



Appeal Decision

Site Visit made on 16 November 2020

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/W0530/W/20/3257351

47 Gibraltar Lane, Swavesey CB24 4RR

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 Mrs Julia Jorden against the decision of South Cambridgeshire District Council.

The application Ref S/4375/19/FL, dated 10 January 2020, was refused by notice dated 16 July 2020.

The development proposed is construction of two residential dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the appeal site represents an appropriate location for housing, having particular regard to the Council's spatial strategy for development; and
 - Whether or not adequate information has been provided to demonstrate that the proposal would have an acceptable effect upon Great Crested Newts (GCNs).

Reasons

Whether or not an appropriate location for housing

3. The appeal site is formed of residential garden land set out to the rear of No 47 Gibraltar Lane (No 47) and is located such that it straddles Swavesey's designated development framework boundary. Policy S/7 of the South Cambridgeshire Local Plan (September 2018) (the Local Plan) sets out that, outside of development frameworks, only Neighbourhood Plan allocations and specified types of development that need to be located in the countryside or where supported by other policies in the Local Plan will be permitted. It is not the appellant's case that any of these stated exceptions are met.
4. The supporting text to Policy S/7 confirms that development frameworks are necessary 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.
5. It is relevant and important to note that planning permission is in place for the construction of 99 dwellings upon a development site that is situated to the

southwest of the appeal site. It is my understanding that outline permission was originally granted at a point in time when the Council was unable to demonstrate a 5-year supply of deliverable housing sites, which is not the case currently. However, the 99-unit scheme, which is currently being built out, has a pronounced influence upon how Swavesey's village limits are interpreted and experienced on the ground. Notwithstanding the requirements of Policy S/7, the proposal before me would not appear as a gradual encroachment into the countryside.

6. Swavesey is defined as a Minor Rural Centre under Policy S/9 of the Local Plan. The policy indicates a maximum scheme size of 30 dwellings within the development frameworks of such settlements. Nevertheless, it was apparent from inspection that a variety of facilities and services likely capable of serving the day-to-day needs of future occupiers of the development are contained within the village. These include a primary school, a college, a post office and a public house as well as access to local bus services.
7. The site is closely positioned to routes that are both pathed and lit and that provide access to the various facilities and services discussed above. Notwithstanding the site's position to the edge of and partly outside of Swavesey's defined development framework, I am satisfied that the appeal site has acceptable and realistically walkable access to surrounding facilities and services. Thus, the proposal would not promote growth in an unsustainable location. In this context, and in accordance with the National Planning Policy Framework (February 2019) (the Framework), any future occupation of the proposed housing would support local services and enhance/maintain the vitality of rural communities.
8. Whilst I have had regard to the Council's spatial strategy for development and acknowledge that part of the scheme conflicts with Policy S/7 by virtue of its position outside of Swavesey's development framework, I find that other material considerations indicate that the appeal site represents an appropriate location for housing.

Great Crested Newts

9. Policy NH/4 of the Local Plan sets out that, where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, an adequate level of survey information and site assessment to establish the extent of a potential impact shall be provided prior to the determination of an application.
10. A Preliminary Ecological Appraisal (PEA) dated 6 December 2019 supported the appellant's planning application. The recommendations set out within the PEA include that data be obtained regarding the presence/absence and population sizes of GCNs at all ponds within 250m of the site. This is due to the known presence of GCNs in the vicinity of the site and the suitability of parts of the site for this species.
11. The appellant has acknowledged the PEA's recommendations but has referred to limitations associated to the Covid 19 pandemic, which made it unfeasible to carry out the required survey work during the recognised survey season for GCNs earlier this year. However, whilst it is of course unfortunate that such limitations have applied, these constraints cannot legitimise development potentially being permitted without it having been demonstrated that an

acceptable effect upon a legally protected species would result. This is consistent with the views of the Council's Ecology Officer.

12. For the above reasons, adequate information has not been provided to demonstrate that the proposal would have an acceptable effect upon GCNs. I thus find significant potential harm and that the proposal conflicts with Policy NH/4 (Biodiversity) of the Local Plan.

Other Matters

13. I have noted objections/concerns raised by interested parties with respect to matters including the scale and massing of the proposed dwellings, intended development to plot proportions, the effect upon any designated important/valued gap or view, the effect upon existing trees, highway impact, pedestrian safety and flood risk. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
14. In terms of the scheme's benefits, it is the case that two additional residential units are proposed, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making effective use of land. Nevertheless, the provision of two additional units would not make a noticeable difference to the District-wide housing supply situation and is thus a benefit that attracts limited weight which would not outweigh the significant potential harm I have identified in a GCN context.
15. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR