



Appeal Decision

Inquiry Held on 7-10 and 14 December 2021

Site visit made on 16 December 2021

by P W Clark MA(Oxon) MA(TRP) MRTPI MCM I

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/W0530/W/21/3280395

Land between Haverhill Road and Hinton Way, Stapleford, Cambridge CB22 5BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Axis Land Partnerships against the decision of South Cambridgeshire District Council.
 - The application Ref 20/02929/OUT, dated 2 July 2020, was refused by notice dated 19 April 2021.
 - The development proposed is a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities, public open space, landscaping, car parking, access and associated development and public access countryside park.
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Decision

1. The appeal is allowed and planning permission is granted for a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities, public open space, landscaping, car parking, access and associated development and public access countryside park on Land between Haverhill Road and Hinton Way, Stapleford, Cambridge CB22 5BX in accordance with the terms of the application, Ref 20/02929/OUT, dated 2 July 2020, subject to the twenty conditions appended to this decision.

Procedural matters

2. The application is made in outline with all matters reserved apart from access. Details of appearance, landscaping, layout and scale are reserved for later consideration in the event of the appeal being allowed. Parameters plans covering land use and building heights, access and movement and landscaping were submitted with the application. I was invited to consider the imposition of these by condition so that they would form an envelope within which the detailed design of reserved matters could proceed.
3. During the consideration of the appeal the appellant requested the substitution of one drawing for another. Material has been provided which demonstrates that this revised plan has been given as much publicity as the original application. I received a number of comments on the revised plan all indicating that their earlier representations remained valid in the light of the revised plan. I am therefore satisfied that nobody would be prejudiced if I were to base my decision on the revised plan, which is what I have done.

4. Before the conclusion of the Inquiry a signed s106 agreement was submitted. This makes provision for the transfer of the public access country park element of the proposal to a body charged with its maintenance together with a sum of £349,950 (index-linked) to be used for its management and maintenance. I am satisfied that these obligations would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and so, would comply with the relevant provision of the CIL regulations. I have therefore taken these obligations into account in making my decision.

Main Issues

5. It is common ground that, by definition, the development would be inappropriate development within the Green Belt. Accordingly, the first two main issues in contention are;
 - Whether any harm by reason of inappropriateness, together with any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal
 - The effect of the proposal on the openness of the Green Belt.

The second of these issues is closely related to the third issue, namely;

- The effect of the proposal on the character and appearance of the area.

The first issue is closely related to the fourth issue;

- The benefits of the proposal.

Reasons

Inappropriate development

6. Some forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land such as changes of use for outdoor sport or recreation. For that reason, I take the view that the part of the proposal which is intended to be laid out and used as a public access country park would be not inappropriate development. The construction of new buildings should be regarded as inappropriate in the Green Belt and so the retirement care village element of the proposal would be inappropriate development. Because the countryside park would not happen without funding released by the development of the retirement care village, the two elements of the proposal must be regarded as a single development proposal which is inappropriate development.
7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning appeal, authorities should ensure that substantial weight is given to any harm to the Green Belt. It makes no difference which, or how many, of the purposes of the Green Belt would be harmed and so I do not need to adjudicate between the parties on whether more than the purpose of assisting in safeguarding the countryside from encroachment would be harmed in this case. I concur with both parties that at least that one purpose would be harmed. It follows that this decision should ascribe substantial harm

to the Green Belt arising from this proposal. To that extent, the development would be contrary to Local Plan policy S/4 which requires a Green Belt to be maintained around Cambridge.

Openness

8. Openness is a fundamental aim of Green Belt policy, distinct from its five purposes. It may be considered in both a spatial sense and in a visual sense. In a spatial sense, the site sits in a stretch of green belt which extends uninterrupted by any built development between Hinton Way and Stapleford which form a backdrop to the west and southwest of the site, scattered mansions on Fox Hill to the north of the site and an area of open countryside extending east and south-east as far as Babraham and Sawston. Were it not for the scattering of buildings on Fox Hill and the isolated ribbon of dwellings in Gog Magog Way and Chalk Hill which abut the part of the site proposed for the care village and separate it from the continuation of Green Belt onto the village recreation ground and Greenhedge Farm to the south, the site as a whole and the part of the site intended for built development in particular would have open, undeveloped land on all four sides.
9. In visual terms, the openness is only slightly more constrained by the hedgerows around the site, the woodlands on Fox Hill and the topography of the site itself which prevents views across it from south-east to north-west and the topography of land to the east which limits visual openness to land more from the south than from the east. The zone of visual influence (ZVI) indicated on figure 05 of the appellant's Landscape and Visual Impact Assessment (LVIA) accurately reflects the area of visual openness which I experienced on my site visit.
10. Interpolation from figure 05 of the LVIA suggests that the part of the site which is proposed to be developed for the retirement care village would represent approximately 2.5-3% of the area of the ZVI. Its effect would be disproportionately noticeable because it would infill nearly half the extent of open land between Gog Magog Way and the partly settled Fox Hill and so would tend to turn the remaining undeveloped agricultural area of land between Haverhill Road and Hinton Way into an island of undeveloped agricultural land separated by the countryside park and built development from other areas of agricultural land. The vulnerability of the resulting island of Green Belt agricultural land is emphasised by the Council's own suggestion, in its emerging local plan consultations, that part of this area of Green Belt be released for development.
11. The landscaping proposed would not be a remediation in the sense implied by national guidance (provisions to return land to its original state or to an equivalent (or improved) state of openness). It would not reduce the quantitative or qualitative effect on openness but it would be a visual benefit to be taken into account in the overall balance, which I consider later in this decision.
12. I therefore conclude that the adverse effect of the proposal on openness would be disproportionately greater than would be implied by the absolute extent of the part of the site proposed for development as a retirement care village (3.12ha site coverage within an enclosure of about 4.91 ha). The appellant's

advocate describes this extent of land as substantial¹. I concur. The proposal would therefore contravene Local Plan policy NH/8(1) which, amongst other matters, requires any development proposal within the Green Belt to be located so as not to have an adverse effect on the openness of the Green Belt.

Character and appearance

13. There are two ways in which this issue needs to be examined. One is in relation to the character and appearance of the site in the landscape. The other is in relation to the character and appearance of the village to which the part of the site intended for a retirement care village would be attached. There is also a subsidiary issue, related to character and appearance, which is that there are heritage assets in the vicinity which give rise to statutory duties of consideration.

Landscape

14. Conventionally, impact on landscape is also assessed in two parts; firstly the physical effects on the landscape and secondly, the visual effects. In terms of the physical effects on the landscape, the site sits on the transition between two local character areas, one relating to the settled river valley, the other relating to the less settled hills which rise above the valley. Boundaries between landscape character areas are seldom abrupt, although, of necessity, the authors of landscape studies have to place a boundary somewhere. In reality, there is usually a gradual evolution from one landscape character area into another. The context of this site is no exception.

Physical effects

15. Two recent landscape character assessments place the boundary between the two local character areas in different places, either side of the site. The Cambridge Inner Green Belt Study produced in 2015 as part of the evidence base for the extant South Cambridgeshire Local Plan adopted in 2018 places the boundary between what it calls Landscape Character Area 4B Granta Valley and Landscape Character Area 3B Gog Magog Hills along the edge of the built extent of Stapleford village, hugging the 20m contour line but rising to the 30m contour line further to the east of the site. The Greater Cambridge Landscape Assessment, produced in 2021 as part of the evidence base for the emerging Greater Cambridge Local Plan places the boundary between what it calls Landscape Character Area 3D Cam and Granta Tributaries Lowland Farmlands and Landscape Character Area 7B, Gog Magog Chalk Hills along the track which hugs the northern boundary of the site. In effect, one landscape character assessment places the site within the valley; the other places it on the hills.
16. This difference between two expert studies shows that the transition between these two character areas cannot be precisely located. It probably occurs somewhere on the site itself. From my site visit I observe that below the 25m contour the site is relatively flat, which one would expect in a character area comprising a valley. The steepest gradients, which one would expect in a character area comprising hills, occur above the 30m contour. I conclude that, if a boundary line has to be drawn between the two character areas, it should be drawn along a line approximating to the 25m contour.

¹ Paragraph 8 of his closing submissions

17. Nobody claims the site to be within a valued landscape in the terms of NPPF paragraph 174a. I concur. National policy therefore simply seeks recognition of the intrinsic character and beauty of the countryside, not necessarily its preservation unaltered in all circumstances.
18. Both landscape character assessments agree that it is a characteristic of the valley character area that it is well settled with a relatively dense rural settlement pattern in which numerous villages have developed due to the proximity of fresh water. Likewise, both agree that, in the chalk hills there is relatively little settlement due to the shortage of water and that although the majority of the land is used for arable crop production, recreation also contributes to the character of the area which contains a country park, nature reserve, picnic site and golf course. It would therefore be consistent with the landscape character of the area that the retirement care village be located within the settled river valley character area, rather than the chalk hills character area and that the remainder of the site be used as a countryside park.
19. The part of the site intended for the care home lies largely above the 20m contour but below the 25m contour. I am therefore satisfied that the uses proposed and their disposition on the site, which can be secured by imposing the parameter plans as a condition of permission, could be made consistent with the existing landscape character of the area.
20. Nevertheless, the two landscape experts who gave evidence on behalf of the parties agree that there would be physical harm to the landscape. They disagree (but not to any great degree) about the significance of the harm both initially (in year one) and on maturity (in year fifteen), largely, it would appear, because one views the site as located entirely within the chalk hills landscape area, whereas the other considers the site as split between the two character areas. I concur with the latter view.
21. That they identify harm at all seems to result from a loss of hedgerow (although it would be replaced on a different alignment) and a view that a change of use from an agricultural field to (in part) a built use would be harmful by definition. However, the published landscape character assessments are clear that settlements (and hence, built form) are an integral feature of at least one of the character areas involved.
22. What is involved is a shift in the percentage of each character area which is composed of buildings and of undeveloped land. Obviously, if, over time, the composition of an area's character were to shift entirely from one component to another, the loss of heterogeneity in favour of homogeneity would be harmful. But that is not the case here. The extent of change resulting from built development would be transformative on the relevant part of the site itself but would be relatively small in relation to the extent of the local character area involved and negligible in relation to the national character area known as NCA 87 East Anglian Chalk.
23. In relation to the countryside park element of the proposal, I am not convinced that any physical harm to the landscape of the hills would necessarily arise from the change from an agricultural field to a recreation use, since recreation uses are identified as one of the characteristics of the character area. Although the change would be transformative on the site itself, it would again be relatively small in relation to the extent of the local character area involved and

negligible in relation to the national character area known as NCA 87 East Anglian Chalk.

24. The expert witnesses' identification of a moderation of harm over time seems to result from an appreciation of the rawness of development in early years, not softened by landscaping until the latter comes to maturity. That seems to me to be less of a consideration of physical change to the landscape and more of a consideration of a visual issue. I now turn to these.

Visual effects

25. The parties identified three viewpoints on site and thirteen viewpoints off-site from which an evaluation of the visual impact of the development on the character of the landscape could be made. They are generally agreed on the effects of the proposal, which parallel the effects of the proposal on the openness of the Green Belt. The impact on most views is assessed as moderate or minor adverse both in the short and long term. My site visit largely confirmed the judgements of the experts.
26. The most damaging effects would occur where the development would block a view of a treed skyline (as in views north from the part of Haverhill Road within the existing built-up area) or where the extent of intrusion of urban form into undeveloped countryside was most apparent (as in views towards the site from the cemetery approach road or from the track east of Stapleford leading to Babraham). The landscape experts agree that these would be major/moderate adverse effects initially, reducing to moderate or minor adverse impacts on maturity. But none of these amount to landmark views.
27. There are two locations which do offer landmark views. One is from Little Trees Hill adjacent to the ancient monument there. The other is from the highest point of the site, a point not currently accessible to the general public but which would undoubtedly become a landmark viewpoint were the country park proposal to come to fruition.
28. The view from Little Trees Hill is extensive. The development site is visible within the view. The development proposed would be visible within the view. But I do not accept the verdict of both parties' experts that the development would have a major/moderate adverse effect in year 1, reducing to a moderate adverse effect as planting matures, because the character of the landscape seen in the view is not exclusively undeveloped countryside. It is a view of a settled landscape within which Stapleford features prominently. Nor is the site, as a piece of undeveloped countryside, the focus of the view. It lies in the middle ground of an extensive view which encompasses a wide variety of features. I accept that, in the short term, the rawness of a new development would distract the eye from an appreciation of the wider view and so cause some harm to its perceived character but, in the longer term I would expect the development to merge into a part of one of the components of what is seen in the view and would cause little or no harm to its character.
29. The viewpoint which would be made accessible were the countryside park to be created is much closer to Stapleford and so currently presents a dramatic contrast between the agricultural land in the foreground and the village immediately behind. Were the development to be permitted and to proceed, the greater proximity of the developed part of the site would significantly reduce the sensation of the location being in the open countryside. Although

the countryside park would still be open to undeveloped land to the south-east, it would tend to feel more enclosed between the existing arm of development extending along Hinton Way and the new residential care home development extending along Haverhill Road.

Stapleford village

30. Finally, I turn to the effects of the proposal on the character of Stapleford itself. Critics of the proposal suggest that the residential care home would have a bulk and scale greater than that of the two-storey housing in the immediate vicinity of the site. But there is no reason to presume that an institution like a care home need have the appearance of an institution. It would be within the Council's power to ensure that details submitted as reserved matters articulated the building so as to make it compatible with its neighbours. In any event, the homes in Gog Magog Way and Chalk Hill are formed into semi-detached pairs and short terraces of four which have a bulk and scale greater than that of an individual house.
31. Critics of the proposal also suggest that it would be inappropriate and incongruous for an institution offering public facilities to be sited on the edge of the village. But I observed that it is in the nature of Stapleford that this is the case; the church is on the edge of the village and so too is Stapleford Barns, the local arts centre which offers a performance space. The village appears to be polycentric, with its facilities scattered and placed at its edges. The proposal would therefore conform with that character.

Character conclusions

32. In summary, I conclude that the uses proposed and their disposition on the site, which can be secured by imposing the parameter plans as a condition of permission, could be made consistent with the existing landscape character of the area; that the physical harm to the landscape would be relatively small; visual harm to the character of the countryside would be somewhat greater but there is no reason to presume that the built development would be inconsistent with the character of the village. Other than the unavoidable fact that the proposal is sited outside the Stapleford development framework, I find little or no conflict with the other provisions of policy S/7 of the adopted South Cambridgeshire Local Plan 2018 which, amongst other matters, require development to be of a scale, density and character appropriate to the location.
33. I also find little or no inherent conflict in principle with policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018. Amongst other matters, this requires proposals to preserve or enhance the character of the local urban and rural area, to be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area. Although there would be some conflict with Local Plan policy NH/2 which requires development to respect and retain the local character and distinctiveness of the local landscape, such conflict would be relatively minor.

Heritage

34. Not far from the site are a number of heritage assets; the Stapleford Conservation Area, approximately 350m south-west of the site; 57 Bar Lane, a grade II listed building located within the village approximately 240m south of

the site; Middlefield and Garden Wall, a grade II* listed building located within Fox Hill approximately 130m north of the site and the church of St Andrew, a grade II* building located within the village approximately 550m to the south-west of the site. There is no suggestion from either party that these heritage assets or their settings would be adversely affected by the development proposed. I concur with that.

35. In the countryside to the north-east of the site is a cluster of scheduled ancient monuments; the iron age hill fort at Wandlebury, a bronze age barrow and a neolithic causewayed enclosure at Little Trees Hill and a bronze age tumulus at Wormwood Hill, with a neolithic longbarrow. They form part of a wider prehistoric landscape of national significance.
36. Those consulted by the Council on this application made no suggestion that the development would have any adverse impact on any of these heritage assets but the Council has adopted the suggestion of the appellant's own heritage consultant that the development would cause a low to medium less than substantial harm to the significance of the bronze age barrow on Little Tree Hill through effects on its setting. As I saw on my site visit, its setting, in a prominent position on the brow of the hill overlooking the valley below is an important element of its significance. The appellant's consultant argues that the retirement village element of the proposal impinges on this wider view and so would cause some harm to the appreciation of the setting.
37. I am not convinced of that because the wider view of the valley below Little Tree Hill is not a view of a virgin landscape. It is a view of a settled landscape, in which buildings, including those of the existing settlement of Stapleford, feature prominently. There is no explanation of why the existence of buildings within the landscape which forms the setting of the heritage asset should cause it harm, nor was it evident from my site visit that they did. What was evident was that the significance of the ancient monument's setting lies in its elevation above the valley and the absence of development on the hillside leading up to it, not in any absence of development within the valley below.
38. Nevertheless, other than by the evidence of my own eyes, the statement of the appellant's heritage expert was not contradicted and must be respected. Moreover, it is government policy that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of harm which would be caused.
39. So; although I conclude that the harm to the ancient monument would be negligible, insufficient to amount to a conflict with policy NH/2(b) of the adopted Local Plan which requires proposals to conserve or enhance important natural and historic assets and their setting and so insubstantial as to be only noticeable to observers with enhanced sensibility; in accordance with government policy, I attach great weight to that negligible harm to the asset's conservation. This harm should be weighed against the public benefits of the proposal, to which I now turn.

Benefits

40. Seven categories of benefit can be identified. They are;
 - The provision of special care housing in a situation of critical shortage

- The consequent release of existing housing stock
- Enhanced beneficial use of Green Belt through provision of countryside park, manifest in
 - Biodiversity enhancements and
 - Recreational benefits
- Enhanced landscaping
- Employment provision
- The economic multiplier effect
- Social cohesion

Each of these is examined in turn.

Special care housing

41. A key fact noted on page 133 of the adopted Local Plan is an ageing population with growth forecast between 2001 to 2021 of 95% for the 60-74 age group and 108% for those 75+. National Guidance advises that the need to provide specialist housing for older people is "critical". Jessamy Venables's calculations of future need and provision within the housing market area local to this site were not seriously challenged. They show that by the year 2024, there would be a gross need for 1,226 private sector extra care dwelling units but that only 882 would have been supplied or be in the pipeline, leaving a shortfall of 331 extra care dwellings. Without replenishing the pipeline of supply, the shortfall would thereafter rise to 805 dwellings by 2041.
42. Jessamy Venables made a similarly unchallenged estimate of the need for care home beds in the market area. This showed that by the year 2024, there would be a gross need for 770 elderly care home beds within the market area but a supply and pipeline of only 652, leaving a shortfall of 118, rising to 342 by the year 2034. The Council's own analysis for its emerging local plan suggests that Jessamy Venables's figures may be underestimates.
43. The proposed development would therefore provide about 9% of the total demand for extra care dwellings and about 14% of the total demand for care home bedspaces in the market area in 2024², or about 33% of the estimated shortfall in provision of dwellings, 93% of the shortfall in bedspaces. The Council's committee report accepts that there can be no doubt that the development could make a very significant contribution towards meeting local need and gives significant weight to the issue. Its statement of case (paragraph 5.21) upgrades that assessment to very significant weight. I have no reason to disagree.

Release of existing housing stock

44. Part of the demand for extra care housing arises from a desire by elderly people to downsize from larger family houses. There is not an exact 1:1 relationship but one effect of providing extra care accommodation is that larger family accommodation is released back into the market. The Council has

² The Council made the point that delivery by 2024 is uncertain but there is no suggestion that any different proposal would achieve delivery sooner.

applied the appellant's estimate of the release of 1 dwelling into the market for every 3 residential care units (dwellings or care beds) to arrive at a figure of 73 existing homes released into the market.

45. Despite this calculation, the Statement of Common Ground agrees that the proposal could equate to the release of 134 existing housing units into the local housing market. The Council's committee report argues at paragraph 298 that because the Council has a five-year housing land supply, limited weight should be applied to this benefit.
46. The Local Plan target is for 19,500 new homes. For a 20-year plan period (2011-31), this equates to an annual target of 975 new homes. The release of existing stock into the housing market therefore represents about 14% of one-year's supply. Although any increase in housing availability within one of the least affordable areas of the country is of benefit, I agree with the Council in its committee report that the extent of this benefit in the context of an already adequate housing supply would be of limited weight but, in paragraph 5.22 of its Statement of Case, the Council upgrades its assessment to one of significant weight.

Biodiversity benefits of proposed countryside park

47. The Council has had the adopted Cambridge Southern Fringe Area Action Plan in place since February 2008. Policy CSF/5 (2) provides that;

A Countryside Enhancement Strategy will be prepared for the area bounded by the Cambridge City boundary, Babraham Road, Haverhill Road, and the edge of the built up area of Great Shelford and Stapleford. The Strategy will comprise:

- f. New copses on suitable knolls, hilltops and scarp tops.
 - g. Management and creation of chalk grassland.
 - h. Management of existing shelter belts.
 - i. New mixed woodland and shelter belts.
 - j. Creation of a landscape corridor along Hobson's Brook.
 - k. Reinforcement and planting of new hedgerows.
 - l. Roadside planting.
 - m. New footpaths, cyclepaths and bridleways creating routes through the area and linking to Wandlebury Country Park / The Magog Down.
48. Supporting paragraph C3.1 explains that the scale of development in the Cambridge Southern Fringe both within Cambridge City and South Cambridgeshire will require substantial mitigation measures over a wide area of countryside to the south of the built-up area to mitigate the impact of development. It thus makes it clear that the Countryside Enhancement Strategy is intended to be linked to, and funded by, development, a point confirmed in response to my direct question to the Council's witness in the

current appeal. Despite there being a plethora of studies³, the Council's witness also confirmed, in response to my direct questions, that in the nearly fourteen years since this plan was adopted not much of this policy has been achieved and that there is no programme for its implementation.

49. The Cambridgeshire Green Infrastructure Strategy⁴ notes that overall, Cambridgeshire has a smaller proportion of natural habitats than most counties in Britain. Paragraph D7.1 of the adopted Cambridge Southern Fringe Area Action Plan confirms that the biodiversity of the area is generally poor, with no designated sites in the Action Plan area. The lack of habitat networks combined with intensive farming will have contributed to the low biodiversity value. In the introduction to the Council's Doubling Nature Strategy published in 2021, the Chair of the Council's Climate and Environment Advisory Committee records that South Cambridgeshire is one of the poorest areas in the country in terms of biodiversity and has one of the smallest areas of land managed for nature, relative to its size. The Council's declaration of an ecological emergency in July 2019 may be seen as a dramatic gesture but is based upon fact. All these points demonstrate the significance of this issue.
50. The appellant's claim that the countryside park would transform a large monocultural agricultural field into a rich chalk grassland ("a significant and rare type of habitat", "one of the UK's most biodiverse habitat types") with various elements of scrub, hedgerow and tree planting was not contested. Nor was the claim contested that the countryside park would achieve a biodiversity net gain of 234%, which compares favourably with the 10% requirement of the recently enacted Environment Act 2021 and the 20% of the Council's emerging Local Plan.
51. The countryside park proposed in this appeal would lie within the area of improved landscaping proposed by policies CSF/5 (2(f-m)). It would not cover the whole area of the intended Countryside Enhancement Strategy, which approximates to 530ha but the approximately 19ha of the countryside park would amount to about 3.6% of the area of the intended enhancement strategy. It would increase the chalk grassland resource in this part of Cambridgeshire by 18.7% and there would be synergies with the nearby Magog Down, according with the recommendations of the Lawton report for the creation of linked ecological resources to enhance the benefit of each individual resource.
52. The section of the Council's committee report which deals with the environmental benefit of the country park (paras 284-285) concludes that the countryside park would deliver clear and significant benefits. It asserts that significant weight should be given to its provision as does the Council's Statement of Case (paragraph 5.24). During the Inquiry, the Council's witness was persuaded to upgrade that assessment to very substantial weight. I concur.

³ Listed in paragraph 3.61 of Colin Brown's evidence; Cambridge Southern Fringe Area Action Plan (policy CSF/5) – 2008; Cambridgeshire Green Infrastructure Strategy – June 2011; Greater Cambridge Green Infrastructure Opportunity Mapping Report – Sept 2021; South Cambridgeshire Doubling Nature Strategy – 2021; The Cambridge Nature Network – A Nature Recovery Network for Cambridge and its Surrounds – March 2021

⁴ A document published in 2011 by a partnership including the local planning authority

Recreational benefits of countryside park

53. The countryside park proposed as part of this appeal would deliver more than ecological benefits and improved landscaping. It would also deliver a change of use from agricultural land to a countryside park. As Dr Painter remarks in paragraph 1.34 of his evidence, it would be a secondary benefit that the countryside park would provide new socially inclusive recreational space for the local community that will have enhanced footpath connectivity to existing local recreation areas but that observation (that the benefit would only be secondary) should not cause the benefit to be overlooked or discounted.
54. The recreational effect goes beyond the requirements of policy CSF/5 but NPPF paragraph 145 recommends that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. The benefit is therefore recognised in public policy, even if not a requirement of the local plan.
55. The Cambridgeshire Green Infrastructure Strategy points out that in respect of Publicly Accessible Open Space the area is presently deficient in ANGSt⁵ at the 500ha plus standard⁶ around Cambridge and to the south, west and east of the area, and at the 100ha plus standard⁷ to the south, east and then in an arc around the Longstanton/Oakington area. There are areas of deficiency in ANGSt at the 20ha plus standard⁸ on the northern and southern fringes of Cambridge and significant deficiencies in the far west of the area. At the 2ha plus standard⁹ there are significant deficiencies across the whole area. This proposal would help meet the 2ha and (almost) the 20 ha standards in the local area.
56. In relation to the built development proposed (about 110 homes and a care home of 110 bedspaces on about 3.12ha site coverage within an enclosure of about 4.91ha), the proposal compares favourably with accepted schemes at Great Knighton (a 48 ha country park supported by 2,550 new homes on the Green Belt) and at Trumpington Meadows (a 60 ha countryside park supported by 1,200 new homes on Green Belt land). The Council's committee report (para 295) and its Statement of Case (paragraph 5.23) both contend that significant weight should be given to the social benefits of the countryside park. Notwithstanding the potential, which was identified during the Inquiry, for increased public access (particularly by bicycles) to be in conflict with ecological aims, I concur with that assessment.

Enhanced landscaping

57. The landscape parameter plan accompanying the application indicates an area of proposed new structural planting around the part of the site proposed for built development. It would vary in depth from about 3m to 8m with deeper pockets at the northern and eastern corners of the site. This is presented as a mitigation of the intrusion of development into the openness of the Green Belt

⁵ Accessible Natural Greenspace Standards

⁶ One accessible 500 hectare site within ten kilometres of home

⁷ One accessible 100ha site within five kilometres of home

⁸ At least one accessible 20ha site within two kilometres of home

⁹ An accessible natural greenspace of at least 2 ha in size,, no more than 300m (5minutes' walk) from home

but, over time, it would become an attractive feature in its own right which deserves recognition as such.

Employment provision

58. There would be employment created during the period of construction of the development, estimated at around 190 full-time-equivalent (FTE) jobs and about 70 FTE jobs involved in the operation of the development once completed. There is no information about the need for jobs to be created locally. The Council's committee report argues that the economic benefits would be of limited weight. Its Statement of Case (paragraph 5.25) ascribes moderate weight to this benefit but I recognise that NPPF paragraph 81 advises that significant weight should be placed on the need to support economic growth and productivity.

Economic multiplier effect

59. New residents of the retirement village will contribute additional local spending and will utilise and support local services and facilities helping to ensure their viability and their continued existence. Neither party quantifies this effect. I recognise that older people tend to spend less per head than younger people and so I conclude that this benefit would be of moderate significance.

Social cohesion

60. The council's statement of case recognises that the communal facilities proposed as part of the scheme will draw the wider community together. It allocates significant weight to this benefit.

Other matters

61. The proposal provides a 15m wide corridor to allow for the route of what is variously termed the Cambridge Autonomous Metro (CAM) or the Cambridge South Eastern Transport Busway Scheme (CSETS). This provision is not presented as a benefit of the proposal; there is no suggestion that the proposal would dedicate or donate the corridor to the promoters of the scheme. Nor is it suggested that the proposal would be dependent on the busway scheme or its two stops proposed on Haverhill Road and Hinton Way. Rather, the corridor is intended to show compatibility between the appeal scheme and the Busway Scheme.
62. The promoters of the Busway scheme objected to the appeal scheme at application stage because the corridor shown on the parameters plan did not coincide with the preferred route which the promoters of the Busway approved on 25 June 2020. They also sought to have the proposal contribute to the construction of the Busway project through a s106 planning obligation. No further representations were made at the appeal stage.
63. Both parties to the appeal agree that the Busway scheme is at a very early stage of preparation. A Transport and Works Act Order is some years away. The appellant's view, not contradicted by the local planning authority, is that, if planning permission for the appeal scheme is granted, a different alignment for the Busway, avoiding the part of the site to be developed for a retirement care village can be envisaged. A potential operator of the retirement care village

confirmed¹⁰ that the uncertainties surrounding the alignment of the busway would not prevent the appeal scheme from proceeding. I have no reason to disagree or to find that the busway scheme would represent an insuperable obstacle to the granting of planning permission.

Planning balance

64. The Local Plan's development strategy is set out in policy S/6 of the adopted Local Plan; "The need for jobs and homes will be met as far as possible in the following order of preference, having regard to the purposes of the Cambridge Green Belt: a. On the edge of Cambridge; b. At new settlements; c. In the rural area at Rural Centres and Minor Rural Centres." The edge of Cambridge is closely surrounded by Green Belt and four of the five Rural Centres and five of the Minor Rural centres are in the Green Belt so there is an inherent tension between the adopted plan's preferred locations for development and both its and national¹¹ policies for the protection of the Green Belt.
65. The appellant has carried out two alternative site assessments. They are open to methodological criticism so I do not say that they prove beyond doubt that no alternative, less harmful, site for this proposal could be found but what can be said without fear of contradiction is that the local planning authority has not identified any preferred alternative site for this proposal. Nevertheless, that observation does not moderate the conclusion I have reached that the harm that the proposal would cause to the Green Belt and to its openness would be disproportionately greater than the substantial extent of built development comprised in the proposal would imply.
66. Those harms to the principle of the Green Belt and to its openness are the main harms identified in this case. Physical harm to the landscape would be relatively small; visual harm to the character of the countryside would be somewhat greater but there is no reason to presume that the built development would be inconsistent with the character of the village. Harm to the setting of the ancient monument would be negligible (but of great weight) and is easily outweighed by the identified benefits.
67. The Council's approach within its adopted Local Plan is that C2 housing comprises a part of its overall housing requirement and that it has identified sufficient land for housing development to satisfy its requirements for the next six years. That assertion is not contested and I have no reason to conclude otherwise but it is not sufficient. Uncontested evidence given in this appeal is that unless sites are specifically allocated for C2 development, the developers of such schemes are unable to compete for sites in the housing land supply market with the providers of C3 general housing accommodation and so, the delivery of C2 development will be restricted.
68. Despite a plethora of studies¹¹, the Council's approach has not delivered and is not expected to deliver special care housing in anything like sufficient quantities. No policy nor any allocation in the adopted plan requires a specific

¹⁰ Inquiry document 3

¹¹ Cambridgeshire Older People's Accommodation Strategy (2016), Cambridgeshire County Council; Older People's Housing, Care and Support Needs in Greater Cambridge 2017-36 by the Centre for Regional Economic and Social Research November 2017; Cambridgeshire Older People's Strategy (Cambridgeshire County Council website 2016); Cambridgeshire and Peterborough Adult Social Care Market Position Statement 2018/2019 are listed in the appellant's Planning Need Assessment. Jessamy Venables's evidence adds Cambridgeshire County Council's publication Older People's Accommodation with Care – planning for future demand (2021) and the recently published Housing Needs of Specific Groups – Cambridgeshire and West Suffolk (October 2021)

proportion of dwellings to be delivered as special care housing. Although special care housing is mentioned in the justificatory text to the Ida Darwin Hospital site, none has actually been delivered in the development of that site. Policy SS/8(6) provides that development of Cambourne West “could also include nursing and residential care homes” but none has been delivered.

69. Although there are some schemes in the pipeline which will reduce the outstanding need within the housing market area from an expected 1044 dwellings and 436 bedspaces in 2022 to an expected 838 dwellings and 118 bedspaces in 2024, by 2041 the unsatisfied need for dwellings is expected to remain at 805 extra care dwellings. Government advice is that housing need alone does not amount to the very special circumstances required to justify inappropriate development within the Green Belt but, in this case, that housing need is combined with a lack of effective action to meet the need. Moreover, it is not the only circumstance which should be brought to bear in the planning balance.
70. There is a similar plethora of studies demonstrating the need for improvements to biodiversity in the local area. In contrast to special care housing, there is a specific policy in the adopted Cambridge Southern Fringe Area Action Plan to address the issue. Consequently the failure to make progress in resolving the issue is a much more egregious consideration arguing forcefully that very special circumstances apply here.
71. Dr Painter’s description of the recreational benefit of the scheme as secondary should not blind us to the fact that it would be disproportionately large in relation to the extent of built development proposed. Although perhaps incidental to the primary purpose of the countryside park in providing ecological benefits to offset Green Belt harms, its scale of provision in relation to the part of the site to be built over would represent a somewhat special circumstance.
72. The other benefits of the scheme are less outstanding but nevertheless contribute to the balance. They are the benefits of the release of existing housing stock, of enhanced landscaping, of employment provision, of the economic multiplier effects of increased local expenditure and of increased social cohesion.
73. Overall, but particularly through the supply of extra care housing, needed but not otherwise being met, biodiversity enhancements to Green Belt land sought by local plan and national policy but not being delivered and recreational provision, sought by national policy on Green Belt land, the benefits of this proposal would clearly outweigh even the disproportionate harms to the Green Belt and its openness which would result from the scheme. I so conclude and find in consequence that the proposal would comply with national policy and hence policy S/4 of the South Cambridgeshire Local Plan 2018.

Conditions

74. In the event of the appeal being allowed, the parties suggested that 32 conditions would be necessary to make the scheme acceptable. I have considered these suggestions in the light of national guidance and the model conditions set out in appendix A to the otherwise superseded Circular 11/95: the use of conditions in planning permissions, preferring the wording of the latter where appropriate.

75. The first two conditions are statutory requirements concerning the submission of reserved matters and placing limitations on the duration of the permission. The third condition is needed to establish a framework within which details of reserved matters can be considered. The fourth condition is necessary because the site lies within an area of national archaeological significance.
76. The fifth suggested condition was to require an ecological management plan for the period of construction. However, the site as existing has little ecological interest; it is one of the benefits of the scheme that it would provide such interest, so there is no necessity for this condition separate from a general condition (16) requiring a construction management plan.
77. The sixth suggested condition required the submission of a landscape and ecological management plan. But, until the details of landscaping required to be submitted as a reserved matter are approved, it cannot be known that they would lack an included management plan or would require the submission of one, so this condition would be premature to be applied at this stage.
78. The seventh suggested condition would have required a traffic management plan and routeing agreement for the construction period to be agreed in consultation with the Highway authority but the matters required to be included largely duplicate provisions of the Highways Acts and there is no evidence that such would be required independently of a general condition (16) requiring a construction management plan. Likewise, suggested condition 15 sought to require a scheme of dust suppression during construction but is not required independently of a general condition (16) requiring a construction management plan.
79. The eighth suggested condition would require the submission of details of a surface water drainage scheme. Such would be necessary to ensure that the development is adequately drained and would not necessarily be required as a reserved matter so must be specified independently. The appellant's submitted Flood Risk Assessment advises that swales will need to be provided in the countryside park to divert overland flows of water away from the retirement care village and so this condition applies to all parts of the site. Suggested condition 22 would require the submission of details of the long-term maintenance arrangements for the surface water drainage scheme but it would be premature to impose this condition until the details of the drainage scheme are known not to include maintenance arrangements. Suggested condition nine, requiring a foul water drainage scheme to be designed, approved and implemented need only apply to the parts of the site with built development.
80. It is a development plan requirement that development be 10% more energy efficient than required by the Building Regulations and so, suggested condition 10 is necessary (imposed as condition 7). Similarly, suggested condition 23 requires the development to be more water efficient than required by the Building Regulations in pursuit of a development plan policy and so is necessary (condition 14). Suggested condition 11 would require an investigation of potential contamination, suggested condition 24 would require its remediation and certification and suggested condition 28 would require the remediation of any unexpected contamination found during construction. The appellant's own Geosphere Environmental report recommends a targeted intrusive ground investigation to determine the risk of gassing from chalk bedrock and the installation of monitoring wells for ground gas which

- demonstrates the need for these conditions which are combined as condition (8).
81. Suggested condition 12 sought to require a noise insulation scheme but there is no evidence that noise from Haverhill Road would be so great as to require one, so it fails the test of necessity. Suggested condition 13 sought details of a phasing plan, claiming a need to protect the living conditions of neighbouring properties but there is no evidence to show how a phasing plan would achieve that, so also fails the test of necessity. Suggested condition 14 sought to impose limitations on the use of piling during construction and is necessary to protect local residents against that contingency.
 82. Suggested condition 16 seeks a Low Emission Strategy in accordance with section 3.6 of the Greater Cambridge Sustainable Design and Construction SPD2020. Section 3.6 of the specified document deals with lighting schemes, contaminated land, noise pollution, air quality and odour control. Inspection of the SPD suggests that the condition is seeking to obtain electric vehicle charging points, a travel plan and support for public transport. Insofar as these are necessary to the development under consideration, they are covered by other, specific, conditions which would be duplicated by a Low Emission Strategy condition and so the latter is not necessary.
 83. Suggested condition 17 would require the use of low Nitrogen Oxide combustion boilers, in accordance with a specific local plan policy and so is necessary (condition 10). Suggested condition 18 would require details of the installation of fire hydrants, a detail which would not necessarily be secured in the submission of reserved matters relating to layout and so, is a necessary condition. Likewise, details of lighting would not necessarily be included in the submission of reserved matters and so requires a specific condition (12) as intimated by suggested condition 19.
 84. Suggested conditions 20 and 21 would require the layout of the approved access and the visibility splays indicated on the approved access drawing to be in place before the use of the retirement care village commences. This would be necessary for the safe operation of the development and so is included as condition (13).
 85. Suggested condition 25 would require a noise impact assessment and insulation scheme for any plant installed at the retirement care village. However, the necessity for this condition will not become apparent until reserved matters are submitted and so, it would be premature to impose it now.
 86. Suggested condition 26 would require the submission, approval and implementation of a travel plan. This is a local plan requirement and so condition (15) is necessary. Suggested condition 27 would require the accesses to be constructed with adequate surface water drainage in place in accordance with a scheme to be submitted to and approved by the local planning authority but, as this would duplicate condition (5) a separate condition is not necessary.
 87. Suggested conditions 30, 31 and 32 are necessary to limit the outline permission to the terms of the development for which outline permission was sought and are imposed as conditions (17, 18 and 19). Condition (20) was not suggested by the parties but is implied in suggested condition 16 and

recommended in paragraph 6.3 of the appellant's submitted Air Quality Assessment.

88. With these conditions in place, the appeal is allowed for the reasons given earlier.

P. W. Clark

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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He called

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FOR THE APPELLANT:

Matthew Reed QC Instructed by Matt Hare, Carter Jonas

He called

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Matt Hare BSC MSc MRTPI took part in the discussion on conditions

DOCUMENTS submitted during the Inquiry

- 1 Draft planning obligation agreement
- 2 J Billingsley position statement
- 3 E-mail from Daniel Perfect of Rangeford Villages
- 4 Regina (Sefton Metropolitan Borough Council) v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1082 (Admin)

CONDITIONS

- 1) Details of the additional accesses, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans.
 - Location Plan – Ref. J0027450_011 dated 06.08.2020
 - Parameter Plan: Access and Movement – Ref. J0027450_010 dated 06.08.2020
 - Parameter Plan: Landscape ref. J0027450_009 dated 06.08.2020
 - Parameter Plan: Land Use and Building Heights Ref. J0027450_008A dated 26.10.2021
 - Access Assessment Option 2 - 406.09693.00002.14.H011.2 dated Oct 2020
 - Emergency Access Option – ref. 406.09693.00002.14.012.2 dated Oct 2020
- 4) No demolition/development shall take place on site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No development hereby permitted shall be commenced until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any part of the retirement care village is occupied.
- 6) No built development hereby permitted shall be commenced until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be

implemented in accordance with the approved details before any built development on site is occupied.

7) No development above ground level shall proceed until details of the means by which a minimum reduction of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the built development as defined by Building Regulations) can be achieved on site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully installed and operational prior to the first occupation of any part of the built development and thereafter maintained in accordance with the approved details.

8) No development shall take place until:

- a detailed scheme for the investigation, recording and remediation of contamination and ground gassing from chalk bedrock on the site has been submitted to and agreed in writing by the local planning authority.

No building on site shall be occupied until

- The scheme of investigation, recording and remediation has been implemented on site in accordance with the approved details and;
- A verification report has been submitted to and approved in writing by the local planning authority.

If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the local planning authority before any works proceed and shall be fully implemented prior to first occupation of any part of the development hereby approved.

9) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide to the local authority for approval details of the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Development shall not be carried out other than in accordance with the approved details.

10) No gas fired combustion appliances shall be installed until details demonstrating the use of low Nitrogen Oxide (NO_x) combustion boilers, (i.e., individual gas fired boilers that meet a dry NO_x emission rating of ≤40mg/kWh), have been submitted to and approved in writing by the local planning authority. Should the proposals include any gas fired Combined Heat and Power (CHP) System, the details shall demonstrate that the system meets the following emissions standards for various engines types:

- a) Spark ignition engine: less than or equal to 150 mg NO_x/Nm³
- b) Compression ignition engine: less than 400 mg NO_x/Nm³
- c) Gas turbine: less than 50 mg NO_x/Nm³

The details shall include a manufacturers Nitrogen Oxides (NO_x) emission test certificate or other evidence to demonstrate that every appliance installed meets the emissions standards above.

The approved appliances shall be fully installed and operational before the development is occupied or the use is commenced and retained as such.

- 11) Prior to the commencement of development of the retirement care village a scheme for the provision of fire hydrants shall be submitted to and agreed in writing with the local planning authority. The retirement care village shall thereafter be constructed in accordance with the approved details.
- 12) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the development hereby permitted takes place. Development shall be carried out in accordance with the approved details.
- 13) No part of the retirement care village hereby permitted shall be occupied until the vehicular access and the visibility splays shown on approved drawing number 406.09693.00002.14.H011.2 have been constructed in accordance with the details shown on the approved drawing.
- 14) No part of the retirement care village shall be occupied until details of a water efficiency specification for the relevant part, demonstrating an ability to achieve a design standard of water use of no more than 110 litres/person/day, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) 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.
- 15) Prior to first occupation of any part of the development hereby approved, details of a travel plan to encourage the use of sustainable modes of travel other than the private car shall be submitted to and agreed in writing by the local planning authority. The relevant part of the development shall be carried out and carried on in accordance with the relevant approved Travel Plan.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. Amongst other matters, the Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 17) The retirement care village hereby approved shall only be occupied by persons aged at least 55 years. In addition, a spouse or dependent relative of that person, or a widow/widower or surviving dependent relative of that person who has co-occupied a dwelling unit permitted to be constructed as part of the development with that person shall also be permitted to occupy the development.
- 18) The retirement care village hereby approved shall only be used for provision of extra care housing and care home purposes falling within Use Class C2 of the Town and Country Planning Use Classes Order 1987 (as amended).
- 19) No more than 17,825sq.m of floor area shall be provided on the appeal site.
- 20) No part of the retirement care village hereby approved shall be occupied until it has been fitted with electric vehicle charging points in accordance with a scheme which shall have been previously submitted to and approved in writing by the local planning authority.

Richborough Estates