



Appeal Decision

Site visit made on 19 June 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2023

Appeal Ref: APP/W0530/W/21/3288975

Green Fox Farm, Fowlmere Road, Melbourn SG8 6EZ

- 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 planning permission
 - The appeal is made by Green Fox Farm Ltd against South Cambridgeshire District Council.
 - The application Ref 21/00298/FUL, is dated 16 January 2021.
 - The development proposed is farmland diversification, ecological enhancements and erection of 1no. residential dwelling with an associated change of use in land from agricultural to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has indicated that it would have refused planning permission had it been in a position to do so. Its main concerns include that the intended dwelling would not be of exceptional quality and represent an encroachment into the countryside, that harm would be caused to the rural landscape, that no information has been submitted with respect to potential surface water flooding, and that insufficient information with respect to the site's access and associated visibility splays has been provided. The Council has also raised concerns with respect to the level of information submitted to support the farmland diversification component of the scheme. I shall formulate the appeal's Main Issues accordingly.

Main Issues

3. The main issues are:
 - Whether or not the design of the proposed dwelling is of exceptional quality, as defined and required under Paragraph 80(e) of the National Planning Policy Framework (July 2021) (the Framework);
 - Whether or not the farmland diversification element of the proposal has been suitably evidenced and justified, having regard to its effect upon the character and appearance of the rural area;
 - The effect upon flood risk, having particular regard to surface water management; and
 - The effect upon highway safety.

Reasons

Whether or not the proposed dwelling is of exceptional quality design

4. Paragraph 80 of the Framework requires that planning policies and decisions should avoid the development of isolated homes in the countryside unless one (or more) of several specified circumstances apply. These circumstances include where a design of exceptional quality is proposed, which is truly outstanding, reflecting the highest standards in architecture, and that would help raise standards of design more generally in rural areas. Furthermore, to meet the Framework's criteria, development must significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
5. The provisions of Policy H/15 (Countryside Dwellings of Exceptional Quality) of the South Cambridgeshire Local Plan (September 2018) (the Local Plan) are broadly consistent with those of the Framework. The policy's stipulations also require that the nature and size of the site, the design of the dwelling, and its landscaping and location on site, are sensitive to the defining characteristics of the local area and to wider views.
6. For the avoidance of doubt, for the purposes of this Main Issue of the appeal, I shall focus upon the residential component of the scheme. Moreover, Paragraph 80 falls within a section of the Framework that concerns delivering a sufficient supply of homes and Policy H/15 is contained within a chapter of the Local Plan geared towards the delivery of high-quality homes. They are not policy provisions related to farmland diversification, which is an element of the proposal that I must come to focus upon under a separate Main Issue later in this decision.
7. The site, broadly characteristic of the Chalklands Landscape Character within which it is located, is comprised of a large single parcel of gently undulating open farmland. It tends to be enclosed by well-planted boundaries and sits adjacent to an existing complex of buildings to its northwest corner. Whilst most of the site's immediate surroundings are comprised of often expansive agricultural fields, an often-wooded nature reserve that is designated as a Site of Special Scientific Interest sits to the east and a golf course borders the site to the west. The dwelling would be situated towards the site's southern end, considerably setback from Fowlmere Road. Owing to the site's open and grassed composition and the nature of surrounding land uses, an inherently rural character and appearance is appreciable upon, and local to, the site.
8. The precise placement of the dwelling has been driven by a robust assessment of various opportunities and constraints that apply. Indeed, the potential for long-distance open views to avail to the southwest as well as for solar gains to be realised has been embraced through the positioning of separate wings off a main central living space. Opportunities to incorporate extensive structural planting have been taken in the interests of creating habitat, enhancing ecological corridors, and providing cohesion with neighbouring wooded landforms.
9. The dwelling's various wings and external facing elevations would exhibit intricacy and staggered height variations, promoting visual interest and a tempering of its bulk and massing despite an expansive footprint. A high-quality palette of materials and finishes that offer references to the local

vernacular are proposed. For example, alongside timber cladding and metal framing, pargetting (a traditional decorative technique, that has direct associations to Cambridgeshire and neighbouring counties to the east) of rendered walls would occur between dark-coloured plinths and lintels. I do not consider that an awkward juxtaposition of materials would result.

10. As regards wider landscape effects, the dwelling, even though to cover a large footprint, would hold somewhat limited potential to have a noticeable influence. Moreover, the expansive size of the site and the dwelling's intended position away from the site's boundaries offers plentiful opportunities for new structural planting to come forward. Subject to robust and comprehensive implementation, management and maintenance, this new planting would, once established and matured, promote strong assimilation with the host rural landscape and the site's adjoining nature reserve.
11. In terms of visual effects, the dwelling would have a somewhat limited visual envelope predominantly comprised of lands to the southwest. This is in part due to the substantial screening afforded by established planting to a considerable proportion of the site's boundaries and beyond. It is also the case that a single storey dwelling is under consideration, that would be experienceable from a limited range of publicly accessible vantage points, many of which would be substantially distanced from the site. I am generally accepting of the findings of the Landscape and Visual Impact Assessment¹ (the LVIA), including that, following the maturation of mitigative planting, the dwelling would have no significant residual visual effect.
12. It is apparent from the evidence before me that the scheme has been reviewed on two occasions by The Design Review Panel (the Panel), which is a body that provides independent, impartial and multi-disciplinary feedback upon development proposals, including under the remit of Paragraph 80(e) of the Framework. The Panel was comprised of two Chartered Landscape Architects, an Ecologist and three Chartered Architects.
13. Overall, the Panel, in its assessments, were supportive of the proposal in broad terms. They consider it a unique project that displays exceptional design quality and attention to detail and have asserted that an innovative approach to architecture and site design has been taken. This includes via a commitment to use pargetting. Moreover, the Panel found that the dwelling would be sensitive to the rural landscape within which it would be situated.
14. Prior to being put before the Panel, the scheme was the subject of review by the South Cambridgeshire Design Enabling Panel (the DEP), which, I understand, is led by internal members of the Council's Urban Design team. This review process was not seen to a conclusion, and it is evident that the Council's Principal Design Officer remains of the stance that the appeal dwelling is not of exceptional design quality and would not significantly enhance its immediate setting.
15. In response to some of the specific concerns raised by the Principal Design Officer, I am unpersuaded that the scheme offers little regard to sun orientation and sustainable design, or that the dwelling would take on an inherently commercial appearance. I am also satisfied that a fulfilling spatial experience would be had upon approach via comprehensively

¹ dated 11 December 2020

planted/landscaped spaces set in proximity to the dwelling. There is also no obvious lack of cohesion between the core of the dwelling and the internal and external spaces formed by the various individual fingers/wings connected to it. Besides, the core central part of the dwelling is intended as the hub of the property where daily interactions between household members would inevitably be focussed. Further, the potential for night-time illumination would be limited and controllable via condition.

16. Having considered all relevant information before me, I have no reason to come to differing conclusions to the Panel. Moreover, the appellant was entitled to pursue a different avenue to the DEP. I do not agree with any suggestion made that a transparent process was not followed, and I apportion significant weight to the Panel's ultimate finding that the scheme achieves compliance with Paragraph 80(e) of the Framework. This is a view I share due to the high standard of architecture to be achieved, which would be anticipated to raise design standards in the local rural area. I am also content that the dwelling would be sensitive to the defining characteristics of the area and significantly enhance its immediate setting once intended soft landscaping measures fully establish.
17. For the above reasons, I am satisfied that the design of the proposed dwelling is of exceptional quality. The scheme accords with Policies S/7 and H/15 of the Local Plan and the Framework in so far as these policies permit single new bespoke dwellings of exceptional quality in the countryside.

Farmland diversification

18. Notwithstanding my above findings specific to the residential component of the scheme, the proposal involves farmland diversification and relates to a red-line area extending to more than 20 hectares. Indeed, the intended residential curtilage would cover only a small proportion of this.
19. A masterplan for the wider site has been formulated following detailed site analysis and design evolution. Accordingly, a series of areas serving separate but interrelated farm diversification initiatives are planned. These include a market garden, an orchard, and other areas of productive land, to be delivered in conjunction with strategic planting and other works including the provision of drainage infrastructure. However, as little detail has been provided with respect to how each of these initiatives would operate and be comprised, it is unclear whether the scheme, taken as a whole, would suitably respect its wider landscape context which is often defined by open and large-scale agricultural fields clear of substantive built form. This concern is not inconsistent with considerations raised by the Council's Landscape Officer.
20. Moreover, the submitted evidence clearly indicates that the farmland diversification component of the proposal involves a structural element². This is reflected on one of the submitted plans³ for determination, where the footprints of various buildings/structures are illustrated across a sizeable swathe of the northernmost part of the site. It is also explicitly stated within the LVIA that storage structures will be situated within the market garden area of the site and will likely be used to store tools and other materials as well as facilitate the sorting and packaging of the market garden's produce, although

² including at p28 of the Design and Access Statement (October 2020) and page 9 of the LVIA (December 2020)

³ ref: UDS40574-A1-0200 Rev B

the exact requirements are yet to be decided. In addition, it is unclear from the submitted evidence what other buildings or structures could be required to serve other newly defined areas of productive/growing land at the site.

21. Policy E/18 of the Local Plan requires, amongst other provisions, well-conceived farm diversification schemes to be consistent in scale with their rural location and to be supported by a Business Plan. Indeed, the supporting text to Policy E/18 confirms that it is important that diversification proposals are well founded in terms of effectively contributing to the agricultural business and the rural economy and integrating new activities into the environment and the rural scene.
22. To my mind, in the absence of full clarity as to how the farmland diversification element of the scheme would be comprised and operate across what is an extensive area of rural land, insufficient information has been submitted to allow me to reach informed judgements upon the scheme's effect on the character and appearance of the rural area and upon whether or not the farmland diversification proposals are suitably well-founded in accordance with the detailed provisions of Policy E/18. This is notwithstanding the approach taken within the LVIA, whereby future buildings, other than the dwelling itself, were effectively scoped out of detailed assessments.
23. I acknowledge reference within the submitted evidence to the parameters of permitted development rights that could avail at the site pertaining to the erection of agricultural buildings. However, it has not been evidenced with any certainty that the buildings/structures to ultimately be required as part of the farmland diversification component of the scheme, which have yet to be finalised, could be lawfully erected without planning permission. I also note that the application that is the subject of this appeal, which explicitly involves the diversification of farmland, seeks full planning permission. For the avoidance of doubt, I would not be content for fundamental and potentially far-ranging built development details to be secured via planning condition.
24. For the above reasons, the farmland diversification element of the proposal has not been suitably evidenced and justified and, in the absence of clear evidence to the contrary, would hold the potential to cause considerable harm to the character and appearance of the rural area. As such, the scheme conflicts with Policies S/2, NH/2, HQ/1 and E/18 of the Local Plan in so far as these policies require, as appropriate to the scale and nature of the development, proposals to preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape.

Flood risk

25. The proposal is not supported by a Flood Risk Assessment, nor a detailed surface water drainage strategy. However, it is apparent from the submitted Design and Access Statement that calculations have been undertaken to assist in understanding how water is likely to travel through and collect within the site. Indeed, a commitment to developing an integrated water management strategy for the wider site in line with the concept of permaculture has been set out.
26. I acknowledge references to the eastern boundary of the site running alongside an area at high risk of fluvial flooding and to several areas on the site being at high risk of surface water flooding. Even so, given the nature of the proposal,

the specific placement of the dwelling, the thought already given to future surface water management across the site, and the absence of any formal objection from any relevant statutory/technical consultee, I am satisfied that the full details of a surface water drainage strategy could be suitably secured via planning condition in the event the appeal be successful. This is without prejudice to my above reference to drainage infrastructure in a character and appearance sense.

27. For the above reasons, having particular regard to surface water management, the proposal would have an acceptable effect upon flood risk. The scheme satisfactorily complies with Policies CC/7, CC/8 and CC/9 of the Local Plan and the Framework in so far as these policies set out that there shall be no increase to flood risk elsewhere and that development proposals must incorporate appropriate sustainable surface water drainage systems appropriate to the nature of the site.

Highway safety

28. It has been suggested by the Council that no information has been submitted regarding detailed access and visibility splay arrangements. However, a Technical Note of Access (November 2021) has been submitted and forms part of the evidence base for this appeal. This document makes it clear that intended modifications to the site's existing access would involve the establishment of a 5 metre wide access for the first 10 metres measured back from the highway. This would allow two standard-sized vehicles the opportunity to pass each other clear of the carriageway.
29. Visibility splays of an extent led by recorded speeds along Fowlmere Road are proposed. Their creation would involve, on a western orientation, a small amount of existing roadside vegetation being cut back upon highway land. This accords with the Highway Authority's stated requirement for required inter-vehicle visibility splays to be set within the existing adopted public highway or upon land falling under the appellant's control.
30. Furthermore, notwithstanding the lack of full clarity that has been provided as regards what the farmland diversification element of the scheme would entail, including with respect to the precise extent of built form, I am satisfied, based on the evidence currently before me, that the proposal could not be fairly anticipated to prejudice the satisfactory functioning of the highway.
31. For the above reasons, the proposal would have an acceptable effect upon highway safety. The scheme accords with Policy TI/2 of the Local Plan and the Framework in so far as these policies set out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

32. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions, arrangements for wastewater disposal, and the effects of construction traffic. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore such matters further here.
33. The proposal would deliver an additional unit of residential accommodation and the Framework reaffirms the Government's objective of significantly boosting

the supply of homes. However, as merely a single additional unit is intended, this benefit attracts limited weight.

34. The scheme would be anticipated to create jobs during both the construction and operational phases of development. This is most particularly when noting that farmland diversification initiatives make up part of the proposal. However, given the lack of clarity that currently avails with respect to any potential commercial operations/initiatives to be brought forward, any benefits to be realised by the local economy attract limited weight. Similarly, whilst an aspect of education is anticipated through the involvement of local crafts people/interested parties and the explanation of innovative approaches and techniques, a lack of clarity that currently prevails leads me to apportion minor weight to any potential benefits in this sense.
35. The scheme, which involves ecological enhancements and a considerable extent of new planting, would be fairly anticipated to deliver a tangible and potentially noticeable net-gain in biodiversity. Indeed, I have noted a letter of support from the Royal Society for the Protection of Birds and an indication from the Council's Ecology Officer that biodiversity net gain could be thought of as a biproduct of the plans submitted. I apportion moderate weight to the scheme's benefits in a biodiversity sense.
36. Nevertheless, the benefits associated with the scheme would be relatively modest even when considered in cumulative terms. Whilst acceptable in some respects, the proposal conflicts with development plan policies related to farm diversification and assessments of character and appearance effects. Indeed, the proposal conflicts with the development plan when read as a whole and the material considerations that I have outlined in the preceding paragraphs above are insufficient to lead me to a decision otherwise.

Conclusion

37. I have found the proposed dwelling to be of exceptional design quality and the scheme to be acceptable in the contexts of flood risk and highway safety. However, given a lack of suitable evidence and justification, I have identified that the farmland diversification element of the proposal would hold the potential to cause considerable harm to the character and appearance of the rural area. That harm is the overriding consideration in this case. The appeal is dismissed.

Andrew Smith

INSPECTOR