
Appeal Decision

Site visit made on 22 October 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/W0530/W/24/3341017

Land Off Long Drove Known as Green End, Cottenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Badcock against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/01901/FUL.
 - The development proposed is described as 'Change of use from agricultural land to residential, existing buildings to be converted'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). As the proposed changes do not affect the main issue of this appeal, I have not sought the views of the main parties in coming to my decision.

Main Issues

3. The main issues in this appeal are as follows:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the appeal site would be a suitable location for residential development;
 - The effect of the proposal on the best and most versatile agricultural land; and
 - The effect of the proposal on archaeological remains.

Reasons

Character and Appearance

4. The appeal site is a narrow and relatively long plot with vehicular access off a road known as Long Drove. It currently includes two main structures; a larger building formed of three main sections which is mostly single storey and covers roughly half the width of the plot; and a smaller, detached building towards the rear of the plot. The buildings are currently used for storage. The road is located to the northwest while to the other three sides are agricultural fields. The proposal seeks to change the use of the plot from agricultural to residential and convert the larger building into a dwelling and the smaller

building into an annex, along with ancillary elements such as hardstanding, bin storage and landscaping/boundary treatments.

5. Long Drove includes several built elements to both the north and south side as it leaves Cottenham. However, the surrounding area of the appeal site is formed of flat agricultural fields and small pockets of tree and hedge coverage, while the road itself is narrow with open views across expanses of countryside to all sides. In combination, this open and verdant character gives the local area a predominantly rural and tranquil quality.
6. I note the Council does not take issue with the proposed materials in principle or the scale and form of the resulting building, which would largely respect the existing scale and footprint of the existing structures on site, with only a minor projection of the two-storey element to the front.
7. The design includes glazing to all sides of both buildings of varying sizes and spreads. Traditionally, rural buildings feature a high solid to void ratio, with the number of openings generally kept to a minimum. The introduction of domestic style fenestration would be most apparent in the front and rear elevations of the two-storey element which would cover much of both walls in the highest and most visible aspects of the site. I observed on the site visit that views of the front elevation would be somewhat symmetrical and screened to a degree by the existing tree belt which lines the boundary on that side. This is proposed to be retained and although this screening would be lessened during winter when trees are not as full, the impacts of light pollution and domestication of the design would be reduced from this approach.
8. However, the rear elevation is currently open in views from the northeast. The irregular spread of fenestration to the two-storey element would appear somewhat incongruous to the host building and local area while light pollution would be very evident to users of the road travelling towards Cottenham. This would harmfully alter the character of the area, particularly in times of lower light.
9. The submitted plans show a close boarded fence of some 1.8m within the site, although the site plan details a 1.1m boundary fence. I have seen details of either before me, although I note the Council does not take issue with the lower, post and rail fence. Conversely, close boarded fencing of this height would jar with the rural and open character of the local area and would harmfully introduce an overtly domestic and impermeable feature into the local landscape.
10. I note the concerns of the Council with regards to the introduction of the shed, hedges and other domestic paraphernalia which would come forth with the change of use to residential. This would be inevitable in a residential conversion, even in rural areas. I agree this could be controlled with the use of appropriate planning conditions, although given I am dismissing the appeal on other matters, I have not considered this further.
11. To conclude on this main issue, the proposal would harm the rural and open character and appearance of the area. This would be contrary to policies HQ/1, S/7 and H/17 of the South Cambridgeshire Local Plan (adopted September 2018) (LP). These seek, among other things, to ensure proposals preserve or enhance the character of the local urban and rural areas and respond to its context in the wider landscape.

Whether Suitable Location

12. Policy S/7 of the LP sets forth the distribution aims for housing in the development plan area. The appeal site is evidently located outside of the 'development framework' of Cottenham. As such, only allocations within Neighbourhood Plans that have come into force, development for agriculture, horticulture, forestry, outdoor recreation, and other uses which need to be located in the countryside or where proposal are supported by other policies in this plan will be permitted. The appellant does not dispute that the proposal would not meet any of the criterion listed in part 2 of policy s/7.
13. Policy H/17 of the LP allows the change of use and adaptation of redundant or disused buildings in rural areas to residential use where several criteria are met. The first of these is where the buildings are unsuitable for employment use; *or*, where it is demonstrated through the marketing of the property for at least 12 months at a reasonable price, that there is no demand for this purpose.
14. I have nothing before me to indicate a marketing exercise was carried out for at least 12 months. I have had regard to the Viability Assessment¹ which concludes that the buildings are in poor condition but if refurbished and made secure the buildings might have a rental value in the order of £9,600 per annum although this is not proven. Moreover, the isolated location and history of crime of the site would deter potential tenants. It is therefore considered that the site is not economically viable given the expenditure required to refurbish the site for employment use.
15. While I take on board the findings of the assessment, the first part of criterion a of policy H/17 does not specify that the buildings must be financially viable, only that they would be unsuitable for employment use. There is nothing before me to show that in practical terms, the buildings would not be suitable for employment use.
16. The second part of part a requires a 12-month marketing campaign to show that there is no demand. This has not taken place and while I take on board the professional opinion of the consultant, it has not been demonstrated in a manner required by policy H/17.
17. Regardless of whether the appellant considers marketing should be required, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a determination of a planning application to be made in accordance with the development plan unless material considerations indicate otherwise. My attention is drawn to an appeal decision² which considered the need for the removal of an agricultural tie against a marketing exercise. However, I have very little information on this matter before me, while it also appears to be in another area of the country. Similarly, I am presented with a list of ostensibly similar proposals approved by the Council. Again, there is little information in support of any of these and as such I cannot be certain of their relevance to this appeal. The proposal would therefore not meet the requirements of criterion a of his policy.
18. Criterion b requires that the buildings are structurally sound, not makeshift in nature, and are of permanent, substantial construction. I have had regard to

¹ Cheffins – 19 January 2024.

² Reference given: APP/D3315/C/14/2218684 & 2218685

the findings of the two structural reports³ which relate to the larger and smaller buildings separately. I understand that there is a lean-to structure attached to the northwest elevation of the larger building which is in poor condition and is to be removed and would not form part of the conversion, instead serving as a parking area.

19. The larger building is formed of a timber frame with a mix of red brick and block walls. There are elements of corrugated metal sheeting to the flank walls as well as large, traditional timber barn doors while the roof is predominantly formed of asbestos sheeting. The floor was predominantly cast in concrete. The report concludes that the larger building is in a satisfactory structural condition and is capable of conversion for the proposed dwelling. Although there are inevitably some strengthening and renovation works required, the survey advises that much of the existing structural elements could be retained with issues such as the repointing of brickwork, infilling of new openings and damp coursing could be integrated without harm to the integrity of the structure. This would align with my observations on the site visit, and I see no reason to disagree with the findings of the report for the larger building in this regard.
20. The second, smaller building was also assessed in a separate structural report. I observed that this building was open to the rear elevation and half of the southwest side. It is formed of a timber frame with a mono-pitched roof topped with corrugated asbestos sheeting. The walls which are not open are formed of block work with corrugated sheeting while the floor is formed of compacted earth. The structural report for this building also advises that it is capable of conversion, although it would require further work than the larger building. I observed it was in poor condition externally with regards to its facing walls and the report advises it would require a concrete floor, masonry to infill the open aspects and a replacement roof, among other things. However, based on all that I have seen and read, I see no reason to dispute the findings of the report.
21. For both buildings, there is little evidence to support the view of the Council and in the absence of substantive information to the contrary, the buildings would ostensibly appear to be structurally sound and of substantial construction, thereby meeting the requirements of part b of policy H/17.
22. Moreover, the Council did not object to the proposed vehicular access and based on the site-specific circumstances, I see no reason to disagree. The proposal would also therefore meet part e of H/17.
23. Parts c & d of policy H/17 require the proposal to enhance the immediate setting of the buildings and that the form, bulk, design, landscaping and materials used in the change of use and adaptation along with any extensions are sensitive to the character and appearance of the building and the locality. I have already determined that the proposal would not achieve the required enhance of the immediate surroundings of the building and the character and appearance of the area. As such it would meet also fail to meet these two criteria.
24. Taken together, the appeal site would not be suitable location for the proposal based on the above. This would be contrary to policy H/17 of the LP,

³ Gawn Associates – References: LJG/222/1850

particularly due to its lack of compliance with the exceptions given in parts a, c and d of that policy relating to employment use and the character and appearance of the immediate and wider landscape setting.

Best and Most Versatile Agricultural Land

25. The appeal site is evidently located within an area classified as grade 2. This is therefore considered as 'very good', and I note the appellant does not dispute its position in an area of grade 2 land. While the appeal site may fall within a swath of grade 2 land, I observed that the on-site specifics of the land were not conducive to very good land for the purposes of agriculture. The strip is approximately 0.02 hectares and surrounds outbuildings. I observed it was formed of compacted earth and some hardstanding from years of vehicular access and walking upon it.
26. The Framework along with policy NH/3 both make clear that the reason for seeking to protect higher quality agricultural land is for the purposes of soil quality and biodiversity. I note that the Council did not take issue with ecological impacts of the proposal while the land did not appear to be of suitable quality for the growing of food or grazing of animals given its condition.
27. Although I take on board that it may be within an area that should be protected, the site-specific circumstances dictate that the change of use and conversion of the site to residential use would not lead to the loss of some of the best and most versatile agricultural land. This would accord with the aims of policy NH/3 as a result.

Archaeology

28. The appeal site evidently lies in an area of high archaeological potential, including Car Dyke⁴, a scheduled Ancient Monument approximately 200m to the west. Although the Historic England entry does not contain any specific information, I am informed that it includes a series of enclosures, tracks and field systems with a high potential for remains.
29. I note the Council would be agreeable to a pre-commencement condition to ensure a written scheme of works is agreed prior to any development beginning on site with the approach implemented in that manner during construction.
30. To that end, the proposal would accord with policy NH/14 of the LP, which seeks to ensure development proposals sustain archaeological remains of all periods.

Other Matters

31. I have had regard to the supporting comments submitted in favour of the proposal. These draw attention to benefits of safety through a human presence in the area to deter potential thefts of livestock and fly tipping. These considerations are worthy of positive weight in favour of the scheme, although this would not outweigh the harm caused by the conflict with the development plan.

⁴ List Entry Number: 1006930

32. The appellant has raised concerns with the Council's handling of the application as well as conflicting advice given in a pre-application response prior to the application being submitted. Regardless, the advice is just that, and it is not a guarantee of permission being granted. It is not my role to mediate complaints or disputes of this type, and I have determined the appeal on its own merits based on my own observations.
33. The appellant has advised that they could pursue a prior approval application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Given the circumstances of the site, I agree that this is a material consideration of some weight. However, this type of application would still be subject to restrictions and limitations, including a need for an assessment of the building's siting and design. As such, this does not convince me the proposal should be allowed on this basis.

Conclusion

34. Taken together, although I have found that some of the reasons for refusal of the application are unfounded, the harm and conflicts that I have identified are such that the proposed development should be considered as in conflict with the development plan when taken as a whole. Material considerations, including the fallback and local support, do not indicate to me a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

C McDonagh

INSPECTOR