

**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 CASSEL HOTELS (CAMBRIDGE)  
LTD**

**FORMER HOTEL FELIX, WHITEHOUSE LANE, GIRTON**

**DECEMBER 2022**

PLANNING INSPECTORATE REFERENCE: APP/W0530/W/22/3307903  
LPA REFERENCE: 21/00953/FUL

## 1.0 Introduction

1.1 This is the statement of case of the Local Planning Authority, South Cambridgeshire District Council (“the Council”) in relation to the above appeal. The appeal is against the decision of the Council to refuse an application for full planning permission for:

*Demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works.*

1.2 The planning application was received and validated in March 2021 (Ref: 21/00953/FUL). The application was presented to Planning Committee on 13<sup>th</sup> July 2022 where members unanimously resolved to refuse planning permission.

1.3 The application was supported by a number of drawings both at the date of application and during its consideration. A list of the drawings will be agreed in the Statement of Common Ground. The decision notice (Appendix 1) identifies three reasons for refusal, namely;

### *Reason 1*

*The site is located outside of the development framework boundary of Girton, 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 development does not fall within any of the exception criteria within paragraphs 149 or 150 of the National Planning Policy Framework 2021. The proposal is therefore contrary to Policy S/4 of the South Cambridgeshire Local Plan 2018 and paragraphs 147, 148, 149 and 150 of the National Planning Policy Framework 2021 that seek to resist inappropriate development in the Green Belt.*

### *Reason 2*

*In addition to harm caused by inappropriateness, the proposed development would result in the loss of a non-designated heritage asset to the detriment of the character and appearance of the area. In taking a balanced a judgement, the loss of the non-designated heritage asset is considered to cause substantial harm as it would fail to sustain or enhance the significance of the asset and the overall benefits of the scheme are not considered to outweigh the harm identified. The proposal is therefore contrary to paragraph 203 of the National Planning Policy Framework 2021 and policy NH/14 of the South Cambridgeshire Local Plan 2018.*

### *Reason 3*

*The application has failed to provide very special circumstances including the need for specialist housing which, taken individually or collectively, demonstrate why the harm by reason of inappropriateness in the Green Belt and other harm identified, being the loss of the non-designated heritage asset, is clearly outweighed by these considerations. The application therefore fails to satisfy the requirements of paragraphs 147 and 148 of the National Planning Policy Framework 2021.*

- 1.4 The Appellant's Statement of Case contends that Reason 1 and Reason 3 are linked and seeks to consider the matters in dispute under two headings:
- i) Whether inappropriate development in the Green Belt is justified by very special circumstances, and:
  - ii) Whether the loss of a non-designated heritage asset is justified against the test identified in paragraph 203 of the National Planning Policy Framework (2021).
- 1.5 The LPA maintain that there are three separate reasons for refusal and that whilst Reasons 1 and 3 are linked,<sup>1</sup> they should logically be considered separately. The first issue identifies the development as inappropriate development in the Green Belt which gives rise to in principle harm. The second issue adds to that harm by identifying additional harm to a non-designated heritage asset. The third issue then states that no Very Special Circumstances ('VSCS') have been demonstrated which clearly outweigh the harm identified in Reasons 1 and 2.
- 1.6 An Officer Report was produced for the Planning Committee of 13 July 2022 and will be a Core Document.

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<sup>1</sup> It is acknowledged that, whether the proposal is in accordance with the GB policy in the Framework (RfR1) involves consideration of VSCs (RfR3)

## **2.0 The Site and its Surroundings and Planning History**

2.1 The site is located outside of the development framework of Girton and within the countryside and Green Belt. This section of Green Belt is known as the Girton Gap and separates the edge of Cambridge City from the suburban village of Girton. The site includes a number of trees, many of which are protected by Tree Preservation Orders (TPOs). The site is located within Flood Zone 1. A public footpath 39/48 extends north adjacent to the eastern site boundary along Whitehouse Lane, connecting to the Darwin Green major development site.

2.2 The site is occupied by the former Hotel Felix, a 52-bedroom two-storey hotel and restaurant that is now permanently closed and set within landscaped grounds. It was originally built as a Victorian villa, although later extensions have been added in the form of single storey and two storey wings to the side and rear of the building. It is accessed from Whitehouse Lane, from which the dwellings to the east of the site and the NIAB within the City boundary are accessed. The western boundary of the site is set adjacent to the residential properties within the village of Girton, although the village itself is accessed further along Huntingdon Road. Beyond the northern boundary is the Howes Close Sport Ground, utilised in association with higher education.

S/4502/17/FL – Erection of a two-storey extension to the rear of the building to provide 16 additional bedrooms and the erection of a new reception area to the side of the building – Approved.

S/0297/08/F – Extension of the hotel – Approved.

S/0817/00/F – Part Demolition and Extensions to Form 48 Bedroomed hotel – Approved.

### **3.0 The Proposal**

- 3.1 Demolition of the existing hotel and construction of a part-two/part-three storey 80 bed care home (Use Class C2), including dementia research facility and on-site consulting and therapy rooms.
- 3.2 The application proposes amendments to the existing car park, removal and re-siting of trees, landscaping and biodiversity improvements.

### **4.0 Planning Policy Context**

- 4.1 The development plan is South Cambridgeshire Local Plan 2018.
- 4.2 Other relevant planning policies that are material planning considerations in the determination of this appeal are 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 S/9 Minor Rural Centres
  - Policy HQ/1 Design Principles
  - Policy NH/2 Protecting and Enhancing Landscape Character
  - Policy NH/8 Mitigating the Impact of Development in and Adjoining the Green Belt
  - Policy NH/9 Redevelopment of Previously Developed Sites and Infilling in the Green Belt
  - Policy NH/4 Biodiversity
  - Policy NH/6 Green Infrastructure
  - Policy NH/14 Heritage Assets

## **National Planning Policy Framework 2021**

- 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 8 – Promoting healthy and safe communities
  - Section 13 – Protecting Green Belt land
  - Section 15 – Conserving and enhancing the natural environment
  - Section 16 – Conserving and enhancing the historic environment
- 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' 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.
- 4.7 Paragraph 203 of the Framework deals with the effect of an application on the significance of a non-designated heritage asset. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

## **National Planning Practice Guidance**

### Green Belt

- 4.8 Paragraph: 001 Reference 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?

### Heritage

- 4.9 Paragraph: 039 Reference ID: 18a-039-20190723 – What are non-designated heritage assets
- 4.10 Paragraph: 040 Reference ID: 18a-040-20190723 – How are non-designated heritage assets identified?

### Housing for older and disabled people

- 4.11 Paragraph: 001 Reference ID: 63-001-20190626 – Why is it important to plan for the housing needs of older people
- 4.12 Paragraph: 010 Reference ID: 63-010-20190626 – Residential Care Homes and nursing homes
- 4.13 Paragraph: 012 Reference ID: 63-012-20190626- Do plans need to make specific provision for specialist housing for older people?
- 4.14 Paragraph: 013 Reference ID: 63-013-20190626 – Do plans need to allocate sites for specialist housing for older people?
- 4.15 Paragraph: 016 Reference ID: 63-016-20190626 – What factors should decision makers consider when assessing planning applications for specialist housing for older people?

## **Supplementary Planning Documents**

- 4.16 Relevant SPDs are listed below:
- Greater Cambridge Biodiversity SPD February 2022
  - Sustainable Design and Construction SPD January 2020

## 5.0 The Council's Case

### Reason for Refusal 1 – Harm to the Green Belt

*The site is located outside of the development framework boundary of Girton, 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 development does not fall within any of the exception criteria within paragraphs 149 or 150 of the National Planning Policy Framework 2021. The proposal is therefore contrary to Policy S/4 of the South Cambridgeshire Local Plan 2018 and paragraphs 147, 148, 149 and 150 of the National Planning Policy Framework 2021 that seek to resist inappropriate development in the Green Belt.*

- 5.1 The NPPF paragraph 137 attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.2 Policy S/7 of the South Cambridgeshire Local Plan states that, outside of development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
- 5.3 Policy S/4 of the South Cambridgeshire Local Plan seeks to maintain the Green Belt around Cambridge. New Development in the Green Belt will only be approved in accordance with Green Belt policy in the NPPF.
- 5.4 The appeal site is previously developed land located outside of the development framework boundaries of Girton and Cambridge, in open countryside within a sub-area of the Green Belt known as the Girton Gap. The Girton Gap comprises a strip of open space consisting of sports pitches and the hotel within its landscaped grounds.
- 5.5 The site of the proposal has been assessed against the five Green Belt purposes. The site is previously developed and has an existing building, access and area of car parking sited on it. There would be no significant additional urban sprawl given the positioning of the new care home and the previously developed nature of the site. Similarly, the redevelopment of this brownfield site would not result in any additional merging of Cambridge and Girton nor would it impact on the special character of either

place. However, the proposal would result in a degree of encroachment into the countryside contrary to the purpose under paragraph 138c of the NPPF.

- 5.6 There is no specific definition of “openness” in the NPPF. National Planning Practice Guidance (NPPG) states that openness can have both spatial and visual aspects. Case law has established that the concept of openness is not narrowly limited to a volumetric approach but visual effects should also be given appropriate weight when these are relevant considerations for the assessment of the impact on the Green Belt’s openness.
- 5.7 NPPG advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. The courts have identified a number of matters which may need to be taken into account in making its assessment which 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.
- 5.8 The application was supported by a Landscape and Visual Appraisal and Green Belt Study “The LVA.” 12 viewpoints were selected to showcase the Appeal Proposals in context with the existing site arrangement.
- 5.9 As stated in the Officer Report (para. 10.27) there will be an increase in the proposed volume of 33%, which is primarily due to the overall increase across the whole footprint to two / three storeys.
- 5.10 The Appeal Proposal would also be sited closer to properties along The Brambles (OR, para. 10.29). The proposed building’s footprint would also be larger than the existing and the proposed height, although not higher than the existing, would result in a greater extent of development at more than one storey.
- 5.11 The Council’s landscape officer considered that the impact of the development on the openness of the Green Belt would be negligible due to the existing presence of a similarly functioning and sized building which would retain a deep and open gap

between the residential properties at The Brambles and would be set further into the site from Whitehouse Lane.

5.12 It was also acknowledged that the reduction in surface car parking and additional landscaping is an improvement to the character and openness of the area, and that the building being set back into the site was welcomed.

5.13 Nonetheless, as stated in the Officer Report (para. 10.31):

*“given the increase in footprint and volume and the visual perception of being closer to properties in The Brambles, Girton, on balance, officers consider that the spatial and visual harm would have a greater impact upon the openness of the Green Belt and is therefore, inappropriate development. Although this impact is not considered significant, it does amount to harm to the Green Belt. The proposal would therefore, conflict with policy NH/9 of the Local Plan, although this policy makes no reference to whether very special circumstances (VSCs) can be demonstrated. Nevertheless, officers are of the view that the development would fail to comply with Paragraph 149(g) of the NPPF.”*

5.14 The Appeal Proposal would result in visual and spatial harm to the openness of the Green Belt which, while not giving rise to significant harm, constitutes inappropriate development.

5.15 It is noted that the Appellant accepts that under the provisions of the NPPF the proposed development, taken as a whole, would constitute inappropriate development in the Green Belt (Para 6.30 of the Statement of Case).

5.16 Since the appeal site falls outside of the development framework boundary for Girton, the proposal is contrary to Local Plan Policy S/7.

5.17 The proposal is also contrary to Local Plan Policy S/4, Policy NH/8, Policy NH/9, and the NPPF, and would result in harm to Green Belt and should only be supported where it can be demonstrated that Very Special Circumstances exist which clearly outweigh the harm to the Green Belt.

## **Reason for Refusal 2 – Harm caused by total loss of a non-designated heritage asset (NDHA)**

*In addition to harm caused by inappropriateness, the proposed development would result in the loss of a non-designated heritage asset to the detriment of the character and appearance of the area. In taking a balanced a judgement, the loss of the non-designated heritage asset is considered to cause substantial harm as it would fail to sustain or enhance the significance of the asset and the overall benefits of the scheme are not considered to outweigh the harm identified. The proposal is therefore contrary to paragraph 203 of the National Planning Policy Framework 2021 and policy NH/14 of the South Cambridgeshire Local Plan 2018.*

- 5.18 Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 5.19 Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
- 5.20 Paragraph 197 of the NPPF states that in determining applications, LPAs should take account of (amongst other things) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 5.21 Section 2(d) of Policy NH/14 of the South Cambridgeshire Local Plan (2018) states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Policy Framework, particularly:

*‘Non-designated heritage assets including those identified in conservation area appraisals, through the development process and through further supplementary planning documents.’*

- 5.22 Whilst it is recognised that a Certificate of Immunity has been issued for the building, this does not render the building devoid of architectural or historical interest. A building may be assessed as a Non-Designated Heritage Asset (NDHA) during the consideration of a development proposal as stated in Historic England's Advice Note 7 (Second edition) at paragraph 27.
- 5.23 National Planning Policy Guidance states that "*non-designated heritage assets are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.*" (Paragraph: 039 Reference ID: 18a-039-20190723).
- 5.24 Heritage assets, designated or otherwise, are an irreplaceable resource. Any proposals which would result in harm or loss should be supported by clear and convincing justification.
- 5.25 The appeal scheme would result in the demolition of the 1852 villa which has been identified by the Council as a non-designated heritage asset. The building has been assessed by the Council as having a modest level of design and presence, which meets the Cambridge City Council Buildings of Local Interest criteria for architectural quality and historic interest.
- 5.26 The application was supported by a Heritage Assessment. The conclusion of the assessment considers that the building and its history has a low level of interest and does not hold enough value to clearly be identified as a non-designated heritage asset.
- 5.27 The Council will provide evidence as to how the building meets these criteria through assessment of the building against published criteria for designating Buildings of Local interest used by the adjacent LPA Cambridge City Council. These criteria are based on the criteria outlined in Historic England Advice Note 7: Local Heritage Listing Identifying and Conserving Local Heritage p11. Their application is relevant to this case due to the appeal scheme falling within the remit of the Greater Shared Planning Service.

- 5.28 The NPPG is clear that “*local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications*” (Paragraph 040 Reference ID:18a-040-20190723).
- 5.29 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.30 The Appellant states that the application of Paragraph 203 of the NPPF in Reason for Refusal 2 is flawed as there is no requirement for public benefits to outweigh the harm. The Council will show in its evidence that the application of Paragraph 203 is appropriate. The asset has been identified as having a modest level of heritage significance. The scale of the harm to the asset would be total loss of significance. As a matter of judgment, the level of harm to the significance of the asset is considered significant, which can be described as substantial harm.
- 5.31 The total loss of the building would also fail to sustain and enhance the significance of the asset, thereby not meeting the objective of Section 2 of Policy NH/14 of the South Cambridgeshire Local Plan (2018).
- 5.32 Alternative options for the scheme which included the retention and conversion of the building were presented during the application, which could have met the Policy NH/14 objective to sustain and enhance the significance of the asset. However, these were not taken forward.
- 5.33 The Council is of the view that the architectural quality of the building is evident especially to the rear or garden front elevation. Whilst modern additions now enclose the house, the original design intent of a large villa within its gardens is still evident and worth preserving.

### **Reason for Refusal 3 – Case for very special circumstances does not clearly outweigh the harm to the Green Belt**

*The application has failed to provide very special circumstances including the need for specialist housing which, taken individually or collectively, demonstrate why the harm by reason of inappropriateness in the Green Belt and other harm identified, being the loss of the non-designated heritage asset, is clearly outweighed by these considerations. The application therefore fails to satisfy the requirements of paragraphs 147 and 148 of the National Planning Policy Framework 2021.*

- 5.34 Paragraph 147 of the NPPF states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*
- 5.35 Paragraph 148 of the NPPF states *“substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ 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.”*
- 5.36 The Council is of the view that very special circumstances have not been demonstrated that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm that would result from the Appeal Proposals.
- 5.37 The Appellant has put forward the following matters which they consider combined would demonstrate the VSCS required to outweigh the harm to the Green Belt:
- Need for Elderly Care Accommodation and Dementia Provision
  - Development Benefits including;
    - Economic Benefits
    - Community and Health Benefits
    - Environmental Benefits
  - Lack of Harm to the Green Belt

*Assessment of Need - Older Persons Accommodation and Dementia Care Facility*

- 5.38 Paragraph 62 of the NPPF, in the context of seeking to significantly boost the supply homes, recognises the need for a range of housing within different groups in the community such as older people. “Older people” is defined within the NPPF<sup>2</sup> as; people over or approaching retirement age, including the active, newly retired through to the very frail and elderly; and whose housing needs can encompass accessible, adaptable general needs housing through the full range of retirement and specialised housing for those with support or care needs.
- 5.39 NPPG paragraph 001 Reference ID: 63-001020190626 states: *“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”*
- 5.40 NPPG paragraph 016 Reference ID:63-016-20190626 states: *“Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people.”*
- 5.41 Policy SC/4 (Meeting Community Needs) of the South Cambridgeshire Local Plan (2018) states *“All housing developments will include or contribute to the provision of the services and facilities necessary to meet the needs of the development. The scale and range of this provision or contribution will be appropriate to the level of need generated by the development and will address the specific needs of different age groups, of people with disabilities, and faith groups and will be adaptable to population growth and demographic changes.”*
- 5.42 Policy H/9 (Housing Mix) of the South Cambridgeshire Local Plan reiterates the need for a wide choice of housing and the supporting text identifies that the population of the district is ageing (in the age band 64-74 up to 7% of residents will be classified as frail)

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<sup>2</sup> National Planning Policy Framework 2021, Annex 2: Glossary

and there are a range of models that can play a part in providing specialist accommodation for older people (paras. 7.38-7.39).

- 5.43 Older persons accommodation may include sheltered and enhanced sheltered housing, extra care housing, retirement villages, continuing care retirement communities and registered care homes both with and without nursing care (para. 7.39).
- 5.44 Paragraph 7.39 goes on to state: *“Where appropriate, specialist accommodation for the elderly should be provided on a mixed-tenure basis, and such accommodation should be located on sites in new settlements or within larger villages.”*
- 5.45 Policy H/9 is not a prescriptive policy for the provision of specialist housing, though it is clear from the policy wording read with its supporting text that the onus is on the applicant to demonstrate that there is an identified need, and where this need exists, it should be provided on a mixed-tenure basis.
- 5.46 A Care Home Needs Assessment (December 2020) prepared by Carterwood was submitted in support of the Appeal Proposals which set out that there will be an unmet need to 99 market standard care home beds within South Cambridgeshire by 2023, and an unmet need for 240 market standard care home dedicated dementia beds by 2023. The figures were subsequently updated for 2024 in a Headline Planning Need Statement (January 2022). The Carterwood assessment included its own definition of “market standard” bedrooms for which the need was assessed.
- 5.47 Cambridgeshire County Council has undertaken its own needs assessment for accommodation-based services for older people, which takes into account Laing Buisson research<sup>3</sup> indicating that care home market capacity has remained largely flat over the past ten years even though the number of older people has increased significantly. This was reflected in the District Demand Profiles for Older Persons Accommodation 2021-2036 (March 2022) which indicated that the expected need would be an additional 124 care beds in South Cambridgeshire (Demand Profile for South Cambridgeshire) and 94 care beds in Cambridge City over a 15-year period to 2036. The County Council have also noted that planning permission has been granted for a further 3 care homes with a total of 210 care beds. The definition of a care bed in

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<sup>3</sup> Care Homes for Older People UK Market Report, Laing Buisson

the County Council's assessment is based on the definition applied by the Care Quality Commission and used in the Laing Buisson research.

5.48 The County Council's approach to addressing the need is as follows (as relevant):

*"We are keen to develop services which support people to remain living independently. Where this is not possible, we are keen to encourage the development of 'housing with care' solution.*

*We recognise the part which traditional care homes will play. We also want to explore alternative housing options which may offer people better outcomes."*<sup>4</sup>

5.49 South Cambridgeshire Housing Strategy team's consultation response dated 23<sup>rd</sup> December 2021 stipulated that the *"site is within the Green Belt and by this virtue is exempt from development unless there are very special circumstances, the special circumstances must be the justifiable need for care provision in this location."* The consultation response concluded *"Whilst we acknowledge that projections show that there will be an increase in the older population and that we need to plan for this need, the information from the County Council shows that there is a sufficient provision and pipeline provision to meet this need."*

5.50 The Council will contextualise the level of need through its evidence at Inquiry and explain the County Council's strategy for addressing that need through prioritizing support for people staying in their own homes, retaining as much independence as possible, and the development of a mixed market with a range of housing options including new models. This context tempers the weight to be given to the need for a care home such as the appeal proposal.

5.51 The Appellant's Statement of Case makes reference to a number of recent and older appeal decisions to support their case (Fulbourn S/3418/17/FL (Care home), Stapleford 20/02929/OUT (retirement village), Great Shelford 21/05276/FUL (retirement village), which are identified to demonstrate that the Council has an unmet critical need for older persons accommodation. The Council will explain why these decisions do not evidence a need for the type of accommodation proposed by the appeal.

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<sup>4</sup> <https://www.cambridgeshire.gov.uk/residents/adults/adults-services-strategies-and-policies/adult-social-care-market-position-statement/demand-profiles-forecast>

- 5.52 The Council will also explain why the lack of affordable beds means that the proposal would not deliver many perceived public benefits.
- 5.53 The proposal for a new dementia research facility, which “*will provide training and upskill the sub regional population, support the voluntary sector and deliver better outcomes for people with dementia*” (Planning Statement, para 5.23) will also be addressed by the Council to assess the extent to which it is substantiated.
- 5.54 The application is not supported by any financial viability appraisal so it is not clear what the tipping point of the viability would be, which is relevant to the weight which can be given to the proposal as a benefit.

#### *Release of general housing*

- 5.55 It is accepted that a care home may release some homes within the existing stock, albeit not likely to be on a 1:1 ratio. There are a number of relatively recent appeal decisions permitting older persons accommodation (notably at Stapleford, Great Shelford) and involving the option of purchasing a property. Such schemes would be very attractive to an older person(s) seeking to downsize because they would allow for continued property ownership. By contrast, the Appeal Proposal would not offer residents the opportunity to purchase property. It is therefore considered that the development would make a very minor impact on the release of general housing and as such very limited weight is given to this as a material consideration when applying the test for very special circumstances.
- 5.56 The Council will show through its evidence that the district has delivered 145% of its housing requirement over the latest 3-year period and has a demonstrable 6.5-year housing land supply.

#### *Landscape and Biodiversity Improvements*

- 5.57 Paragraph 145 of the NPPF notes that biodiversity, landscape, and visual amenity improvements contribute to improving Green Belt land.

- 5.58 The Appeal Proposal was supported by a Landscape and Visual Impact Assessment, a Landscaping Scheme and Biodiversity Net Gain Metric. There are several trees across the site which are protected with a TPO and a provisional TPO.
- 5.59 In order to facilitate the development, it was proposed that ten semi-mature trees be dug up and replanted elsewhere within the site.
- 5.60 Landscaping proposals and biodiversity improvements included introduction of wildflower meadow, orchard and feature trees, landscaped lawns, sensory garden, woodland buffers, hedging, bird and bat boxes, bug hotels, log piles, areas of biodiverse roof, and a sensitive lighting scheme.
- 5.61 At the time of submission, the Appellant's landscape and biodiversity scheme was assessed against Biodiversity Net Gain Metric 2.0 and was considered to achieve a 74.49% increase in habitat units and 38.72% in hedgerow units which is welcomed and substantially higher than 10% required by South Cambridgeshire Local Plan policy NH/4. Officers note that Natural England's current scheme is Biodiversity Metric 3.1 and the net gain may now be altered, however the scheme would likely still ensure significant Biodiversity Net Gain. As such significant weight should be afforded to this benefit.

#### *Employment and Economic Benefits*

- 5.62 The application proposes to create 115 new jobs for permanent and part time members of staff, construction activity and the supply chain.
- 5.63 The Council note that the scheme would provide investment to the local area during construction and jobs at operational stage. However, given the former use of the site as a hotel which likely employed a similar number of employees, and that economic benefits are not a principal objective of the scheme this benefit should be given moderate weight.

## **PLANNING BALANCE**

- 5.64 It is common ground that the Appeal Proposals, taken as a whole, constitute 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. Substantial weight should be given to the harm to the Green Belt.
- 5.65 The Appeal Proposal by reason of the total loss of the Non-Designated Heritage Asset gives rise to significant additional harm which weighs against proposal which requires to be clearly outweighed by VSCS.
- 5.66 The Council will present evidence to show that the acknowledged benefits of the proposed development, which are material considerations, when combined would not constitute very special circumstances that would outweigh or clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.
- 5.67 When considered in context, the need case for the proposal is not compelling or critical in the case of the specialist dementia facility. The weight to be given to the need for this proposal is tempered and this does not amount to a VSC.
- 5.68 As a result, it will be submitted that the application of the Planning Balance should lead to the refusal of planning permission.

## **6.0 Response to the Appellant's Statement of Case**

- 6.1 As a point of clarification, the Appellant's statement of case paragraph 1.3 states the application was submitted on 1<sup>st</sup> March 2020. This is incorrect. The date the application was submitted should read is 1<sup>st</sup> March 2021. The application was validated on 12<sup>th</sup> April 2021 however it was deemed valid from the date of submission and backdated accordingly.
- 6.2 Paragraph 6.14 – To clarify, while no alternative site assessment was cited as a reason for refusal, officers did request additional justification by way of email during the determination period.

## **7.0 Conditions/S106 agreement**

7.1 A draft list of conditions will be agreed through the Statement of Common Ground.

7.2 The Appellant is currently preparing a planning obligation in relation to the appeal.

## **8.0 Core Documents**

8.1 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
- National Planning Policy Framework 2021
- National Planning Practice Guidance