

**APP/W0530/W/22/3307903**

**APPEAL ON BEHALF OF CASSEL HOTELS (CAMBRIDGE) LIMITED**

**RE: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CARE HOME (USE CLASS C2) WITH EXTERNAL AMENITY SPACE, ACCESS, PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS**

**FORMER HOTEL FELIX, WHITEHOUSE LANE, CAMBRIDGE, CAMBRIDGESHIRE**

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**COUNCIL'S OPENING**

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- 1 This appeal turns on whether the Appellant can demonstrate that there are very special circumstances associated with its proposal which clearly outweigh and justify the considerable harm which it will cause to the Green Belt.
  
- 2 The appeal scheme will introduce new development, in the form of a care home, into the Green Belt around Cambridge, which the Appellant accepts is inappropriate development and harmful to the Green Belt, a matter which carries substantial weight in the planning balance (NPPF, 148). The appeal scheme will also give rise to harm to the openness of the Green Belt, which is one of its essential characteristics (NPPF, 137).
  
- 3 It will also result in the demolition of the former Hotel Felix, a heritage asset of local historic value. Heritage assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF, 189).
  
- 4 The Council's Planning Committee understood these points, and refused planning permission for the proposal, overturning their officer's recommendation, on the basis of the following Reasons for Refusal on 22 July 2022 [CD93] (in summary):
  - (1) The site is located outside of the development framework of Girton village and Cambridge City, within the countryside and in the Cambridge Green Belt. It would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms

as it does not fall within any of the exception criteria within the NPPF. Contrary to Policy S/4 of the South Cambridgeshire Local Plan 2018, and the NPPF.

(2) The proposal would result in the loss of a non-designated heritage asset. In taking a balanced judgment, the loss of this non-designated heritage asset would cause substantial harm, failing to sustain or enhance the significance of the asset. The overall benefits of the scheme do not outweigh the harm identified. Contrary to Policy NH/14, and NPPF, para. 203.

(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 the other harm identified, is clearly outweighed by these considerations. Contrary to the NPPF, paras. 147-148.

5 The full Reasons for Refusal are set out and clarified in the Council's Statement of Case of 7 December 2022 [CD120].

6 As to the effect of the proposal on the Green Belt, including openness, the Council will rely on the evidence of Elisabeth Glover (MRTPI, Principal Planning Officer). Ms. Glover had no prior involvement in the Council's consideration of the scheme at the application stage, and comes to it with a fresh set of eyes.

7 The Appellant agrees that the appeal scheme is inappropriate development in the Green Belt, that it will have a greater impact on openness than the existing building, and that none of the exceptions to new development in the Green Belt apply (SCG, 6.11 [CD98]).

8 The hollowed square-planned building will cause harm to openness resulting from its larger footprint and increased volume, with its solid built form and more rigid profile of 2-3 storeys across its entire footprint, which will only be mitigated by the landscape strategy to a limited degree. The countryside here will not be safeguarded from encroachment, and the harm to openness is additional to the harm by reason of the proposal's inappropriateness to which substantial weight must be applied. The lack of character and appearance harm does not detract from this harm to the Green Belt.

9 As to the loss of the former Hotel Felix as a heritage asset, the Council will rely on the evidence of Gail Broom (IHBC, Principal Conservation Officer), who reviewed the proposal and the Appellant's Heritage Statement at the application stage, and raised concerns on heritage grounds.

- 10 The Appellant does not contest the status of the building as a non-designated heritage asset (KH-B, Reb, 2.1). It was identified as an NDHA through the development process by Conservation officers, applying local listing criteria from neighbouring Cambridge, which are broadly similar to those contained in Historic England Advice Note 7.
- 11 The Close, as it was originally called, is a building of architectural quality and style. It was constructed in 1852 and is an attractive villa typical of those built for the professional classes of flourishing cities in the mid-19<sup>th</sup> century. The architectural quality of the building is evident especially on the garden elevation facing Huntingdon Road, with its bowed façade, its distinctive Dutch gable, two storey large semi-circular bay, and original arched pair sash windows and pierced brickwork parapet, all in good quality local gault brick. Changes made to the front elevation do not detract from the overall presence of the front façade, and the modern wings do not remove the legibility of the main house when viewed from the northern courtyard. Whilst there have been extensive alterations internally, they do not diminish the asset's external architectural appearance, quality, and aesthetic appeal. It is a high-quality surviving example of a Victorian villa, which is not common in the Girton area, and still sits within the open land that once formed part of its garden.
- 12 The Close (Hotel Felix as it is now known) also has an historic interest and was home to notable figures from Cambridge's past, of both local and national interest. The villa was built for Charles Lestourgeon, a Fellow of St. John's College, Cambridge and surgeon at Addenbrookes Hospital from 1842 – 1879, Examiner in Surgery and member of the Board of Medical Studies, who lived there until his death in 1891. It was later occupied by lawyer and politician Sir John Eldon Gorst and his family, who was elected MP for Cambridge in 1865 and was made Solicitor General for England and Wales in 1885, becoming Vice-President for the Committee of Education (1895-1902). In its more recent history, as the County Centre until 2001, and then Hotel Felix from 2002, it has been part of the communal value and memory of the area, well used by local residents for social events and as an attractive venue to meet.
- 13 Given its clear heritage significance, it is no surprise that a range of third parties, including the Victorian Society, Ancient Monuments Society, and Dr Simon Bradley (author of Pevsner's Buildings of England) have raised their concerns as to the loss of this heritage asset and its justification.

- 14 Drawing on its architectural quality, style, and historic interest, Ms. Broom concludes that the building has a moderate level of significance. Applying a balanced judgement having regard to the complete demolition of a NDHA of moderate significance, the harm caused will be significant.
- 15 As to the benefits of the proposal, the Council does not consider any of these, whether individually or cumulatively, amount to very special circumstances to clearly outweigh the harm identified.
- 16 Gurdev Singh, Head of Service from Cambridgeshire County Council's Adult Social Care Commissioning Directorate, gives evidence on the need for care homes in the South Cambridgeshire area. Whilst it is accepted that there is a need for care homes, and for specialist dementia beds for the ageing population of South Cambridgeshire, the County Council's judgment is that the need is not as high as the significant unmet need suggested by the Appellant.
- 17 There are different ways to assess the needs here, and the County Council's approach is both sensible and realistic, properly taking account of its Commissioning Strategy to facilitate a mixed market, supporting people to remain in their own homes, or in tenanted services, where their level of independence and autonomy is far greater than in a care home. This is in line with Government policy to offer older people a better choice of accommodation to suit their changing needs to help longer term independence. Many people may not want or need specialist accommodation – let alone be able to afford the high-end, self-funded, form of care home here – and they may wish to stay or move to suitable general housing. The need for this care home does not amount to a very special circumstance.
- 18 Elisabeth Glover considers the other claimed very special circumstances in her proof and undertakes the planning balance [CD132]. As to the release of general housing which would be brought about by this scheme, it is worth noting that the Council has a healthy 6.5yr Housing Land Supply for the 2022-2027 period, and a Housing Delivery Test result of 145%. There is no shortage of deliverable market and affordable housing in South Cambridgeshire's pipeline to meet its assessed housing needs. The other claimed very special circumstances will be explored in evidence.

- 19 Overall, the Council will contend that the proposal conflicts with its up to date Development Plan, and there are no material considerations which justify the grant of planning permission. The harm to the Green Belt, harm to openness, and demolition of this heritage asset are not justified, and there are no very special circumstances which clearly outweigh the considerable harm which the appeal scheme will bring.
- 20 In due course, the Council will contend that the appeal should be dismissed.

ASITHA RANATUNGA  
31 January 2023

Cornerstone Barristers, 2-3 Gray's Inn Square, London

Appearances:

- Advocate: Asitha Ranatunga of Counsel  
Instructed by Richard Pitt, Principal Lawyer (Planning), 3C Shared Services – Legal Practice
- Heritage Gail Broom (BSc, PDip Historic Building Conservation, IHBC)  
Principal Conservation Officer for the Greater Cambridge Shared Planning Service
- Need Gurdev Singh  
Head of Service, Cambridgeshire County Council Adult Social Care Commissioning Directorate
- Planning Elisabeth Glover (BA Hon and MPLAN Urban Studies and Planning, MRTPI)  
Principal Planning Officer, South Cambridgeshire District Council