
Appeal Decision

Site visit made on 22 January 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/W0530/W/21/3274838

Hilltrees, Babraham Road, Great Shelford, Cambridge CB22 3AD

- 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 Fleet Stother Cooke against the decision of South Cambridgeshire District Council.
 - The application Ref S/0022/20/FL, dated 20 December 2019, was refused by notice dated 12 January 2021.
 - The development proposed is the change of use from public house car park to parking for car sales.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on traffic and highway safety;
 - the effect of the proposal on ecological interests; 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

3. The proposal is to use the area of overgrown hardstanding next to Hilltrees, the car park for the previous public house use of the building, for the parking of cars for sale. However, the Parish Council state that the now fairly derelict property has not been used as a public house for about 40 years. It seems to have been used as a dwelling since although there were few signs of occupation at the time of the site visit. With this intervening use, no evidence of any efforts to reopen the public house and its physical deterioration, any

reasonable person would conclude that the public house use of the building has been abandoned. The appellant claims that various other activities have taken place at the site including some retail sales, but these do not appear to have been authorised. The proposal must therefore be assessed on the basis of introducing the parking of cars onto the existing disused hardstanding.

4. An application for a certificate of lawful use or development for car sales and repairs on the site has recently been dismissed on appeal¹.

Whether inappropriate development

5. The NPPF states in paragraph 150 that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with its purposes. In this case the proposal would introduce car parking on the site - up to 13 vehicles according to the application form - which would reduce its openness. In addition, the proposal would conflict with two of the purposes of the Green Belt set out in NPPF paragraph 138, namely to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of the historic city of Cambridge.
6. Policy NH/9(1e) of the South Cambridgeshire Local Plan 2018 (SCLP) states that the redevelopment of previously developed sites in the Green Belt will be inappropriate development unless there would be no greater impact on openness or the purpose of including land within it. The development plan therefore includes the same definition of inappropriate development.
7. For these reasons the proposed change of use would be inappropriate development in the Green Belt having regard to the NPPF and development plan policy and this would, by definition, be harmful. The proposal would conflict with both SCLP Policy NH/9 and Policy S/4 which only allows new development in the Green Belt in accordance with the NPPF.

Openness

8. As explained above, 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.

Character and appearance

9. Although the adjacent building and the site generally are unkempt and in a poor state of repair, the site lies in an area of attractive open countryside which gently rises from the edge of the city towards the Gog Magog Hills. In this setting the parking of vehicles for sale on a prominent site adjacent to the busy A1307 road would be visually intrusive and detrimental to the character of the area. The appellant maintains that it would be a low key operation, but if successful its impact would likely be compounded by associated features such as a sales office building, fencing, lighting and roadside advertisement(s).
10. For these reasons the proposal would significantly harm the character and appearance of the area contrary to SCLP Policies S/7, E/23, NH/8, HQ/1 and NH/2. These only allow proposals outside development frameworks which need to be located in the countryside, restrict retailing in rural areas, resist proposals which have an adverse effect on the rural character and openness of the Green

¹ APP/W0530/X/21/3274840

Belt, and require development to preserve the character of the rural area and respect the distinctiveness of the local landscape.

Traffic and highway safety

11. The previous access to the site is closed by concrete blocks and the application includes no details as to the proposed access arrangements or the likely traffic generation involved other than a speculative estimate of six a day. On this busy 50 mph speed limit road the encouragement of turning movements would be likely to be detrimental to highway safety. This would conflict with NPPF paragraph 110(b) which requires safe and suitable access to the site. In addition, given its relatively remote location, notwithstanding the park and ride site, the proposal conflicts with SCLP Policies S/2, HQ/1 and TI/2 which seek to maximise sustainable modes of transport, opportunities for walking, cycling and public transport, and require the location of development to reduce the need to travel, particularly by car.

Ecological interests

12. The site lies within the impact risk zone of the Gog Magog Site of Special Scientific Interest (SSSI). However, no ecological assessment has been submitted with the application to demonstrate that the scheme would not result in significant harm to this designated site. In the absence of an assessment the proposal conflicts with SCLP Policies NH/4 and NH/5 which seek to conserve or enhance biodiversity and preclude schemes which may affect a priority habitat or sites of biodiversity importance.

Very special circumstances

13. The appellant has many years experience in car sales and currently uses two small plots of land at Coldhams Lane and Cherry Hinton Road for car display. These roadside sites are unsatisfactory for running the business and provide no security. The proposal would enable investment to improve the appearance of the property. There is already a farm shop a little further along the A1307. However, these other considerations do not clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area, the potential risks to highway safety and the possible adverse effect on the Gog Magog SSSI. As a result, the very special circumstances necessary to justify the proposal in the Green Belt do not arise in this case.

Conclusion

14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR