
Appeal Decision

Hearing Held on 29 November 2019

Site visit made on 29 November 2019

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/W0530/W/19/3220761

Land to the rear of Nos 30 and 32 New Road, Over CB24 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Abbey Properties Cambridge Limited, Dennis and Rita Rolfe against the decision of South Cambridgeshire District Council.
 - The application Ref S/1279/18/FL, dated 29 March 2018, was refused by notice dated 19 July 2018.
 - The development proposed is the demolition of Nos. 30 and 32 New Road, Over, and redevelopment of land at and to the rear of these properties for 44 residential units, public open space provision, landscaping, means of access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. One of the Council's reasons for refusal states that insufficient information was submitted within the application to demonstrate that surface water from the proposed development could be sufficiently mitigated. However, it is confirmed in the Statement of Common Ground (SOCG) that the additional information supplied by the appellant, after the Council had made its decision on the planning application, sufficiently demonstrates that surface water from the proposal would be appropriately mitigated. The Lead Local Flood Authority (LLFA) withdrew its objection and the Council is no longer pursuing this reason for refusal. Having viewed the evidence, I see no reason to disagree.
3. Also, within the SOCG it is confirmed that the proposal for 65 dwellings on the adjoining site is no longer being pursued. The reference to cumulative impact of proposals within the Council's reason for refusal No 1 is therefore no longer relevant. I have determined the appeal on that basis.
4. A S106 Legal Agreement (S106) was submitted at the Hearing. This includes the provision of affordable housing, four custom build plots, public art, a community orchard, swale and pond area and public open space. It also secures financial contributions towards various forms of open space together with maintenance, indoor community space, footpaths, education, household waste receptacles, health and wellbeing and the Council's monitoring fees
5. At the Hearing both parties drew my attention to appeal Ref APP/W0530/W/18/3209856 (the Melbourn decision) which, at that time, was

under consideration. Subsequent to the hearing the decision was issued, and I sought both parties' comments on that decision. I have taken any relevant comments into consideration in my assessment of the appeal.

Main Issues

6. The main issues are:

- whether or not the Council is able to demonstrate a five year housing land supply;
- the effect of the proposal on the character and appearance of the area; and
- whether or not the proposal would provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development.

Reasons

Five year housing land supply

7. The Inspectors that examined both the Cambridge Local Plan 2018 and the South Cambridgeshire Local Plan (the Local Plan) decided that the five year supply should be calculated on the basis of a joint housing trajectory for Greater Cambridge reflecting the joint development strategy across the two Local Plans, using a 20% buffer and the Liverpool methodology.
8. The Councils published their latest update in the form of the Greater Cambridge Housing Trajectory and Five Year Housing Land Supply on 1 November 2019 (FYHLS). This document concludes that the Greater Cambridge five year housing supply figure is 5.3 years and that for South Cambridgeshire is 5.4 years.
9. The appellants' statement of case indicated that the Council was expected to adopt the Standard Methodology as outlined in paragraph 60 of the National Planning Policy Framework (the Framework) for the purposes of its Local Plan review, which it is required to undertake as a result of Policy S/13 of the Local Plan. If utilised, the Standard Methodology would result in a significantly higher housing requirement than currently adopted. The appellants go on to state that a higher requirement figure is also supported by the Cambridgeshire and Peterborough Independent Economic Review Final Report 2018 and the Council's draft Housing Strategy for 2019-2023.
10. Nevertheless, paragraph 4d) of the Housing SOCG confirms that it is agreed that the housing requirement for the five year period for Greater Cambridge, based on the Liverpool methodology and a 20% buffer, is 10,353 dwellings. It was also confirmed at the hearing that there is no dispute between the parties regarding the requirement figure.
11. I acknowledge that Policy S/13 of the Local Plan states that the Council will undertake an early review of the Local Plan to commence before the end of 2019, including within the review an updated assessment of housing need. However, this has not yet commenced and the strategic policies that set out the Council's housing requirement figure for the plan period as a whole are less than five years old. I have therefore assessed the housing supply against the agreed requirement.

12. There is, however, a dispute in relation to the Council's calculation of standardised lead-in times and the supply figures associated with a number of the Council's sites relied on in the joint five year housing land supply. As a result, the appellant is of the view that Greater Cambridge can only demonstrate a five year housing supply figure of 4.47 years and South Cambridgeshire 4.14 years.

Lead-in times

13. The Planning Policy Guidance (PPG) states that information on suitability, availability, achievability and constraints can be used to assess the timescale within which each site is capable of development. This may include indicative lead-in times and build-out rates for the development of different scales of sites¹.
14. For sites of 10 dwellings or more the Councils have collated data for 55 sites regarding the lead-in times from validation of a planning application through to the first housing completions being recorded on the site. However, five of the sites have been excluded due to the lead-in time being abnormally long for various reasons. For example, due to the need to adopt Site Specific Policies or because first phases of development within a scheme were for non-residential uses. As a result, lead-in times for these five sites are between 8-10 years. In contrast, the majority range from 1.6 to about 6 years.
15. There are six Cambridge strategic sites. The Councils have not calculated an average as they consider that three of the sites included of those six comprise too small a sample to result in a meaningful figure. The appellant notes that the average of the three would be 5.33 years and that if the excluded three are included the average would rise to 7.33 years. With regards to South Cambridgeshire Non-Strategic sites if the excluded sites are included then the lead-in time would increase from the Council's assumed typical figure of 3.5 years to 4 years. This would reduce housing delivery at a number of sites.
16. However, it seems to me that the sites were excluded for appropriate reasons, that are not typically experienced within housing developments. As a result, they have significantly larger lead-in times than the rest of the sites included in the sample. Consequently, if they were to be included then they would, in my view, artificially skew the results. This is particularly so given that the Council also explained that, if it is considered that circumstances at a specific site may lead to delay, then a bespoke lead-in time would be used and not the typical one. This seems to me to be a reasonable approach.
17. The Framework sets out the definition of deliverable. For sites with outline planning permission there should be clear evidence that housing completions will begin on site within 5 years. This approach to deliverability came before publication of the FYHLS at the beginning of November 2019. Although not an Annual Position Statement, the Councils have sought to apply the requirements of one as set out in the PPG, including engaging with landowners, developers and agents as well as wider public consultation.
18. There are a number of sites within South Cambridgeshire that have outline planning permission and therefore fall within part (b) of the definition of deliverable. On some there have been pre-application discussions on the sites.

¹ Paragraph: 022 Reference ID: 3-022-20190722

Although the Council states that applications for reserved matters are to be submitted shortly, there is nothing in writing such as an agreement between the Council and the developers confirming delivery intentions or anticipated start and build-out rates. Within the FYHLS, the Council has sought to apply typical lead-in times and build-out rates based on historical data. However, this only gives a general indication of potential delivery times, rather than providing certainty, and does not negate the need to meet the requirements of the Framework and the PPG in demonstrating that there is clear evidence that those sites either allocated in the Local Plan or in receipt of outline planning permission would come forward in five years. Therefore, I have to conclude that there is no clear evidence to suggest that housing completions will begin on site within five years at 1b Over Road (26 dwellings), south of 279 St Neots Road (112 dwellings), land north east of Rampton Road (154 dwellings), Horseheath Road (42 dwellings), south of Thompsons Meadow (16 dwellings), and rear of 79 High Street, Meldreth (18 dwellings). In addition, the site at land south of Babarham Road (25 dwellings), although an allocation, does not have outline planning permission and there is no clear evidence of when one might be submitted. As a result, I consider that the supply should be reduced by 393 dwellings.

Orchard Park

19. There are two separate sites for consideration at Orchard Park. The first, L2, has full planning permission for 63 dwellings. The Framework states that all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. One of the examples that the Framework gives, is if the scheme is no longer viable.
20. The appellant relies on an email from the developer's agent² which states that due to viability issues, the scheme is being varied. Whilst an application to vary the conditions was withdrawn in June 2019, it did not include any information to suggest that the scheme was not viable and only related to the removal of basement parking areas. In the absence of any substantive evidence to demonstrate that the scheme is not viable, then I am satisfied that the site falls within the definition of deliverable within the Framework.
21. The other site, Com 4, is allocated within the Local Plan and has outline planning permission for 42 dwellings. The Council has suggested that the developer intends to submit an appeal against two recent refusals of planning permission and resubmit applications to address the reasons for refusal. However, there is nothing in writing from the developer as to the intentions for the site. The Council has used its typical assumptions from a reserved matters application being submitted to the first dwellings being constructed. As the proposal is for apartments, then the Council has assumed that the housing completions would all be in one year and would be completed in 2022-2023. There is, though, nothing of the evidence suggested by the PPG, such as a written agreement between the local planning authority and the site developer confirming developer's delivery intentions and anticipated start and build-out rates. Therefore, I am of the view that there is no clear evidence that housing completions will begin on site within five years. Consequently, I consider that the supply should be reduced by 42 dwellings.

² Email from Carter Jonas dated 21 March 2019

Land north of Cherry Hinton & Land north of Newmarket Road

22. These sites were considered within the Melbourn decision. The Inspector concluded that there was clear evidence that delivery would take place on the site as expected by the Council at that time.
23. Little has changed since that decision. The site north of Cherry Hinton straddles the Cambridge City/South Cambridgeshire boundary and is allocated within the Local Plan for 1,200 dwellings. The Council is currently considering an application for outline planning permission. Although there is an outstanding objection from the Environment Agency, this is not on a matter of principle but relates to known contamination below the site and its associated risk to ground water. The Council seems confident that the issue can be resolved, and the application will be reported to Committee in early 2020. The agent advised in March 2019 that a reserved matters application would be submitted by October 2021, with completion of the first dwellings expected by March 2023. Although, not updated in November, those figures align with those used by the Council in its trajectory.
24. The site north of Newmarket Road is allocated in the Local Plan for 1,300 dwellings and outline planning permission was granted in November 2016. Reserved matters consent has been granted for 239 dwellings and pre application discussions are taking place regarding the second parcel of land within phase 1. Homes England funding is available to accelerate the delivery of housing on the site. The S106 agreement includes a requirement for 50 dwellings to be completed to slab level by November 2020.
25. Infrastructure works are underway on site and the agent anticipates housing completions starting in 2020. The build-out rates provided by the agent are lower than the Council's typical assumption of 250 dwellings per year for strategic sites, which have not been disputed by the appellant.
26. While the build-out rates across the two sites would exceed 250 dwellings per year in two of the years within the five year supply, the Council is satisfied that the distance between the two sites and their location on different radial routes into Cambridge, means that both sites would be capable of achieving these numbers. I have seen no substantive evidence to dispute this.
27. While the trajectory has not been updated since March 2019, given the progress that has been made, and that infrastructure work has commenced on site, I concur with the Inspector on the Melbourn decision that there is clear evidence that housing completions will take place on site as expected by the Council.

Northstowe

28. This site is being delivered in two phases. Within phase 1, all parcels have full planning permission except for parcels H9 and H13. The Council is currently considering a reserved matters application for parcel H9. Although there are objections to the application, the Council is confident that they are not insurmountable and, in any case, the assumed 80 dwellings from this permission are not envisaged to come forward until year three, thereby giving time to address the objections. This seems a reasonable approach.
29. The Council stated that discussions between the case officer and the developer suggested that a reserved matters application would come forward for parcel H13, aided by pre-application discussions.

30. The appellant suggests a reduction of 17 dwellings for phase 1. However, phase 1 is well under construction. While there remain two parcels without reserved matters consent, both are in the ownership of housebuilders already constructing houses on the site. Therefore, I am satisfied that the above demonstrates clear evidence that housing completions will occur as envisaged by the Council and there is no justification for an arbitrary reduction of 17 dwellings.
31. A reserved matters application for 406 dwellings submitted to the Council in October 2019 for phase 2 of the development is currently the subject of consultation. In addition, a full planning application for a temporary marketing suite has also been submitted. The Council relies on 125 dwellings being delivered within the five year period. Construction within the first phase would be modular housing, with a completed house capable of being delivered on site within 12 days. Although there is no written agreement between the Council and the developer, the submission of the reserved matters application, and associated details, in my view provides clear evidence in accordance with the Framework and the PPG that housing completions will begin on site within five years. The lead in times and delivery rates assumed by the Council as set out in the FYHLS seem reasonable and therefore I am satisfied that 125 houses could be delivered.

Waterbeach

32. This site was considered by the Inspector in the Melbourn decision, who concluded that based on the evidence before him amounted to clear evidence that delivery will take place on the site as expected by the Council's figures. According to the appellants there is different evidence before me.
33. The western part of the site has outline planning permission for up to 6,500 units. There has been no reserved matters application submitted to date, and there has been some slippage in the anticipated timetable for approval of the outline permission. However, I heard that there has been considerable work and progress made towards the submission of an application. This includes the submission of applications to discharge conditions regarding the site-wide construction environmental management strategy and site-wide explosive ordnance mitigation and safety management plan, archaeology and land investigation and remediation. Furthermore, a package of highways and transport measures have been agreed with Cambridgeshire County Council. While I am aware that there are detailed development management requirements for this site, given the considerable progress made to date, I am satisfied that there is clear evidence that housing completions will begin on site within five years.
34. The agent response on behalf of the developer anticipated a timescale for delivery that would mean the first housing completions would be by June 2021 through the provision of infrastructure to allow three housebuilders to each deliver 50 houses through 2020/21. By the end of the five year period, some 650 houses would be delivered. The Council sees no problem with this trajectory.
35. The appellants point to a similar development model at Alconbury Weald which received outline planning permission in 2014 but only 48 dwellings were delivered by 2016/17. This was considerably below the anticipated build out figures. On that basis it is suggested that 150 at Waterbeach by 2020/21 may be ambitious. Therefore, the delivery figures should be pushed back by one year and reduced to 400.

36. However, the Council refers to similar development at Northstowe, which has achieved in excess of 150 dwellings per year. I am not aware of the similarities between the sites and if they are sufficient to draw meaningful comparisons between the build-out rates. That said in the absence of any substantive evidence suggesting they would not be achieved on this site, and given the progress made to date, then I am satisfied that the number of dwellings envisaged within the five years is reasonable.

Bourn Airfield

37. The site is allocated within the Local Plan and an outline planning application for about 3,500 dwellings submitted in September 2018 is awaiting determination. However, as explained at the Hearing, Policy within the Local Plan requires that the planning application can only be determined after the adoption of Supplementary Planning Guidance (SPG). This has been prepared alongside the consideration of the planning application, as well as a draft S106 agreement. The SPG was adopted in October 2019 and the Council advised that the application is likely to be considered by the Planning Committee in spring 2020, although this is not certain, particularly given the holding objection to the application by Highways England (HE). HE did not object in principle to the allocation in the Local Plan, and the Council is confident that following ongoing discussions amended plans are expected that would address the concerns of HE and bring the proposals in line with the SPG.
38. According to the Council, a planning performance agreement is in place for the administration and determination of planning applications for the site. There is though, no detail before me as to exact timescales for the submission of any reserved matters applications. However, the S106 agreement is being negotiated in tandem with consideration of the planning application and I was advised that, in similar circumstances, the S106 was delivered within four months of the resolution to grant planning permission at the Waterbeach site. The developer anticipates that the first housing completions would be in 2022.
39. On that basis, I am of the view that considerable progress has been made on the determination of the application and moving the site forward. The above therefore demonstrates clear evidence that housing completions will take place within five years.
40. Given the current position, the appellant considers that the delivery figures should be pushed back by two years leading to a reduction in 250 dwellings. However, based on the amount of work undertaken to date, I consider the Council's delivery figures to be reasonable estimates and indeed below the 250 per annum typical housing delivery, given the sites proximity to Cambourne West. Therefore, there is no need to reduce the supply on this site.

Cambourne West

41. The site has outline planning permission for up to 2,350 dwellings. The first reserved matters application for strategic engineering (highways and drainage) was approved by the Council in November 2019. In addition, over 20 conditions on the outline permission have been discharged, including such matters as archaeology, phasing, design code and tree protection.
42. Bi-weekly meetings and regular dialogue is held between representatives of the Council, Highway Authority and the developer team, who have also been

presenting their scheme to the Town Council. Furthermore, it was confirmed at the Hearing that the land has been sold to a developer³.

43. It seems to me therefore, that there is real progress towards the submission of the landscaping reserved matters submission as well as a details submission for phase 1, providing clear evidence that housing completions will begin on site within five years. The Council has taken a conservative approach to delivery on the site and I see no reason to disagree.

Green End Industrial Estate

44. This site is allocated in the Local Plan and has outline planning permission for 85 dwellings. A reserved matters application was submitted mid November 2019 (S/4085/19/RM) by Morris Homes, following pre-application discussion with the Council. It is currently the subject of consultation.
45. The Council has used its typical assumptions to suggest that 35 houses would be delivered in 2021/22 and 50 in 2022/23, which also allows one year if there were to be any slippage. Although in the early stages, I am satisfied that this is sufficiently clear evidence to demonstrate that housing completions would be started on site within five years.

Fulbourn and Ida Darwin Hospitals

46. The site is allocated within the Local Plan and has outline planning permission for up to 203 dwellings granted in November 2019. A housebuilder has been appointed and a pre-application inquiry application was submitted to the Council in November 2019. While these matters are not in the public domain, there are legitimate reasons for that with it being an election purdah period at the time of the Hearing, with the Council also confirming that all pre-enquiries are treated as confidential.
47. Buildings have been demolished on site, with the only one remaining to be demolished in January 2020. The agent anticipated that the first housing completions would be at the end of 2020. This seems ambitious, given that there is no reserved matters application submitted yet. While it is possible that some housing might begin to be delivered at this site within 5 years, it has not been demonstrated that there is a realistic prospect or clear evidence for 110 units as included by the Council in its trajectory. At best, the appellant states that 60 units should be included by pushing back development by one year. I have also assumed that 60 units could be delivered, which means a reduction of 50 dwellings from the Council's supply.

Land off Rampton Road

48. The site has outline planning permission for up to 200 dwellings. The housebuilder is Redrow Homes who submitted duplicate reserved matters applications for 199 dwellings in July 2019. Amended plans have been submitted to overcome concerns raised by statutory consultees regarding drainage and highways and are currently subject to consultation. Although the LLFA maintains an objection, it also indicates that the objection can be overcome.

³ Hearing Document No 8

49. On that basis, given the progress on the reserved matters application, there is clear evidence that houses will be completed on the site within five years. The Council assumes that the first completions would be in 2020/21, based on advice from the developer. This seems realistic and I am satisfied that the Council's assumed figure of 139 can be considered as deliverable.

Land rear of 130 Middlewatch

50. The site has outline planning permission for up to 70 dwellings. A reserved matters application was submitted in May 2019 for 69 dwellings. This was followed by amended plans in November 2019 to address concerns raised by the Council's landscape officer and the Highway Authority and are currently the subject of consultation. The Council is of the view that the matters are not in principle concerns and are capable of being overcome.
51. The appellant considers that the site should be pushed back two years in the trajectory. However, given the recent progress made, I see no justification for that approach and am satisfied that 69 dwellings could be provided as suggested by the Council. In any case its adopted timescale allows for one year slippage.

Land at Teversham Road

52. The site has outline planning permission for 110 dwellings and the Council is currently considering a reserved matters application for 110 dwellings. There is a technical objection to the application from the LLFA. However, this is on the basis that it requires the developer to demonstrate how the drainage path through the site would be managed and is not envisaged to be a barrier to development.
53. The Council has assumed a more conservative approach than the developer in terms of delivery to allow time for the reserved matters application to be determined. The timescale has therefore been pushed back so that the first completions are envisaged in 2021/22. I have seen nothing to suggest that the concerns of the LLFA cannot be overcome and the reserved matters subsequently approved. I am satisfied therefore that there is clear evidence that housing completions will be begun on site within five years.

Land off Grafton Drive

54. The site has outline planning permission for up to 58 dwellings. Following pre-application discussion, the Council is considering a reserved matters application which it anticipates being determined in early 2020. The appellant suggests pushing back the site by one year with a consequent reduction of 30 dwellings.
55. The landowners advise that development would start on site in mid/late 2020 with the first housing completions in mid/late 2021. However, the Council has taken a more conservative view to take account of the sale of the land and allow for consideration of the reserved matters application. This seems to me to be a reasonable approach and I consider there to be clear evidence that 58 dwellings could be achieved within five years.

Papworth West Central – land south of Church Lane and Catholic Church site

56. The land south of Church Lane has reserved matters approval for 53 dwellings and full planning permission for 8 live-work units. A start has been made on site and the developer anticipates that the first dwellings will be completed by April

2020. Some applications for the discharge of conditions have been agreed by the Council and others are currently being considered. The trajectory envisaged by the Council allows a two year delay to the delivery.

57. The Catholic Church site has full planning permission for four dwellings. The agent suggests that the development would be complete by 2020. No applications have been received to discharge the conditions in relation to this site and the permission expires in June 2020.
58. Nevertheless, both sites fall within definition (a) of deliverable within the Framework and should be considered deliverable until permission expires. I have seen no substantive evidence to suggest that either site would not come forward within five years.

Conclusion on housing land supply

59. In light of the forgoing, I consider that the supply figure should be reduced by a total of 485 dwellings. Based on the agreed requirement, this would mean the Council could demonstrate a 5.05 year housing land supply and Greater Cambridge 5.07 years.
60. Although no evidence was presented to me at the Hearing, and noting the subsequent comments of the Council, even if I were to take into account the 140 dwellings that the Inspector at the Melbourn Road appeal considered were not certain to be delivered at land north of Worts Causeway, then the Councils would still maintain a five year housing land supply. While its inclusion would mean the Council would only be able to demonstrate a 4.95 year housing land supply, Greater Cambridge would still maintain a 5 year housing land supply. Therefore, as that is the agreed appropriate geography for assessing the five year housing land supply in this case, as set out in policy S/12 of the Local Plan, I conclude that overall, the Councils can be considered as being able to demonstrate a suitable supply of housing.

Character and appearance

61. The appeal site lies on the edge of the village of Over. There are houses to the north, east and south of the appeal site. To the north the houses are separated from the appeal site by The Doles Green Lane (DGL) and a row of trees, so that the housing is relatively unobtrusive when viewed from the appeal site. To the west is a recreation ground and the village/community hall. Housing to the south extends in a linear fashion along New Road before giving way to open countryside.
62. The appeal site comprises open green pasture land, bounded mostly by hedgerows and trees. It shares a boundary with the recreation ground and the open countryside and therefore, contributes positively to the area extending the countryside into the village creating a semi-rural character and appearance.
63. The proposal would result in the demolition of two bungalows fronting New Road to provide access to the 44 dwellings proposed to the rear. As a result, a large amount of the open green area would be lost and replaced with built form. This would be contrary to one of the priorities of the Over Village Design Guide Supplementary Planning Document Consultation Draft 2019 (SPD), which seeks to maintain the green 'fingers' which connect the village interior to the surrounding landscape, particularly the fields between the recreation ground, Station Road and New Road, where the appeal site is located.

64. The SPD also seeks to ensure that development outside the village envelope within the surrounding fields and pastures, provides significant new public amenity spaces and accessible wild spaces connecting with an expanded green network. The proposal would achieve this by the provision of a large area of public green space in the northern part of the appeal site, together with linkages through to the DGL and the recreation ground.
65. While the proposal would erode the semi-rural nature of this area, public views of the site are minimal, given the existing hedgerow and housing along both Station Road and New Road. There would be occasional glimpses between the existing houses on New Road, and the proposed access road, would open up views into the site. Nevertheless, planting around the entrance, together with the proposed staggered layout should ensure that views into the site from New Road would retain a semi-rural character.
66. The proposed houses would have a modern design but would be viewed against the back drop of existing housing on at least two sides. Furthermore, although some of the houses would be two and a half and three storeys in height, the number of such properties would be minimal. It was pointed out by interested parties that they would be located on already high ground. However, they would be located towards the centre of the site and, given their low number, I am satisfied that they would not be unacceptably unobtrusive when surrounded by the other development.
67. Therefore, in as much as the proposal would lead to development encroaching into the open countryside, reducing the green nature of the area to some extent, it would be harmful to the character and appearance of the area contrary to Policy HQ1a of the Local Plan which requires that development preserves or enhances the character of the local urban and rural area and responds to its context in the wider landscape. However, that harm would be limited by the provision of a considerable amount of green space, the retention of existing trees and hedgerows and the relative enclosure of the site meaning public views would be restricted.

Location

68. Policy S/7 of the Local Plan states that outside defined development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
69. It is agreed within the main SOCG that the appeal site is outside the development framework for Over and therefore the proposal for housing would be in conflict with the requirements of Policy S/7. I agree.
70. Policy S/6 of the Local Plan sets out a hierarchical approach to the provision of jobs and homes, which are directed in descending order of preference to the edge of Cambridge, new settlements and, in the rural area, at Rural Centres and Minor Rural Centres. Among other things, that hierarchy is based on sustainable location and proximity to other development that that would encourage use by other means of transport than the private car. The policy goes on to state that rural settlement policies provide for windfall development for different categories of village, consistent with the level of local service provision and quality of public transport access to Cambridge or a market town.

71. In August 2018, the Inspectors' Report regarding the Local Plan examined the settlement hierarchy set out in the plan and found it to be justified and effective. The fundamental aim of the sequential approach set out in policy S/6 is to encourage a more sustainable pattern of living, by allowing only limited development to meet local needs within villages in the district, with most of that limited development focussed into the larger, more sustainable villages. Over is not identified as such.
72. Policy S/10 of the Local Plan designates Over as a Group Village and states that residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the development framework. In addition, development may exceptionally consist of up to about 15 dwellings where this would make the best use of a single brownfield site.
73. Putting to one side for the moment the fact that the appeal site lies outwith the development framework for Over, the scale of development would be considerably larger than that envisaged by the Policy as being acceptable within the settlement given the services and facilities available in the Group Village. In accordance with the settlement hierarchy the quantum of development proposed should be directed to the larger Rural Centres where there are more facilities and services, as well as better public transport links. I am also mindful in this regard that the underlying aim of Policy S/7 is to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations.
74. In coming to a view on this issue, I have had regard to the findings of the Inspector dealing with an appeal elsewhere in Over (the Mill Road appeal)⁴ who concluded that whilst the village is generally well served by social and community facilities, there is only one small convenience store. As such, he considered that residents would have to travel outside the village to shop for anything other than very basic everyday items, with reliance on the private car for the normal weekly food shop being a strong likelihood. Whilst the main employment opportunities would be outside Over, he found that they could be accessed via the Cambridge Guided Bus (CGB) which offered a convenient alternative to the car. In addition, he found that the secondary school at Swavesey could be accessed by cycle or school bus as an alternative to the car. Overall therefore, he concluded that there was only limited harm arising from access to facilities, due to the limited access to shops.
75. In terms of shops and services, little has changed since that time and I have seen no substantive evidence to lead me to reach a different conclusion from that of my colleague. However, the proposal before me would encroach into the open countryside and in this context, there would be some, albeit limited harm to the character and appearance of the area contrary to Policy HQ1a. More importantly, and notwithstanding the accessibility of a number of services and facilities for future residents, the development would materially undermine the spatial strategy underpinning the development plan due to the location of the development adjacent to a lower order settlement and the quantum of housing proposed, bringing the development into conflict with Policies S/6 and S/7 of the Local Plan.
76. I have found that the Councils are able to demonstrate a five year housing land supply at the present time, in contrast to the position facing my colleague,

⁴ APP/W0530/W/16/3148949

where the parties were in agreement that there was no demonstration of the required supply. At the present time therefore, the Policies are up to date and I give conflict with them full weight. To develop the appeal site as proposed would be at odds with, and would undermine public confidence in, the plan led system. I am mindful in this regard, that the Framework recognises that the planning system should be genuinely plan led. In my view therefore, this would not be an appropriate site for development having regard to local planning policies that seek to manage the location of new development.

Conclusion

77. I have found conflict with a number of Local Plan policies, including the development strategy envisaged for the District, which brings the proposal into conflict with the development plan as a whole. The policies cited above are the most important for determining the application and I find them to be effective and not out of date.
78. The provision of new housing, including affordable housing would be a benefit. As would the provision of four plots for custom build dwellings and open space in excess of the policy requirement. Furthermore, the proposal would offer economic benefits through construction jobs and the contribution of future residents to the local economy.
79. However, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan and the harm that I have identified. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.
80. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor QC	Instructed by Mark Buxton Director RPS
Mark Buxton MRTPI	Director RPS
Andy Brand MRTPI	Director RPS
David Mead MRTPI	Director Partners in Planning and Architecture
Jake Tubb	Assistant Planner RPS

FOR THE LOCAL PLANNING AUTHORITY:

Douglas Edwards QC	Instructed by Stephen Reid Legal Officer, South Cambridgeshire District Council
Alexander Greaves	Counsel

Andrew Burgess	Adams Hendry for South Cambridgeshire District Council
Jenny Nuttycombe	Senior Planning Officer, South Cambridgeshire District Council
Rebecca Ward	Principal Planning Officer, South Cambridgeshire District Council
James Fisher	S106 Officer, South Cambridgeshire District Council
Stephen Reid	Legal Officer, South Cambridgeshire District Council

INTERESTED PARTIES

Geoff Twiss	Vice-Chairman of Over Parish Council
Janet Oswell	Local Resident
Ralph While-Paddon	Local Resident
Roy Stubbs	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 – Statement of Common Ground Addendum – Housing Land Supply
- 2 – Comments from Lead Local Flood Authority dated 14 November 2019
- 3 – Report on the examination of the South Cambridgeshire Local Plan
- 4 – South Cambridgeshire Authority Monitoring Report January 2019
- 5 – Cambridgeshire Green Infrastructure Strategy
- 6 – Statement of Common Ground APP/W0530/W/18/3209856
- 7 – Comments from Geoff Twiss Vice-Chairman of Over Parish Council
- 8 – Letter regarding purchase of site at Cambourne West dated 21 November 2019
- 9 – Disputed sites where Council has not provided a response in its rebuttal statement document
- 10 – S106 Agreement
- 11- Over Village Design Guide