

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      7<sup>th</sup> September 2005  
**AUTHOR/S:** Director of Development Services

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**S/1265/04/F - Bourn  
Erection of Two New Dwellings at  
103 Caxton End, for Mr & Mrs S Butcher**

**Recommendation: Refusal  
Date for Determination: 8<sup>th</sup> September 2004**

### **Departure Application**

### **Conservation Area**

Members will visit this site on Monday 5<sup>th</sup> September 2005.

### **Site and Proposal**

1. The application, received on 22<sup>nd</sup> June 2004 and amended on 27<sup>th</sup> October 2004 and 9<sup>th</sup> May 2005 relates to a roughly square site, lying to the south west of Caxton End, an unclassified road leading north westward from the village of Bourn. Caxton End displays a dispersed linear settlement pattern outside the settlement limits for the village of Bourn. The front of the site is within the Conservation Area.
2. The site has a highway frontage of approximately 63 metres by 61 metres deep (max) and extends to approximately 0.37 ha. An additional parcel of land, indicated as being in the ownership or control of the applicant, extends to approximately 3.28 ha and, together with the application site, comprises an "L" shape.
3. The site slopes gently upwards from the highway and is largely overgrown with scrub woodland. It includes the ruins of the former Cock and Bottle public house, understood not to have been used for that purpose for approximately thirty years, together with the ruins of former agricultural buildings.
4. The application site, together with much of the adjoining land in the ownership or control of the applicant, has been used for the storage of scrap cars, other vehicles and caravans. It is understood that these items had been accumulated by the former occupier of the site, now deceased.
5. The current proposal is submitted as a full application and relates to the erection of two dwellings. It is accompanied by a Design Statement, Environmental Report, a Phase One Survey and Ecological Scoping, a response to Parish Council and local residents' objections and a financial appraisal based on costs of the development, bearing in mind contamination clean-up operations, land values without planning permission (assuming a cleared site) and value on the basis of the implemented proposal. The proposal equates to 5.4 dwellings per hectare.

6. One dwelling, (5 bedroom) would be located in the vicinity of the footprint of the former public house. The design of the proposed dwelling involves an “L-shaped 2 storey building of render and timber boarding under a plain tile roof. A detached double garage with studio/office above would be sited to the rear.
7. The second dwelling would be located in the vicinity of ruins of former outbuildings. This would comprise four individual elements. One 2 storey wing would comprise 5 bedrooms and be faced in “self-colour vertical boarding” under a slate roof. Three single storey wings would incorporate a pool/hot tub, double garage/storage and open garaging/study, two bedrooms/dressing area and bathroom. They would be constructed of the same external materials as the principal wing.
8. Limited landscaping details have been provided. Selected mature trees would be retained behind a hawthorn hedge fronting the highway. New trees would be added “to provide a woodland frontage”. Trees to the rear would be retained.
9. The submitted forms indicate that surface water drainage would be to soakaways with foul drainage taken to the main drainage system. The accesses for the two dwellings would be located approximately 24 metres apart, corresponding to those of the former public house and agricultural buildings respectively.

### **Planning History**

10. No relevant planning history identified, although an outline application to erect 2 dwellings on land southeast of No. 105 Caxton End was refused in 1978.

### **Planning Policy**

11. The site is outside the Bourn village framework. **Policy SE8** of the South Cambridgeshire Local Plan 2004 does not permit development outside village frameworks.
12. **Policy HG15** of the Local Plan allows for replacement dwellings in the countryside where the replacement would be in scale and character with the dwelling it is intended to replace and it would not materially increase the impact of the site on the surrounding countryside.
13. **Policy EN30** of the Local Plan requires proposals to preserve or enhance the special character and appearance of Conservation Areas. This reflects **Policy P7/6** of the Structure Plan 2003.
14. **Policy ES1** of the Local Plan states:

“In considering proposals for redevelopment of potentially contaminated land where planning permission is required, the District Council will, in consultation with appropriate regulatory authorities, require the following:

1. A detailed investigation of the site and a proper risk assessment study to be undertaken by the applicant and the report submitted to the District Council;
2. That appropriate treatment, monitoring and after-use of the site has been agreed and be capable of implementation and
3. That the proposal does not conflict with other Structure and Local Plan policies.”

15. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) restricts development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
16. **Planning Policy Statement (PPS) 23:** “Planning and Pollution Control” is relevant to development of land that may be affected by contamination. Planning Policy Guidance (PPG) 3: “Housing” sets out the Government policies on the provision of housing. It includes at Annex C a definition of “previously developed land”. (see para 57 below).

### **Consultations**

17. **Bourn Parish Council** recommends refusal.
  - a) The site lies outside the village framework. (Policy SE8 of the Local Plan applies).
  - b) There is no evidence of any special circumstances to justify an exception to that policy and the extent of the site contamination is unknown.
  - c) The large group of buildings that form the second dwelling would be very intrusive and out of scale with the Conservation Area, contrary to Policy EN30 of the Local Plan.
  - d) The proposed new buildings are too close to the boundary and would impact on the neighbours.
  - e) The Parish Council seeks clarification of the status of all the land and the exact boundaries that will form the curtilage of the proposed two dwellings.
  - f) The Parish Council seeks assurance that the District Council will take appropriate action with regard to the alleged contamination.
18. These comments were re-iterated in response to the October 2004 amendment. In addition the Council noted that windows overlook. It wondered whether the site had been registered as a contaminated site.
19. In response to the 9<sup>th</sup> May 2005 submission by the applicant, the Parish Council adds to its original comments as follows:

“The Parish Council would also like to make the following comments in relation to information contained in the Design Statement.

  - a) The Parish Council is expected to look at planning applications from a Planning perspective and it is not our position to make suggestions.
  - b) The Parish Council would have welcomed the opportunity to discuss the site but have never been approached by the Developer, Architect or Planning Department for our views.
  - c) The Parish Council would like to see a clear up of the site from both an aesthetic and environmental view point. However, we feel the clearance of the site and any planning application could and should be treated as separate issues.
  - d) The Parish Council understands that there might be money available from DEFRA to help clear the site. There is no mention of this solution having been investigated.

- e) The Parish Council feels that South Cambridgeshire District Council also have a duty to get the site cleared as they have allowed the site to deteriorate over many years and have been aware of its condition for some time. There could therefore be a case for some financial help for the clean up.
  - f) The Parish Council might be more willing to approve an application for 1 dwelling on this site (i.e. rebuilding the abandoned house) and feel that this would still be financially viable if the land were bought at the right price.
  - g) The Developer's negotiations to buy the site and the price he is willing to pay should not be a planning issue. The seller should reduce the price of the land by an appropriate amount, relative to the clean up cost.
  - h) The Developer cannot claim that the beneficiaries of the will could be made bankrupt if they have to pay for the clean up but also claim that they are not willing to negotiate on the price."
20. **Cambridgeshire County Council (Waste Planning Authority)** recommends that if planning permission is granted it should be subject to a planning condition which requires the applicant to submit prior to the commencement of development a site waste management plan which:
- a) Quantifies and characterises (by European Waste Catalogue code) all wastes generated by the development and remediation works; and
  - b) Specifies the method of treatment and/or disposal.
21. **Local Highway Authority** has no objections.
22. **The Environment Agency.** The application as submitted does not consider sufficiently environmental impact and surface water drainage. As the site is within an area of potentially contaminated land and limited drainage capacity detailed conditions are recommended requiring, first a scheme of ground contamination investigation, assessment and remediation and secondly a scheme for the provision and implementation of surface water drainage.
23. The Agency subsequently agreed with the recommendations of the Environmental Risk Assessment in that further intrusive investigation is required. Following interpretation of the results of this investigation, further assessment of the potential for the site to pollute controlled waters should be made. A detailed method statement is set out in the Agency's response. The Agency has yet to assess the Environmental Report although it anticipates that the originally recommended conditions should still be imposed.
24. **The Environmental Health Officer** initially recommended conditions regarding construction hours and the need for a site contamination investigation.
25. Following the submission of an Environmental Report (May 2005), the **Chief Environmental Officer** considers that it provides a site history (desk study) and site walk over. It is acceptable for a Phase 1 investigation. Analysis of soil sampled from the site indicates there is considerable contamination in the top 1 metre of soil. However, there is insufficient evidence to show whether or not pollution of ground water is occurring or whether it may arise as a consequence of substances migrating from the contaminated materials into the saturated zone or other water resources.

26. PPS23 details the information required for submission to the planning authority as:
- a) Desk study and site walk over
  - b) Conceptual model of the source of contamination and pathways by which it might meet vulnerable receptors
  - c) Means by which the identified pollutant linkages can be broken

27. Attempts in the Environmental Report to discuss the “Conceptual Model” remain ill-defined. The conceptual model fails to identify existing pollutant linkages or health and safety risks to those involved with the redevelopment of the site, focussing solely on the potential future occupants of the site.

28. “PPS 23 emphasises that for land use planning purposes what constitutes an unacceptable risk is wider than for Part 11A (Environmental Protection Act 1990) purposes since planning is concerned with proposed development and future use and thus with both new and existing risks. In addition, the range of receptors is wider than under Part IIA and includes general fauna and flora, landscape and amenity.

In considering remediation at the site it is proposed to remove the top 1-2 metres of soil across the site. This is obviously not a sustainable option although will invariably remove the hotspots of contamination identified by sampling. Unfortunately insufficient information has been supplied to discuss alternative remediation options or identify whether contamination is present beyond the 1-2 metres of topsoil.

In my opinion the risks identified to date can be dealt with by way of condition should consent be granted for this development. Such conditions should aim to:

- a) Carry out a detailed investigation to fully characterise the site confirming the nature and extent of contamination thus validating the conceptual model and allowing more refined risk assessment and appraisal of remediation options.
  - b) To propose a remediation scheme to remove unacceptable risks to make the site suitable for use.
  - c) To provide a validation report that demonstrates the effectiveness of the remediation, preferably before building begins and certainly before the site is occupied by future users.”
29. It should be noted that action is currently being pursued in relation to making this site safe and if planning permission is not granted then the authority will need to fund and undertake investigation to identify if significant pollutant linkages do currently exist on site. From the report it is likely that such pollutant linkages do exist but this has not been verified.
30. **The Conservation Manager** considers that his design issues appear to have been addressed but the real issue relates to the scale of the development and its appropriateness in the Countryside and Conservation Area.
31. He would, therefore, suggest that the applicants are advised to consider a much reduced development, focusing on a single replacement unit, with a detached garage unit, developing the existing vernacular forms and strengthening the hedgerow to the lane.

32. **The Ecology Officer** comments: “Two visits have been made to assess the biodiversity value of the site. Its overgrown nature almost certainly adds to its inherent nature conservation value.

A professional ecologist should be employed to assess the site at an appropriate time of year, (most survey work could be conducted in the spring). Until an assessment of the site’s biodiversity is made it is difficult to know what the real impact will be. The additional Environmental report did not address ecology of the site. The site contains an interesting stand of semi-mature re-growth of elm, areas of dense bramble and open grassland. The grass is reported to contain common spotted orchids in the spring. The extensive piles of wood and general debris will almost certainly be providing cover for **breeding birds**, probably **bats** and **great crested newts**.

The newts are recorded within Bourn Parish and a nearby pond is possibly a breeding site. This should be clarified in the spring with site clearance progressed in an agreed manner with caution.

33. Subsequent to the submission of an Ecology Report, **the Ecology Officer** comments:

“The applicants should be aware of the recommendations of the Scoping and Phase 1 Survey. It recommends a further investigation of the nearby ponds and terrestrial searching of the site for **great crested newts**. This should be undertaken as soon as possible.

Similar recommendations are put forward for **bat surveys**. I would also wish for further surveys for **common lizards**. This information should really be collected in advance of the application’s determination. I am still not sure exactly which vegetation etc. is to be retained.

Possible future conditions might relate to:

- a) Method statement for the sensitive clearance of rubbish and vegetation from the site
- b) Protection of nesting birds
- c) Scheme of mitigation and scheme of habitat creation and compensation”.

### **Representations**

34. Letters of representation have been received from occupiers of the following properties: View Farm, Rosemead (105), 140, and 163 Caxton End, Willow Cottage (161A), Meadowbank Cottage (149), Brooklands (165), Bourn Lodge and Rosemary and Lavender Cottage.
35. Occupiers of Bourn Lodge and Willow Cottage (No. 161A) support the application to tidy up the site and to improve their view (in the case of Bourn Lodge).
36. Objections from other residents are summarised below:
- i. The site is outside the village framework in a rural setting of largely open countryside.
  - ii. The development is unrelated to any use appropriate in a countryside location.

- iii. The proposal would be out of scale with present and past forms of development and set the scene for ribbon development along Caxton End. Any building would be visible from Caxton End, Caxton Road and from many public footpaths in the vicinity.
- iv. Whether the site has become Brownfield, as distinct from Greenfield land, should not carry much weight and would not, by itself, justify the scale of development.
- v. Trading in scrap metal and a residential site for caravans has not been lawfully established. A scrap metal business has not been run from the site.
- vi. Bourn Conservation Area was extended in 1997 to include Caxton End with the emphasis on a group of scattered dwellings in open countryside setting.
- vii. If allowed, it would set a precedent for development of other vacant land on Caxton End.
- viii. Tidying up sites has never been accorded much weight in planning policy. The scale and density proposed would cause significant harm with its hard surface entrances and domestication of most of the site frontage behind the hedges.
- ix. Street elevations and a detailed landscaping scheme should be required.
- x. Vertical emphasis of the design would over-emphasise the bulk of the elements of the building, most of which exceeds the scale of the large cottage at No. 105 (Rosemead).
- xi. The "replacement" argument cannot justify development. Residential use has been abandoned - a period of 25 years or more applies in this case. One resident suggests residential use was abandoned in 1974. Thus there is no planning policy support for any form of residential development on this site.
- xii. The Environment Risk Assessment is not accurate and is incomplete. The site has yet to be proved to be contaminated land to the degree of causing harm to humans, flora and fauna.
- xiii. There have been at least 20 applications for housing development in Caxton End outside the village framework in the last 30 years. All have been refused, some at appeal. This identifies the pressure for development of the open spaces along Caxton End over that period.
- xiv. No Conservation Area Consent application has been submitted for demolition of buildings, including the former public house.
- xv. Trees within a Conservation Area are protected.
- xvi. An ecological survey is necessary.
- xvii. The Cock and Bottle pub ceased trading at the end of World War II. It was purchased by the Sparkes family in 1948 and was used as their private residence for the next twenty five years. Ownership of the house and land passed to Arthur "Sonny" Sparkes on the death of his mother. He ceased to live in the house and failed to maintain it, consequently it became derelict. The building is beyond repair.

- xviii. The occupiers of No. 105 are not averse to the proposal to build a new house on the footprint of the old Cock and Bottle pub. However, a replica of a 17<sup>th</sup>/18<sup>th</sup> century building would be inappropriate in a Conservation Area where it would be indistinguishable from the original buildings of that period. A distinctive modern house constructed from appropriate local materials would be more sympathetic. A single storey garage should be separate from the house and perhaps built to the rear.
- xix. Specifically No. 105 comments:
- a) No 105 has been significantly extended in recently years (with planning permission) and is now considerably larger than marked on the plans, and closer to the boundary line. In the amended design 9 windows and a glazed door overlook no. 105.
  - b) The ground level at 103 Caxton End is about 1-1.5 metres higher than that at 105, therefore any adjacent building would appear higher than shown on the drawings, unless the level of the land is lowered accordingly.
  - c) As noted in the Design Brief, the character of the Conservation Area in Caxton End is very rural, with scattered groups of buildings and large open spaces.
  - d) In view of the three factors mentioned above the proposed garage will be too tall and too close to the neighbouring house. The garage should be reduced in height and sited separately.
  - e) More space should be left between the proposed house and adjoining buildings. The fact that only a metre has been allowed between the property and its boundaries gives a very “urban” impression which is totally contrary to the character of the Conservation Area.
  - f) If the site is restored as amenity land it would be of far greater benefit to the community than the inappropriate building proposed.
- xx. Concern expressed if, in the future, the 4 main components of the new building as proposed were redeveloped and sold off as separate properties.
- xxi. The owners are responsible for cleaning up this land and returning it to its former agricultural use. However, the Council should bear some of the costs because of its negligence in the past in failing to stop illegal dumping.
- xxii. The proposed large houses ignore housing needs of Bourn and government policy to tackle rural housing crisis and build affordable homes for local people.
- xxiii. Occupiers of No. 140 Caxton End, a Grade II Listed Building, have no objections to one or two dwellings, but do object to the type of design and materials.
- xxiv. The Council has ample statutory powers to enforce clearance of the site by the current owners at their cost. Clearance of the site as “planning gain” would be a fundamental error amounting to mal-administration.



- xxv. Flooding problem in Caxton End remains unresolved. Any increased run off from additional buildings would add to the volume of water reaching the road and the sewers.
- xxvi. Notwithstanding that the proposal cannot be considered as a replacement, the new dwelling nearest No. 105 exceeds the maximum percentage increase of 15% by a significant amount (42% is quoted by one resident).
- xxvii. To concede planning gain in the grant of planning permission for development, without knowing the full facts on which to judge the extent of that gain, any development granted being proportionate to the gain (which, on the evidence, this certainly is not), would be challengeable in the courts.
- xxviii. There is no clear evidence to show that wide areas of the site are contaminated. There is no substantial evidence to justify two dwellings to cover the high cost of remediation.
- xxix. The proposal conflicts with every relevant policy in the Development Plan. There is no substantial evidence to justify the need for either of the two dwellings on the site.
- xxx. If the arguments for "caravan residence" for the application site are accepted, the Council would find it difficult to refuse planning permission for a dwelling on the remaining strip of land with a frontage of 25 metres to the north west of the site. This land also has caravans on it that were occupied over the last 10 years.
- xxxi. The estimated costs of clearing the site prior to development (in the region of £100,000) is similar to that for the new house at "Barrances" (41 Caxton End). Comparisons are made with the size and market value of "Barrances." Any abnormal site clearance of contaminated waste must be comprehensively identified and costed and any consideration of allowing any form of development to offset these costs must be proportionate to those costs, taking account of the cost of normal external works to be anticipated by the developer.
- xxxii. The condition of the site did not preclude designation of Conservation Area status in 1997.
- xxxiii. The rural narrow lane would not be up to the increase in traffic movements.
- xxxiv. The application should have been accompanied by an accurate ground survey comprehensively plotting all areas to identify the cause and extent of any contamination, together with trial hole samples. The Council has been more than reasonable in giving the applicants time to carry out further investigations. The extent of land contamination is still unknown. Further delay in processing the application is not justified.
- xxxv. Under the Environment Protection Act 1990 the Local Authority is the only statutory body able to define land as being contaminated. South Cambridgeshire District Council produced a Contaminated Land Strategy in July 2001. It is assumed that this site was not included. Local Authorities can receive Government monies and grants to clearing up contaminated sites. (DEFRA funding).

xxxvi. If the Council decides to recommend the application for approval as an expedient way of resolving the problem, and the Government Office decides not to call the case in, any such decision would be challenged in the High Court; largely on the grounds that the Council, would have acted unreasonably in failing to control illegal uses of the land, of which they were aware, over a long period of time, that have led to parts of that land becoming contaminated and then granted planning permission for an excessive and disproportionate amount of enabling development to get the site cleaned up.

### **Planning Comments - Key Issues**

37. The site is located outside the village development framework for Bourn. No justification based upon agricultural need has been identified for the proposed development. The proposed development would therefore be contrary to Policy SE8 of the Local Plan aimed at restricting development to within village frameworks.
38. The proposed development would be similarly contrary to the provisions of Policy P1/2 of the Structure Plan, which aims to protect the rural character of the countryside by limiting development to uses and works which require a particular rural location. No such justification has been identified in this case.
39. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that determination (of applications) shall be made in accordance with the development plan unless material considerations indicate otherwise.
40. The application described one of the proposed dwellings as a replacement for the former public house on the site. This building is now derelict. Indeed, from the information currently available to the Local Planning Authority, it is suggested that any use of that building, whether as a public house or as a dwelling, has long since been abandoned and that the building is beyond repair. A Senior Building Control Surveyor has visited the structure and considers that it poses a risk to the public. The Council has the power under Section 78 of the Building Act 1984 to remove the danger to the public. Although the application description has been amended to two new dwellings, no case can be made out that one dwelling should be permitted as a replacement dwelling in the Countryside (Policy HG15 of the Local Plan).
41. It is also understood from correspondence from the applicants' agents and from subsequent negotiations that the developer may wish to argue that the land has the benefit of residential use by virtue of the use of the land for the siting of a caravan or for some form of business use by virtue of the storage of vehicles described.
42. Should the developer wish to advance any of the above arguments, then it would be open to him to submit an application for a Certificate of Lawfulness of Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 (as amended) in order to confirm the authorised use of the site. The onus of proof for such an application lies on the applicant. In the absence of such an application, or the standard of evidence that would normally be required for the grant of a Certificate, it is suggested it would be inappropriate for the Local Planning Authority to treat the current proposal as a replacement dwelling but that it should be treated, in policy terms, as a new dwelling in the countryside. The application description has been amended as two new dwellings.
43. Thirdly, the developers' agent argues that the proposed development would involve the clearance of the scrap vehicles and other waste materials covering the site together with the removal of any contamination.

44. In response to the above suggestion it is noted that a consultant's report has been submitted regarding the likely contamination. This is a desk study also involving the drilling of 10 trial pits. Although the Chief Environmental Health Officer considers that the site is contaminated, further detailed inspection is necessary in accordance with PPS23 recommended guidelines, as summarised above by the Chief Environmental Health Officer.
45. That essentially requires the developer to carry out an adequate investigation to inform a risk assessment. That has not been done and, although the Chief Environmental Health Officer recommends the imposition of a condition, it is my opinion that insufficient information exists to satisfy the Authority that any unacceptable risks to human health, buildings and other property and the natural and historic environment have been identified.
46. In my opinion the case for development of the site to remediate contamination has not been proven, given that the Environmental Report does not contain evidence to suggest that contamination has migrated through the site either vertically or laterally.
47. The Council has identified the site under the Contaminated Land Strategy 2001 as requiring inspection. That has not yet been done, there being some 400 identified sites. This one is number 40 in the priority list.
48. Members are also advised that powers are available to the District Council in order to address any problems that might be identified on site. Should the site be identified as being contaminated, the District Council has powers under the Environmental Protection Act 1990 to require the site to be cleaned up. Funds are also available from DEFRA for Councils to find and deal with contaminated land.
49. Alternatively, should it be considered that the condition of the land adversely affects the amenity of the area, then Section 215 of the Town and Country Planning Act 1990 enables the Local Planning Authority to serve a notice to require a landowner to "tidy up" a site. Whilst there is a right of appeal to the magistrates court, there are also default powers which enable the Local Planning Authority to enter the land, take the necessary steps and recover reasonable expenses.
50. Turning to the other planning issues, Policy EN30 imposes expectations in relation to the scale, massing and materials of developments in Conservation Areas. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities, when considering development proposals in Conservation Areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.
51. The scale of the new houses proposed will have a substantial physical impact on the character and appearance of this part of the Conservation Area, both from the street frontage and longer views. This will result from the opening up the frontage to the lane and the insertion of two very large building groups into the lane, which will compromise the informal, rural character of the lane and start to visually coalesce the development along Caxton End. The prevailing character of scattered, widely spaced development along the lane will be eroded by the introduction of this extensive collection of buildings, which, together with the two individual accesses, will occupy some 67% of the site frontage.

52. While there are existing outbuildings on the site, these are of no architectural/historical merit and are low lying. Their intrusion into the landscape is, therefore, minimal. This will not be the case with these substantial properties. At between 9 metres and 10 metres to ridge line above the level of Caxton End and spreading across the frontage, the proposed development will insert a disproportionately large amount of new development into the lane. This will take on an undue dominance in the rural scene, rather than sitting unobtrusively into its context. The impact of the north westerly dwelling will be somewhat mitigated at street level, by the visual 'layering' effect of the building blocks arranged parallel to the lane. The lower lying (4.7m) frontage blocks will work to deflect views and thereby the full scale of the main central block. However, from distance (across the valley) the full extent of the building group will be evident in the landscape.
53. The issue of materials and particularly the use of vertical boarding remains unresolved although the applicant would be content for this to be reserved by condition.
54. However, it is largely the scale of development in this essentially rural landscape which is considered to be harmful to the appearance and character of the Conservation Area. The proposal will not maintain the sensitive balance between buildings and open gaps along Caxton End.
55. There are no highway or drainage matters which would preclude the application being approved. A surface water drainage condition would need to be imposed if the application is approved.
56. The new house in the vicinity of the former public house has 6 windows to habitable rooms in the south east elevation some 10 metres from the boundary to No. 105 Caxton End. This house, which has been extended, is sited close to this boundary and at a lower level. On a site of this size there ought to be scope to avoid potential overlooking of this adjoining property.
57. Finally, Members are advised that previously developed land is defined in PPG3:  
  
"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. .... Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site - such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment."
58. In my opinion this site falls within the quoted exclusion to the previously developed land definition. Even if it doesn't, PPG3 makes it clear that the whole area of the curtilage of a building should not necessarily be re-developed. It is a matter of judgement for the Local Planning Authority bearing in mind factors such as development in the countryside, how the site relates to the surrounding area and requirements for landscaped areas.

## **Conclusion**

59. The proposal is contrary to Development Plan Countryside, settlement and conservation policies. It is not considered that the issues raised by this application and discussed in this report outweigh the policy objections.
60. As a Departure from the Development Plan, should the Committee be minded to approve the application, the application should be referred to the Secretary of State.

## **Recommendation**

61. That the application be refused for the following reasons:
  1. The proposed erection of two new dwellings in the countryside would be contrary to Policy P1/2 of the approved Structure 2003, which states that development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; no such justification has been put forward in this case.
  2. The proposed development site is located outside the village framework for Bourn as defined on Inset Proposals Map 10 of the South Cambridgeshire Local Plan ("The Local Plan") 2004; the proposed erection of two new dwellings on the site would be contrary to Policy SE8 of the Local Plan, which precludes residential development outside village frameworks.
  3. The scale, height and extent of the proposed buildings across the frontage of the site would start to visually coalesce development along Caxton End and would erode the informal rural character of scattered and widely spaced dwellings along the lane; the proposal would not therefore preserve or enhance the character and appearance of Bourn Conservation Area and would consequently be contrary to Policies P7/6 of the Structure Plan 2003 and EN30 of the Local Plan 2004.
  4. It is not considered that previous uses, extent of former buildings, appearance or contamination of the land justify, individually or cumulatively, allowing the scale of the proposed development contrary to the above-mentioned Development Plan policies.

**Background Papers:** the following background papers were used in the preparation of this report:

- PPG3: Housing
- PPS23: Planning and Pollution Control
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref S/1265/04/F

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