



Appeal Decision

Site visit made on 10 March 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/W0530/W/19/3242655

Spinney Hill Farm, Newton Road, Whittlesford CB22 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Knight against the decision of South Cambridgeshire District Council.
 - The application Ref S/1458/19/FL, dated 17 April 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the change of use from a dwelling house and former agricultural land to a nature reserve and burial ground, the demolition of existing buildings, the erection of a remembrance hall and associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwelling house and former agricultural land to a nature reserve and burial ground, the demolition of existing buildings, the erection of a remembrance hall and associated car parking and landscaping at Spinney Hill Farm, Newton Road, Whittlesford CB22 4PF in accordance with the terms of the application, Ref S/1458/19/FL, dated 17 April 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt and the impact on its openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the development would be in a suitable location in terms of access; and
 - Whether the site could be adequately drained and avoid an increased risk of flooding to the surrounding area.

Reasons

3. The appeal site is located within the Green Belt and currently comprises a detached dwelling, with associated garden and outbuildings, set within a larger area of former agricultural land. The site is accessed off Newton Road, and the M11 runs alongside. It is detached from the main village of Whittlesford. The

immediate area is rural in character with sporadic and small groups of dwellings.

4. The proposed development would involve the demolition of the existing dwelling. It would be replaced by the proposed remembrance hall. A car park would be located adjacent to the remembrance hall, accessed off Newton Road. Areas for double, single and green burials would be located within the area of former agricultural land and would be subject to significant landscaping to provide a nature reserve.

Inappropriate Development

5. Paragraph 143 of the Framework (2019) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 of the Framework state that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to a list of exceptions. Paragraph 145 b) includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 146 goes on to define material changes of use of land such as for cemeteries and burial grounds as not inappropriate in the Green Belt, subject to the same criteria regarding openness.
6. Policy S/4 of the South Cambridgeshire Local Plan (2018) (Local Plan) states that new development in the Green Belt will only be approved in accordance with Green Belt policy in the National Planning Policy Framework. Consequently, the change of use of land to a cemetery and burial ground and related ancillary structures is not inappropriate development, but subject to the proviso that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. The Council considers that the proposed remembrance hall would not cause harm to the openness of the Green Belt as it would be a reduction in scale from and would sit on a similar location to the existing dwelling. I have little evidence before me that would lead me to conclude differently in respect of the remembrance hall.
8. The part of the appeal site which would form the burial areas is an extensive area of land. It is screened from the M11 by mature trees. Along the front boundary with Newton Road is fencing and hedging and the other boundaries are heavily vegetated. The site falls in level from Newton Road to the M11. The overall effect of the landscaping to the boundaries and the land levels is that this part of the appeal site is reasonably well screened.
9. The proposed burial areas would represent a change in character to the previous use of the land for agricultural purposes. The development would introduce memorial stones/markers which would be set out in groups. However, I have had regard to the current physical boundaries of this part of the appeal site and the screening in place. I consider that the appeal site in its current form, although undeveloped in this area, makes a limited contribution to the openness as a result of these features, the land levels and its lack of connectivity to other open areas as a result of the truncation by the M11. Whilst the plots would introduce a degree of uniformity in terms of the siting of

the burial plots, I do not find that this would be significantly at odds with the existing experience of the site. In this regard therefore, with the carefully considered placement and orientation of the memorials I find that the visual openness of the site would not be harmed as a result of the development.

10. Notwithstanding this, the absence of a visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt and openness has a spatial aspect as well as a visual aspect. Policy S/4 of the Local Plan identifies that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Whilst the proposed development would formalise the use of the appeal site, the introduction of burial plots would not fundamentally alter its character. The provision of memorials and grave markers would introduce a degree of change, but I find that this would be negligible in terms of the impact on the openness of the appeal site, particularly with the proposed restrictions on the size of the markers and memorials and the proposed spacing and landscape enhancements.
11. Whilst openness can be defined as the absence of development, I do not find the proposed memorials and burial plots to be significant in terms of the introduction of built form into the surroundings and would instead be a reasonably related facility linked to the overall proposed use.
12. The proposal would also include a car park which would be sited adjacent to the remembrance hall and adjacent to the neighbouring property. Whilst the car park would formalise part of the appeal site and at times would be visually altered with the parking of cars, depending on numbers of visitors and opening hours, I have had regard to the level of screening and its proposed location. In addition, I consider the car park to be intrinsically linked to the provision of the remembrance hall and the proposed development as a whole therefore find that it would not be inappropriate due to this link.
13. As I have found the proposed development would not result in harm to the openness of the Green Belt and therefore not be inappropriate it is not necessary for me to consider whether there are very special considerations.
14. Consequently, for the above reasons I conclude that the proposed development would not materially harm the openness of the Green Belt and would not be inappropriate as a result. It would therefore accord with the provisions of Policies S/2, S/4 and NH/8 of the Local Plan and Section 13 of the Framework. Collectively these seek to, in addition to preventing inappropriate development and urban sprawl, ensure that development proposals within the Green Belt are located and designed so that they do not have an adverse effect on the rural character and openness of the Green Belt, amongst other things.

Whether the location would be suitable in terms of access

15. The proposal is located to the edge of Whittlesford and on the site of an existing dwelling and associated land. An existing dwelling is located to the east. The main part of the village is located some distance away.
16. The proposed development would provide a car park with vehicular access from Newton Road and a pedestrian footpath linking the car park to the remembrance hall. Newton Road has no footpath provision close to the appeal site and the bus stop is located approximately 900m from the site, with the train station being around 3km away.

17. I have had regard to Policies S/2, S/3 and TI/2 of the Local Plan as well as the provisions of the Framework in terms of the economic, social and environmental objectives. The Appellant acknowledges that there would be a moderate benefit in terms of small-scale employment. The proposed development would also make provision for significant landscape and habitat enhancements. However, the nature of the proposed development is such that these are typically located on the edge of settlements and outside of urban areas as a consequence of the amount of land required. Paragraph 103 of the Framework acknowledges that whilst development should focus on areas that limit the need to travel and offer a choice of transport modes, opportunities for this will vary between urban and rural areas. Furthermore, I have considered the nature of the proposed use which would be likely to have few people visiting at any one time or would have specific bookings for larger groups of people.
18. I have carefully considered the Council's concerns however the proposed location is not unusual for developments of this type. Whilst there is likely to be a degree of vehicle movements I am satisfied that the provision of a travel plan, which can be secured by condition, would go some way to mitigating the impact of the use of the private car by allowing for the provision of a bookable collection service and could potentially include the provision of secure cycle parking. Accordingly, whilst there would be a potential increase in the use of the private car arising from the development, subject to the provision of a travel plan I see no conflict with Policies S/2, S/3 and TI/2 of the Local Plan insofar as they require development to make adequate provision to mitigate the likely impacts of the development, amongst other things.

Drainage and Flooding

19. The appeal site is located within Flood Zone 1. The application to the Council included a Groundwater Risk Assessment and Flood Risk Assessment however, in consultation with the Lead Local Flood Authority, the Council considered that the level of information provided was not sufficient in terms of the proposed surface water drainage methods via infiltration.
20. Following this the Appellant has provided copies of correspondence with the Lead Local Flood Authority to suggest that a way forward could be achieved. I have considered the correspondence provided and the concerns of the Council however I find the submitted information gives an indication that a suitable method of drainage could be achieved on site. I have had regard to the suggested conditions put forward by the Council in relation to surface water drainage scheme and maintenance, foul water drainage and pollution control and consider that these are satisfactory to secure a suitable method of drainage for the appeal site.
21. Accordingly, I conclude that the proposal would comply with Policies HQ/1, CC/7, CC/8 and CC/9 of the Local Plan which require development to be judged against national policy in terms of flood risk.

Other Matters

22. The proposed development would provide some modest employment opportunities. In addition, the development would include significant enhancement to natural habitats and environments through a comprehensive

landscaping scheme, which would represent a substantial benefit arising from the proposal.

23. I have carefully considered the previous appeal decisions on the appeal site. However, I have had regard to the changes that have taken place in terms of the provisions of the Framework since this appeal decision was made. In addition, I do not have all of the relevant details of these cases in terms of the proposed layout and nature of the appeal site before me and I note the amount of time that has elapsed since these decisions were made. I have assessed the appeal proposal against the revised criteria in the Framework and based on the evidence before me, which has led me to the above conclusions.
24. A number of local objections have been received concerning, in addition to the above matters, increase in traffic levels through the village and highway safety, the likelihood of the nature reserve to flourish, other vacant burial plots nearby and lack of identified need, and insufficient facilities proposed to cope with the numbers attending a funeral. I have carefully considered these matters.
25. In relation to highway safety matters I have had regard to the existing highway network and the proposed access and parking facilities. In addition, I have considered the comments of the Local Highway Authority. I have been provided with limited information in relation to accident data or the speeds of traffic through the village and accordingly find that it has not been demonstrated that there would be harm arising in relation to highway safety. In addition, conditions can be imposed to ensure that the parking is made available and suitable visibility can be achieved along with safe access.
26. In terms of the need for more burial plots, I have not been provided with any details of policy restrictions relating to need in respect of burial grounds therefore the presence of other available plots would not render this development unacceptable. Similarly, I have not been presented with evidence to demonstrate that the facilities provided would not be sufficient to accommodate the use, indeed many funerals are small scale events. With regard to the potential for the nature reserve to flourish I will impose conditions ensuring that a landscaping and biodiversity scheme is submitted and to secure necessary replanting should any of the initial planting fail.

Conditions

27. In addition to the standard time limit condition I have included a condition listing the approved plans as this provides certainty. The Council have suggested a number of conditions which I have considered against the guidance in the Planning Practice Guidance and amended as necessary.
28. An archaeological condition is required to ensure that any remains found on site are protected. I have imposed a condition for contaminated land investigation to ensure safety for workers and visitors to the site as well as the living conditions of nearby occupiers and environmental impacts. Conditions for surface and foul water drainage, pollution control and maintenance are necessary to secure a suitable method of drainage to protect nearby residents and the environment. I have included conditions relating to the restriction of vegetation removal and the provision of a Biodiversity Management Plan in the interests of protecting and enhancing the ecology of the site and surroundings. I find conditions for the provision of a traffic management plan, provision of visibility splays, access construction and width, provision of parking and turning

areas and a travel plan are necessary in the interests of highway safety and as such I have imposed these.

29. Conditions for landscaping works, restrictions on memorial sizes and numbers and details of screened refuse facilities are required in the interests of the visual character of the area. I have imposed conditions restricting the hours of construction, provision of lighting, hours of use and the demarcation and landscaping in relation to the public right of way in the interests of protecting the living conditions of nearby residents and the amenities of the wider public. Conditions restricting the specific burial arrangements are necessary to protect from pollutants and a condition restricting water consumption is necessary to ensure a satisfactory development in terms of water resources.
30. Conditions 3, 4, 10, 16, 17, 20 and 25 are required to be pre-commencement condition as it is fundamental to have these details agreed prior to any works commencing on site.

Conclusion

31. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: PL-00; PL-01; PL-02; PL-03, PL-04; PL-05; Tree Protection Scheme, Tree Survey and Arboricultural Assessment all dated 10 May 2019.
- 3) No demolition or development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI which shall include:
 - a) the statement of significance and research objectives;
 - b) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - c) the programme for the analysis, publication and dissemination and deposition of resulting material.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
- 4) No development approved by this permission shall be commenced until:
 - a) the application site has been subject to a detailed desk study and site walkover, to be submitted to and approved in writing by the local planning authority;
 - b) the application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority.
 - c) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the local planning authority.
 - d) the works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the local planning authority, in accordance with the approved scheme.
 - e) if during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the local planning authority.
- 5) No development, other than demolition, shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall

subsequently be implemented in full accordance with the approved details prior to occupation of the development.

- 6) No development, other than demolition, shall commence until a scheme for the provision and implementation of pollution control of the water environment (including surface and foul water drainage) shall be submitted to and approved in writing by the local planning authority. The works/scheme shall be constricted and completed in accordance with the approved plans.
- 7) Prior to the first occupation of any building, details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the local planning authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 8) No development above slab level shall occur until a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing by the local planning authority.
- 9) No removal of hedgerows, trees or shrubs, areas of land suitable for ground nesting birds, brambles, ivy and other climbing plants, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority to demonstrate compliance.
- 10) No development shall commence until a Biodiversity Management Plan (BMP) has been submitted to and approved in writing by the local planning authority. The scheme shall include full details of the ecological management objectives and prescriptions for the site including, but not limited to, the following points:
 - a) details of land ownership, roles and responsibilities;
 - b) a plan showing areas of habitat retention and creation and management compartments;
 - c) the aims and measurable objectives of biodiversity management at the site, including target species and habitats;
 - d) the management and protection measures for all retained habitats and species to prevent damage;

- e) a specification for any newly created habitats and features including native hedge and tree planting, new pond, chalk bund and habitat piles for reptiles;
- f) planting prescriptions and a management specification for trees and hedgerows;
- g) enhancement and management measures for the pond(s) and seasonally wet areas;
- h) enhancement and management measures for all grassland habitats;
- i) a work schedule detailing annual management activities for at least a ten-year period, including seasonal timing;
- j) the frequency and timing for the monitoring of habitats and notable species and means of reporting the findings to the local planning authority and other stakeholders; and
- k) environmental education measures and community involvement.

The measures shall also address means of public access. The BMP shall be implemented upon establishment/restoration of any ecological feature, and thereafter in accordance with it.

- 11) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the local planning authority in consultation with the highway authority. The principle areas of concern that should be addressed are:
 - a) movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway);
 - b) contractor parking (for both phases all such parking shall be within the curtilage of the site and not on the street);
 - c) movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted highway); and
 - d) control of dust, mud and debris, in relationship to the functioning of the adopted public highway.Development shall not be carried out other than in accordance with the approved details.
- 12) Prior to the commencement of the proposed use, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No: SK01 Rev B, contained within the submitted Transport Addendum Report Additional Information 21.8.19. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13) The access and proposed driveway shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 14) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:
 - a) enter, turn and leave the site in forward gear; and
 - b) park clear of the public highway.

- The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15) The access shall be a minimum width of 5m for a minimum distance of 10m measured from the near edge of the highway boundary.
 - 16) Prior to the commencement of the development a Travel Plan for both staff and visitors shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of the bookable collection service from nearby transport hubs. The Plan shall be implemented in accordance with the approved details.
 - 17) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
 - 18) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.
 - 19) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries shall be taken at or despatched from the site except between the hours of 0800 – 1800 Monday to Friday, 0800 – 1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
 - 20) Prior to the commencement of the development an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off site as appropriate, shall be submitted to and approved in writing by the local planning authority. This scheme/assessment shall include layout plans and elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps at nearest residential premises, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles / luminaire profiles, orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the local planning authority gives its written consent to any variation.
 - 21) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing before installation by the local planning authority.

- 22) All burials shall be:
- a) a minimum of 50 metres from a potable groundwater supply source;
 - b) a minimum of 30 metres from a watercourse or spring;
 - c) a minimum of 10 metres distance from field drains; and
 - d) no burial into standing water and the base of the grave must be above the local water table.
- 23) There shall be no more than 3,318 memorials or grave markers sited on the premise, as shown on the areas identified for burials on drawing number PL-02 (Site Plan Proposed), in connection with the development at any one time. The memorials and grave markers (including the 404 plots reserved for green burials) to be sited at the premises in connection with the development shall not exceed the following dimensions: Height 90mm, Length 600mm and width 600mm and shall be at a density of no more than 21 memorials/markers per 100 sqm.
- 24) Prior to the first use of the development full details of the hours of operation of the premises, details of a scheme permitting public access to the site during opening hours and details of the operation of services on the site shall be submitted to and approved in writing by the local planning authority. Operations and access shall be carried out in accordance with the approved details.
- 25) Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.
- 26) No planting shall take place within two metres of any public right of way.
- 27) No development, other than demolition and site clearance, shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the local planning authority. The screened refuse storage shall be completed before the first use of the development and thereafter retained.
- 28) No development, other than demolition and site clearance, shall take place until a water conservation strategy, which demonstrates a minimum water efficiency standard equivalent to the BREEAM standard for 2 credits for water use levels unless demonstrated not practicable, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.