



Appeal Decision

Site visit made on 6 September 2023

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/W0530/W/22/3292594

Mills Lane, Longstanton, Cambridge CB24 3DT

- 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 Andrew Taylor of Resolute Estates Ltd against South Cambridgeshire District Council.
 - The application Ref 20/04232/OUT, is dated 13 October 2020.
 - The development proposed is the erection of 6 self-build dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matters

2. The application as originally submitted proposed 20 dwellings and this was subsequently amended to 6 self-build dwellings. The appeal form states that the description of the development changed from that given on the application form. It states that the changes included a reduction in house numbers from 20 to 6 together with other changes. I have used the description of development given in the Council's appeal statement in the banner heading as this concisely and appropriately describes the proposed development.
3. The application is for outline permission with matters of access, layout and scale forming part of the application and I shall consider the proposal on this basis. The submitted plans indicate the proposed layout and means of access.
4. The Council failed to make a decision within the prescribed period. In its statement it has stated that had it made a decision, permission would have been refused. The statement provides the Council's putative reasons for refusal.

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the development on the character and appearance of the area, including its effect on the Longstanton Conservation Area;
 - ii) its effect on ecology; and
 - iii) its effect on highway safety.

Reasons

Character and Appearance

6. The village of Longstanton is an amalgamation of two historic villages: Longstanton All Saints and Longstanton St Michael's. The main built-up area is to the north of All Saints Church and there is a smaller built-up area around St Michael's Church to the south. Northstowe is a new town which is under development to the east of the village and separated from it by fields and paddocks. The site comprises two paddocks and is adjacent to housing development in the southern part of the village. It is outside but adjacent to the village framework boundary as defined in the development plan. Whereas the original proposal was for housing on the whole site, the amended scheme would develop part of the site adjacent to Clive Hall Drive, leaving the other part open.
7. The Longstanton Conservation Area (CA) incorporates two previous CAs which were each loosely centred on the two churches. The All Saints CA as originally designated in 1987 included fields to the south-east of the church because these provide evidence of medieval ridge and furrow farming and form the historic agricultural setting for the church and the village. The St Michaels CA as originally designated was focussed on the historic core of Longstanton St Michael's. The CAs were subsequently extended and combined in 2005. The extended and combined CA includes fields adjacent to Longstanton St Michael's and Long Lane, a historic route to the east of the village.
8. The CA extension includes land to the south-east of Mills Lane, including the appeal site. The CA Appraisal states¹ that "the open land between Mills Lane and St Michael's Lane is very important to the landscape setting of the village. The long views across the paddocks give a great sense of space and the hedgerows and trees add considerable richness to the village". The open parts of the CA are important in maintaining the setting of the village and its agricultural character. The trees and hedgerows are identified as features that contribute positively to the significance of the heritage asset in these respects. It is not necessary for a CA to contain built development for it to be of historic significance.
9. Because the site is in the countryside for planning policy purposes, the proposed development is not supported by either Policy S/6 of the South Cambridgeshire Local Plan (2018) (LP), which limits development in the rural area or Policy S/7 of the LP, which resists development outside development frameworks.
10. Policy NH/1 of the LP specifically protects the areas of open countryside within the CA at Longstanton. The policy states that these areas will form part of the green separation between Longstanton and Northstowe. The policy further states that this area will contain only open land uses. It requires the maintenance and enhancement of the landscape character of a series of hedged paddocks, small copses and tree belts.
11. Except for part of its frontage to Clive Hall Drive, the two parts of the site are enclosed by hedges, which are typical of the landscape character. It is proposed to maintain the hedges around the site boundaries, but the hedge

¹ CA Appraisal paragraph 8.18

- which divides the two paddocks within the site would be lost. New planting could however be provided along the boundary of the developed area with the remainder of the site.
12. The boundary hedges would be strengthened and would contain views of the development to some extent. Nonetheless, the development would be clearly visible from Clive Hall Drive. Details of the height of the dwellings have not been provided but there would be clear potential for them to be visible above the surrounding hedges, from Mills Lane and from the mobile home park at Badgers Holt. The development would be bounded on three sides by existing development, but it would nonetheless erode the green separation between Longstanton and Northstowe and would be visually intrusive in the countryside. It would conflict with Policy NH/1 of the LP.
 13. While the existing dwellings north of Mills Lane are set back from the road by similar distances, those to the south of that road and around Clive Hall Drive are more informally sited in relation to the roads. The proposed layout would contrast with the existing patterns of development in that it would be quite formal and regimented. The layout would not coherently relate to either the existing road frontages or the proposed access drive within the site.
 14. Policy HQ/1 of the LP requires high quality design. The regimented siting of the proposed dwellings would not provide a coherent, place-responsive design and would not preserve or enhance the character of the local area as required by that policy.
 15. The appellant has said in his final comments that the proposed layout is not fixed and that it would be revised, and that the number of proposed dwellings may be reduced to five. However, my decision must be based on the proposal before me.
 16. I have already noted that the fields and paddocks included in the CA contribute to its significance. This is also recognised in the requirements of Policy NH/1. The submitted Heritage Statement also states² that the open setting contributes to the significance of the CA. The development would result in the loss of an open paddock and erosion of the landscape which forms the setting to the village. For these reasons the proposal would harm the significance of the heritage asset and would not preserve or enhance the character or appearance of the CA. That harm would be less than substantial because the site is bounded on three sides by existing development.
 17. The Council can demonstrate a joint five-year housing land supply. The proposal would be of limited benefit in contributing to housing supply generally. It would, however, provide six plots for self-build housing, which is a form of housing for which specific provision should be made. Indeed, the Council has a statutory duty³ to grant permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the district. Policy H/9 of the LP makes specific provision for such housing.
 18. Both parties have provided figures for the numbers of self-build developers that were added to the Council's register and the numbers of permissions granted. In the first and second base periods between April 2016 and October 2017 the number of permissions granted matched the numbers added to the register.

² Heritage Statement paragraph 5.7

³ Under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Because a period of 3 years is allowed for permissions to be granted, the figures for base periods 5 to 7⁴ are not currently available. The Council's figures for the base periods between 2017 and 2019 indicate an under-provision of 261 self-build dwellings in that period.

19. However, the Council states that up to 325 plots could come forward at Waterbeach and that 40 plots will be provided at Northstowe. If these numbers of dwellings are provided, they would more than address the identified shortfall.
20. There has been an increase in the numbers of people registering for self/custom build plots and against this, there is uncertainty regarding whether sufficient self-build housing has come forward in the last 3 years. It has not, however been demonstrated that there is a shortfall in provision of self-build housing over that period.
21. Nonetheless, it is clear that the proposal would be of both social and economic benefit in contributing to the supply of self-build homes. The contribution made by the proposed six dwellings would be modest but significant. The dwellings would have good levels of accessibility to services and facilities, including those in Cambridge and those to be provided in Northstowe, by sustainable means. I give significant weight to this benefit.
22. The proposal is intended to provide for net gain in biodiversity. Details in this respect have not been provided at this stage, and for this reason only limited weight can be given to this benefit.
23. The remaining part of the site would not be developed and would be left open. No specific proposal has been put forward for that land. On the basis that this land would be left as existing, there would be no benefit in this regard.
24. The identified benefits do not outweigh the great weight that I give to the identified less than substantial harm to the CA. For the reasons given the proposal would not be supported by Policy NH/14 of the LP which requires that the significance of heritage assets is sustained and enhanced. The proposal would not accord with Policy HQ/1(b) because it would not conserve or enhance the heritage asset.
25. The appellant alleges that the CA designation was unlawfully constituted. In a previous appeal⁵ for 9 self-build dwellings on the wider site, a similar allegation was made. The Inspector found that it appeared that the designation of the CA went through the proper processes. On the basis of the information before me, I see no reason to conclude differently. In any case the CA designation is a matter of fact and the appellant's allegations do not alter this.
26. There is a Grade II listed village pump located opposite the junction of Mills Lane with Clive Hall Drive. The roads form the main part of its setting, and the proposal would not harm the setting of that heritage asset given that it would be screened by boundary hedging.
27. The spire of All Saints Church which is listed at Grade II* is located a significant distance away from the site and the setting of that heritage asset would not be affected.

⁴ October 2019 to October 2022

⁵ APP/W0530/W/17/3187357

28. For the reasons given above, I conclude that the development would unacceptably harm the character and appearance of the area.

Ecology

29. The local biological records for Longstanton record the presence in the area of various protected species, including great crested newt, water vole, badger, bats and reptiles. The appellant submitted a phase 1 habitat survey which recommends precautionary measures and enhancements. The assessment concludes that the construction zone is low in ecological value and that further ecological surveys were considered unnecessary. This assessment was carried out in October 2016.
30. Natural England's standing advice for protected species states that surveys more than 3 years old are unlikely to still be valid and most, if not all of the surveys are likely to need to be updated. The assessment was carried out 7 years ago and is clearly not up to date in terms of the ecological value of the site. For these reasons, the impact of the development on ecology has not been clearly demonstrated. The proposal would not accord with Policy NH/4 of the LP which requires an adequate level of survey information and site assessment to establish the extent of a potential impact.
31. Circular 06/2005 advises that surveys for protected species should be carried out before planning permission is granted and that surveys should only be required by condition in exceptional circumstances. There is no justification for deferring such a survey in this case.

Highway Safety

32. The Highway Authority has stated that it has no objection in principle to the level of development proposed but makes a number of detailed comments on the plans submitted with the application. The appellant has submitted with the appeal a detailed plan of the proposed new junction with Clive Hall Drive which addresses the points made by the Highway Authority.
33. The visibility splay requirement of 43m cannot be met to the north of the proposed new junction because of the proximity of the junction of Clive Hall Drive with Mills Lane. However, a 30m splay can be provided and because the speed of vehicles entering Clive Hall Drive would be low, this distance is likely to be sufficient.
34. The 42m distance in the other direction is measured to the kerb line. Approaching vehicles would be travelling around the bend in the road and there would be sufficient visibility between drivers approaching from the south and those using the proposed junction.
35. The carriageway width of Mills Lane close to its junction with Clive Hall Drive is limited at 4.7m to 4.8m. However, the volume of additional traffic that would be likely to be generated by the proposed six new dwellings would be limited and this would not be likely to cause congestion or highway safety issues on Mills Lane.
36. For these reasons, the development would not adversely affect highway safety.

Other Matters

37. The appellant has referred to an appeal for 9 dwellings outside a village settlement boundary in South Cambridgeshire.⁶ The circumstances of each case vary, and I note that in that case the development did not affect a CA.
38. The appellant has provided Ordnance Survey maps between 1887 and 1976 which show that there were previously buildings in the approximate location of the site. However, I saw no evidence of any remaining development on my visit. The definition of previously developed land in the National Planning Policy Framework (the Framework) excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape. The site does not fall within the definition in the Framework.

Conclusions

39. Although there would be no harm in terms of highway safety, the proposal would conflict with the development plan as a whole.
40. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

⁶ Ref APP/W0530/W/18/3214057