

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Inquiry Procedure) (England) Rules 2000

**STATEMENT OF CASE OF SOUTH CAMBRIDGESHIRE
DISTRICT COUNCIL**

APPEAL BY AXIS LAND PARTNERSHIP

**LAND BETWEEN HAVERILL ROAD AND HINTON WAY STAPLEFORD
CAMBRIDGE**

September 2021

PLANNING INSPECTORATE REFERENCE: APP/W0530/W/21/3280395

LPA REFERENCE: 20/02929/OUT

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1.0 INTRODUCTION AND BACKGROUND

1.1 This Statement of Case is submitted on behalf of the Local Planning Authority, South Cambridgeshire District Council (“the Council”). The appeal is against the decision of the Council to refuse an application for outline planning permission for: *“development of land 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 with all matters reserved except for access”*

1.2 The application was validated by the Council on the 3rd July 2020 and given the reference 20/02929/OUT. The application was reported to the Council’s Planning Committee on the 13th April 2021 which resolved to accept the recommendation of Officers to refuse planning permission. The decision notice was issued on the 19th April 2021 refusing permission for the proposed development as set out below:

(a) The site is located outside of the development framework boundary of Stapleford, within the countryside and Cambridge Green Belt. The proposed development would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms as the retirement car village does not fall within any of the exception criteria within paragraphs 145 or 146 of the National Planning Policy Framework 2019. The proposal is therefore contrary to Policy S/4 of the South Cambridgeshire Local Plan 2018 and paragraphs 143 ,144, 145, 146 of the National Planning Policy Framework 2019 that seeks to resist in appropriate development in the Green Belt.

(b) In addition to harm caused by inappropriateness, the proposed retirement care village would have a substantial and detrimental impact on the openness of the Green Belt through the introduction of a substantial built form of development and urbanising effect on the site that cannot be said to safeguard the countryside from encroachment which would undermine the purpose of the Green Belt and including land within it. The proposal is therefore contrary to Policies S/4 and NH/8 of the South Cambridgeshire Local Plan 2018 and paragraphs 133 and 134 of the National Planning Policy Framework 2019 which set out that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts and their openness and their permanence.

(c) The proposed retirement car village, by virtue of the introduction of a substantial built form of development on land which is currently open, would fail to reflect or respect the strong rural characteristics of Stapleford or respond to the sites sensitive edge of village location. The development would be out of keeping with the local vernacular, appearing as an incongruous and extensive urban form of development on the village edge. Furthermore, the retirement the retirement care village would result in a significant incursion into the landscape and soft rural edge of the village which would do little to respect, retain or enhance the local character and the distinctiveness of the local landscape. The proposal is therefore contrary to Policies S/7, HQ/1, NH/2 and NH/8 of the South Cambridgeshire Local Plan 2018 and paragraphs 127 and 170 of the National Planning Policy Framework 2019 which seek to protect the countryside from encroachment, preserve, or enhance the character of the local rural area and protect or enhance valued landscapes.

(d) The application has failed to provide very special circumstances which, taken individually or collectively, demonstrate why the harm by reason of inappropriateness in the Green Belt and other harm identified, is clearly outweighed by these considerations. The application therefore fails to satisfy the requirements of paragraph 144 of the National Planning Policy Framework 2019.

1.3 A copy of the Decision Notice is attached to **Appendix 1** and a copy of the Committee Report to **Appendix 2**.

1.4 Subsequent to the issuing of the Decision Notice, the National Planning Practice Framework 2019 was revised by the National Planning Practice Framework 2021 (“NPPF”).

1.5 In this connection, the following amendments to the decision notice apply:

References to Paragraph 127 should now read Paragraph **130**, 133 should now read **137**. 143 should now read **147**, 144 should now read **148**, 145 should read **149**, 146 is now **150**, and finally 170 should now read **174**.

1.6 The overriding revision to the (“NPPF”) to this appeal is that new development should not only be well-designed, but it should also be beautiful. This reflects the Government’s commitment to “making beauty central to the planning system”.¹

1.7 Paragraph 8b has been expanded to include “beautiful and safe places” as a social objective in the planning system for achieving sustainable development

¹ The Secretary of State for Housing, Communities and Local Government’s speech of 21st July 2021 to the Policy Exchange webinar on Building Beautiful Places

- 1.8 Paragraph 126 (formerly paragraph 124) has been expanded to include “beautiful and sustainable” buildings as being fundamental objectives in the planning and development process.
- 1.9 Paragraph 134 (formerly paragraph 130) has been strengthened setting out that development “that is well designed should be refused” particularly where it fails to reflect local design policies, government guidance on design and SPD on design guides and design codes.
- 1.10 This statement should be read in conjunction with the Committee Report.

2.0 THE SITE AND ITS SURROUNDINGS AND PLANNING HISTORY

2.1 The appeal site is located outside of the development framework boundary of Stapleford, in the Green Belt and open countryside. The south-eastern boundary of the site is approximately 60 metres from the edge of Stapleford development framework. The site is located in an area designated as improved landscaping under the Cambridge Southern Fringe Area Action Plan. The site is formed from an L-shaped parcel of agricultural land covering an area of around 24.37 hectares between Hinton Way and Haverhill Road which form the north-west and south-east boundaries of the site. Most of the south-west boundary of the site abuts open agricultural land while the southern-most portion abuts the rear boundaries of existing residential properties of Gog Magog Way and Chalk Hill. The north-eastern boundary of the site abuts farm track and mix of paddocks, garden land and agricultural land.

Planning History

2.2 There is little of relevance in terms of planning history. The history is set out in the Committee Report and will be agreed within the statement of common ground.

3.0 THE PROPOSAL

- 3.1 The application, the subject of this appeal, seeks outline permission for the development of land 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 with all matters reserved except for access.

4.0 PLANNING POLICY CONTEXT

- 4.1 The development plan is the South Cambridgeshire Local Plan 2018 .
- 4.2 Other relevant planning policies that are material considerations in the determination of this appeal those within the NPPF. There is also relevant guidance within the National Planning Practice Guidance.

South Cambridgeshire Local Plan 2018

- 4.3 Relevant policies are listed below:
- Policy S/4 Cambridge Green Belt;
- Policy S/7 Development Framework
- Policy NH/2 Protecting and enhancing landscaping character
- Policy NH/8- Mitigating the impact of development in and adjoining the Green Belt
- Policy HQ/1 – Design Principles

National Planning Policy Framework

- 4.4 This document sets out the Government’s policies for the delivery of sustainable development.
- 4.5 The following sections of the Framework are of relevance to the appeal proposal.
- Section 1 – Introduction
 - Section 2 - Achieving sustainable development
 - Section 5 – Delivering a sufficient supply of homes
 - Section 12 – Achieving well-designed places
 - Section 13 – Protecting Green Belt land

- 4.6 The Framework stipulates at paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 confirms that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances (“VSC”) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

National Planning Practice Guidance

Housing for older and disabled people

- 4.7 ID: 63-010-20190626- what are the different types of specialist housing for older people?
- 4.8 ID: 63-012-20190626 – Do plans need to make specific provision for specialist housing for older people?
- 4.9 ID: 63-016-20190626 – What factors should decision makers consider when assessing planning applications for specialist housing for older people?
- 4.10 ID 63-16a-20190626 – How should plan-making authorities count specialist housing for older people against their housing requirement?

Green Belt

4.11 ID 64-001-20190722 – what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt – include but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

5.0 THE COUNCIL'S CASE

Development in this Location

- 5.1 The appeal site is located outside of the development framework boundary of Stapleford, in the Green Belt and open countryside. The appeal site is not previously developed land. The site is located in an area designated as improved landscaping under the Cambridge Southern Fringe Area Action Plan.
- 5.2 It is noted that the Appellant accepts that under the provisions of NPPF the proposed development, taken as a whole, would be inappropriate in the Green Belt (Para 5.33 of the Appellant's statement of case). The proposal is therefore contrary to Local Plan Policy S/4 and the NPPF.

Effect upon Green Belt Openness and Purposes

- 5.3 The Council will set out the policy position relating to development within the Green Belt and will demonstrate that the Appeal Proposals should be regarded as inappropriate development in the Green Belt. It will be shown that the proposed development taken as a whole would not meet any of the exceptions to the definition of inappropriate development in the Green Belt as set out at paragraph 149 of the Framework.
- 5.4 Evidence will be presented at the Inquiry to show that in addition to harm that would be caused to the Green Belt by reason of inappropriateness there would be other harm resulting from the Appeal Proposal, including:
- Impact of the proposed urban form upon the openness of the area in spatial and visual terms;
 - Conflict with two purposes of the Green Belt;

Openness

- 5.5 The Council will show that the Appeal Proposals would result in a significant increase in the amount of built form when compared to the existing situation.
- 5.6 The proposal would introduce a substantial amount of built form that would be urban in character and appearance which would lead to a substantial loss of openness in spatial terms.
- 5.7 In visual terms there would be a substantive loss in openness of the site and the Council will show that this would constitute significant harm to the Green Belt in addition to inappropriateness resulting in harm to the openness of the Green Belt.

Purposes

- 5.8 It will be demonstrated that the Appeal Proposals would constitute urban encroachment into the countryside designated as Green Belt and would result in significant erosion of the openness at the edge of the settlement contributing towards urban sprawl in this part of the Green Belt.
- 5.9 Therefore, it will be demonstrated that the Appeal Proposals would conflict with purposes of the Green Belt as set out at Paragraph 138 of the Framework: (1) to check the unrestricted sprawl of large built-up areas, and (2) to assist in safeguarding the countryside from encroachment. The proposal is contrary to Local Plan Policies S/4 and NH/8 and the NPPF.

Other Harm

Character and Appearance

- 5.10 The area is distinctly rural in character with open views of the countryside readily available from public realm. The existing undeveloped nature of the site contributes positively to the rural setting and character of the edge of

Stapleford. The residential development towards the village edge is generally more spacious, predominately two storeys in scale, within a setting that forms a strong visual tie between the surrounding open farmland/countryside and the village of Stapleford. The existing development presents a relatively soft rural edge of the village which does not interrupt wide open views of the open countryside. These aspects all contribute positively to the rural character of the area. The Council's position is that the Green Belt encompasses this area of open space acts as a 'green lung' into the village and a positive characteristic to the softer rural edge and character of the village. It is considered that the retirement care village would result in a dense urban development on the edge of the village.

- 5.11 Overall, the development of a retirement care village on the site is not considered to reflect or respect the strong rural characteristics of Stapleford or respond to the sites sensitive edge of village and countryside location. The proposal is contrary to Local Plan Policy HQ/1, NH/2 NH/8 and the NPPF.

Landscape

- 5.12 The site is located within the National Character Area 87 'East Anglian Chalk'. The area has a strong rural character with a distinctive landform of smooth rolling chalk hills and gentle undulating chalk plateau with settlement focused within small towns and in villages.
- 5.13 The application was supported by a Landscape and Visual Appraisal "The LVA". Although the application was in 'outline' the LVA points out that the submitted parameter plans a masterplan provide a basis for the scheme that has been assessed as part of the LVA.
- 5.14 In terms of the effects on site features, the LVA concludes that the retirement car village would result in limited change to the topography of the site and minimal loss of existing vegetation.

- 5.15 In terms of visual effects, the LVA concludes that near to the site the proposed development would be clear from Haverhill Road above the hedges and at the new site entrance. At closer locations there would be up to a major/moderate adverse effect at Year 1 reduced to moderate/minor adverse depending on location as the proposed structure planting matures. There would be no views of the retirement village from Hinton Way due to the containing landform and vegetation, while views from Stapleford are limited, where the maximum levels of effect even at Year 1 are considered minor adverse.
- 5.16 The LVA details that the development would be clearly visible looking north-west from a right of way to the south-east of the site, extending the village limit to a degree and resulting in a moderate adverse effect at Year 1 then reducing to minor adverse by Year 15 with the growth of trees on the site. There would be an elevated view of the development from an area of accessible open space. In essence the assessment considers that there would be medium magnitude of change at Year 1 with a major/moderate adverse effect reducing to moderate adverse by Year 15 with the establishment of the woodland blocks proposed within and around the site.
- 5.17 In this connection, the Council's Landscape Officer disagrees with the assessment of the LVA that the development with landscape mitigation measures after a 1 Year period would be major/moderate adverse effect and after 15 Years period would be moderate neutral with reference to development of a retirement car village on the site being contrary to the Statement of Environments Opportunity ("SEO") as outlined with National Character Area 87 (specifically SEO3 & SEO4).
- 5.18 It is acknowledged that the Cambridge Southern Fringe Area Action Plan identifies the area as an element of the southern fringe landscape and is

designated as improved landscaping. However, the proposal would conflict with the intent of an area of improved landscaping.

5.19 The Council's position is that the retirement care village would result in a significant visual intrusion into the landscape and soft rural edge of the village which would do little to respect, retain or enhance the local character and the distinctiveness of the local landscape. The proposal is contrary to Local Plan Policies S/7, HQ/1, NH/2 NH/8 and NPPF.

5.20 The Council is of the view and will demonstrate that very special circumstances do not exist to the extent that they would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm that would result from the Appeal Proposals .

Planning Balance

Benefits

Specialist Housing Supply

5.21 There is an identified need for such housing, which form part of the overall need for housing within the district and therefore weight should be given to the delivery of older peoples housing. The Council considers that very significant weight should be given to such housing.

Existing housing stock

5.22 It is accepted that the care village will release homes within the existing stock, albeit not likely to be on a 1:1 ratio. In an area of substantial housing need and affordable housing issues significant weight should be given to this benefit.

Creation of Countryside Park

- 5.23 The Park will provide a significant public recreational amenity space. Given its size, the Council considers that significant weight should be given to this benefit.

Biodiversity

- 5.24 The scheme will ensure a significant Biodiversity Net Gain. As such significant weight should be afforded to this benefit.

Employment and economic benefits

- 5.25 The Council note that the scheme would provide investment to the local area during construction and jobs at the operational stage. However, given the economic benefits are not principal objectives to the scheme this benefit should be given moderate weight.

Social Cohesion and Well being

- 5.26 The proposed care village will increase local housing choice. Furthermore, the communal facilities will draw the wider community together and improve access to wider countryside. Specific to these elements, significant weight should be given to this benefit.

Other Issues

Availability of other sites

- 5.27 The Appellant submitted an assessment of 109 alternative sites with the application the subject of this appeal. The Council acknowledge the findings and note that the majority of the sites were rejected at an early stage due to their inadequate site size for the proposed end use.

Balancing exercise and very special circumstances

- 5.28 The Council will demonstrate that the Appeal Site is not previously developed land and that the current use of the site is not inappropriate development.
- 5.29 It is common ground that the Appeal Proposals, taken as a whole, is inappropriate development in the Green Belt and that, by definition, the proposed development would be harmful to the Green Belt and should not be approved except in very special circumstances. The Appeal Proposal would also result in loss of openness conflict with two of the five purposes of the Green Belt set out at paragraph 138 of the Framework. Substantial weight should be given to the harm to the Green Belt.
- 5.30 The Appeal Proposal by reason of the quantum of development would also result in harm to the character and appearance of the area .
- 5.31 The Council will present evidence to show that the acknowledged benefits of the proposed development, which are material considerations, would not constitute very special circumstances that would *clearly* outweigh the harm to the Green Belt by reason of inappropriateness and other harm.

5.32 It will be submitted by the Council that the benefits of the proposed development would not clearly outweigh the identified harm and that the application of the Planning Balance should lead to the refusal of planning permission.

6.0 Documents

6.1 The following documents may be referred to by the Council:

- Planning application files
- Photographs and images of the site and area
- South Cambridgeshire Local Plan 2018
- Cambridge Southern Fringe Area Action Plan
- National Planning Framework 2019/2021

APPENDICES

- 1) Decision Notice for Application
- 2) Committee Report