

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

13 January 2010

**AUTHOR/S:** Executive Director (Operational Services)/Corporate Manager (Planning and Sustainable Communities)

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### **APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION**

#### **Purpose**

1. To highlight recent Appeal decisions of interest. These form part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

#### **Summaries**

##### **HR Properties Ltd – Outline application for affordable housing – Land adjacent to St George's Court, Impington – Appeal dismissed**

2. This application for the development of an 'exception site' was refused because of its relatively isolated position away from the centre of the village. Because of the site's location within the Green Belt, the inspector identified the main issues to be whether the scheme would constitute inappropriate development in the Green Belt; the effect on Green Belt openness; and whether the harm caused by inappropriateness and any other harm would be clearly outweighed by other considerations.
3. The Council had concluded that the proposal was not inappropriate development in the Green Belt. The inspector's stance was to argue that if the scheme did not comply with the relevant exceptions site policy (Policy HG/5), it would constitute inappropriate development in the Green Belt. Histon and Impington are designated as a Rural Centre. In addressing the distance of the site from the centres of the two villages, the inspector was satisfied that overall the site is not well related to services and facilities in the Rural Centre. However, he considered that the relevant test was to ensure the site is well related to services and facilities within the village and not the Rural Centre. Many of the services available locally were in Histon. That being so, the site was still reasonably well related to the facilities that do exist within Impington.
4. Nonetheless, the inspector was still persuaded that the site's relatively remote location meant there were limitations on the use of transport other than the private motor car. Future residents would be car dependent and this would conflict with policies designed to promote walking and cycling. It followed that the proposal did not fulfil all of the criteria in the exceptions site policy. It was therefore inappropriate development in the Green Belt. The inspector went on to conclude that the erection of 23 dwellings would dominate the former paddock and diminish the openness of the Green Belt. (It should be noted that the inspector dealing with a previous appeal for 20 dwellings on this site came to a different conclusion).
5. Based on the evidence submitted, the inspector was also uncertain if other sites closer to the centre of Impington could, either individually or cumulatively, provide the number of dwellings proposed. There were no other considerations, which clearly outweighed the identified harm and the appeal was dismissed.

**Turnstone Estates Ltd – Erection of 120 bed hotel and restaurant – Land between A14 eastbound on-slip road and Cambridge Road, Milton – Appeal dismissed**

6. This application involves part of what is known locally as the Teardrop Site on the side of Cambridge Road opposite the car park to the Tesco store. A small part of the site is within the administrative area of Cambridge City Council. Both applications were refused and considered at a single hearing, which took place at Cambourne. Cllrs Hazel Smith and Richard Summerfield as well as the chairman and a councillor from the Parish Council attended and spoke at the hearing.
7. The inspector identified the main issues as being the impact on the openness of the Green Belt and the purposes for including land within it; the effect on the character and appearance of the area; highway safety and traffic flows, the effect of traffic noise from the A14 on the living conditions of future hotel guests; and whether the harm caused by inappropriateness and by any other harm would be clearly outweighed by other considerations.
8. Both parties agreed that the proposal was, by definition, inappropriate development. The inspector was in no doubt that the development would have a marked effect on openness and this added significant weight to the harm by inappropriateness. As part of the recent Examination into the Site Specifics Policies DPD, the inspector's agreed that site should remain in the Green Belt. The appeal inspector agreed that the site performs an important function in preventing the coalescence of Milton and Cambridge and that it provides a clear visual separation between the two built-up areas. While each application should be considered on its merits, the inspector also agreed that to allow the development would make it difficult to resist further applications on what was left of the undeveloped part of the site.
9. The site helps to identify Milton as a separate entity and gives a semi-rural feel to the approach into the village. While the design of the building had been amended to address concerns from the Council's Urban Design Team and the landscape itself was not particularly attractive, the site still lies in the countryside and the development would lead to a further urbanisation of the area to the detriment of the ambience and character of the village.
10. Issues regarding highway safety could be addressed by a suitably worded condition. Both the Highways agency and the local highway authority supported this. Similarly, the Council's environmental health officer was satisfied that the impact of traffic noise could be controlled by condition. The developer had agreed to pay contributions towards the Northern Corridor Area Transport Plan and an agreement was signed to this effect. While the parties accepted the agreement in principle, the inspector ultimately declined to accept it due to drafting difficulties.
11. Balanced against the harm was the need for a budget hotel in this location. The Council did not dispute the evidence base for this and the inspector also found this was a sustainable location, which added weight to the case for the proposal.
12. For the appeal to succeed, the other considerations must clearly outweigh the totality of the harm. In this respect, the inspector gave significant weight to the need for hotel accommodation, the lack of alternative sites and the sustainability and suitability of the site. Despite this, it was the inspector's view that this would still not clearly outweigh the totality of the harm. The appeal was therefore dismissed.