



Appeal Decision

Hearing Held on 26 November 2019

Site visit made on 26 November 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/W0530/W/19/3227393

**Former Barrington Cement Works, Haslingfield Road, Barrington,
Cambridgeshire CB22 7RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of planning permission.
 - The appeal is made by Redrow Homes against South Cambridgeshire District Council.
 - The application Ref S/3485/18/RM, dated 7 September 2018, sought approval of details pursuant to Condition No 2 of planning permission Ref S/0057/17/VC granted on 13 April 2017.
 - The development proposed is an application for approval of reserved matters for appearance, landscaping, layout and scale following outline application S/0057/17/VC for development of 220 residential dwellings and associated works.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed, and the reserved matters submitted under application Ref: S/3485/18/RM, dated 7 September 2018, are approved. Namely appearance, layout, scale and landscaping details submitted in pursuance of Condition No 2 of planning permission Ref: S/0057/17/VC dated 13 April 2017.

Application for Costs

2. An application for an award of costs was made by Redrow Homes against South Cambridgeshire District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. Landscape and elevational drawings were submitted in July 2019¹ with a request from the appellant that I accept these as amendments. The changes seek to address several discrepancies and the most recent comments from the Council's Urban Design Officer, which were made after the appeal was submitted. The same plans were deposited with the Council as part of application S/1427/19/RM. This was a duplicate application submitted to 'twin track' alongside this appeal.
4. In considering application S/1427/19/RM the Council took the view that the July amendments were minor in scope and therefore it did not formally re-

¹ Landscape plans listed in Appendix 12 of the Appellant's SOC and the elevational amendments in Appendix 24

consult interested parties on them. I share the view that the changes are minor, and all parties have had ample time to consider them. Accordingly, no party has been prejudiced by me accepting and considering them.

5. The site visit procedure was altered from an accompanied site visit to an unaccompanied visit following agreement from the parties present at the hearing that this was the most appropriate method of me seeing the site. The appellant and description of development in the banner heading above is that agreed by the Council and appellant at the hearing.

Background and Main Issue

6. The duplicate application referred to above (Ref: S/1427/19/RM) was granted on the 23 September 2019 with the period open for a judicial review of the decision now expired. The Council has confirmed in its Statement of Case (SoC) that the plans approved in September 2019 are identical to those of the appeal scheme (both having been amended in July 2019). As such, the appellant could implement a scheme identical to the appeal proposal before me and I note that demolition works have commenced. This is a significant 'fall back' position as, regardless of my findings, the development as proposed can take place. Accordingly, I share the view of the Council, as advised in its SoC, that the appeal should be allowed, and planning permission granted.
7. That said, in granting S/1427/19/RM the Council imposed a condition indicating that the details of the boundary treatment had not been approved. The Council is of the view that the details of the boundary treatment submitted with the appeal scheme, which are the same, are similarly unacceptable. As such, the acceptability of the boundary treatment is a point in dispute and therefore the main issue in this appeal is the effect of the proposed boundary treatment on the character and appearance of the area.

Reasons

8. Within the village of Barrington most publicly visible boundary treatment around the green is comprised of hedges. This gives a rural character and maturity to the settlement. The appeal scheme on the other hand, proposes the use of walls and close boarded fencing as the means of delineating boundaries. This would give a harder, suburban character to the development.
9. That said, where I observed walls, they tended to provide structure, character and legibility to the street scene, particularly when local materials were used. Boundary walls can also be interesting architectural features that aid the overall cohesion and sense of place within a development. Moreover, boundary walls, if done well by using appropriate bricks, bonds and mortar mixes, can add a sense of quality and a robust means of delineating private and public space. They can also aid biodiversity and robustly support planting.
10. Alternatively, much of the close boarded fencing I observed in the area had deteriorated more quickly and this resulted in a lower quality, more functional appearance. Unlike brick walls, it is easier for the maintenance of fencing to be inconsistent by, for example, using different stains or replacing sections in different styles, and this is what I saw locally. If this were to happen in the proposed development, the visual continuity provided by a coherent approach to boundary treatment would be eroded to the detriment of the street scene.

11. During the hearing the Council provided an annotated plan identifying several areas² within the development where close boarded fencing would be used instead of walls to delineate prominent boundaries between public and private spaces. The fences would not be entirely screened by planting and would therefore be visible. The inclusion of close boarded fencing in these areas would lower the quality of the development and amount to an inconsistent approach to boundary treatment, which would harm the continuity and legibility of the street scene to the detriment of the character and appearance of the area.
12. Accordingly, the use of close boarded fencing in the areas highlighted by the Council would be at odds with the Council's District Design Guide, which seeks to ensure boundary treatment does not undermine the quality of adjoining spaces and relates well to the overall street scene.
13. That said, the harm identified above could be addressed through the imposition of a planning condition requiring the areas of close boarded fencing highlighted by the Council to be substituted with brick walls, like those intended to be used elsewhere in the development. Such an approach would be a pragmatic means of resolving the harm because the Council has not taken issue with the design of the proposed boundary walls. In so doing, I have not used the condition suggested by the Council as this has disproportionately sought to refuse all the details of boundary treatment rather than amend those of concern. Thus, with a suitably worded planning condition imposed, the boundary treatment need not harm the character and appearance of the area and therefore a conflict with Policy HQ1 of the South Cambridgeshire Local Plan 2018, and Paragraph 127 of the National Planning Policy Framework, would not occur.

Conditions

14. In the interests of precision, it is necessary to impose a condition listing the drawings the reserved matters should be implemented in accordance with. In the interests of highway safety, it is necessary to impose conditions relating to the width of highway accesses serving homes, the removal of Road 12 when no longer needed and to prevent surface water entering the highway. For the avoidance of doubt, the latter falls within the details of layout and is therefore a matter within the scope of this appeal. However, the management of the highway falls outside the scope of a reserved matters application, in much the same way the management of public open space does, and therefore the condition suggested in respect of this matter would be unreasonable and has not been imposed as a consequence.

Conclusion

15. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR

² Boundary treatment to: Plots 120 and 180; parking areas to Plots 129-134 and 154-162; and boundaries between Plots 63-66, 77, 79, 148-149, 214-215, 215-216 and 218.

APPEARANCES

FOR THE APPELLANT

Liz Fitzgerald
Tom Cosgrove QC

Barker Parry
Cornerstone Barristers

FOR THE LOCAL PLANNING AUTHORITY

Simon Aley MBALLB DCPLG
Luke Simpson

Solicitor
South Cambridgeshire District Council

INTERESTED PARTIES

Cllr Ray Kemp

DOCUMENTS SUBMITTED AT THE HEARING

1. Completed and signed copy of the Statement of Common Ground
2. Boundary and Dwelling Materials Layout Plan annotated by the Council
3. The Council's written response to the appellant's application for costs
4. Comprehensive list of plans and documents submitted as part of the appeal

Schedule of Planning Conditions

1) Subject to Condition 2 of this decision, the development hereby permitted shall be carried out in accordance with the following list of approved plans:

- REDR170323 LP.01 A Site Location Plan
- REDR170323 SL01 K Site Layout (1 of 2)
- REDR170323 SL02 H Site Layout (2 of 2)
- REDR170323 CSL.03 E Coloured Site Layout
- REDR170323 SE.01 C Street Elevations (1 of 2)
- REDR170323 SE.02 B Street Elevations (2 of 2)
- REDR170323 AHL.01 C Affordable Housing Layout
- REDR170323 RSP.01 A Refuse Strategy Plan
- REDR170323 HT.A.ce C House Type A – Coloured Elevations
- REDR170323 HT.A.p B House Type A – Plans
- REDR170323 HT.B.ce C House Type B – Coloured Elevations
- REDR170323 HT.B.p C House Type B – Plans
- REDR170323 HT.C.cpe C House Type C – Coloured Plans and Elevations
- REDR170323 HT.D.cpe C House Type D – Coloured Plans and Elevations
- REDR170323 HT.E.cpe C House Type E – Coloured Plans and Elevations
- REDR170323 HT.F.cpe C House Type F – Coloured Plans and Elevations
- REDR170323 HT.G.cpe C House Type G – Coloured Plans and Elevations
- REDR170323 HT.H.cpe D House Type H – Coloured Plans and Elevations
- REDR170323 HT.K.cpe1 D House Type K – Coloured Plans and Elevations
- OPT1 REDR170323 HT.K.cpe2 D House Type K – Coloured Plans and Elevations
- OPT2 REDR170323 HT.L.ce C House Type L – Coloured Elevations
- REDR170323 HT.L.p C House Type L – Plans
- REDR170323 HT.M.ce C House Type M – Coloured Elevations
- REDR170323 HT.M.p C House Type M – Plans
- REDR170323 HT.N.ce C House Type N – Coloured Elevations
- REDR170323 HT.N.p D House Type N – Plans
- REDR170323 HT.O.ce D House Type O – Coloured Elevations
- REDR170323 HT.O.p B House Type O – Plans
- REDR170323 HT.Q.ce D House Type Q – Coloured Elevations
- REDR170323 HT.Q.p D House Type Q – Plans REDR170323 HT.O-P5.ce D House Type O P5 – Coloured Elevations
- REDR170323 HT.O-P5.p D House Type O P5 – Plans
- REDR170323 HT.Q-R3.ce D House Type Q R3 – Coloured Elevations
- REDR170323 HT.Q-R3.p1 D House Type Q R3 – Plans 1 of 2
- REDR170323 HT.Q-R3.p2 C House Type Q R3 – Plans 2 of 2
- REDR170323 HT.Q-R5.ce D House Type Q R5 – Coloured Elevations
- REDR170323 HT.Q-R5.p1 D House Type Q R5 – Plans 1 of 2
- REDR170323 HT.Q-R5.p2 C House Type Q R5 – Plans 2 of 2
- REDR170323 HT.T.cpe1 D House Type T – Coloured Plans and Elevations
- OPT1 REDR170323 HT.T.cpe2 D House Type T – Coloured Plans and Elevations
- OPT2
- REDR170323 HT.U.cpe D House Type U – Coloured Plans and Elevations
- REDR170323 HT.V-P4.ce A House Type V P4 – Coloured Elevations
- REDR170323 HT.V-P4.p A House Type V P4 – Coloured Elevations
- REDR170323 HT.V.ce A House Type V – Coloured Elevations
- REDR170323 HT.V.p A House Type V – Plans REDR170323 FB-A.ce E Flat Block A – Coloured Elevations 1 of 2

- REDR170323 FB-A.e2 D Flat Block A – Elevations 2 of 2
- REDR170323 FB-A.p1 D Flat Block A – Plan 1 of 3
- REDR170323 FB-A.p2 D Flat Block A – Plan 2 of 3
- REDR170323 FB-A.p3 D Flat Block A – Plan 3 of 3
- REDR170323 FB-B.ce1 D Flat Block B – Coloured Elevations 1 of 2
- REDR170323 FB-B.e2 E Flat Block B –Elevations 2 of 2
- REDR170323 FB-B.p1 E Flat Block B –Plans 1 of 3
- REDR170323 FB-B.p2 E Flat Block B –Plans 2 of 3
- REDR170323 FB-B.p3 E Flat Block B –Plans 3 of 3
- REDR170323 FB-C.ce1 D Flat Block C – Coloured Elevations 1 of 2
- REDR170323 FB-C.e2 E Flat Block C – Elevations 2 of 2
- REDR170323 FB-C.p1 E Flat Block C –Plans 1 of 3
- REDR170323 FB-C.p2 E Flat Block C –Plans 2 of 3
- REDR170323 FB-C.p3 E Flat Block C –Plans 3 of 3
- REDR170323 FB-D.ce C Flat Block D – Coloured Elevations
- REDR170323 FB-D.p B Flat Block D –Plans
- REDR170323 FB-E.ce A Flat Block E – Coloured Elevations 1 of 2
- REDR170323 FB-E.e2 A Flat Block E – Elevations 2 of 2
- REDR170323 FB-E.p1 A Flat Block E – Plan 1 of 2
- REDR170323 FB-E.p2 A Flat Block E – Plan 2 of 2
- REDR170323 GAR.01.pe C Single Garages
- REDR170323 GAR.02.pe C Twin Garages
- REDR170323 BS-CS.01.pe B Bin Store – Cycle Store
- C7048 – CE1 A Haul Road Layout
- C7048 – CE2 E Section 278 Layout Northern Access
- C7048 – CE3 D Section 278 Construction Details
- C7048 – CE5 E Drainage Strategy Layout 1 of 3
- C7048 – CE6 E Drainage Strategy Layout 2 of 3
- C7048 – CE7 D Drainage Strategy Layout 3 of 3
- C7048 – CE8 B Fire Appliance Swept Path 1 of 2
- C7048 – CE9 B Fire Appliance Swept Path 2 of 2
- C7048 – CE10 B Refuse Vehicle Swept Path 1 of 2
- C7048 – CE11 B Refuse Vehicle Swept Path 2 of 2
- C7048 – CE12 A Junction Visibility Plan 1 of 2
- C7048 – CE13 A Junction Visibility Plan 2 of 2
- C7048 – CE14 A Section 278 Layout Southern Access
- C7048 – CE15 A Exceedance Flow Routes and Cut Off Ditches
- C7048 – CE16 Offsite Flow Control System
- C7048 – CE17 Proposed Haul Road
- C7048 – CE18 C Road Dimension Layout 1 of 2
- C7048 – CE19 C Road Dimension Layout 2 of 2
- EA_1808_P_100 4 GA Illustrative Masterplan
- EA_1808_P_101 4 GA Plan
- EA_1808_P_110 5 GA Legend and Key Plan
- EA_1808_P_111 5 Landscape Sheet 1 of 6
- EA_1808_P_112 5 Landscape Sheet 2 of 6
- EA_1808_P_113 5 Landscape Sheet 3 of 6
- EA_1808_P_114 5 Landscape Sheet 4 of 6
- EA_1808_P_115 5 Landscape Sheet 5 of 6
- EA_1808_P_116 5 Landscape Sheet 6 of 6
- EA_1808_P_120 4 Detailed GA Arrangement Legend and Key
- EA_1808_P_121 4 Detailed Landscape Plan Sheet 1 of 13
- EA_1808_P_122 4 Detailed Landscape Plan Sheet 2 of 13

- EA_1808_P_123 4 Detailed Landscape Plan Sheet 3 of 13
- EA_1808_P_124 4 Detailed Landscape Plan Sheet 4 of 13
- EA_1808_P_125 4 Detailed Landscape Plan Sheet 5 of 13
- EA_1808_P_126 4 Detailed Landscape Plan Sheet 6 of 13
- EA_1808_P_127 4 Detailed Landscape Plan Sheet 7 of 13
- EA_1808_P_128 4 Detailed Landscape Plan Sheet 8 of 13
- EA_1808_P_129 4 Detailed Landscape Plan Sheet 9 of 13
- EA_1808_P_130 4 Detailed Landscape Plan Sheet 10 of 13
- EA_1808_P_131 4 Detailed Landscape Plan Sheet 11 of 13
- EA_1808_P_132 4 Detailed Landscape Plan Sheet 12 of 13
- EA_1808_P_133 4 Detailed Landscape Plan Sheet 13 of 13
- EA_1808_P_200 4 Open Space Planting Schedule and Key
- EA_1808_P_201 4 Open Space Planting Plan Sheet 1 of 5
- EA_1808_P_202 4 Open Space Planting Plan Sheet 2 of 5
- EA_1808_P_203 4 Open Space Planting Plan Sheet 3 of 5
- EA_1808_P_204 4 Open Space Planting Plan Sheet 4 of 5
- EA_1808_P_205 4 Open Space Planting Plan Sheet 5 of 5
- EA_1808_P_220 4 Residential Planting Schedule and Key
- EA_1808_P_221 4 Residential Planting Plan Sheet 1 of 13
- 1808_P_502 Wetland Sections 3 of 3
- EA_1808_P_700 1 Typical Tree Pit in Soft Detail Type 01
- EA_1808_P_701 1 Typical Tree Pit in Soft Detail Type 02
- EA_1808_P_702 1 Typical Tree Pit in Hard Detail
- EA_1808_P_703 1 Typical Planting Bed Details
- EA_1808_P_222 4 Residential Planting Plan Sheet 2 of 13
- EA_1808_P_223 4 Residential Planting Plan Sheet 3 of 13
- EA_1808_P_224 4 Residential Planting Plan Sheet 4 of 13
- EA_1808_P_225 4 Residential Planting Plan Sheet 5 of 13
- EA_1808_P_226 4 Residential Planting Plan Sheet 6 of 13
- EA_1808_P_227 4 Residential Planting Plan Sheet 7 of 13
- EA_1808_P_228 4 Residential Planting Plan Sheet 8 of 13
- EA_1808_P_229 4 Residential Planting Plan Sheet 9 of 13
- EA_1808_P_230 4 Residential Planting Plan Sheet 10 of 13
- EA_1808_P_231 4 Residential Planting Plan Sheet 11 of 13
- EA_1808_P_232 4 Residential Planting Plan Sheet 12 of 13
- EA_1808_P_233 4 Residential Planting Plan Sheet 14 of 13 1808_P_500
- Wetland Sections 1 of 3 1808_P_501 Wetland Sections 2 of 3
- EA_1808_P_150 4 General Arrangement Boundary Treatments
- EA_1808_P_600 Boundary Type 01 Closeboard Fence Detail
- EA_1808_P_601 Boundary Type 02 Screen Brick Wall Detail
- EA_1808_P_602 Boundary Type 03 Timber Knee Rail
- EA_1808_P_603 Boundary Type 04 Post and Rail Fence
- EA_1808_P_604 Boundary Type 05 Gabion Retaining Wall Detail

- 2) Notwithstanding the approved plans, the boundary treatment to Plots 120 and 180, parking areas to Plots 129-134 and 154-162, and boundaries between Plots 63-66, 77, 79, 148-149, 214-215, 215-216 and 218 shall be boundary walling constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

- 3) Notwithstanding the approved plans, the proposed drive-ways shall be constructed so that the falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 4) Notwithstanding the approved plans, the access widths to plot numbers: 167-168, 153-161, 206-210, 216-220 and 68-75 shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.
- 5) Road 12 (shown on approved plan reference: C7048-CE18 C) shall be removed and the land reinstated once all the quarry operations cease at the site. These works shall be undertaken in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained in accordance with approved details

End of Schedule