



Appeal Decision

Hearing held on 6 February 2024

Site visit made on 7 February 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/H0520/W/23/3323523

Land north-east of A14 and south-east of B1514, Buckden Road, Bampton, Huntingdon PE19 5UH

- 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 Buckden Land Ltd against Huntingdonshire District Council.
 - The application Ref 21/00651/OUT, is dated 12 March 2021.
 - The development proposed is an outline application, with details of access, for a business park comprising Use Classes E, B2 and B8.
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Decision

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

Preliminary Matters

2. The Council did not issue a decision on the application within the prescribed time limit or within an agreed extension of time. The Council's putative reasons for refusal are set out in its statement of case.
3. The application was made in outline with all matters reserved except access. I have considered the appeal on the same basis, treating details relating to matters other than access as being for illustrative purposes only.
4. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have been afforded the opportunity to comment on the revised Framework during the course of the appeal. References hereafter are to the December 2023 version.
5. With my agreement, the appellant has submitted a completed planning obligation following the hearing. I have regard to this in my reasoning below.

Main Issues

6. The Council set out seven putative reasons for refusal. Prior to the hearing, it was confirmed that matters relating to highway safety and flooding and drainage had been addressed and were no longer at issue. Consequently, I have not treated these as main issues.
7. Based on the evidence before me, therefore, the remaining main issues are:
 - Whether the proposal would represent a suitable location for development having regard to relevant local and national policies;

- Whether the proposal would address an unmet need for the type of development proposed;
- The effect on the landscape character of the area;
- Whether the proposal would make adequate provision for biodiversity;
- Whether the proposal would safeguard mineral resources;
- Whether the proposal would be compatible with adjacent uses.

Reasons

Location for Development

8. The appeal site is an agricultural field located next to the embankment of the A14 road where it passes between the villages of Brampton and Buckden. Adjacent to the site is a household waste recycling centre, skip hire storage facility and a farmhouse. Access to the site would be via the B1514 road and along a spur road built as a maintenance access for the A14.
9. To the east and north-east of the site is restored open countryside formerly used as a landfill, with restoration continuing to the north. The land to the north-west is also open with large attenuation ponds alongside the A14. Two dwellings and a small industrial estate, The Tin Lid, stand directly across the A14 from the appeal site, but there is no intervisibility between the two due to the height of the road embankment.
10. The development plan for the area is Huntingdonshire's Local Plan to 2036 (May 2019) (the HLP). The main parties disagree as to whether the site should be considered as being within a built-up area, and as a result point to different policies as being relevant.
11. Paragraph 4.84 of the HLP defines a built-up area as '*a distinct group of buildings that includes 30 or more homes.*' It adds that '*land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area.*' A table at Paragraph 4.85 sets out further guidance on the interpretation of built-up areas, including that the built-up area will exclude '*isolated properties or areas of ribbon and fragmented development which are physically and visually detached from the main built form,*' the reason being to avoid areas of intervening countryside being included within the built-up area (my emphasis).
12. There is some development around the appeal site, including the household waste depot and skip storage. However, from my observations this is sporadic, detached development of the sort specifically excluded from the definition of built-up areas. I accept that the development surrounding the site is not typical of a rural area, but that does not necessarily equate to it being 'urban' or 'built-up'. In a similar vein, I do not consider the A14 as 'urban' in and of itself, or that it creates an urban character, particularly as the context I observed to either side of the road is one of expansive, undeveloped land, much of it in agricultural use or otherwise open, such as the attenuation ponds. The nearest contiguous built-up areas of 30 or more dwellings are Brampton some 750m to the north or Buckden around 1.15km to the south-west. At such distances, I do not regard the site as falling within either of these built-up areas. Therefore, I find that the site falls within the open countryside for the purposes of applying development plan policy.

13. Consequently, the proposal would conflict with Policies LP7 and LP8 of the HLP, which support businesses appropriately located within a built-up area or on land well-related to the built-up area. Policy LP10 sets out that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan, and where it meets other criteria relating to agricultural land, character and environmental impacts. I address the latter two matters below, but whilst a small section of the site is acknowledged to be former landfill, the proposal would result in the loss of mostly Grade 2 agricultural land. Although accepted by the Council as a minor degree of loss, it nevertheless results in conflict with Policy LP10.
14. Policy LP19 relates to the rural economy and supports new business development under Class B¹ where they meet one of four criteria. The site would be developed as a new commercial business park which would not accord with any of the criteria of Policy LP19, not being located within or immediately adjoining an Established Employment Area, not re-using land in or last used for business purposes and not re-using or replacing existing rural buildings. Therefore, the principle of development in the countryside would not be supported under Policy LP19 and, by extension, Policy LP10.

Need

15. The appellant argues that there is strong demand for small/medium business units but no alternative sites specifically for Class B2 and B8 development are allocated in the HLP around the Huntingdon/Brampton/Buckden area, despite an acknowledged need for such development. A Supply and Demand Assessment (SDA) (March 2021, updates May 2022 and January 2024) sets out that most employment within Huntingdon is within light and general industrial sectors, with significant expansion in recent years leading to increased demand for modern premises.
16. The SDA points to figures in the Council's Annual Monitoring Report in 2018 and 2019 showing the availability of employment land falling, and that several large sites planned for employment land have fallen away or will no longer deliver any, though the evidence suggests these were removed as part of the local plan process and are not current site allocations which can no longer deliver planned development. The Alconbury Weald Enterprise Zone, some three miles north of Huntingdon, is stated to account for a disproportionate amount of the allocated employment land in the HLP. It adds that this area has a different focus of securing inward investment into Cambridgeshire, rather than meeting the needs of existing businesses in the area, and caters to larger regional and national occupiers, not smaller local enterprises.
17. The Council's Economic Development Officer (EDO) recognises the factors identified in the May 2022 SDA and acknowledges the healthy demand for new build light industrial property and a natural decline in demand for older stock. The EDO further comments that B2 use would be more appealing to serve the local advanced manufacturing sector, rather than B8 uses which tend to encourage more warehouse-type development with fewer and less-skilled jobs.

¹ As formerly set out under the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO). Class B1 was effectively replaced in September 2020 by the new Class E(g) through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Use Classes B2 (General Industrial) and B8 (Storage and Distribution) remain current.

18. The SDA provides a commentary on the uses within existing employment sites, and recent developments of industrial units having been occupied quickly or with continuing strong interest in available units, a point reiterated at the hearing. It is also set out that recent developments have mostly been for small workshop schemes. Some speculative developments have delivered larger units. There has also been a recent surplus in office accommodation since the Covid pandemic due to changing working patterns.
19. However, there is little by way of objective data within the appellant's evidence on levels of demand, beyond anecdotal accounts of new developments being occupied quickly. The position as of January 2024 was that some 29 industrial units ranging from under 2,000sqft to over 100,000sqft were available within Huntingdonshire, an increase of 2 units from the total available in May 2022 and 8 units compared to March 2021. This suggests at least some choice exists for businesses seeking premises.
20. The appellant at the hearing attested to strong demand for units coming on stream from new developments, with those available tending to be older stock vacated by businesses relocating to newer premises. Ultimately, the evidence before me does not breakdown the location of available units, or whether they are new or old. The evidence before me also does not set out the planning background of other sites referred to in the SDA, but it suggests a small, but steady number of units being brought forward through recent planning permissions, albeit I have not been provided full details of these schemes to understand the specific planning considerations in each case. The appellant's evidence also concedes that much demand is for larger, warehouse units of 10,000 to 100,000sqft or more, which would be well beyond what is indicatively proposed on the appeal site.
21. The appellant's criticism of the Alconbury Weald site is noted, but this is a site identified in the HLP to accommodate significant employment development. The evidence before me does not set out that this site is failing to bring forward sufficient employment land, or that it is solely catering for large scale development, as the HLP sets out it is an area offering *'opportunities for businesses of all sizes to contribute to expanding and diversifying Huntingdonshire's thriving economy.'*
22. It is also the case that the appellant is seeking a wide array of uses as part of the proposal, including the full gamut of uses under Class E, and warehousing and storage under Class B8. There is no certainty, therefore, that the scheme would be fully taken up by smaller operators in the light and general industrial sectors, but it could take on a different form either as a low employment site mainly in B8 use, or a retail/service orientated site of a different character.
23. Overall, the evidence before me is not persuasive of a significant unmet need for smaller commercial and/or industrial development that the HLP is failing to deliver, but I accept that there is demand in the area and the development would not be entirely speculative. As such, it would contribute towards the economic growth of the area by providing additional, modern facilities for new and existing businesses. In that respect, I afford moderate weight to the delivery of additional employment-generating facilities.

Character and Appearance

24. The site lies within the Ouse Valley Landscape Character Area (LCA) as set out in the Huntingdonshire Landscape and Townscape Assessment Supplementary Planning Document (June 2007) (the HLTA). The LCA is described as '*a complex mosaic of landscape types, including hay meadows and river valley pasture; river valley arable; urban park; industry (gravel extraction); flooded gravel workings (fisheries, nature reserves etc.) and marinas.*'
25. The immediate surroundings have undergone considerable change in recent years due to the works to the A14. The appeal site is adjacent to the A14 carriageway and its on-ramp for traffic joining from the A1. The scale of the road infrastructure is undeniably large, and structures such as the overhead signage gantries are clear visual indicators of its presence. However, I saw on site that its visual impact is moderated in many views by the green infrastructure around it, including the planted embankments and surrounding areas of open land, ponds and agricultural fields. This includes the southbound approach to the site from Brampton along the B1514, where the landscape opens out dramatically upon leaving the built-up area and transitions to one which is modified by the road infrastructure but is otherwise largely free of development and contiguous with the wider open countryside.
26. The HLTA predates the recent works to the A14. However, it nevertheless highlights development, including the A14 flyover at Huntingdon and several housing and industrial developments, as having an effect on the character of the Great Ouse Valley, reducing its tranquillity and introducing incongruous features. The HLTA acknowledges that urbanising influences occur at road crossings, though I take this to principally mean the road infrastructure itself, as it is otherwise stated that the valley floor feels tranquil and isolated.
27. The site is not immediately adjacent to the River Great Ouse, but is within its valley bottom, which the HLTA makes clear are the only elements included within this LCA as they together form a distinct entity. Policy LP3 of the HLP sets out that development in the Great Ouse Valley will be supported where it contributes to the landscape, wildlife, cultural and historical value of the area.
28. The appeal site and the existing development surrounding it form an isolated pocket to the eastern side of the B1514, partially occluded by an established treeline. The skip hire and recycling depot also retain large areas of open space and have limited numbers of structures. As a result, they do not appear conspicuous in views from the B1514 or when travelling south-east on the A14.
29. The proposal would be located between this existing development and the A14 and would represent a fundamental change from an undeveloped field to a commercial/industrial estate. The illustrative plans show a layout of some 15 units grouped around two cul-de-sacs leading from the existing access road next to the A14 embankment. The units are indicatively shown as typical, modern industrial units with grey cladding and shallow pitched roofs, standing between 8 and 9 metres in height. I accept that these details are not finalised designs, but assuming the appellant would seek to maximise the amount of development given the arguments advanced in terms of need, it is reasonable to consider that the general extent of site coverage and scale of the buildings would not depart significantly from that shown on the plans.

30. The appellant's Landscape and Visual Impact Assessment (LVIA) sets out that in terms of landscape effects, at Year 1 there would be *permanent major adverse* scale of landscape effects on land use at site level, with a *moderate adverse* effect on the character of the site and *minor adverse* effect on the wider LCA. These latter two effects are stated to reduce to *minor beneficial* and *negligible* by Year 15, due to the influence of maturing landscaping, which would contribute to landscape and ecological diversity. Visual effects are assessed from 15 viewpoints, with only two (VPs 11 and 12 on the B1514) having visibility of the site, both with *negligible* effects predicted by Year 15.
31. I do not dispute that from most of the longer viewpoints within the LVIA, the development would not be visible, and even from VPs 11 and 12, the views would be filtered by the existing treeline. However, there would be clear views from the B1514 to the south of these viewpoints just before the underpass beneath the A14, and from the heavily trafficked A14 itself.
32. I was told at the hearing that the development would be expected to be well-screened by the planting on the embankment, part of a wider planting scheme of 150,000 trees along the road corridor, which was predicted to reach some 2.7 metres high in 7 years, or 5 metres by Year 15. However, I saw on site that the plants, said to be in situ between 1 and 2 years already, have achieved little growth to date, being only around 400-500mm high. This is also the case for the land to the west between the access road and the B1514. The plans show limited space for meaningful planting within the site, particularly along the boundary next to the A14 should the service road be used for access. Whilst the layout is otherwise illustrative, this does not instil confidence that the development would be capable of being effectively screened.
33. I acknowledge that industrial estates are often to be found alongside major roads, but there is little established development along the A14 road corridor in either direction, with drivers experiencing an overwhelmingly rural character to either side of the road. The site contributes to this green border to the A14 and is physically and visually connected to the Great Ouse Valley as one travels south-east along the road.
34. In that context, and absent confidence that effective screening could be provided, the proposal would introduce an uncharacteristic urbanising form of development, not related visually or functionally to the countryside, that would stand out as an isolated and conspicuous feature in the rural landscape. The scale of the proposal would significantly exceed that of the existing skip hire and recycling depots, and it would not benefit from the screening afforded these sites by existing treelines. It would also fail to contribute to the Great Ouse Valley in any of the respects set out under Policy LP3.
35. I accept that views from the A14 would be fleeting, especially so for drivers joining from the A1 whose attention when passing the site would be on merging into traffic. However, the scale and proximity of the site to the road would still draw the eye as a conspicuous block of development amid an otherwise open landscape for thousands of drivers each day. This would undermine the restoration efforts undertaken to integrate the A14 into the landscape, and similarly to the north-east to restore the landfill to part of the open countryside.
36. For these reasons, I am not persuaded by the conclusions of the LVIA of negligible effects on the wider landscape, particularly as landscaping is a

reserved matter and there is no certainty at this stage that sufficient planting could be accommodated on site to effectively screen the development, and as the appellant otherwise relies upon significant growth of trees on third party land to provide screening, which is not within their gift to realise.

37. The Council also refers to Policy 1 of the Buckden Neighbourhood Plan (BNP), which resists development within the Great Ouse Valley as defined in Policy LP3 of the HLP and surrounding land and habitats, to the east of the existing built area of the village. The appellant contends that the appeal site does not lie '*to the east of the existing built area of the village*' and so this policy is not applicable. There is no plan within the BNP defining the area to which Policy 1 applies. The site is roughly to the north-east of the village and separated by the A14, where it would not be visible from the village and would not demonstrably affect its setting to the east. However, even if I accept the appellant's reading of the policy, it would be at best not applicable, rather than an area of policy support for the proposal and it would not alter the identified conflict with Policy LP3.
38. Reference is made to the Tin Lid development on the opposite side of the A14. This differs from the appeal site primarily in that it involved development on a brownfield site and it is significantly smaller in site area. It is an isolated development which does not establish a pattern of industrial or commercial development along the road corridor, and I do not regard it as setting a precedent for the appeal proposal, which I have considered on its own merits.
39. I therefore conclude that the proposal would cause significant harm to the landscape character and appearance of the area, in conflict with the aforementioned requirements of Policy LP3, and Policies LP10, LP11 and LP12 of the HLP, which together require well-designed development that recognises the intrinsic character and beauty of the countryside; that responds positively to its context and draws inspiration from the key characteristics of its surroundings, including the natural environment, and applies relevant guidance, including the HLTA. The proposal would further conflict with the Framework's recognition of the intrinsic character and beauty of the countryside and its aspirations for high design quality.

Biodiversity

40. Policy LP30 of the HLP requires no loss of biodiversity and to provide a net gain if possible. The Framework sets out that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
41. The appellant's Biodiversity Net Gain (BNG) Assessment (March 2021) anticipates a net loss of 13.07 Biodiversity Units, equating to a 68% loss. The appellant originally provided a unilateral undertaking (UU) which would secure mitigation of this loss through offsite biodiversity gains, but subsequent to the hearing has provided a new UU to secure a biodiversity enhancement scheme. The degree of enhancement is unspecified but would be agreed by the Council.
42. The Council initially raised objection to the lack of justification as to why on-site mitigation measures could not be implemented but confirmed at the hearing

that in light of the recent change to national guidance regarding the delivery of biodiversity net gain, it is now content with the principle of off-site mitigation.

43. The completed UU would secure delivery of at least 13.07 units to compensate for the loss of biodiversity on site and allows for potentially more than this to be provided, albeit this is likely to also be off-site as there is little to suggest that meaningful areas of the site would be given over to delivering on-site measures over and above the limited amount to be re-provided on the site, and any further enhancements are likely to be of a modest scale.
44. Nonetheless, on this evidence, I find that the proposal would deliver at least a neutral outcome overall in terms of the effect on biodiversity. This would be sufficient to accord with Policy LP30, and in mitigating the harm arising and providing for a small net gain the proposal would accord with the general approach of the Framework.

Minerals Safeguarding

45. The appeal site lies within a Mineral Safeguarding Area (MSA) for sand and gravel. Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 (the MWLP) addresses proposed development in MSAs. The proposal does not fall within any of the exceptions at (a) to (h) where the Minerals and Waste Planning Authority (MWPA) does not need to be notified.
46. Development is otherwise only permitted within MSAs under Policy 5 where one of the other criteria are met, namely that: (i) the mineral can be extracted where practicable prior to development taking place; or (j) the mineral concerned is demonstrated to not be of current or future value; or (k) the development will not prejudice future extraction of the mineral; or (l) there is an overriding need for the development (where prior extraction is not feasible).
47. The appellant does not argue that criterion (i) can be met and, as development would prejudice future extraction, criterion (k) cannot be met either. With respect to (j), Cambridgeshire County Council (CCC), as the MWPA, states that the present or future value of the mineral is not known. The appellant argues that excavation of mineral resources would be impractical due to the small size of the site and various constraints, including a buffer zone to the A14, easements across the land and space required for equipment, which would reduce the area for extraction further. However, in the absence of any evidence of the value, or lack thereof, of the resource, I cannot find this criterion met.
48. That leaves criterion (l). Despite CCC's misgivings regarding the future value of the resource, it accepts that extraction in this case is unlikely be feasible. Having regard to the constraints set out above, I concur with this conclusion. Therefore, the proposal would accord with Policy 5 where an 'overriding need' for the development is demonstrated.
49. The footnote to Policy 5 is that overriding need will need to be judged in the planning balance when any planning application is assessed, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. That judgement should also consider the cost of, and scope for, developing outside the MSA, or meeting the need for it in some other way. No other prospective locations for development outside of the MSA have been put to me.

50. The appellant argues that 'overriding need' refers only to overriding the need to protect minerals, whereas the Council's position is that the need should be so significant as to outweigh all identified harms in the planning balance. I address this further below.

Compatibility with Adjacent Uses

51. The MWLP identifies Consultation Areas (CAs) which are buffer zones around defined areas which are designed to alert prospective developers and decision takers to development (existing or future) within the CA to ensure adjacent new development constitutes an appropriate neighbouring use and that any such permitted development reflects the agent of change principle. The relevant area is the Buckden Landfill Site, a Waste Management Area (WMA).
52. Policy 16 of the MWDP sets out that within a CA development will only be permitted where it is demonstrated that it will not prejudice the existing or future use of the area for which the CA has been designated, and that it will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.
53. This reflects the Framework which sets out that that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and where the operation of an existing facility could have a significant adverse effect on new development, the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.
54. The appeal site lies within the buffer of the WMA. The Council's concern, informed by CCC, is principally related to the potential for odour from the landfill site to cause harm to users of the proposed development.
55. The appellant argues that the use of the site would not interfere with operation of the landfill or recycling site. It is added that the users of the development would be employees rather than residents, meaning effects would only occur during working hours and that the prevailing wind is from the south-west meaning odour would be blown away from the appeal site rather than towards it. It is further pointed out that residential and light industrial development has been permitted closer to the landfill. The appellant also referred to previous odour assessments undertaken for the landfill which predicted a low impact for the appeal site.
56. CCC in response highlights recent investigations by the Environment Agency into complaints regarding odour, one from February 2021 following a large number of reports from residents in Brampton, and a second from January 2024 following significant numbers of malodour complaints, which were determined to have arisen from the landfill. Whilst these complaints have arisen from Brampton village and would reflect wind blowing from the south-east, the closer proximity of the appeal site to the landfill means a change in the wind direction would create a significant risk of odour being experienced within the development.
57. The appellant has not undertaken a site-specific odour assessment to establish the degree of risk in this respect, having regard to the potential end users, and consequently any mitigation that may be required is not known. I do not accept

that because occupants would mainly be employees rather than residents this would lessen the effects of odour. Employees are entitled to work in comfortable conditions. Moreover, the flexible uses sought means that all uses under Class E, including sensitive uses such as cafés, medical centres, creches, nurseries and indoor sporting facilities, could potentially locate on the site. Such uses would attract members of the public, including children, which would increase the potential extent of impact from odour.

58. Discussion at the hearing included the possibility of planning conditions relating to the use of air-conditioning systems or restricting the permitted use classes. However, the parties have ultimately not put any conditions to this effect to me. In any event, for mechanical ventilation to be effective would require the units to be sealed, something which is unlikely to be achievable in practice, particularly where businesses have regular customers or deliveries requiring doors to be repeatedly opened.

59. On the evidence before me, therefore, I find that it has not been demonstrated that unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the development would not exist or could be suitably mitigated. Thus, the proposal would conflict with Policy 16 of the MWLP.

Other Material Considerations

Fall-back Position

60. Planning permission was granted in 2003² for a petroleum distribution depot on a site partially overlapping the current site. Much of this site now forms part of the A14, and whilst the main parties agree that this permission was lawfully commenced, it cannot now be completed given subsequent development.

61. A permission for similar development was granted in 2012³ on substantially the same site as the current proposal, with minor amendments made in 2015. This too is acknowledged as having been lawfully commenced and capable of being implemented. As such, it represents a potential fall-back position.

62. However, there are a number of differences between the proposals. Under the 2012 scheme, the developed area was contained to the western half of the site, with a limited number of buildings intended to be heavily screened by landscaping. The eastern half of the site was to remain open as a landscaped area with an infiltration lagoon to the north-eastern corner.

63. The proposed scheme is in outline and the indicative site layout before me does not represent a final design. However, as already set out, it is unlikely that the proposal would significantly reduce in scale from that shown on the submitted plans, or that the spread of development across the site would be substantially reduced to anywhere close to the extent of the 2012 scheme.

64. Therefore, the appellant's fall-back position is not comparable in terms of the scale or spread of development proposed. The current proposal also falls short of that previously permitted in terms of landscaping and the potential for biodiversity gain. Consequently, I am not persuaded that the extant permission is more harmful than the appeal scheme in overall terms and, as a material

² Council Ref 02/1286/FUL

³ Council Ref 10/01680/FUL

consideration, it does not lend favourable weight to the current proposal as a less harmful alternative.

Highways Matters

65. The matters originally at issue between the parties were confirmed at the hearing as having been resolved, with updated plans submitted showing a feasible plan for offsite highway works on the B1514, and other details capable of being secured by planning condition. The appellant has also provided a signed UU to secure financial contributions towards pedestrian/cycle improvement works. I am satisfied on the evidence before me that the proposal would provide a suitable form of access and would not result in an increased risk to highway safety.

Flooding and Drainage

66. Prior to the hearing, the appellant provided details of agreement in principle with a third party landowner to discharge surface water via a drainage ditch on the adjoining land to an existing watercourse. The Lead Local Flood Authority has subsequently withdrawn its objection, subject to necessary planning conditions to secure the implementation of suitable drainage measures. No other evidence has come to light to lead me to a different view.

Planning Obligation

67. I have referred to the purposes of the signed UU above. I am satisfied that the obligations sought meet the tests of planning obligations set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Other Issues Raised

68. I have had regard to other comments made, including by Buckden Parish Council, as part of my considerations of the main issues above. I have not identified any other matters from the written evidence or at the hearing which would be determinative to my decision. As such, I do not address them further.

Planning Balance

69. The proposal would accord with the general aims of the HLP, as expressed through Policies LP1 and LP2, to provide for economic growth through new facilities, for which there is evidence of demand. However, this support is dependent on development being in an appropriate location. In this respect, there would be conflict with Policies LP10 and LP19 as the proposal would not be a form of development supported within the countryside and would cause demonstrable harm to the character and appearance of the area, and minor harm from the loss of Grade 2 agricultural land, further conflicting with Policies LP3, LP10, LP11 and LP12. I have also found that the proposal would conflict with Policy 16 of the MWLP in terms of the risk to the amenity of future occupants. Therefore, I find that there would be conflict with the development plan, taken as a whole, to which I afford significant weight.

70. The argued need for the development and the economic benefits of providing new industrial/commercial facilities are acknowledged. I also afford modest weight to the potential for some biodiversity net gain to accrue. I have also taken into account the fall-back position for the appellant. Other matters

arising would have neutral effects overall, including highway safety and drainage.

71. Taken cumulatively, I conclude that the other material considerations in this case would not be sufficient to outweigh the identified conflicts with the development plan.
72. I have found that the economic benefits arising would not be sufficient to justify the development in spite of the harm identified. Applying the Council's interpretation of Policy 5, an 'overriding need' for the development has not been demonstrated. Alternatively, if I were to accept the appellant's view that the economic benefits outweigh the value of mineral extraction lost, there would be compliance with Policy 5. However, whilst that would not weigh against the proposal, it would not otherwise diminish the level of harm identified, nor would it bolster weight already afforded to the economic benefits in the planning balance. Consequently, this does not alter my overall conclusions on the proposal.

Conclusion

73. For the reasons set out, therefore, the appeal should be dismissed and planning permission refused.

K Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB (Hons)	Solicitor, Partner in Birketts LLP
Tim Mills BSc FRICS	Property Manager of George J Goff Limited and Buckden Land Limited (a wholly owned subsidiary of George J Goff Limited)
Kate Wood BA (Hons) MRTPI	Director (Planning), Eddisons
Stephen Power BSc (Hons) in Rural Land Management, MRICS, RICS Registered Valuer, MCIQB.	Director, Eddisons
Sarah Taylor BA (Hons) MSc(Eng) CEng FCIHT	Director of Mobility and Infrastructure, Royal HaskoningDHV
Abby Stallwood BSc (Hons) Dip LM CMLI	Technical Director, James Blake Associates
Molly Williamson	Trainee Solicitor, Birketts LLP
Sandra Holmes	

FOR THE LOCAL PLANNING AUTHORITY:

Lewis Tomlinson	Interim Development Management Team Leader
Lucy Pateman	Senior Development Management Officer

INTERESTED PARTIES:

Jez Tuttle	Transport Assessment Manager, Cambridgeshire County Council
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Documents handed up at the hearing

2x Aerial Photographs of the appeal site

Update to Supply and Demand Assessment dated 29 January 2024

Copy of drawing PC2000-RHD-PD-H2-SK-R-0012 Rev P03

Copy of Landscape Consultation Response dated 18 August 2022

Copy of Policy LP18 of the HLP

Copy of email from Megan Turnpenny, Environment Agency dated 5 February 2024

Copy of letter from Crestwood Environmental to CCC dated 31 October 2012 in respect of planning application H/0515/11/CW for the Buckden North Landfill site

Copies of Buckden Landfill Site drawings:

- Annual Site Plan 2021 (Drawing 604A382, Plan 2)
- Composite As-Built Gas Collection System (Drawing No 30B)
- Generator Compound Proposed Flares (Drawing No 1)
- Existing Generator Compound and Safety Plan (Drawing No 1)

Documents submitted after the hearing

Covering email from appellant, dated 20 February, with following attachments⁴:

- List of agreed planning conditions
- Copy of signed unilateral undertaking, dated 15 February 2024
- Copy of signed deed of release under Section 106 and 106A of the Town and Country Planning Act 1990, dated 20 February 2024
- Copy of email dated 20 February from Council solicitor

⁴ Other documents were attached but are not listed as they were either already handed up at the hearing or received prior to the event