

Summaries of recent decisions

Manor Oak Homes Ltd – Outline planning permission with all matters reserved except for access for the erection of up to 50 dwellings and associated works, including access, cart and cycle parking, open space and landscaping – Land off Beach Road, Cottenham – Appeal Dismissed.

1. This application for a large housing development outside the village framework was refused at the time the Council was unable to demonstrate a five year housing land supply. The timing of the appeal resulted in the inspector making a decision following the adoption of the new Local Plan. It therefore represents the first major housing appeal decision following adoption of the Local Plan. While the appellant had raised the Cottenham Neighbourhood Plan as a material consideration, the inspector only gave this “very little” weight given it is still in its early stages.
2. The application was determined under delegated powers and the appeal considered under the written representations procedure. The main issue was the effect of the development on the character of the area.
3. Notwithstanding that the appellant undertook a Landscape and Visual Impact Assessment, the inspector agreed with the Council that the site contributes to the open and rural character of the area and its fen-edge location. The proposal to provide generous landscape buffers to the site boundaries would only serve to create a visually disconnected development from the remainder of the village. It would still be visible over some distance and result in material harm to the character and appearance of the area. There would be conflict with Plan policies S/7, NH/2 and HQ/1.
4. The appellant queried the Council’s ability to sustain a five year housing land supply given it relies on large strategic sites at Waterbeach and Bourn to deliver a significant proportion of the housing requirement. However, the inspector noted that the Local Plan is recently adopted an early review is already planned. No other benefits were identified that would outweigh the presumption in favour of the development plan. The appeal was therefore dismissed.
5. Although the Council submitted an application for costs against the appellant, this was refused. The inspector reasoned that while the Local Plan carries significant weight, other material considerations needed to be taken into account. As such, the appeal was not bound to fail such that the appellant had acted unreasonably in proceeding with the appeal.