



Appeal Decision

Site visit made on 31 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2023

Appeal Ref: APP/W0530/W/22/3301086

**Land to the south of Banworth, Ely Road (A10), Waterbeach
Cambridgeshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Robert Corcoran against South Cambridgeshire District Council.
 - The application Ref 21/05689/OUT, is dated 23 December 2021.
 - The development proposed is outline application for 3 dwellings.
-

Decision

1. The appeal is dismissed and planning permission for outline application for 3 dwellings is refused.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council have prepared an appeal statement which advises that, had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identify that the principal concerns relate to the below main issues.
3. The application was submitted in outline with all matters reserved for future consideration, except for access. I have considered the appeal on this basis.
4. An additional plan was submitted with the appeal which shows the visibility to the site entrance (Dwg 001- rev a). This represents a minor clarification to the original scheme. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration of the submitted drawing in determining this appeal.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - whether the proposal is in a suitable location for housing, with regard to the spatial strategy of the development plan and accessibility;
 - the effect of the proposal on protected species; and
 - the effect of the proposal on highway safety.

Reasons

Whether inappropriate development

6. The appeal site is a vacant parcel of land in the Green Belt. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 149 and 150 of the Framework. The appellant states that the site forms part of an existing developed frontage and is strongly associated with the settlement Waterbeach. Thus, it is stated that the proposal would comprise limited infilling in a village and would meet one of the exceptions set out in criteria e of paragraph 149 of the Framework.
7. The appeal site is located in a gap between two houses which form part of a small cluster of dwellings which are visually and spatially separated by fields from Waterbeach. Furthermore, the cluster of dwellings are not recognised as forming part of a development framework in the South Cambridgeshire Local Plan (2018) (LP). Thus, the site does not comprise land within a village, and the proposal is not therefore limited infilling in a village. Therefore, the proposal would comprise inappropriate development in the Green Belt. LP Policy NH/9 states that development in the Green Belt may be not inappropriate if it fill in a gap between existing built development and has no greater impact on the openness of the Green Belt than the existing development. I consider the impact on openness below.

Effect on the openness of the Green Belt

8. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. The construction of 3 dwellings on the site would result in built form where currently there is none and hence would spatially reduce openness whatever their size.
9. The site is bordered by residential development to the north and south, the A10 to the west and agricultural land to the east. The site is partially screened from the highway by vegetation and sits at a slightly lower level than the highway. Nonetheless, clear views of the site are gained from the agricultural land to the east, from the site access and through gaps in the vegetation at the northwest corner of the site. The site also permits clear views of the neighbouring open field from the highway.
10. As the application is made in outline, details of the layout, scale, appearance and landscaping would be determined at reserved matters stage. Nonetheless, as views of and across the site are readily available, any dwellings, even if single storey, along with the associated parking, turning and site access, would be clearly visible on the site. These buildings would also inhibit views of the open fields to the east. Thus, even when seen in combination with neighbouring built form, the proposal would have a harmful effect on the openness of the Green Belt.
11. On this basis, the proposed dwellings would not comprise a minor intensification of built form and would not preserve the openness of the Green Belt. It therefore would conflict with LP Policy NH/9 as set out above.

Suitability of location for housing

12. LP Policy S/7 states that outside 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 the development plan will be permitted. The supporting text to this policy sets out that this is necessary to protect the countryside from encroachment and to help guard against incremental growth in unsustainable locations. Both parties acknowledge that the proposal would not meet any of the exceptions listed.

13. Notwithstanding this, the appellant has argued that, as LP Policy S/7 allows for development outside of development frameworks where supported by other policies in the LP, the proposal should be considered in the context of LP Policy NH/9 which allows for limited infilling of small gaps between built development and in the context of the Framework, which states that decisions should avoid the development of isolated homes in the countryside. I have already set out above that the proposal fails to accord with LP policy NH/9.
14. In terms of isolation, the site is approximately 0.8 miles from the centre of Waterbeach, which contains community facilities and services. Nonetheless the site is physically and spatially separate from Waterbeach and the development would therefore comprise an isolated home in the countryside.
15. The appellant refers to a recent planning application¹ and appeal decision² which, it is stated, provide support for development within a cluster of dwellings outside of a development framework in locations which are not isolated. The details of the planning application are not before me and thus I am unable to draw accurate comparisons with this proposal. Additionally, whilst I am not familiar with the detail of the appeal, I note that the Inspector referred to the appeal site as being a developed site which comprised 'a unique cluster of development' which had been considered as an appropriate location for residential development in several planning decisions. Additionally, I note that this site was not located in the Green Belt. Thus, it appears that there were substantially different circumstances in this case.
16. For the foregoing reasons, the proposal would conflict with those aims of LP Policy S/7 which seek, amongst other matters, to ensure that the countryside is protected from gradual encroachment. There would also be conflict with the Framework which has similar aims.

Protected species

17. The appeal site is a grassed field with mature vegetation to the boundaries. The appellant's Preliminary Ecological Appraisal Report (PEA) states that prior to site clearance the site comprised scattered scrub over semi-improved grassland, which, it is stated, would have provided excellent potential habitat for reptiles including slow worms, grass snakes and common lizards. The PEA recommends that further reptile surveys be carried out to determine if these protected species occur on the site and a subsequent letter goes on to state that a reptile population too large to be accommodated within the proposed development is very unlikely to be present.
18. Government Circular 06/2005 (Biodiversity and Geological Conservation), sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before planning permission is granted.

¹ 21/03961/FUL

² APP/W0530/W/20/3246874

19. Overall, I note that the possibility of protected species being present on the site is lower than it was prior to the site clearance. Nonetheless, there is a reasonable prospect of protected species being present on the site and I am not persuaded that this has been adequately surveyed or that the extent to which they may be affected by the development has been demonstrated. In reaching this view I am mindful of the need to take a precautionary approach.
20. It has been suggested by the appellant that such surveys could be conditioned but the circular also advises that this should only be in exceptional circumstances, and I do not consider that to be the case here.
21. For the above reasons the proposal conflicts with those aims of LP Policy NH/4 which seek to ensure that development maintains, enhances, restores or adds to biodiversity. The proposal would also be inconsistent with the provisions in the Framework relating to conserving and enhancing the natural environment.

Highway safety

22. The appeal site is accessed from the A10, which connects Cambridge and other local settlements including Waterbeach. A footpath/ cycle path lines the east side of the carriageway. At the time of my site visit there was a light flow of pedestrians and cyclists using this path in both directions.
23. The proposal would be served by the existing field access which crosses over the footpath/ cycle path. The appellant has provided a plan (drawing 001 rev-a) which appears to show that a visibility splay allowing for a stopping sight distance of 25 metres to the nearside edge of the cycle path/footpath in each direction can be made available as per the Local Highway Authority comments. There is no obvious reason before me why a condition cannot be used to ensure this splay is provided.
24. Thus, the proposal is capable of achieving satisfactory visibility splays onto the footpath/cycle path and would not therefore introduce an increase in potential for conflict between road users and pedestrians/cyclists or the safe function of the highway. Whilst I have not been referred to any specific LP policy, insofar as this issue is concerned the proposal would accord with the aims and objectives of the Framework which sets out how development should provide safe and suitable access to the site for all users.

Other considerations

25. The construction of 3 dwellings would make a small contribution towards local housing supply and there would be short-term economic benefits associated with construction of the dwellings, as well as long term benefits for the local economy and support for local services in increased consumer spending. Given the scale of the development this carries limited weight.
26. I note that the main parties agree that the proposal would not result in adverse impacts in relation to flooding and drainage. However, the absence of harm in these regards does not weigh in favour of the proposal, as it would be required in any event. Thus, these matters are neutral in the overall planning balance.
27. I note the appellant's aspiration that the proposed dwellings would be of a quality design with a palette of materials consistent with surrounding development and would be sited to prevent the overlooking of existing and proposed dwellings. Additionally, I note the appellant's aspiration that the

dwelling would be energy and water efficient, would incorporate Air Source Heat Pumps and provide disabled access and provision for cycle, waste and recycling storage. Nonetheless, as the application is in outline format, such matters are not before me and thus cannot weigh in favour of the proposal.

28. The submission states that the proposal would result in an enhancement of biodiversity. However, the proposal is not supported by any detail setting out how this would be achieved to give any credence to.
29. The appellant refers to future plans for a bypass of the section of the A10 between Waterbeach and the A14. However, I have not been provided with any details of this bypass, if and when it would be carried out or the implications for the proposed development.

Planning Balance and Conclusion

31. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
32. Given the substantial weight to be given to Green Belt harms in respect of inappropriateness and openness, combined with the other identified harms to the Council's settlement strategy and protected species, relative to the limited benefits of the proposed scheme, the harms are not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
33. Consequently, for the reasons given above and having had regard to the development plan as a whole, the appeal does not succeed and planning permission is refused.

Nichola Robinson

INSPECTOR