



Appeal Decision

Site visit made on 20 June 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/W0530/W/22/3305104

Bancroft Farm, Church Lane, Little Abington, Cambridge CB21 6BQ

- 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 Executors of Christopher Nutt Deceased against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03039/FUL, dated 22 June 2021, was refused by notice dated 15 February 2022.
 - The development proposed is the erection of five dwellings and the conversion of two redundant barns to form a detached dwelling and an office following the removal of dilapidated agricultural buildings and hardstandings.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of five dwellings and the conversion of two redundant barns to form a detached dwelling and an office following the removal of dilapidated agricultural buildings and hardstandings at Bancroft Farm, Church Lane, Little Abington, Cambridge CB21 6BQ in accordance with the terms of the application Ref 21/03039/FUL, dated 22 June 2021, subject to the conditions set out in the schedule to this decision notice.

Applications for costs

2. An application for costs was made by Executors of Christopher Nutt Deceased against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant's have submitted an updated tree survey as part of their appeal. It is clear from resident's responses that they have had opportunity to view this and refer to it in their comments. I am of the view therefore that no one would be prejudiced were I to take it into account and I have proceeded on that basis.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area having regard to the Little Abington Conservation Area and the setting of the Church of St Mary the Virgin (Grade II* listed building).

Reasons

Significance

5. Little Abington Conservation Area (the CA) covers a large area of the village around the River Granta encompassing a considerable area of open land within which are a mix of buildings, some historic, set by the main roads through the village connecting to Great Abington. Its significance for the purposes of this appeal lies in the architectural quality of the buildings and the relationship of the built form to open space and the River Granta.
6. The appeal site is within a small adjunct at the northern end of the CA. It is formed from a series of farm buildings in various states of repair once associated with what was the farmhouse on the corner of Church Lane. To the south of the site the buildings are located at the back edge of a footway together with a flint wall. To the north the buildings are set back from Church Lane in a courtyard design and the western boundary is formed from trees and scrub. The site, taking account of the state of the buildings and its overgrown nature, makes a neutral contribution to the CA.
7. To the east of the CA is a large area of open space, designated as Protected Village Amenity Area (PVAA) under Policy NH/11 of the South Cambridgeshire Local Plan 2018 (the Local Plan) due to its open nature and tranquillity which gives an open rural setting to the CA in this location. Views from the PVAA encompass the rear of buildings on the appeal site with a green backdrop from the trees along Church Lane and, in some locations, views of the Church of St Mary the Virgin (the Church) which is a Grade II* listed building.
8. Its earliest fabric dates from the 11th century forming the nave and base of tower. There are later 13th, 14th and 15th century additions and the church was restored in 1885. The walls are constructed from flint rubble with clunch and limestone dressings, and the roof has nineteenth century red plain tiles with patterned ridge tiles. Its significance, for the purposes of this appeal, is largely drawn from its surviving historic fabric and its social importance as a local religious building in the heart of the community.
9. It is set back from the road within its graveyard which provides a spacious open setting. Trees and planting along the front boundary mean, in the summer, there are limited views of the Church from the surrounding area. However, I am aware from the pictorial evidence before me that this is different in the winter when trees lose their leaf, and the church has more prominence with views along Church Lane and from the public footpath within the PVAA allowing an appreciation of its local historical, architectural and social significance.

Impact on significance

10. The proposal is for the erection of five dwellings and the conversion of two of the barns on the site to form a detached dwelling and an office. The barns to be converted lie at the southern end of the site including the one which is set at the back edge of the footpath. The existing wall would be retained, and a small extension added to the northern end of the building slightly subservient to the barn extending the amount of enclosure to Church Lane.

11. The existing boundary wall would then extend up to the proposed house on plot 6. The house at Plot 1 at the northern end of the site would be set in from both Church Lane and the PVAA. As a result, views of the Church and the PVAA would be retained from Church Lane. However, the siting of the house at Plot 1, together with that at plot 6 and the provision of the access road would mean that a substantial number of trees along Church Lane would be removed and replaced with built development. This would undoubtedly change the character of Church Lane, but change does not necessarily equate to harm.
12. The houses would be designed and located to reflect the existing courtyard style layout of the farm buildings on the site reflecting their historic layout aided by the retention and conversion of two of the barns. While the house at plot 6 would project further north of the boundary wall and be higher than it, it would extend the characteristic enclosure on this part of Church Lane, mirrored by garaging on the opposite side of the road. Furthermore, I saw that such enclosure is evident elsewhere in the CA and therefore this would not be unusual or unacceptable. Consequently, it would be neither overly dominant or prominent within the street scene and hence views towards the Church.
13. The view from the adjacent Public Right of Way (PROW) within the PVAA to the east of the appeal site currently includes the rear of existing buildings on the appeal site against a treed backdrop and beyond to the Church. Instead, the existing buildings would be replaced by houses on plots 1-4. However, these are no more than one and a half storey in height with generous space between them creating a low-density development. Furthermore, they would be set within a green framework of retained trees and new planting allowing them to successfully integrate into the area. Consequently, they would not be obtrusive or dominant in views towards the Church, maintaining an appreciation of its significance from the PROW. The PVAA which would be retained as green space and the area adjacent to the appeal site would have proposed wildflower meadow planting. I am satisfied therefore that the sense of openness and purpose of the PVAA would be maintained by the proposed scheme retaining the open rural setting of the CA.
14. I am aware that an 1886 map submitted by interested parties shows Church Lane to be a tree lined road leading the Church. However, I saw at my site visit that many of the trees to be removed along Church Lane are young specimens, most probably self-set. This is confirmed in the appellant's arboricultural appraisal which surveys 15 entries, some of which are groups and some individual trees along the Church Lane frontage. Nine of those entries would be removed as part of the development. Of those just two were found to be of moderate quality and value (G2 and T13) with the remainder being of limited quality. Those along the frontage which are of the highest quality would be retained. In addition there would be significant open space on either side of the proposed access to accommodate new planting and a large gap between the built development closest to Church Lane. This would result in an appropriate relationship between the built form and open space reflecting that along Church Lane and the wider CA. Consequently, the new houses would not dominate the street scene, nor would they erode the character and appearance of the CA. Furthermore, the proposed houses on plots 1 and 6 have been located away from the no dig zones around the existing trees to protect their long-term health. The scheme would also allow for replacement planting which could be the subject of a condition.

15. Residents refer to a 1985 appeal decision on the site where the Inspector found that the gap with trees makes a significant contribution to the rural aspect and the rural character of Church Lane. However, I am not aware of the information before the Inspector at that time, particularly with respect to tree surveys. Also, I am unaware of the proposals considered at that time. I have found that those before me now would not result in the development of the appeal site in a manner that would harm the character and appearance of the CA as I observed it to be. Furthermore, the policy context has changed significantly since that time through the adoption of the local development plan and the publication of the National Planning Policy Framework.
16. Consequently, for the reasons above, the proposal would preserve the character and appearance of the CA and the setting of the Church of St Mary the Virgin. There would therefore be no conflict with Policies S/7, HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018, the Listed Building and Conservation Area Supplementary Planning Documents and the provisions of the National Planning Policy Framework (the Framework). Together these require that development proposals be of high quality design which reflects local character and sustains and enhances the significance of heritage assets, including their settings, as appropriate to their significance.

Other Matters

17. The appellant's SuDs strategy is noted as improving the appeal sites drainage conditions and was supported by Council officers. The strategy also takes account of root protection areas. On that basis there is no conclusive reason for me to disagree that an acceptable drainage strategy, together with its maintenance could not be secured by way of a condition.
18. The proposal would provide sufficient and policy compliant levels of off-road parking within the development to service the proposed uses. Furthermore, the Highway Authority has raised no objections to the proposal. As such as there is no substantive evidence before me regarding the potential for the proposal to lead to unsafe parking on Church Lane, I see no reason to disagree with the expert advice.
19. The appellant has submitted protected species surveys as part of the appeal which were considered by the Council's Ecology Officer. Subject to the addition of three conditions, including one requiring details of how 10% net gain in biodiversity would be achieved, they raise no objections to the proposal. Although I appreciate residents' concerns regarding the loss of trees and the impact this may have on biodiversity, those trees have been assessed as being of low to moderate quality. The proposal would enable better quality ones to be planted secured by condition. I am satisfied therefore that the proposal makes appropriate provision for biodiversity.
20. The appellant has submitted 3D impressions of the development from locations on Church Lane and the PROW. In addition, some residents have submitted annotated photographs of Church Lane with an interpretation of the proposals on them. I have though determined the proposal based on the plans considered by the Council and my observations on site from various vantage points on Church Lane, the PROW and the surrounding area.

Conditions

21. I have had regard to the Council's suggested conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
22. The standard conditions relating to timescale for commencement (1) and accordance with plans are imposed for certainty (2).
23. A scheme of archaeological work is necessary to ensure that the historic buildings are recorded (3). Details of a scheme of investigation, recording and remediation for contamination, as well as a verification report and a condition regarding unexpected contamination, are necessary to protect the future occupiers of the development (4), (19) and (27).
24. To protect the biodiversity on the site during construction the submission of a Construction Environmental Management Plan would be required (5) as well as a Landscape and Ecological Management Plan to protect and enhance biodiversity (10). A traffic management plan would be necessary to protect residents living conditions and highway safety (6). An updated tree assessment, together with details of tree protection and landscaping as well as its maintenance are required to protect existing trees to be retained and the character and appearance of the area (7), (8) and (28).
25. To ensure a satisfactory method of surface water drainage and prevent the increased risk of flooding a surface water drainage scheme is required to be submitted based on SuDs principles as well as a condition securing the schemes appropriate maintenance (9) and (20).
26. Details of the management and maintenance of the streets are necessary to ensure they are maintained to an appropriate and safe standard (11). Details of foul water drainage are necessary to ensure satisfactory provision and reduce the risk of pollution of the water environment (12).
27. To improve the sustainability of the site and dwellings conditions are necessary to secure a scheme demonstrating a minimum of 10% reduction in carbon emissions using on site renewable energy and low carbon technologies and a minimum water energy efficiency (13) and (24).
28. Details of boundary treatment, materials and building details are necessary to be submitted to protect the character and appearance of the area (14), (15), (16), (17) and (18).
29. Conditions (21), (22), (23) and (29) regarding layout and provision of highway features are necessary in the interests of highway safety. A condition to secure the provision of WiFi and suitable ducting for the houses is necessary to improve communications (25).
30. Details of cycle parking are necessary to be submitted to promote alternative means of travel to the car (26). A condition controlling external lighting is required to minimise light pollution and in the interests of ecology (30).
31. It is necessary to control working hours for power operated machinery to protect the living conditions of nearby occupiers (31).

32. I have not imposed the Councils suggested condition regarding the removal of permitted development rights. The PPG states that area-wide or blanket removal of freedoms to carry out small scale domestic and nondomestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity¹. I have been given no substantive evidence as to why these houses should be restricted and therefore, I do not find the condition to be reasonable.

Conclusion

33. For the reasons above the appeal is allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the plans/drawings listed below: 1030 P2 (Location Plan), 1013 P17 (Site Plan), 1001 P6 (Plot 1 Floor Plans), 1002 P8 (Plot 1 Elevations), 1007 P6 (Plot 2 Floor Plans), 1008 P8 (Plot 2 Elevations), 1005 P8 (Plot 3 Plans), 1009 P7 (Plot 4 Plans), 1020 P3 (Plot 5 Floor Plans), 1021 P3 (Plot 5 Elevations), 1010 P7 (Plot 6 Floor Plans), 1011 P9 (Plot 6 Elevations), 0035 P5 (Barn A Plans)
- 3) No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, including historic building recording, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - i) the statement of significance and research objectives;
 - ii) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - iii) The timetable for the field investigation as part of the development programme;

¹ Paragraph: 017 Reference ID: 21a-017-20190723

- iv) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives;
- v) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- vi) The programme for the analysis, publication & dissemination, and deposition of resulting material.

Works shall be carried out in accordance with the approved details.

- 4) No development (including demolition) approved by this permission shall take place until:
- i) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved in writing by the Local Planning Authority;
 - ii) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and submitted to and agreed in writing by the Local Planning Authority;
 - iii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the approved details.

- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following:
- i) Risk assessment of potentially damaging construction activities;
 - ii) Identification of "biodiversity protection zones";
 - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv) The location and timings of sensitive works to avoid harm to biodiversity features;
 - v) The times during which construction when specialist ecologists need to be present on site to oversee works;
 - vi) Responsible persons and lines of communication;
 - vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - viii) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CECMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The principal areas of concern that should be addressed are:
- i) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway);
 - ii) Contractor parking shall be within the curtilage of the site and not on the street;
 - iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway);
 - iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway;

Works shall be carried out in accordance with the approved details.

- 7) No demolition, site clearance or building operations shall commence until an updated Arboricultural Impact Assessment and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.
- 8) No development shall take place until full details of both hard and soft landscape works, including works to the northern and eastern boundaries of the site outside of the application site boundary within the blue land (as shown on drawing number 1013 P17 – Site Plan), have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. The landscape plan should clearly identify which proposed trees will benefit from 3D cellular confinement systems.
- 9) No development shall take place until a scheme for the provision and implementation of surface water drainage, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
- 10) No development above slab level shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved

in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on site that might influence management;
- iii) Aims and objectives of management, including how a minimum of 10% in biodiversity net gain will be achieved;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan; and
- viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 11) No development above slab level shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established).
- 12) No development above slab level shall take place until a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
- 13) No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the development.

- 14) No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each building shall be completed before that/the building is occupied in accordance with the approved details and shall thereafter be retained.
- 15) Before starting any brick or stonework, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the Local Planning Authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.
- 16) Prior to the installation of any non-masonry walling systems, cladding panels or other external screens full details including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing shall be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. The development shall be carried out in accordance with the approved details.
- 17) No new windows shall be constructed in the existing building, nor existing windows altered until drawings at a scale of 1:10 of details of new or altered sills, lintels, jambs, transoms, and mullions have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 18) No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the Local Planning Authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.
- 19) Prior to the first occupation of the dwellings and office unit hereby permitted, the works specified in any remediation method statement detailed in condition 4 must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.
- 20) Prior to the first occupation of the dwellings and office unit hereby permitted, details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 21) Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No: 101 Rev P17. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

- 22) Prior to the first occupation of the development the junction of the access with the highway carriageway shall be laid out with 6 metre radius kerbs.
- 23) Prior to the first occupation of the development the developer shall provide a footway to the front of the site. The footway is required to be a minimum of 2 metres in width and agreed with the Local Planning Authority in consultation with the Highway Authority. Works shall be carried out in accordance with the approved details.
- 24) The dwellings hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
- 25) The dwellings and office unit hereby approved shall not be occupied until the dwelling to be occupied has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.
- 26) The dwellings and office unit, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 27) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 28) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 29) The proposed access shall be constructed so that the fall and levels are such that no private water from the site drains across or onto the adopted public highway and constructed using a bound material to prevent debris spreading onto the adopted public highway.
- 30) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
- 31) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after

1800 hours on weekdays or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

*****END OF CONDITIONS*****

