
Appeal Decision

Site visit made on 1 February 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 2nd March 2021

Appeal Ref: APP/W0530/W/20/3252864

Marsh Close Firework Factory, Comberton Road, Little Eversden CB23 1EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Archer against the decision of South Cambridgeshire District Council.
 - The application Ref S/3083/19/OL, dated 5 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is to replace buildings used for the storage and distribution of fireworks with eight residential dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. Whilst the application included a potential layout and design for the dwellings, this is only illustrative of how a scheme on the site might look.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal would represent sustainable development having regard to the development plan and the character of the area;
 - whether any loss of employment would be acceptable;
 - whether the proposal would provide suitable living conditions for future occupiers;
 - whether the access would be acceptable in relation to highway safety;
 - whether the proposal would protect biodiversity and ecological interests;
 - whether the proposal would increase the risk of surface water flooding; and

- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

4. The proposal is for eight dwellings on the part of Marsh Close firework factory occupied by about 35 large storage containers, laid out in two lines, that are currently used for the storage of fireworks. The site lies within a triangular area of woodland on the western side of Comberton Road in the Cambridge Green Belt. Within the wider site there are several other structures including an office, warehouse, quadruple garage, portacabin and brick and wooden sheds. However, these buildings, whilst comprising a significant built volume, lie outside the red line of the application site and thus cannot be taken into account in the assessment of the application.

Whether inappropriate development

5. Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt with certain limited exceptions. One is relevant in this case, namely the partial or complete redevelopment of previously developed land if it would not have greater impact on the openness of the Green Belt than the existing development. Policy NH/9 criterion (e) of the South Cambridgeshire Local Plan 2018 (SCLP) also lists this exception.
6. In this case the proposal is to replace the storage containers with eight houses on approximately the same footprint. Whilst substantial, no information is provided as to the volume of the storage containers to be removed or the dwellings to be built, and thus no comparison can be made as to the effect on the openness of the site, essentially the presence or otherwise of built form. A smaller proposal might not exceed the existing volume of the containers on the site, but the illustrative plans show eight large two-storey detached houses which would probably amount to a significant increase.
7. In the absence of evidence to the contrary the proposal would have a greater impact on the openness of the Green Belt than the existing storage containers. It would therefore fall outside the scope of the redevelopment exception in NPPF paragraph 145 and SCLP Policy NH/9 and would amount to inappropriate development in the Green Belt which would, by definition, be harmful.
8. The appellant argues that the proposal should not be considered inappropriate in the Green Belt as affordable housing would be provided on nearby land so the exception in NPPF paragraph 145 (g) second option applies. However, this is not included in the current application and in any event would not apply to the market housing proposed which would remain inappropriate.

Openness

9. As explained above, in the absence of proof to the contrary the proposal would have a detrimental impact on the openness of the Green Belt which would be contrary to one of its essential characteristics and constitutes a further element of harm. This would conflict with SCLP Policies S/4 and S/2 which seek to maintain and protect the Cambridge Green Belt.

Whether sustainable development

10. The appeal site is separated by farmland from the nearest built up part of the village of Little Eversden as defined by the 'development framework' in the SCLP and about 1.5 km along the road from Comberton on the same basis. As such SCLP Policy S/7 only allows development which needs to be located in the countryside or is supported by other policies, none of which apply in this case. The new houses would be located well away from the services and facilities offered by the nearest villages, too far away to walk comfortably and with limited opportunities for public transport, leading to a development which would rely very heavily on use of the private car. In addition, whilst largely screened by woodland and surrounded by tall close boarded fencing, the group of houses would comprise intrusive, discordant urbanisation in the countryside.
11. For these reasons the proposal would not represent sustainable development having regard to the development plan and would harm the character of the area in conflict with SCLP Policies S/7, S/11 and HQ/1(a). These restrict proposals outside development frameworks, requiring them to be compatible with their location and to provide ease of movement and access for all users, focusing on delivering attractive and safe opportunities for walking, cycling and public transport.

Loss of employment

12. The site has been used for nearly 25 years for the manufacture and storage of fireworks, a process subject to recent changes in regulation which have made the business model uneconomic. As such it would appear a new use needs to be found for the site. The Council state that the proposal is contrary to SCLP Policies S/7 and H/17 but these do not refer to the redevelopment of existing employment sites. Policies E/13 and E/14 appear more relevant but these refer to sites adjoining or close to development frameworks and Policy E/14(2) may be satisfied as employment use may continue on the remainder of the wider Marsh Close site. The Council's objections to the loss of employment on the site are not therefore made out.

Living conditions and highway safety

13. The Council conclude that the proposal would not provide suitable living conditions for future occupiers and that insufficient information has been provided to establish that a safe access could be provided. With a straight road passing the site a safe access should be achievable but in any event as an outline application with all matters reserved these issues cannot be determined at this stage. The illustrative layout and design plans are not definitive.

Biodiversity and ecological interests

14. The appellant submitted a preliminary ecological assessment with the appeal which has not been assessed by the Council. The report concludes there are no specific habitats present within the application site itself, being hardstanding and storage units, but the wider site features broad-leaved deciduous woodland with other habitats nearby. The woodland is of some conservation importance. No protected species were identified but habitats suitable to support breeding birds, badgers and bats are present meaning the site has local importance for biodiversity. Various mitigation measures and opportunities to enhance the

ecology of the site are recommended which would need to be considered as part of more detailed proposals.

15. In the absence of contrary evidence, with suitable mitigation and enhancement measures the proposal would protect biodiversity and ecological interests in compliance with SCLP Policies NH/4 and HQ/1. These seek to maintain, enhance and restore biodiversity and preserve or enhance natural assets.

Surface water flooding

16. The site lies within Flood Zone 1 (low risk) but the Council's drainage officer states that there is substantial surface water flooding on the site and a more detailed flood risk assessment is required. Whilst the appellant disputes this, the matter clearly needs more investigation. At present therefore the proposal conflicts with SCLP Policy CC/9 which requires a site specific assessment for proposals in Zone 1 where there is a need for more detailed analysis.

Other considerations

17. The proposal would provide eight new dwellings which would help meet local housing needs and have social and economic benefits for the area. It would also involve the use of previously developed land and remove a large number of unsightly storage containers, albeit these are screened within existing woodland. However, these other considerations are not particularly unusual and can only be given limited weight in the planning balance. The appellant is also proposing to donate other land within the wider site for an affordable housing scheme but this does not fall within the current application site and consequently cannot be taken into account.

Conclusion

18. The proposal would be inappropriate development in the Green Belt which is by definition harmful; it would also be likely to adversely affect the openness of the Green Belt. The NPPF prescribes that substantial weight should be given to any harm to the Green Belt, and in addition the proposal would not represent sustainable development having regard to the development plan, would harm the character of the area, and may cause flooding concerns. In support of the scheme the other considerations can only be given limited weight. As a result, in this case other considerations do not clearly outweigh the harm to the Green Belt and the other harm that has been identified, which is the relevant test in paragraph 144 of the NPPF. Therefore, very special circumstances do not exist to justify the proposal and the appeal should be dismissed.

David Reed

INSPECTOR