



Appeal Decision

Site visit made on 1 November 2023

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/W0530/W/22/3310622

Land east of Caxton Gibbet Services Site, Ermine Street, Cambourne, Cambridgeshire

- 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 Andy Brand of Abbey Developments Cambridgeshire Limited against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01066/FUL, dated 5 March 2021, was refused by notice dated 18 May 2022.
 - The development proposed is the erection of 4no. industrial units (Use Classes B2 (general industrial) and/or E(g) (office)) with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have omitted the postcode given on the application form from the site address in the banner heading as this appears to be inaccurate.
3. The Council has advised in its statement that it no longer wishes to defend its fifth reason for refusal which concerned opportunities for sustainable travel. I shall not therefore consider this as a main issue.

Main Issues

4. The main issues in the appeal are:
 - i) the effect of the development on the character and appearance of the area; and
 - ii) whether or not the development would make sufficient provision for carbon emissions reduction.

Reasons

Character and Appearance

5. The Caxton Gibbet service area includes food and drink outlets and is adjacent to the roundabout junction of the dual carriageway A428 and Ermine Street (the A1198). There is a petrol filling station on the other side of the roundabout junction. The site is adjacent to the service area and to the A428. It is mainly wooded and with scrub vegetation. There is an unmade access

route through the site from a road to the south which extends from Ermine Street.

6. The development plan for the area is the South Cambridgeshire Local Plan (LP) (2018). The LP defines a development framework boundary around the village of Cambourne which is approximately 1.5km to the south-east of the site. The LP also identifies an allocation, in Policy SS/8, for approximately 1,200 dwellings, employment development, shops and community services and facilities to the north-west of the village. This allocation occupies part of the land between the village and the road to the south of the site.
7. In 2017 the Council resolved to grant outline planning permission¹ for up to 2,350 dwellings, retail, employment and community uses, two primary schools and a secondary school. This development, known as Cambourne West will cover a much larger area than the allocation in the LP and will extend as far as the road to the south of the appeal site. The masterplan indicates that residential areas will be separated from that road by significant planted areas, but that an employment area would be adjacent to it. The outline permission was granted when the LP was under examination. The examining Inspector concluded that the existence of the planning permission did not mean that the allocation in the LP was unsound.
8. The planned employment development to the south of the site is intended to be built in 2026 under the approved phasing scheme but I understand that no reserved matters application has yet been made for that development. Another employment area in the northern part of Cambourne West was phased for delivery in 2021, but the Council has advised that no reserved matters application has been received for that development. The non-delivery of that part of the development raises doubt as to whether all aspects of the approved phasing scheme are realistic. When the planned employment development to the south of the site is completed, the site will be adjacent to it, but still outside the built-up area.
9. The Council has indicated that it will consider whether the development framework boundary needs to be changed in its draft local plan which will eventually replace the LP. However, there is no certainty in this respect at this stage. The development framework boundary was found to be sound in 2018 when the outline permission for Cambourne West had been granted. The proposal would not accord with Policy S/7 of the LP which restricts the development that can take place in the countryside. The existence of the outline permission does not mean that the boundary, or Policy S/7 are out of date.
10. Policy E/13 of the LP allows for employment development on sites adjoining or very close to the development frameworks of villages, subject to stated criteria. The proposal would not accord with the locational requirement of that policy. While there is the prospect of development extending up to the road to the south of the site, there is a lack of certainty as to its timing. There is also no certainty that the development framework boundary will be extended to within close proximity to the site.
11. Policy E/13 also includes seven criteria, which are not expressed as alternatives. Criterion (c) requires proposals to be justified by a business case,

¹ Ref. S/2903/14/OL

- and criterion (d) requires that there is a named user for the development. The proposed units are speculative, and no user has been identified. The proposal would not accord with those policy criteria.
12. Criterion (b) of the policy requires that the site comprises previously developed land. A junction has been constructed for the site access. The definition of previously developed land in the National Planning Policy Framework is land which is or was occupied by a permanent structure, and any associated fixed surface infrastructure. There is no evidence before me of any previous structure having existed on the site. The junction works do not appear to have been associated with any such structure. In my view the site is not previously developed, and the proposal would not accord with criterion (b) of Policy E/13.
 13. The site is within a rural area and is separated from the existing settlement of Cambourne by agricultural fields. There are wooded areas to the north of the road which provides access to the site. Although the character of the road is rural, the proximity of the dual carriageway road and service area is apparent. The permission for Cambourne West means that the character of the road will eventually be more urban.
 14. The proposed development includes areas of soft landscaping, but these would be minimal. There would be narrow strips of land around the site boundaries which could be planted but these would be too narrow to allow for any meaningful landscaping scheme to complement the built form. A footpath would be provided to link the development to the adjacent service area, which would occupy much of the space on part of the northern boundary. In my view the development would be dominated by built form and hard surfacing and any soft landscaping that would be achievable would do little to soften its appearance or blend it into its setting. The corner of Unit 1 would abut the highway and would be particularly intrusive in the existing rural context.
 15. Policy HQ/1 of the LP requires high quality design including landscaping that integrates the development with its surroundings. Policy NH/2 of the LP requires retention and enhancement of local character and distinctiveness. For the reasons given, the development would not accord with those policies. Neither would it accord with Policy E/13(f) of the LP which requires that there is no unacceptable adverse impact on the character and appearance of the area.
 16. Planning permission was previously granted by the Council² for a car park on the site which would form an extension to the service area car park. There seems to be a difference of opinion between the parties as to whether that permission was implemented within the statutory period. Nonetheless, the approved plan for the car park indicates that it would be set back from the road frontage. It would not include built development and would be less visually intrusive than the proposal.
 17. The appellant has referred to two appeal decisions in South Cambridgeshire in which development outside development frameworks was allowed, contrary to Policy S7 of the LP. In both of those decisions³, the sites were enclosed by existing development. They therefore differed in this respect from the proposal before me.

² Ref. S/2715/18/FL

³ APP/W0530/W/20/3253436 and APP/W0530/W/18/3214057

18. The appellant has also referred to an appeal decision⁴ in Huntingdonshire. In that case, the site was adjacent to the A1(M) and close to a major urban extension which had outline permission and a delivery programme over 20 years. Irrespective of the apparent similarities to this proposal in that respect, the circumstances and details of individual developments vary, and that decision does not alter my conclusions.
19. For the reasons given I conclude that the proposal would unacceptably harm the character and appearance of the area.

Carbon Emissions Reduction

20. Policy CC/3 of the LP requires a reduction in carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by the Building Regulations) through the use of on-site renewable energy and low carbon technologies.
21. The Council's Sustainability Officer explains that this requirement relates to on-site renewable energy generating technology. Although the appellant has demonstrated that there would be a reduction in carbon emissions of over 10%, only 4.53% of this would be from on-site renewable energy generation, the rest being from energy efficiency measures.
22. Although the development would not accord with the terms of Policy CC/3, a condition could be imposed if permission were to be granted requiring the provision of further on-site renewable energy generating capacity. The development could, on this basis make sufficient provision for carbon emissions reduction.

Planning Balance

23. The proposal would conflict with the locational requirements of Policies S/7 and E/13 of the LP which are not out of date. I have also found that there would be harm arising from the design of the proposal and its effect on the character and appearance of the area, to which I give significant weight. The development would not accord with the development plan as a whole.
24. There is potential for the character of the area to change as a result of the development at Cambourne West but there is a lack of certainty in this respect at this stage.
25. On the other hand, there would be economic benefits from the proposal. It would provide accommodation for new businesses and those wishing to expand. The appellant anticipates that about 30 full-time equivalent jobs would be provided. Employment would also be provided during construction of the development and there would be attendant economic benefits from expenditure. I give significant weight to the economic benefits.
26. The appellant states that there would be a net gain in biodiversity but no details in this respect have been provided and for this reason I cannot give weight to this.
27. I find that the economic benefits of the development are not sufficient to outweigh the conflict with the development plan and the harm to the character and appearance of the area that I have identified.

⁴ APP/H0520/W/20/3254679

Conclusion

28. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR