



Appeal Decision

Hearing held on 3 January 2008

Site visit made on 3 January 2008

by **John Felgate** BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
29 January 2008

Appeal Ref: APP/W0530/A/07/2040597

Land adj. Hill Trees, Babraham Road, Stapleford, Cambridge CB2 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Fleet Cooke against the decision of South Cambridgeshire District Council.
- The application Ref S/1469/06/O, dated 25 April 2006, was refused by notice dated 15 September 2006.
- The development proposed is described on the application form as a "Nissen hut and mobile home".

Decision

1. I dismiss the appeal.

Procedural and preliminary matters

2. The application is expressed as seeking outline planning permission, including details of siting and access. However, it was accepted at the Hearing that the siting of a mobile home is normally regarded as a use of land, rather than as operational development, and hence the outline procedure is not applicable to this part of the proposed development. Accordingly, I have considered the application on the basis that it seeks outline permission for a Nissen hut, and permission for the use of part of the land for stationing a mobile home.
3. At the time of my visit, a mobile home and a dismantled Nissen hut were on the site. I understand that these have remained at the site following the dismissal of two earlier appeals against an enforcement notices requiring the removal of these and other items from the site or from other adjacent land. However, my decision is based on the appeal proposals as set out above.

Background

4. The site, together with the adjoining land to the west, is used by the appellant and a Miss Freda Cook (no relation) to grow irises and other flowering bulbs, and to produce seeds from these, for sale and for horticultural research and development. Miss Cook, who lives adjacent to the site at the dwelling Hill Trees, is an acknowledged expert in this field. Due to Miss Cook's advancing age and infirmity, additional help is required for the running of the horticultural operation. Although the operation is currently run more as a hobby than a business, the appellant's stated intention is to increase the range of horticultural and agricultural activities, and to run the holding on a commercial basis. To this end, the proposed mobile home would house a new seedsman,

and the proposed hut would be used for potting and propagation, for the drying of bulbs and for the storage of tools and equipment.

Main issues

5. I consider that the appeal raises the following three main issues:
- The effect of the proposed development on the character and appearance of the surrounding countryside;
 - Whether the development is compatible with planning policies relating to development in the Green Belt; and
 - The effects on highway safety.

Reasons for decision

Effect on the countryside

6. The appeal site is located in open rolling countryside, on the slopes of the Gog Magog Hills which form an important and distinctive element in the otherwise flat landscape setting around the city of Cambridge. The proposed Nissen hut would be some 26m long and 4.5m high, and both this and the proposed mobile home would be sited on rising ground within about 100m of the A1307 Babraham Road.
7. Given the site's elevated position and the openness of the landscape, the proposed development would be clearly seen from a substantial length of the A1307, and from other points in the surrounding countryside, including from Haverhill Road which runs south-west from near Heath Farm. In such a prominent position, it seems to me that a building of the type and size of the proposed hut, even if painted dark green, would inevitably appear as an alien and visually intrusive structure. Attractive views of the hills and their surroundings would be damaged as a result. The mobile home, although smaller overall, would nonetheless look incongruous in this exposed setting. Given the topography, it is unlikely in my view that tree planting would provide effective screening from the higher vantage points, and in any event any such planting would itself be likely to be at odds with the open character of the landscape, thus exacerbating the visual harm.
8. Consequently I consider that the appeal proposals would cause serious harm to the character and appearance of the countryside, contrary to Policy DP/3 of the *Development Control Policies* development plan document (DPD) adopted by the Council in July 2007.

Green Belt policy

9. The site is within the Cambridge Green Belt, where there is a presumption against inappropriate types of development, as defined in *Planning Policy Guidance 2: Green Belts* (PPG2). Buildings for the purposes of agriculture are not inappropriate, but changes in the use of land are inappropriate unless they maintain the belt's openness and do not conflict with the purposes of Green Belt policy.
10. Under the terms of this policy, the stationing of a residential mobile home at the appeal site, even if intended to house a worker employed in agricultural or horticultural activities, would not comprise development for agricultural

purposes. Furthermore, the use of part of the site in this way would significantly detract from the openness of the land, and would also conflict with one of the Green Belt's main purposes, that of preserving the countryside setting of the historic city of Cambridge. Accordingly I conclude that the proposed mobile home would constitute inappropriate development, contrary to Green Belt policy as set out in PPG2 and in DPD Policy GB/1.

11. I acknowledge that in certain circumstances the provision of a dwelling to support an agricultural or other rural-based enterprise may be acceptable. In the present case however, it has not been demonstrated that there is a functional need for an additional employee to live on the site, nor that the enterprise would be capable of supporting such a person. I appreciate that the need which is envisaged relates in part to the appellant's plans for the future development and diversification of the enterprise, but from the limited details which have been put forward, it seems that those plans are not yet sufficiently clearly formulated to act as a reliable basis for the any kind of financial planning. I accept that this lack of information may be due in part to the appellant's time commitments in caring for his elderly mother, but I can only judge the appeal on the basis of the evidence which is before me, and at present no proper evidence has been presented to justify the proposed development. Furthermore, I note that the existing dwelling at Hill Trees has previously had planning permission for conversion into two separate residential units, but is not currently occupied as such, and it is not clear to me why part of that accommodation should not be used in preference to allowing an additional development in the open countryside. Consequently, the policy tests for agricultural or similar dwellings as set out in DPD Policy HG/9 are not met, and the proposed mobile home would be inappropriate for the reasons above.
12. I accept that the proposed Nissen hut, if used for horticultural purposes, would not constitute inappropriate development in terms of Green Belt policy. But this would not overcome the harm that this building (together with the proposed mobile home) would cause to the character and appearance of the surroundings, for the reasons set out earlier in this decision. In this context, I noted on my visit that various outbuildings already exist around Hill Trees, and I heard no clear explanation as to why the potential use of those existing buildings had not been considered as an alternative to erecting a new building in a more open location. Consequently, I consider that, in addition to the inappropriateness of the proposed mobile home, the proposed development as a whole would also detract from the Green Belt's visual amenity, contrary to paragraph 3.15 of PPG2. Overall the proposed development is therefore incompatible with Green Belt policy by reason of both inappropriateness and visual harm.

Highway safety

13. The proposed development would be served by the existing informal access onto the A1370. The main road at this point is subject only to the national speed limit of 60 mph, and vehicle speeds appear to be high. There is also a history of accidents in the vicinity.
14. The introduction of the proposed mobile home would in my view be likely to result in an appreciable increase in the use of the use of the access. Although the occupant would be employed at the site, journeys would need to be made

for shopping, leisure and other purposes, and there might also be other members of the household who would add further to the number of trips generated. These additional vehicle movements, including vehicles slowing to turn or pulling out from the site, would in my view add considerably to the danger. So too would any additional pedestrian movements, given the lack of footway provision.

15. Unlike the mobile home, the use of the proposed Nissen hut for potting and storage would be likely to generate relatively little additional traffic. Consequently I do not consider that the highway risks resulting from this building alone would be such as to warrant refusal of planning permission. However, in combination with the proposed mobile home, the appeal proposals would involve an unacceptable increase in danger, for the reasons stated above. In this respect, the proposed development would conflict with DPD Policy DP/3.

Other considerations and conclusions

16. I note the appellant's argument that there has been a mobile home, either on the site itself or on nearby land, for many years. But the only documentary evidence of this that is before me is that enforcement action has been taken on two previous occasions, with both subsequent appeals being dismissed. I can find no basis in these cases for any suggestion that a mobile home should be allowed on the present appeal site, given the harm that I have identified.
17. I accept that security is likely to be a problem, given that the site is open land, on a main road and reasonably close to an urban area. But I am not satisfied that a full appraisal has been made of the options available for storing tools and other items more securely and in a way which would be less damaging to the countryside.
18. I appreciate that the personal circumstances in this case are unusual, particularly with regard to Miss Cook, and I accept that it is desirable that the benefits of her horticultural knowledge and expertise should be passed on to future generations. However, I do not regard the present appeal proposals as an appropriate way of achieving these aims, given the harm that would be caused.
19. I have considered carefully these and all of the other matters raised, but in my judgment none of these, either individually or collectively, outweighs the harm that would be caused to the Green Belt, and to the surrounding landscape and to highway safety. The appeal is therefore dismissed.

John Felgate

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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| Mr Fleet Cooke | The Appellant |
| Miss Freda Cook (at the site visit only) | Hill Trees, Wandlebury Hill, Cambridge CB2 4AD |

FOR THE LOCAL PLANNING AUTHORITY:

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|------------------------|----------------------------|
| Mr J Koch DipTP, MRTPI | Principal Planning Officer |
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INTERESTED PERSONS:

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|---------------------|--|
| Mr Charles Bradford | Heath Farm, Shelford Bottom, Cambridge CB2 4AD |
| Mr Colin Bradford | Heath Farm, Shelford Bottom, Cambridge CB2 4AD |

DOCUMENTS

- 1 Letter from Mrs F Cook (undated)
- 2 Leaflet produced by Mrs F Cook
- 3 Letter dated 14 May 2007 from the Gog Magog Golf Club
- 4 Enforcement Notice Ref No E499, and site plan, relating to previous appeal Ref APP/W0530/C/05/2011784
- 5 Extracts from South Cambridgeshire DC's Development Control Policies DPD, adopted July 2007.