some substantial areas of planting and landscaping. As the landscaping matures the proposed woodland belt adjacent to the western boundary would limit views of proposed dwellings. However, it would also restrict views of the lower slopes of the existing rolling landscape.
31. The Icknield Way runs adjacent to the appeal site. The lower part passes between the existing hedgerow to the appeal site and the boundary to the rear gardens of the properties to the east. As it rises beyond this point it becomes a footpath passing through a rural landscape with arable fields or woodland on either side, particularly when travelling up towards Rivey Hill. Its essential characteristic is one of openness with extensive views across the landscape including Linton. The proposed dwellings, together with the infrastructure, including the roads and street lighting, as well as the domestic paraphernalia associated with a residential use would significantly harm these views. The change would be noticeable from a considerable length of the footpath. The proposed structural planting would extend along a considerable proportion of this boundary, and once established would limit these views and alter the open rural character of the landscape.
32. There would be views from the roads adjoining this part of Back Road, but the narrowness of these roads and the existing vegetation would limit the extent of such views which would be very localised. Although the change in view may be less desirable to some residents it would not be harmful. Whilst the appeal site is visible from some locations within Linton, for the most part these would be glimpsed views of the upper slopes which would be unaffected by the appeal proposal.

33. I also viewed the appeal site from various public rights of way within the wider locality. These included a number of distant and mid-distant views. The most significant views were from the footpaths in the vicinity of Little Linton. The Parish Council suggests that there are several locations within the landscape setting of Little Linton from where the proposed development would be visible as a prominent urban extension on the elevated slopes of Rivey Hill rising up from the Granta Valley. I disagree. The upper slopes of the appeal site are visible from the footpath that runs adjacent to the pylons, but these views are across the existing residential development at Linton. Therefore the harm arising from the change to these views would be limited.

Valued Landscape

34. The parties differed as to whether the site forms part of a valued landscape for the purposes of paragraph 109 of the Framework. The appeal site is not a designated landscape within either the existing local plan or the emerging plan. The Framework discourages such designations, and paragraph 113 suggests that assessments should be based on criteria based policies. Therefore the fact that it is not designated does not mean that it is not a valued landscape.
35. GLVIA 3 on which all the parties relied adopts a broad definition of landscape. The parties agree that box 5.1 of GLVIA 3 is a useful starting point for assessing whether the site is a valued landscape.
36. In terms of quality the appellant considered the landscape to be fairly typical. Although parts of the hedgerow are missing, the landscape is generally intact. It has an attractive appearance and adds that sense of place both when viewed from Back Road and in views from Icknield Way. The Parish Council sought to suggest that it was a rare landscape. I am not persuaded that this is the case. I appreciate that much of the landscape within Cambridgeshire is low lying and for that reason the appeal site could be considered as part of a wider landscape character area. Notwithstanding this it does include features such as the winterbournes and forms part of a wider funereal landscape. I consider it to be a representative landscape. In addition, it derives conservation value from the protected verges, the archaeology on the site, and the proximity of the Icknield Way. The surrounding network of public rights of way add to its recreational value.
37. I am aware that neither the Council's Planning Officer nor Landscape Officer identified the appeal site as a valued landscape. However, drawing the above points together, and having regard to the broad definition of landscape within GLVIA 3, I conclude that the appeal site is a valued landscape.
38. For the reasons given above I consider that the appeal site lies within a predominantly chalklands landscape area, but also demonstrates some of the characteristics of claylands landscape identified by the County level landscape assessment. Although it would retain and indeed enhance some of these characteristics, such as the protected verges, it would significantly harm the open rolling landscape which is one of the essential characteristics of this typology. I have found that the site is a valued landscape and therefore looked at in the round the proposal would harm the landscape character and setting of Linton contrary to policies NE/4 and DP/3.

Paragraph 109 and the Tilted Balance

39. At the inquiry the Council changed its position in relation to whether valued landscapes came within the scope of footnote 9 of the Framework and represents a specific policy indicating that development should be restricted in accordance with the fourth bullet point of paragraph 14. Where a policy comes within the scope of footnote 9 it effectively disengages the tilted balance within paragraph 14 of the Framework.
40. There are no fully reasoned judgements on this issue. The parties drew my attention to the Leckhampton case where there was an Order refusing permission to apply for Judicial Review. One of the grounds for seeking a Judicial Review was that there the Inspector had erred in finding that paragraph 109 was a restrictive policy for the purposes of paragraph 14. Mr Justice Lewis found this matter to be unarguable.
41. The matter was subsequently considered by Mr Justice Holgate on the basis of oral representations. He stated that there was an outstanding legal issue in other cases before the courts as to the approach to be taken to determine what kind of policies within the Framework are to be treated as indicating that "development should be restricted". He acknowledged that decisions in the High Court were inconsistent on this point. Although he considered the matter to be arguable, because the Secretary of State had undertaken the balancing exercise required by limb 1 of paragraph 14, even if a Judicial Review found in favour of the claimant on this matter, it would not have caused the decision to be quashed. Moreover, he anticipated that the matter would be considered by the Court of Appeal in the Watermead case, however this matter was not addressed in that judgement.
42. On behalf of the Council, Mr Streeten submits that the examples listed at footnote 9 are not just those policies that create a presumption of refusal such as Green Belt policies (paragraph 87), or heritage policies (paragraph 133). He drew attention to paragraph 114 in respect of Heritage Coasts which are included within the examples listed at footnote 9. This states that local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, and uses similar terminology to paragraph 109.
43. Mr Williams suggests paragraph 109 is essentially an introductory paragraph to Section 11 of the Framework - *Conserving and Enhancing the Natural Environment*, and that each of the topics within paragraph 109 are addressed in greater detail in the subsequent paragraphs. He considers that where policies are intended to be restrictive the Framework identifies a test such as that at paragraphs 115 and 116 in respect of nationally designated landscapes such as National Parks and Areas of Outstanding Natural Beauty, and paragraph 119 for the Birds and Habitat Directives. He submits that there is no comparable policy in relation to valued landscapes.
44. Mr. Williams also referred to the Telford and Wrekin judgement in relation to paragraph 112 of the Framework and the protection of soils.¹ This found that paragraph 112 did not constitute a footnote 9 policy. This was on the basis that it did not confirm any level of protection and instead contained a preference for the use of lower grade land.

¹ [2016]EWHC 3073 (Admin)

45. I agree with Mr Williams that when one considers Section 11 of the Framework as a whole, paragraph 109 is an introductory paragraph. The Wendover Inspector² took a similar view. She noted that paragraph 109 sets out the aspirations of the planning system and then proceeds to set out specific policies in relation to particular matters in the following paragraphs which provide more specific advice.
46. It is common ground between the parties that footnote 9 is not an exhaustive list of 'specific policies that indicate development should be restricted'. It does however explicitly refer to Areas of Outstanding Natural Beauty, and land within a National Park (or the Broads Authority). It confirms at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in these areas. Paragraph 116 states that planning permission should be refused for major developments in these designated areas other than in exceptional circumstances and where it can be demonstrated they are in the public interest.
47. Paragraph 113 requires local planning authorities to set criteria based policies against which proposals for any development on, or affecting, protected wildlife or geodiversity sites or landscape areas will be judged. It states that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status. I share the view of the Coggeshall Inspector³ that undesignated valued landscapes, such as the appeal site, are lower tier landscapes, and are not afforded the same level of protection as Areas of Outstanding Natural Beauty or National Parks.
48. Whilst I agree with Mr Streeten that Heritage Coasts are not designated landscapes, they are however defined landscapes. They comprise stretches of our most beautiful, undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. As made clear by PPG (ID: 8-006-20140306) most of the defined Heritage Coast lies within land designated as Areas of Outstanding Natural Beauty or National Parks. I therefore consider them to be clearly distinguishable from undesignated valued landscapes.
49. Both parties submitted examples of appeal decisions that support their view as to the interpretation of specific policies which indicate development should be restricted. Although the submitted decisions post-date the judgement by Mr Justice Holgate, none of these decisions refer to this judgement. It would therefore seem that in reaching their conclusions on this matter my colleagues were unaware of his views.
50. The Loughborough appeal decision⁴ addresses a situation where the appellants accepted during the course of the inquiry that paragraph 109 was a policy that indicated that development should be restricted. In concluding on this matter the Inspector noted that whilst the interpretation of policy is a matter of law, the approach of Mr Justice Lewis in the Leckhampton case looked to be the correct approach. In the case of the Harrogate appeal⁵ the Inspector followed the approach of the Loughborough Inspector.

² APP/J0405/W/16/3158833

³ APP/Z1510/W/16/3160474

⁴ APP/X2410/W/15/3028159

⁵ APP/E2734/W/16/3160729

51. The Finchingfield appeal decision⁶ found that there was no reason to conclude that the protection and enhancement of valued landscapes required by paragraph 109 of the Framework is not a restrictive policy to which the second strand of the last bullet point of paragraph 14 applies. The Inspector considered that it would be difficult to adequately protect and enhance valued landscapes if the requirement to do so was not reasonably regarded as a policy that restricts development that would cause harm to such landscapes. In my view such protection could be afforded by way of the criteria based policies required by paragraph 113 of the Framework, or by the decision-maker exercising planning judgement. Moreover, I note that he relied upon the decision of the Steeple Bumpstead Inspector in relation to this matter, which in turn relied on the Leckhampton Order. The Steeple Bumpstead case was also cited by the Parish Council as lending support to the view that a valued landscape came within the scope of footnote 9. However the Steeple Bumpstead Inspector relied on the views of Mr Justice Lewis.
52. Having regard to the submitted appeal decisions and the submissions on behalf of all parties, I conclude that the requirement at paragraph 109 to '*contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*' does not represent a specific policy that indicates that development should be restricted. Therefore my finding above that the appeal site forms part of a valued landscape does not preclude the engagement of the tilted balance at paragraph 14 of the Framework.

Protected Roadside Verge

53. The appeal scheme proposes a footpath link from the north-west corner of the appeal site. This would extend along Back Road to a point opposite an existing public right of way about 148 metres north-west of the site. About 76 metres of the proposed footpath would run adjacent to the protected verge. This verge is designated as the Furze Hills Protected Roadside Verge County Wildlife Site and the Hildersham Protected Roadside Verge.
54. The footpath would largely be located within the arable land adjacent to the protected verge, but where it crosses to the road edge the path would necessitate the removal of a small section of the verge (less than 10m²). The appellant accepts that there would be some harm to the protected roadside verge at this point. However the protected verge is not in good condition at this location since it provides a field access route. The Council agrees that the loss of this part of the verge would be unlikely to result in major degradation of the protected roadside verge overall, and that any habitat loss could be adequately compensated for by the proposed creation of new grassland nearby.
55. The verge is designated for its population of lesser calamint and neutral/calcareous grassland. The CWS cites this as the reason for designation. It also identifies both the neutral/calcareous grassland and the presence of lesser calamint as its 'wildlife interest'. Lesser calamint is a short-lived perennial herb, associated with dry calcareous, sandy or gravelly soils. It was formerly found in pasture and it is understood to be 'Nationally Scarce'. It is now largely confined to roadsides, railway banks, churchyards and waste ground predominantly in East Anglia. In addition to this direct impact, without

⁶ APP/Z1510/W/17/3172575

- an appropriate buffer along the footpath route and other protective measures, there is potential for increased trampling of the existing verge habitats.
56. Policy NE/6 states that new development should aim to maintain, enhance, restore, or add to biodiversity. It states that opportunities should be taken to achieve positive gain through the form and design of development. Policy NE/7 seeks to ensure the intrinsic natural features or particular interest of non-statutory sites are safeguarded or enhanced. Factors to be taken into account include the nature and quality of the site's features, including its rarity value, the likely effectiveness of any proposed mitigation, and the need for compensatory measures in order to protect and enhance remaining features, or to recreate habitats on or off the site. Policies NH/4 and NH/5 of the emerging Local Plan adopt a similar approach.
57. The proposed mitigation includes off-setting the proposed footpath from the verge to provide a wider grassland corridor which could act as a buffer to the existing verge. In addition, a post and wire fence is proposed alongside the path to exclude people and dogs from the verge and new grassland. This would provide a buffer against trampling, discourage access and prevent any nutrient enrichment of the grassland by the deposition of dog faeces.
58. The Parish Council states that the plant species on the protected verge are reflective of both the underlying soils and the use of the verge in the last hundred years. It considers that the establishment of similar species on the existing farmland would require a change in the fertility of the soil, and as such would take some time to achieve. It is also concerned that the proposal would require the removal of the ditch adjacent to the verge and that surface water run-off from the fertilized fields could kill the plant life that is reliant on the unfertilized soils.
59. The appellant's proposals include a Grassland Establishment Plan. This provides the new grassland strip to be seeded with a bespoke calcareous grassland mix reflecting the existing verge. The appellant acknowledges the need to reduce the fertility of the soil within the grassland strip and suggests that this could take 3 to 4 years to achieve. The submitted planning obligation includes a five year Management Plan to cover the period after the establishment of the new habitat. I agree with the Parish Council that it is important to ensure that the surface water run-off from the fertilised fields does not impact on the fertility of either the existing verge or the proposed grassland corridor. This matter could be addressed at the time of the detailed design.
60. The proposed grassland corridor would provide about 2116 square metres of grassland. I consider that this would adequately compensate for any adverse impacts arising from the creation of the footpath connection and would also provide a significant enhancement. At the time of the application the Council's Ecology Officer considered the proposed mitigation to be acceptable, but was not satisfied that it was deliverable. On the basis of further information submitted by the appellant the Council is now satisfied that the proposed mitigation could be delivered.
61. The Parish Council submits that the protected verge is owned by Miss Binney. She explained that she is the beneficiary of a charitable trust that has responsibility for the protected verges. It was submitted that the appellant does not have the right to cross the protected verge. The ownership of the

verge is a private matter outside my jurisdiction. Should the appellant be unable to provide the footpath link as shown on the submitted plans then it would not be possible to implement the scheme as shown. However this consideration does not detract from the effectiveness of the mitigation.

62. Linton Parish Council refers to a letter submitted by the appellant at the time of the application, which stated that the land outside the red line boundary cannot be used for habitat creation. It would seem that on a fair reading of this letter that it refers to land between the appeal site and Pains Pasture Woodland. However even if this were not the case, a letter and title plan provided by the landowner was submitted to the inquiry. On the basis of the submitted evidence I am satisfied that the mitigation proposed by the appellant could be delivered.
63. Paragraph 118 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Linton Parish Council considers this to be a sequential approach. It suggests that mitigation should only be considered once alternative sites that may not require mitigation have been considered. I disagree with this view. Where the Framework advocates a sequential approach it makes specific reference to it. Examples include some town centre uses outside of an existing centre, or not in accordance with an up-to-date Local Plan, and also when assessing flood risk.
64. The appeal proposal would accord with paragraph 109 of the Framework in that it would enhance the biodiversity of the appeal site and once established would effectively provide an extension to the protected verge and the species or its supports. As a consequence of the proposal the protected species within the verge would be more resilient to future pressures. The proposal would also be consistent with policies NE/6 and NE/7 in that it would provide a positive gain and enhancement.
65. I therefore conclude that whilst the proposal would give rise to some limited harm to the protected roadside verge, this would be adequately mitigated by the proposed grassland corridor.

Highways

66. The reason for refusal in relation to highways matters related to the capacity and functioning of the highway network, in particular the capacity of the A1307/Hildersham Road junction and the implications of the additional traffic on highway safety in the light of the width of Back Road. In addition, concerns were raised in relation to the design of the site access and pedestrian linkage between the appeal site and Linton Community College.
67. Following further discussions between the Highway Authority and the appellant the parties now agree that the design of the site access is acceptable, as are the proposals for the pedestrian linkage to Linton Community College. It is also agreed that the junction of the B1307/High Street Hildersham does not require any further consideration or mitigation. These matters are set out in a Statement of Common Ground between the appellant and the Highway Authority.

68. Notwithstanding the agreement on the above matters, the Highway Authority maintains its objection to the capacity of the A1307/Hildersham Road junction and the adequacy of Back Road to accommodate the additional vehicles arising from the proposal due to its limited width in places.

A1307/Hildersham Road Junction

69. Although this junction is located some distance from the appeal site, the appellant accepts that it is likely to be used by future occupants of the proposed dwellings, including during the peak periods. The parties agree as to the probable volume of traffic arising from the proposal and its distribution across the highway network. Based on the existing geometry of the junction, modelling by the appellant shows that the proposal when considered together with existing traffic flows would result in a Ratio of Flow to Capacity (RFC) above 1.00. An RFC of 1.00 or above indicates that a junction is operating at capacity and any additional traffic would be likely to give rise to a significant increase in queuing vehicles.
70. Where Hildersham Road joins the A1307 there is sufficient space for two vehicles to wait next to each other, but this is only sufficient for one or two vehicles deep. The road then reverts to a single width carriageway. The appellant also observed that the visibility to the left for vehicles exiting Hildersham Road onto the A1307 is restricted on the approach to the junction by a bund within the existing highway.
71. In order to mitigate the effect of the additional traffic on the junction the appellant proposes to extend and modify Hildersham Road where it joins the junction. This would allow the separation of right and left turning movements at the junction at an earlier stage, providing sufficient width for up to 8 cars to sit alongside each other in two lanes (4 per lane) before returning to a single lane. It is also proposed to improve visibility for drivers of vehicles exiting the junction by the removal of a section of the embankment and the provision of a retaining wall. These measures would provide for 120m visibility to be achieved 10m in advance of the give way line.
72. The impact of these changes on the capacity of the junction has been modelled on two different scenarios. The first assumes that background growth in traffic occurs on both Hildersham Road and the A1307, whilst the second assumes that background growth only occurs in relation to the A1307. Following mitigation, these result in a RFC of 0.94 and 0.89 respectively by the year 2022.
73. The appellant submits that applying growth to both limbs represents double counting since any growth in traffic along Back Road/Hildersham Road would only come as a result of new development locally. The Council believes that although Back Road is not designated as part of the strategic highway network, the volume of traffic using it suggests that it serves a strategic function with traffic from Haverhill diverting off the A1307 at Linton in order to avoid traffic congestion. Linton Parish Council shares the view of the Highway Authority.
74. The Transport Assessment Addendum indicates that a considerable number of vehicles currently use this junction in the morning peak period. It would seem probable that many come from outside of Linton, therefore on the basis of the evidence submitted to the inquiry I consider it to be reasonable to apply background growth to both limbs.

75. The Council consider that the mitigation measures should aim to achieve an RFC of 0.85. However the junction currently operates at a RFC of 0.87 and Mr Parry confirmed that the Highway Authority would not object to a scheme with a RFC close to this level.
76. The Highway Authority referred to Cambridge County Council Transport Assessment Guidelines (June 2017). This states that new accesses should aim to achieve a RFC of 0.85 for uncontrolled junctions and 0.90 for signal controlled junctions. However, the accompanying text indicates that this applies to new site accesses only. Although this guidance does not refer to the network as a whole, I am aware that where possible a RFC of 0.85 is desirable in order to ensure future road capacity for growth. I am aware that proposals are being considered to improve the flow of traffic using the A1307, and this could reduce the traffic using Back Road. However these proposals are at an early stage and insufficient evidence has been submitted for me to afford this consideration any significant weight.
77. Paragraph 32 of the Framework is clear that whilst schemes should promote improvements where these can be undertaken within the transport network and cost effectively limit the significant impacts of development, development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
78. It is evident that the proposal would add to delays at the junction. The maximum queue for cars would increase from 4 to 8 and the delay would increase from 99 seconds to 142 seconds for part of the morning peak hour. Whilst I appreciate that this may not be desirable, the junction would not be operating at capacity. Moreover the delay would only arise during part of the morning peak hour. In my view the impact would not be so severe as to justify dismissing the appeal.
79. The Council is also critical of the proposed junction improvement and is concerned that the appellant did not pay for a Road Safety Audit (RSA) by the County Council. The proposed modifications have been subject to an independent Road Safety Audit and passed to the satisfaction of the auditor. There is no substantive evidence to suggest that the RSA was not carried out in a professional and competent manner. Therefore the fact that the appellant has not sought a second road safety audit from the Highway Authority does not undermine the findings of the independent RSA.
80. At the inquiry three concerns were raised in relation to the proposed junction modifications. The first concerned the width of the proposed lanes. This matter had previously been addressed by the appellant. The second related to the potential conflict with a stay supporting the telegraph pole. This concern was identified by the RSA and is a matter to be addressed at the detailed design stage. However, there is no evidence to indicate that the necessary modifications cannot be accommodated. The final concern related to two vehicles sitting adjacent to each other at the junction and possibly masking views of oncoming traffic. However the junction already operates in this manner. The proposed modifications would simply extend and widen the length of the existing two lanes, thereby allowing for the separation of traffic to take place at an earlier point along Hildersham Road. Therefore there is no compelling evidence to indicate that the proposed junction improvements would not be safe or achievable.

Back Road

81. Both the Highway Authority and Linton Parish Council consider the width of the road to be a significant factor in terms of highway safety. They are concerned that the increase in the number of vehicles using Back Road would exacerbate the accident risk.
82. Both the appellant and Linton Parish Council measured the width of the road along its length. In places the available carriageway falls below 5 metres in width which is considered to be the minimum necessary to allow for two vehicles to pass. The appellant measured the road at 5 metre intervals, but Linton Parish Council suggested that this did not provide a true reflection of the width of the road and drew attention to some narrower points along its length. I consider that the appellant's approach provides a reasonably robust basis for assessing the width of the road, moreover, it is not in dispute that at some locations Back Road falls below 5 metres in width. This has given rise to areas of localised widening which has involved incursion onto the adjacent verges. Some of these verges are controlled by the Highway Authority, but others are privately owned and include some of the protected verges.
83. The appellant and the Highway Authority have agreed to increase the width of the carriageway to a minimum of five metres in some locations. However in other locations this is not possible due to the ownership of the land.
84. The accident record shows two relevant accidents in the last five years. One was a serious accident on Christmas Eve in 2012 and the other occurred on a stretch of carriageway that was 4.8 metres in width and involved a single vehicle. Based on the limited evidence available and it would not appear that either of these accidents was attributable to either the width of the carriageway or the nature of the stretch of road on which they occurred. Nor did they occur at times when the road was busy. I agree with the Parish Council that not all accidents are recorded, indeed Mr. Gray provided evidence of a recent accident on Back Road. However, even taking account of the additional accidents referred to by the Parish Council, I am not persuaded that the road has a particularly high accident rate. At the times I used it I noted that drivers had regard to both its width and the winding nature of parts of the road and drove appropriately.
85. The Parish Council is particularly concerned about the impact of additional HGVs on highway safety. It considers that even if the width of the road is increased to 5 metres this would be insufficient to allow two HGVs to pass, and in some instances two larger cars may also have difficulty. Outside of the construction period it is unlikely that the proposed dwellings would generate any significant HGV movements. The appellant acknowledged that HGV's would be likely to use Back Road during the construction period. However the times at which these vehicles use Back Road, together with any other necessary traffic management arrangements, could be the subject of a Construction Management Plan. Moreover, it would be a temporary effect of the proposal.
86. At the inquiry the Council suggested that widening some stretches of the road but not others would be likely to increase the speed at which traffic travels along Back Road. It submits that drivers may be taken by surprise where the road narrows and that this could lead to an increased risk of accidents. In most instances the width of the road would only be increased by a few

centimetres. Whilst this would be sufficient to allow two vehicles to pass, the road would not appear appreciably wider to motorists. Therefore I consider that the proposed modifications would be unlikely to lead to any significant increase in the speed of traffic along Back Road.

87. At the inquiry Miss Binney, the owner of the protected verges stated that she would assert her legal entitlement to the verges under her control and would take action to prevent the trespass by motor vehicles that currently occurs. The Council states that should this occur, the appeal proposal would have a severe cumulative impact on the functioning of Back Road. Whilst I do not doubt that the loss of these localised areas of widening would have an impact on the functioning of Back Road, any impact would also affect the traffic that currently uses Back Road and it would be a matter for the Highway Authority to resolve. In such circumstances I do not consider that the additional traffic generated by the appeal scheme would in itself have a significant impact on the functioning of Back Road.
88. Drawing these points together, whilst I acknowledge that the proposal would be likely to add to congestion at the junction with the A1307, subject to the implementation of the submitted mitigation proposals, I do not consider the effect of the proposal on this junction to be so severe as to justify refusing planning permission. For the reasons given above, having regard to the submitted RSA, I consider the proposed modifications to this junction to be acceptable. Whilst the proposal would increase the amount of traffic using Back Road, subject to the modifications proposed, and on the basis of the evidence submitted to the inquiry, I do not consider that the proposal would have an adverse effect on highway safety. I therefore conclude that the proposal would not be likely to have an unacceptable adverse impact on the functioning and safety of the highway network and therefore would not be contrary to policy DP/3.

Archaeology

89. The Council's third reason for refusal was that insufficient information had been submitted in relation to the impact of the proposal upon features of archaeological interest within the site. Policy CH/2 requires archaeological sites to be protected in accordance with national policy. At the time the DPD was adopted national Guidance was provided by PPG16 but this has now been replaced by the Framework.
90. Subsequent to the refusal of the application the appellant commissioned a geophysical survey and an Archaeological Evaluation Report in accordance with a brief provided by the Archaeological Advisor to the Council (the Senior Archaeologist at Cambridgeshire County Council). This work was undertaken in accordance with a Written Scheme of Investigation, agreed with the Council's Archaeological Advisor, who visited the site to monitor the works.
91. The Council's Archaeological Advisor considers that sufficient information has been submitted to characterise the nature of the archaeological resource present within the site. Consequently the reason for refusal in relation to archaeology has been withdrawn by the Council. Notwithstanding this, Linton Parish Council considers that the proposal would be detrimental to the archaeological interest of the site.

92. The Archaeological Evaluation Report identified below-ground remains including four parallel ditches of Iron Age date and a ring ditch, assumed to be the remains of a Bronze Age barrow. It also identified several discrete features, including an inverted Bronze Age child cremation burial; pits of likely Bronze Age date; and undated features including a series of three postholes, two ditches and pits. Finds of Mesolithic and Neolithic worked flint were also recorded, as well as a residual fragment of ceramic tile, possibly a tessera of Roman date.
93. These finds represent non-designated assets of archaeological interest. Paragraph 139 of the Framework advises that where such archaeological assets are demonstrably of equivalent significance to scheduled monuments, they should be considered subject to the policies for designated heritage assets within the Framework.
94. Ms Meara, on behalf of the appellant, considers that the ring ditch probably represents the remains of a Bronze Age round barrow. Historic England advises that round barrows are the most numerous of the various prehistoric funerary monuments. It states that given the numbers, some selection is needed when assessing them for their suitability for designation. Where they survive, and especially as groups, as good up-standing earthworks and retain archaeological potential, they will generally be designated.
95. The barrow within the appeal site does not benefit from any up-standing earthworks. I share the appellant's view that it is not of sufficient interest to warrant designation. Ms Meara acknowledges that the relationship of the cremation burial increases the significance of the ring ditch remains. However, she states that it is not unusual for cremations to be recorded in proximity to barrows. She was of the opinion that cremation burial did not increase the significance of the archaeological remains within the site to the extent that they would be a candidate for scheduling. This view was not disputed by the Council's Archaeological Advisor.
96. A series of four substantial parallel ditches cross the western area of the site on a north-east/ south-west alignment. They run parallel to the Icknield Way to the east. The evaluation report found them to date from the Middle Iron Age period. It suggested that they represent a prehistoric landscape feature which the appellant considers is likely to be part of a wider system of land division.
97. On behalf of the Parish Council Ms Newell disputed this interpretation. She explained that Brent Ditch to the south of Linton, and Fleam Dyke, which runs some distance to the north of Linton are part of a group of defensive ditches known as the East Anglian dykes and date from between the first and fifth centuries AD. She considered that the ditches on the site corroborate historic observations that the major ditches were linked by a network of smaller groups to provide a quick means of travel across the countryside. For this reason Linton Parish Council considers these ditches to be of high significance.
98. The Parish Council's interpretation is at odds with the Archaeological Evaluation Report which found the ditches to date from the Middle Iron Age period. Both the Council's Archaeological Advisor and Ms Meara concur with this view. Therefore it would seem that the ditches pre-date Brent Ditch and Fleam Dyke by a considerable period. In the absence of any substantive evidence to support the Parish Council's view, I prefer the evidence submitted by the appellant.

99. The appellant states that whilst the ditches within the site include deposits suitable for environmental analysis they are not of comparable quality to the waterlogged buried landscapes recorded elsewhere in Cambridgeshire. Nor are they especially rare. Therefore on the basis of the evidence submitted to the inquiry I conclude that the ditches are not of significance commensurate to a Scheduled Monument.
100. Trenches 4 and 5 found evidence of two parallel ditches towards the western part the site. In addition, three post-holes were found in trench 4. The archaeological evaluation did not recover any dating evidence from the ditches and concluded that it was not possible to attribute them either to the Bronze Age or Iron Age. The report suggests that based on the nature of the fills and orientation (parallel with Back Road) of these ditches, they probably form elements of a medieval or post-medieval field system.
101. The Parish Council disagrees and suggests that they are probably part of a cursus. It points out that the ditches are 90 degrees to another cursus found in the locality. It submits that flat bottomed ditches and aligned posts are consistent with a processional route. It also suggests that they were not adequately surveyed, and an incorrect assumption was made that the space left would be too small for a cursus.
102. Cursus monuments are particularly notable for their length. They are generally long and relatively narrow earthwork enclosures, although they can be as little as 100 metres in length. They date from the prehistoric period, with many from the Neolithic period (about 4000 - 2500 BC). Although the post holes are broadly in line with each other, they do not appear to align with the sides of the ditches.
103. I have given careful consideration to the submissions of the Parish Council in relation to this matter. I acknowledge that cursus can vary considerably in size and are an extremely rare feature of national importance. The archaeological investigations were undertaken in accordance with a detailed Written Scheme of Investigation, approved by Ms Gdaniec, the Senior Archaeologist at Cambridgeshire County Council. The work was monitored by Ms Gdaniec and she visited the site during the course of the investigations. The fieldwork also followed *Standards and Guidance: Archaeological Field Evaluation* (CifA 2014). The report was subsequently submitted to Ms Gdaniec, and she raised no concerns in relation to the content of the report, or the manner in which the evaluation was undertaken. There is no substantive evidence to suggest that the evaluation report was prepared in anything other than a professional manner, or indeed to support the Parish Council's view that this part of the site was not adequately surveyed.
104. No evidence was found within the ditches to link them with the prehistoric period commonly associated with cursus. The archaeological evaluation concluded that these ditches probably form elements of a medieval or post-medieval field system. On the basis of the evidence submitted to the inquiry this would seem to be a reasonable conclusion. I therefore agree with the appellant that the archaeological features associated with these ditches do not have any particular archaeological significance.
105. Evidence of Mesolithic and Neolithic activity comprises the residual finds of worked flint. The evaluation did not identify buried soils associated with in situ worked flint. Whilst the flint recorded on the site is of archaeological interest it

is not considered to be of the highest significance, or the significance equivalent to a scheduled monument.

106. The Parish Council considers that the site forms part of a wider funerary landscape. It submits that although Ms Meara assessed the archaeological assets against the Department for Culture Media and Sports Scheduling Guide⁷ which provides criteria for national designation, she failed to assess the significance of the wider group, including features beyond the site. Linton Parish Council considers that when assessed as a group their value and compliance with all the stated criteria is a good indicator that these assets are part of a nationally important group, which should be treated as a designated asset under NPPF139.
107. The Archaeological Evaluation Report had regard to the archaeological assets within the wider locality. These assets would have informed the conclusions within that report. The report informed Ms Meara's evidence and the Council's decision to withdraw the reason for refusal in relation to archaeology. Ms Meara considered the significance of the archaeological remains within the site individually and collectively. She noted that when considered collectively any archaeological remains may be of greater significance than the individual elements. She concluded that whilst there were assets of archaeological interest their significance was nevertheless commensurate to a non-designated heritage asset.
108. Therefore although Ms Meara may have reached a different conclusion from the Parish Council as to the value of these assets, it is evident that she did have regard to their collective value. I am therefore satisfied that the appellant had appropriate regard to the wider heritage landscape. The Parish Council's assertion that when assessed as a group the archaeological assets on the appeal site comply with all the stated criteria within the DCMS Scheduling Guide is not supported by the evidence. Both the Council and the appellant regard them as having regional importance, and consider that they are able to inform on prehistoric and cultural practices and observances. On the basis of the evidence submitted to the inquiry I do not find the archaeological assets within the appeal site to be of equivalent significance to scheduled monuments. For this reason they fall to be considered as a non-designated heritage assets for the purposes of the Framework.
109. The proposed development would result in the removal of archaeological remains comprising the probable Bronze Age barrow, any further Bronze Age cremations, the Bronze Age pits and any similar features, and the further disturbance of residual Mesolithic or Neolithic flints. The lower parts of deep Iron Age ditches would potentially be preserved below construction levels. Whether considered individually, or collectively, the proposal would give rise to harm to non-designated heritage assets.
110. Paragraph 135 of the Framework requires the effect of a proposal on the significance of a non-designated heritage asset to be taken into account in determining the application. It states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset.

⁷ Scheduled Monuments & nationally important but non-scheduled monuments (October 2013)

111. Whilst the proposal would harm these assets the Council agrees that the archaeological assets on site are not of a significance so as to necessitate preservation in situ. It is satisfied that any loss or harm to these assets could be dealt with by way of a programme of archaeological investigation and recording. This would include archaeological excavation and subsequent publication and could be secured by way of a planning condition.
112. I therefore conclude that the proposal would harm the non-designated heritage assets on the appeal site. However, having regard to the significance of the archaeological asset and the proposed mitigation strategy, I consider that the harm to the archaeological assets of the appeal site when weighed against the benefits of delivering much needed market and affordable housing to be acceptable and would accord with the Framework and policy CH/2.

Conservation Area

113. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 sets out that in assessing applications in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
114. Linton Conservation Area is focused on the historic core of the village, which extends east and west from the parish church. It was first designated in 1972 and was designated as an outstanding conservation area in 1979. It includes about 125 listed buildings, and there are a further 25 listed buildings close to, but outside, the conservation area.
115. The appeal site is separated from the conservation area by more recent development, which surrounds the conservation area from the south-west to east. There are no direct views between the conservation area and the appeal site. Linton Conservation Area principally derives its significance from the architectural and historic interest of its associated historic buildings, including Listed Buildings, and their relationship with one another in the village. The Parish Council considers that the proposal would be visible in distant views of Linton from the west and north, and these views reflect the proximity of the historic village to its open farmland and countryside.
116. Such views are views of the village as a whole and include the existing more recent buildings that currently surround the historic core. The setting of Linton Conservation Area would remain unaltered, surrounded by modern built form with agricultural land beyond. In this context it is concluded that the proposed development would not adversely impact the significance of the conservation area as a whole. The Parish Council considers that the additional congestion and roadside parking within the conservation area associated with the new homes would make the conservation area less attractive and would exacerbate the traffic problems identified within the village.
117. The proposal would not alter the existing highway network within the village. Whilst there may be some increase in traffic, I consider this would be very modest. The appeal site is within a few minutes walk of the High Street and as established by the Transport Assessment most vehicles leaving the site would travel along Back Road towards the A1307 rather than enter the village. I

therefore do not consider that traffic and parking congestion arising from the proposal would be harmful to either the architectural or historic interest of the conservation area. I am satisfied that the proposal would not harm the setting of the conservation area and would preserve its character and appearance.

118. The Parish Council refer to a recent appeal decision at Steeple Bumpstead⁸ where the Inspector found harm to the setting of the conservation area and the Grade II listed church, although the appeal site was separated from these features by a modern housing estate. This appeal differs from the Steeple Bumpstead appeal in that there would be no inter-visibility between the conservation area and the appeal site. Therefore this decision does not alter my conclusion in relation to the effect of the proposal on the setting of the conservation area.

Listed Buildings

119. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This duty is reflected in the Framework.
120. There are five Grade II listed buildings situated at Little Linton Farm, which lies about 200 metres to the south-west of the site. These comprise Little Linton Farmhouse and the barns and gazebo close to it. They lie adjacent to the remains of a medieval moat and fishponds. These buildings are located on the valley floor, west of the River Granta.
121. The most important elements of their setting are the other buildings of the farm complex and their location in close proximity to the remains of the moat and Little Linton Manor. The group value of these buildings contributes to their historic and architectural interest. These buildings derive their significance from their built fabric and their setting. The buildings also derive some significance from the wider agricultural landscape with which they were associated. However, many of the listed buildings have been converted to residential use with domestic curtilages and this considerably dilutes the significance of the agricultural landscape as part of their setting.
122. The appeal site is separated from Little Linton Farm by the River Granta and a tree belt, as well as the dwellings at the Woodlands. The upper slopes are visible from the footpath that runs adjacent to the pylons, but these views are across the existing residential development at Linton. In my view the appeal site does not make a significant contribution to the setting of these listed buildings.

Other Matters

Flooding

123. Flood risk is a combination of the probability and potential consequences of flooding. The appeal site lies in Flood Zone 1 and is at a low risk of flooding from rivers and/or the sea. The Strategic Flood Risk Assessment confirms that the site has no history of flooding from any source, although the village of Linton is within a Flood Warning Catchment Area.

⁸ APP/Z1510/W/17/3173352

124. The Parish Council considers that the Framework requires the sequential test to be carried out to establish whether development can be located elsewhere to avoid flood risk to people and properties. However further guidance on the application of sequential test is provided in PPG. This explains that it should not normally be necessary to apply the sequential test to development proposals in Flood Zone 1 unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change) (ID: 7-033-20140306). Consequently the sequential test is not applicable to the appeal site.
125. Although the proposed dwellings on the appeal site would not be at risk from flooding, there is evidence that due to the topography the houses adjacent to Back Road and some within the Woodlands have experienced surface water flooding. The Parish Council considers that this could be due to the loss of the ditch that previously ran along the boundary of the appeal site with Back Road. This ditch was not in evidence at the time of my visit. It may be that surface water from the existing greenfield site could be a contributing factor to this flooding in extreme rainfall events. The proposed development would increase the proportion of the site covered by impermeable surfaces and therefore could potentially give rise to a greater volume of surface water run-off than at present, thereby increasing the flood risk to nearby properties.
126. The aim of the Framework is to ensure that development will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, reduces flood risk overall. Together with the PPG it recognises that flood risk and other environmental damage can be managed by minimising changes in the volume and rate of surface run-off from development sites through the use of Sustainable Drainage Systems (SuDS). The outline drainage strategy considers the use of infiltration based SuDS. It proposes a series of infiltration basins along the southwestern boundary of the site sufficient to accommodate a 1 in 100 year event together with an allowance for climate change. The Parish Council states that the Cambridgeshire County Council infiltration capacity map shows that Linton is an area of low infiltration, and that the soil is unsuitable in principle for SuDS schemes. Infiltration tests were carried out as part of the Flood Risk Assessment (FRA). These confirmed that the site is suitable for infiltration and this has been confirmed by Cambridgeshire County Council Flood and Water Team.
127. Contrary to the views of the Parish Council, the FRA does include an allowance for climate change. The Parish Council was also concerned that the FRA makes no provision for an overflow, and an outlet to the watercourse is not within the control of the appellant. It is acknowledged by the FRA that consent would be required to discharge surface water into the water course and that this would be impractical due to the distance of the site from the watercourse. The intended flood risk strategy relies upon the storage of surface water in the proposed attenuation basins. The detailed drainage strategy would consider whether any additional measures are necessary. It was also suggested that the rainfall data used in the FRA may not be reliable. This view was based on comparisons with rainfall measurements from a metrological station located within the rear garden of a local resident and those within the FRA. The rainfall rates are calculated using the location specific values in accordance with the Wallingford procedure. The FRA was reviewed by the Cambridgeshire County Council Flood and Water Team and in the absence

of any compelling evidence to the contrary I have no reason to doubt the rainfall values used by the appellant.

128. Whilst the proposed drainage strategy may not overcome all of the existing problems with flooding in Linton, on the basis of the evidence submitted to the inquiry I am satisfied that the proposed dwellings would not be at risk of flooding and the appeal scheme would not increase flood risk elsewhere. Therefore the proposal would comply with the guidance within the Framework.
129. The unilateral undertaking includes a planning obligation which covenants to set up a management company to maintain the SuDS. Linton Parish Council was concerned that the management company may fail and that responsibility for the SuDS may fall on the Parish Council. It referred to two developments within Linton where the management companies have failed. It would seem that neither of these management companies were responsible for SuDS, moreover no information was submitted to show whether the management company had been secured by way of a planning obligation. I am satisfied that the arrangements within the unilateral undertaking for the management company are reasonably robust and that it would not be at risk of failing.

Children Living Within the Development

130. Mr Bald, a local resident suggested that the site was too far from facilities within the village and that the children on the site would be isolated, which could cause difficulties with their education and integration. The proposal includes a playground within the site, and the site is within reasonable walking distance of the centre Linton. I therefore do not consider that children living within the development would be isolated from other children within the village, or encounter difficulties with their education due to the location of the appeal site.

Biodiversity

131. In addition to the concerns in relation to the Protected Roadside Verge the Parish Council raised a number of other issues in relation to biodiversity, including the impact of the recreational use on the natural environment from future occupants of the proposed development.
132. Pains Pasture woodland lies a short distance to the north of the appeal site. The woodland is not identified as being of ancient origin and is not subject to any nature conservation designations. There is no formal public access into Pains Pasture from Icknield Way. At my site visit I did not see any evidence to suggest any informal access paths into Pains Pasture. At the inquiry Linton Parish Council advised that the woodland is used for rearing partridges for shooting.
133. Rivey Wood is designated as ancient woodland and lies about 715 metres from the proposed pedestrian access to the site. Whilst some residents of the proposed development may walk as far as Rivey Wood, given the uphill climb and distance, combined with an absence of formal public access, the number of residents walking this far is likely to be low.
134. The proposal would require the removal of a stretch of hedgerow running adjacent to Back Road, as well as part of the hedgerow within the site. Although the hedge along the boundary with Back Road contains a range of woody species, there are no other characteristics suggesting an ancient origin.

The hedgerow running north-south through the site is dominated by blackthorn *Prunus spinosa*, with occasional field maple *Acer campestre*, buckthorn *Rhamnus cathartica*, and dog rose *Rosa canina* agg. This hedgerow does not have any obvious characteristics suggesting it is ancient in origin, having a low number of few woody species, no mature trees, no old coppice/laid sections and limited ground flora. Whilst the loss of these stretches of hedgerow would be regrettable, new landscaping proposed across the site, including hedgerows along the site boundaries, would mitigate these losses and significantly increase the hedge and tree cover on the site and provide greater connectivity for habitats.

135. The Parish Council also suggests that the increase in housing in close proximity to Furze Hill SSSI would increase the risk of trespass and harm to this area. Furze Hill is located within fenced private land, with no permissive public access. Its current 'unfavourable recovering' condition is understood to relate to rabbits historically fenced into the site causing damage to key plant species. Although Furze Hill includes habitats sensitive to trampling and enrichment from dog fouling, the lack of access prevents impacts as a result of increased recreational pressure from the proposed development.
136. Concerns were raised by the Parish Council in relation to the impact of the proposal on bats. Detailed bat survey work conducted in 2016 noted common species in very low numbers. The bat activity transect surveys indicate that the most important habitats for bats are the vegetated boundaries of the site, all of which are to be largely retained.
137. A sensitive lighting strategy has been proposed to minimise any potential adverse effects on bats, and this could be secured by a suitable condition. Integrated bat boxes are also proposed to provide additional roosting opportunities for bats, whilst the proposed landscaping would increase foraging and dispersal opportunities. Subject to a sensitive detailed landscape design, and the implementation of a bat-sensitive lighting scheme, I am satisfied that the proposal would not have a significant effect with regard to bats.
138. The proposal includes areas of woodland planting along the northern and western boundaries, as well as areas of grassland to the north and southern boundaries. A total of 1.01ha of tree and hedgerow planting is proposed, together with 1.90ha of new grassland. This would provide a significant increase in both trees/hedgerow and grassland habitats. The proposed SuDS basins would also provide additional habitats, whilst the proposed grassland corridor would provide new opportunities for lesser calamint populations to establish. There would also be opportunities to create species-rich wildflower areas on exposed chalk subsoils.
139. I therefore conclude that looked at in the round, having regard to any harm arising from the loss of part of the Protected Roadside Verge, increased recreational use and the loss of part of the existing hedgerow, balanced against the proposed enhancement measures such as the provision of integrated bat and bird boxes, hedgehog access points, the new areas of grassland, woodland and hedgerows, together with the habitats provided by the SuDS features, the proposal would significantly enhance biodiversity.

Housing Land Supply

140. The Framework seeks to significantly boost the supply of housing. It requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements. Paragraph 49 of the Framework explains that the relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated.
141. Both parties have assessed the housing requirement against the figure of 19,500 dwellings within the emerging local plan. The Council acknowledges that due to its delivery record a 20% buffer in accordance with paragraph 47 of the Framework should apply. Over the plan period from 2011 to March 2017 there has been a shortfall in delivery of housing of about 1,880 dwellings. This is equivalent to 2 years housing supply. It is anticipated that this will increase further in the year to March 2018.
142. The Council believes that the shortfall should be spread over the remainder of the plan period (the Liverpool method) rather than being addressed in the first five years of the plan period (the Sedgefield method). The AMR, published in December 2017, for the period April 2016 – March 2017 assesses the housing land supply against both methods. Whilst using the Liverpool method the housing land supply equivalent to 5.4 years, using the Sedgefield approach the supply is equivalent to 4.5 years. However, at the present time the Council accepts that housing land supply should be calculated on the basis of the Sedgefield method. Consequently the Council is unable to demonstrate a five year supply of housing land.
143. The Council identified an affordable housing need of 5,573 dwellings over the plan period. This is equivalent to about 278 dwellings per year. Over the plan period up to 2015/16, 982 of affordable homes were completed against a target of 1390 dwellings. This resulted in a shortfall of 408 dwellings against the annualised target. The appeal scheme would deliver the provision of 40% affordable dwellings, (up to 38 dwellings). The parties agree that this would be a significant benefit of the proposal.

Settlement Boundary and Suitability of Appeal Site

144. The appeal site lies adjacent to the existing settlement boundary of Linton. Policy DP/7 restricts development outside of defined urban areas and village frameworks. In the light of the housing land supply situation the Council does not consider policy DP/7 to be up-to-date, and the location of the appeal site outside of the settlement boundary was not a reason for refusal.
145. Linton is identified as a minor rural centre within the Core Strategy. This status is unchanged within the emerging development plan. Minor rural centres are defined settlements which have a greater level of services, facilities and employment than most other villages in South Cambridgeshire, and often perform a role in terms of providing services and facilities for a small rural hinterland.
146. The settlement contains a wide range of services and facilities, including a secondary school, junior school, infants school, a health centre, dentists, post office, food stores, three public houses, a village hall, three other community centres and a recreation ground. The Council and the appellant agree that

Linton is a sustainable location to accommodate housing development. It was also agreed by the main parties that the appeal site is within reasonable walking and cycling distance of many of the facilities within the village. Although these measurements were disputed by the Parish Council, I am satisfied that the appeal site is neither distant from, nor isolated from the facilities within the village.

Planning Balance

147. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration and confirms that the development plan is an essential component of the plan led system.
148. The appeal site is located outside of the village framework and therefore conflicts with policy DP/7. However for the reasons given above the Council acknowledges that policy DP/7 is out of date and cannot be afforded significant weight.
149. The proposal would be acceptable in terms of highway safety as well as its impact on heritage assets, including the archaeological interest of the site. Whilst the proposal would give rise to some limited harm to the Protected Roadside Verge this harm would be adequately mitigated. Once the mitigation is delivered, the species for which the verge is designated would be more resilient. Notwithstanding this, I have found above that the proposal would give rise to significant harm to a valued landscape and would fail to comply with policies DP/3 and NE/4 of the Development Control Policies DPD.
150. The proposal would deliver a number of benefits. These include economic benefits in terms of jobs during the construction period and increased spending in the District. There would also be significant benefits arising from the delivery of market and affordable housing. In the light of the considerable shortfall of market and affordable housing at the present time I afford this matter very considerable weight. I also consider that the mitigation proposed in relation to the Protected Roadside Verge would give rise to a significant enhancement in terms of the environment. The provision of additional pedestrian links within the vicinity of the appeal site would be beneficial for pedestrians, including existing residents. Nonetheless, due to the environmental harm that would arise from the proposal due to the landscape harm, I conclude that the proposal would be contrary to the development plan as a whole.
151. Although I have found the site to be a valued landscape for the purposes of paragraph 109 of the Framework, for the reasons given above, I do not consider that this disengages the presumption in favour of sustainable development at paragraph 14. Paragraph 14 of the Framework indicates that where relevant policies are out-of-date permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
152. I consider that the adverse impact of granting permission that I have identified above would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Overall the proposal would not represent sustainable development.

Conclusion

153. For the reasons given above, and taking account of all material considerations. I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Charles Streeten of Counsel
Instructed by
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Services

He called

David Huskisson
Lydia Pravin BA(Hons), MSc
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Landscape Consultant
Senior Planner SCDCHighway Authority
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S106 Officer SCDC
Principal Planning Officer CCC

FOR THE APPELLANT:

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Instructed by
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He called

Helen Kennedy
Clive Burbridge
Rosemary Meara
Dr Aidan Marsh
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Landscape Consultant
Highway Consultant
Heritage Consultant
Ecological Consultant
Planning Consultant

FOR LINTON PARISH COUNCIL :

Enid Bald Linton Parish Council
She called

Corrie Newell
Mark Flatman
Paul Gray
Jean Kelly
Katherine Kell

Heritage Consultant
Landscape Consultant

INTERESTED PERSONS:

Councillor John Batchelor
Councillor Henry Batchelor
Miss Binney
Mr John Bald

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Planning Statement of Common Ground
- 2 Linton Heritage Trail submitted by Linton Parish Council
- 3 Submission on behalf of Councillor John Batchelor
- 4 Submission on behalf of Councillor Henry Batchelor
- 5 Highway Statement of Common Ground
- 6 Witness statement of Helen Kennedy
- 7 Appellant landscape proof of evidence revised tables 1 to 4
- 8 Highways submissions Mr. Gray on behalf of Linton Parish Council
- 9 Plan showing the archaeology of the site submitted by Linton Parish Council
- 10 List of draft conditions
- 11 Signed unilateral undertaking submitted by the appellant
- 12 Heritage Statement of Common Ground
- 13 Transport assessment guidelines and Cambridgeshire County Council submitted by the Council
- 14 Appeal decision Ref APP/Z1510/W/17/3172575 Land off Wethersfield Road, Finchingfield submitted by the Council
- 15 Appeal decision Ref APP/E2734/W/16/3160792 Cornwall Road Harrogate submitted by the Council
- 16 Appeal Decision Ref APP/E2734/W/16/3160792
Appeal decision Ref APP/X2410/W/15/3028159 Land south of
- 17 Leckhampton Order (September 2016) submitted by the Council
- 18 Nanpantan Road, Loughborough submitted by the Council
- 19 Appeal decision Ref APP/Z1510/W/16/3160474 Land at West Street Coggeshall submitted by the appellant
- 20 Appeal decision Ref APP/J0405/W/16/3158833 Land north of Aylesbury Road, Wendover submitted by the appellant
- 21 Leckhampton Judgement (Oral submissions) submitted by the appellant
- 22 Linton Parish Council's Heritage Submissions
- 23 A plan showing the extent of Linton Neighbourhood Plan Area
- 24 Alwyn De Souza & the Secretary of State for Communities and Local Government Test Valley Borough Council [2015] EWHC 2245 submitted by the Council
- 25 Appellant landscape evidence revised photo view assessment table
- 26 Submissions from Katherine Kell surface water flooding and on behalf of Linton Parish Council
- 27 Submissions from Mrs. Bald on behalf of Linton Parish Council
- 28 Email dated 19 January, 2018 from Miss Binney regarding the protected verges ecology matters.
- 29 Details of the protected verge submitted by Miss Binney