
Matters and Issues for South Cambridgeshire Local Plan

Matters SC1 Development Frameworks, Strategy for the
Rural Area, and the Omission Sites

On behalf of Castlefield International
(Respondent Number: 18235)

May 2017

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1.0 INTRODUCTION

- 1.1 This Matter Statement is submitted by Barton Willmore LLP on behalf of Castlefield International in respect of their land interest at Land at Teversham Road, Fulbourn.
- 1.2 The aim of this document is to assist the Inspector in examining the Local Plan, having particular regard to the village classification and consideration of the above site as an omission site.
- 1.3 In September 2014, Castlefield International submitted a planning application for "outline application including consideration of access points, for high quality residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure works" (ref S/2273/14/OL). This application was refused by South Cambridgeshire District Council on 12 August 2015.
- 1.4 Castlefield International subsequently appealed the decision, and a 7-day Planning Inquiry commenced on 13 September 2016. The appeal was dismissed, and a copy of the Inspector's decision can be viewed in Appendix 1. The Inspector accepted the principle of development on the site and the quantum of development proposed in a sustainable village location. However the Inspector was not satisfied that the Unilateral Undertaking was suitable to ensure the long term maintenance of the open space proposed.
- 1.5 Castlefield International have submitted a revised planning application dated 17 January 2017 (reference S/0202/17/OL), which seeks to overcome the reasons why the Inspector dismissed the appeal. At the time of writing, this application is undetermined, but proposes a Section 106 Agreement to address the concerns raised by the Inspector.
- 1.6 The Local Plan Inspector has asked direct questions in relation to the village of Fulbourn, and these are answered directly within this document, in the context of the findings of the Inquiry Inspector.

2.0 RESPONSE

Matter 1.3C Fulbourn

Is Fulbourn Correctly Classified as a Minor Rural Centre?

- 2.1 The village of Fulbourn is currently classified as a Rural Centre within policy ST/4 of the Core Strategy DPD 2007. The supporting text in paragraph 2.17 confirms that such villages are “the larger more sustainable villages which generally have a population of at least 3,000 and have good access to a secondary school (either within the village or accessible by good public transport, unless there are similar community facilities available within the village), employment opportunities (at least a ratio of 1 job for every village resident economically active), contain a primary school, food shops (including a small supermarket), post office, surgery and have good public transport services to Cambridge or a market town”.
- 2.2 The Rural Centre classification is consistent with the 2004 Local Plan, which designated Fulbourn as a Rural Growth Settlement, which consisted of the larger settlements that were “generally the most sustainable villages in South Cambridgeshire”.
- 2.3 The supporting text to draft policy S/8 Rural Centres is similar to the description above. It states “They have good access to a secondary school (either within the village or accessible by good public transport), employment opportunities, a variety of services and facilities and have good public transport services to Cambridge or a market town”. This Statement will therefore look at these criteria to demonstrate that Fulbourn is deserving of its current place at the top of the village hierarchy.
- 2.4 In terms of population, the 2011 Census confirmed the population of Fulbourn to be 4,673.
- 2.5 Bottisham Village College provides the secondary education for the residents of Fulbourn. There are no direct public services between the village and the college, although it can be reached by transferring buses in Cambridge. A direct private bus services serves Fulbourn, allowing safe and consistent access to the College.
- 2.6 Fulbourn does have a number of employment sites within the village. The village has historically had a positive work population: employment ratio. This includes Fulbourn Hospital and Capita Park, as well as various units throughout the village. This includes units at Breckenwood Road and Cox’s Drove adjacent to the Teversham Road site.

- 2.7 Changing the existing hierarchy would redesignate Fulbourn as a Minor Rural Centre. Such villages are however characterised by restricted services, infrastructure links, and employment. However, the high service provision, high quality public transport and the employment opportunities demonstrates that Fulbourn should not reasonably fall within this category.
- 2.8 Fulbourn has a wide range of services and facilities. These are located across the village as a whole. The village has a High Street, where a number of retail outlets and other facilities are grouped, and this is located close to the library, health centre, primary school and St Vigor's with All Saints Church.
- 2.9 In addition to a functioning High Street, there is also a 24hr Tesco superstore on the edge of the village, which is located approximately 3km from the village centre. This facility is well served by public transport to and from Fulbourn, and can be easily accessed by bicycle. This is a valuable facility for the residents of the village.
- 2.10 In terms of public transport, Fulbourn has excellent links to the city of Cambridge. The Citi 1 and 3 services link Fulbourn to Cambridge train station and city centre, with services in and outbound every 30 minutes, and some late night services. The Stagecoach 16 and 17 services also link the village to surrounding villages and Cambridge.
- 2.11 To summarise, Fulbourn scores highly on the factors assessed in order to designate villages within the hierarchy. Nothing has materially changed within the village to warrant a reclassification off the village. It is evident that Fulbourn still fulfils the necessary criteria and performs well as a Rural Centre.

Is the Plan Unsound Without the Allocation of the Following Sites for Housing Development to Other Uses as Specified Below, and if so why??

i)b. Land between Teversham Road and Cow Lane

- 2.12 As noted, a planning application for residential development of up to 110 dwellings on the site was refused by South Cambridgeshire District Council. The subsequent appeal was dismissed. However, the Inspector's report clearly demonstrates that in his opinion, the site is acceptable for development in principle, subject to an appropriate Section 106 Legal Agreement.
- 2.13 The Inspector identified a number of main issues to be considered at the planning inquiry, and these include the effect on the character and appearance of the surrounding area,

effect on the setting of Fulbourn Conservation Area, effect on areas of ecological or nature conservation interest, and the weight to be given to the proposed Local Green Space allocation. The Inspector confirmed that, on balance, the benefits of the proposal outweigh any identified harm that would arise, giving weight to these considerations.

- 2.14 The appeal was dismissed on grounds of the content of the Unilateral Undertaking, which was not considered to "make suitable arrangements for the provision of infrastructure necessary to make the scheme acceptable in planning terms". As noted, revised planning application S/0202/17/OL seeks to overcome this, and Castlefield International are awaiting feedback from the revised draft Section 106 Agreement pursuant to that application. This document has been structured to overcome the concerns of the Inspector.
- 2.15 The Inspector's report clearly shows the site to be capable of development, and the reason for dismissing the appeal is not related to the physical attributes of either the site, or the content of the application. Subject to an appropriate Section 106 Agreement, and given the sustainability of Fulbourn, the scheme should be fully appropriate for residential development. This is consistent with the views of Castlefield International throughout the preparation and submission of the two planning applications, and the participation throughout the Local Plan process to date.
- 2.16 The site as a whole has also been put forward as a proposed Local Green Space within the Emerging Local Plan. Barton Willmore, on behalf of Castlefield International, have made representations against this designation, and appeared at the relevant Local Green Space session of the Examination in Public on 18 January 2017. There has been no material change of circumstance since the Examination in Public that alters Castlefield International's view on that matter.
- 2.17 In line with the comments above, the site is considered sustainable for development, and therefore it is worthy of being an allocation. It can deliver up to 110 dwellings within a village currently classified as a Rural Centre, and is a sustainable location with excellent links to the village and the city of Cambridge. The new application at the site seeks to overcome a technical only objection, that being the wording of the Section 106 Agreement. Accordingly, the proposed designation as Local Green Space should also be removed.
- 2.18 In conclusion, the decision of the Inquiry Inspector is clear and unequivocal in terms of the relative sustainability of Fulbourn and the suitability of the site for housing development.

APPENDIX 1

Appeal Decision

Inquiry opened on 12 September 2016

Site visit made on 21 September 2016

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/W0530/W/15/3139730

Land at Teversham Road, Fulbourn, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Castlefield International Limited against the decision of South Cambridgeshire District Council (SCDC or “the Council”).
 - The application Ref S/2273/14/OL, dated 19 September 2014, was refused by notice dated 12 August 2015.
 - The application form describes the proposed development as an “outline application, including consideration of access points, for high quality residential development of up to 110 dwellings, with areas of landscaping and public open space and associated infrastructure works”.
 - The inquiry sat for 7 days on 13 to 16 and 20 to 22 September 2016.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, with only access to be determined at this stage. An illustrative layout plan and a parameters plan were also submitted, and I have had regard to these in reaching my decision. I have also had regard to 2 planning obligations made by the appellant, which were submitted shortly after the inquiry had closed, in accordance with an agreed timescale.
3. The Council refused planning permission for 3 reasons as set out in Core Document (CD) E9. However, as explained in the Statement of Common Ground¹ (SOCG), in light of more recent information submitted by the appellant the Council accepted that up to 110 dwellings could be built and delivered on the appeal site within a 5 year time frame. As a consequence it agreed that its third reason for refusal could be withdrawn and did not defend it at the inquiry. However, the Rule 6(6) Party, Fulbourn Parish (FP) continued to contest this matter, which I therefore deal with later in this decision.

Site description, surrounding area and details of the appeal proposal

4. The appeal site lies to the east of Teversham Road; to the south of the Ipswich to Cambridge railway line; to the north of Cow Lane; and is bordered on its eastern side by the Cox’s Drove cul-de-sac. It comprises some 6.85 hectares (ha) of generally flat, open grassland, partitioned by a narrow chalk stream which flows

¹ Document (Doc) 8

northwards and divides the site into western and eastern fields. There are no public rights of way or permissive routes across the site, although the submitted evidence indicates that members of the public do visit the site on a regular basis.

5. The appeal site is not covered by any statutory environmental designations, but Green Belt land lies immediately to the north of the railway line, and the site abuts (and includes some land within) the Fulbourn Conservation Area to the south. The site also sits adjacent to the former Fulbourn water pumping station which is listed on the Cambridgeshire Historic Environment Record (HER) and is noted as a building of importance in the Fulbourn Conservation Area Appraisal² (CAA).
6. A small part of the appeal site fronting Cow Lane was formerly an ornamental garden associated with this pumping station. Although not currently accessible to the public, it has been allocated as a Protected Village Amenity Area (PVAA) within the Council's Local Development Framework (LDF) Core Strategy Development Plan Document³ (DPD) adopted in 2007. The appeal site also abuts a further PVAA, a publicly accessible area adjacent to Cow Lane known as Poorwell Water. This area is also listed on the Cambridgeshire HER and is owned and managed by Fulbourn Parish Council. Both the ornamental garden and Poorwell Water are located within the Fulbourn Conservation Area.
7. The appeal proposal seeks to develop the site for up to 110 dwellings, with 30% of these to be affordable units. This would result in a gross residential density of 16 dwellings per hectare (dph) over the site as a whole. However, the illustrative layout plan indicates that about 3.55 ha of the site would remain as open space, to include the chalk stream, floodwater management areas, a sustainable drainage system (SuDS), children's play areas, and the pumping station garden. Overall this would result in a net density of about 33 dph within the developed parts of the site. No built form would occur within the conservation area.
8. The sole vehicular access would be from Teversham Road, with an emergency access also proposed onto Cox's Drove. In addition, a pedestrian access is proposed from Cow Lane, through the pumping station garden, and a further pedestrian access is suggested to link with the informal path through Poorwell Water, although doubt was expressed at the inquiry whether this would be acceptable to the Parish Council. I return to this matter later in this decision.

Planning policy context

9. The Development Plan comprises the LDF Core Strategy DPD, and the LDF Development Control Policies DPD⁴. No specific planning policies from either of these documents are referenced in any of the reasons for refusal, although the Council did allege conflict with a number of LDF policies in its written and oral evidence. I deal with these under the appropriate main issues.
10. The Council is also preparing the South Cambridgeshire Local Plan⁵ (SCLP) to replace the 2007 LDF. This SCLP was submitted to the Secretary of State in March 2014, alongside the Cambridge City Local Plan, with joint examination of both plans commencing in November 2014. But the examination was subsequently suspended to enable additional work to be undertaken on such matters as objectively assessed need for housing. This work was completed and

² CDD3

³ CDB1

⁴ CDB2

⁵ Selected extracts at CDC1

the SOCG explains that examination hearings have now recommenced, with the programme currently scheduled to extend into 2017.

11. At the national level the National Planning Policy Framework⁶ (“the Framework”), published in 2012, and the Planning Practice Guidance (PPG) initially published in 2014, are material considerations in the determination of this appeal.

Environmental impact

12. The Council has screened the proposal in accordance with the Environmental Impact Assessment (EIA) Regulations and has come to the view that it is not EIA development as it would not be likely to have significant effects on the environment by virtue of such factors as its nature, size and location⁷.

Main issues

13. Having regard to the various matters raised in evidence and discussed at the inquiry I consider that the main issues can best be stated as:
- i. The effect of the proposed development on the character and appearance of the surrounding area;
 - ii. Its effect on the setting of Fulbourn Conservation Area ;
 - iii. Its effect on areas of ecological or nature conservation interest;
 - iv. The weight which should be given to policies for the supply of housing;
 - v. The weight which should be given to Policy NH/12 of the emerging SCLP and the proposed designation of the appeal site as a Local Green Space;
 - vi. Whether the submitted planning obligations would satisfactorily address the impact of the proposed development;
 - vii. Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework.

Reasons

14. There was some discussion at the inquiry regarding the reference in the Council’s first reason for refusal to the “collective adverse impact” on a number of matters. The appellant maintains that this has to mean that none of the items referred to would, individually, justify refusal of planning permission, whereas the Council’s position is that each of the matters subsist as independent reasons for rejection of the appeal proposal, as well as collectively. For my part, I have simply assessed the appeal proposal on its own merits, under the main issues defined above, and have concluded, on the planning balance, as set out later in this decision.

Main Issue 1 – The effect of the proposed development on the character and appearance of the surrounding area

15. The appeal site lies adjacent to, but outside, the development framework of Fulbourn, as set out under LDF Policy DP/7, and also in the emerging SCLP under Policy S/7. The planning application was supported by a Landscape and Visual Appraisal⁸ (LVA) which, in summary, concludes that the appeal site could successfully accommodate residential development, assimilated into the existing settlement edge within a robust landscape framework. As such, it considers that the proposed development would be acceptable in landscape and visual terms, would be sympathetic to the existing townscape and landscape character, and would respond appropriately to relevant policy at national and local levels.

⁶ CDA1

⁷ CDE1

⁸ CDE13

16. This view was echoed by the appellant's landscape witness who maintained that aside from an inevitable change in the character of the appeal site itself, there would be no wider significant landscape or visual impacts, given the existing high level of containment of the site by built form or mature, substantial vegetation.
17. In contrast, the Council's landscape witness argued that the proposal would result in potentially significant adverse impacts on local views and on the character of the site, because of the large change that might occur to its vegetation cover and landform, the effect on the openness of the Green Belt, and views across and of the site. He also considered that the magnitude of the change of views would be high, and that the sensitivity of key receptors would be medium/high, meaning that overall the significance of effect would be major at the local level.
18. I have had regard to these conflicting views, and have also considered the photographic evidence from representative viewpoints submitted by all parties. I also made my own assessments on site, with the assistance of the illustrative material contained in the Design and Access Statement⁹ (DAS), the submitted parameters plan and the illustrative layout. For the reasons detailed below, I favour the appellant's assessment of the likely implications and impact of the proposed development. On a specific point, as the appeal site does not lie within the Green Belt I do not agree with the Council that the proposal would adversely impact upon the openness of the Green Belt.
19. The site lies within National Character Area (NCA) 87 – East Anglian Chalk¹⁰ – and within the Chalklands County Landscape Character Area¹¹ (LCA). At a more local level the vast majority of the site lies at the southernmost extremity of the Little Wilbraham Fen District Landscape Character Type (LCT), with just a small part sitting within the Fen Edge LCT. This Fen Edge LCT is split into smaller LCAs, with the Fulbourn Eastern Fen Edge LCA almost completely surrounding the appeal site on its western, southern and eastern sides. These landscape character assessments all acknowledge that settlements are characteristic components of the landscape within which Fulbourn and the appeal site are located, and they all provide guidance and design principles for successfully accommodating new development within the landscape.
20. The DAS and the illustrative layout plan indicate how these design principles could be accommodated within the proposed development by such things as retaining the majority of the existing vegetation structure within and surrounding the appeal site; ensuring the development is appropriate to the setting; improving green infrastructure; ensuring the development is integrated with sufficient space for garden and street tree planting; and creating new village greens and/or wildlife areas within the new development. Although the appeal proposal would comprise a cul-de-sac development, there are clearly other culs-de-sac in Fulbourn and I am not persuaded that the form of the proposed development would be unacceptably out of keeping with the rest of the village.
21. It is common ground that the appeal site is characteristic of Fen Edge landscape and that Fulbourn has a rural setting, with the appellant acknowledging this in its DAS, as well as in a report prepared in 2007¹² and submitted by the appeal site landowner in 2011 in response to a call for potential housing sites. However,

⁹ CDE9

¹⁰ CDA5

¹¹ CDA7

¹² Doc 15

there is a clear difference between the parties regarding the likely impact of development on the appeal site in landscape and village character terms.

22. At my site visit I saw that the appeal site is well contained by a combination of built form and vegetation on most of its boundaries, and that as a result the locations from which the site can be seen and appreciated are very limited. Because of this I find it difficult to share the Council's view that the appeal site contributes substantially to the rural character of the village. Indeed, no meaningful views of the site are possible from Breckenwood Road or the Breckenwood Road Industrial Estate, or from Teversham Road, where the frontage residential development in well-treed gardens seems to be a key characteristic component of this part of Fulbourn.
23. The same, well-treed character, interspersed with predominantly residential development can also be found along Cow Lane, from where I saw that only very limited glimpsed views of the open nature of the appeal site can be obtained, across Poorwell Water and between some of the more modern dwellings which lie just to the west of Cox's Drove. Even so, boundary vegetation within the gardens of these latter dwellings restricts views of the appeal site's grassland, with only the tops of distant trees and the upper parts of some buildings in Cox's Drove capable of being seen from Cow Lane.
24. I acknowledge that a little more may be seen of the appeal site from Cow Lane during winter months, when the tree foliage would be thinner, although I consider that these views could still only be described as glimpsed. Whilst such views do give the impression of an open, undeveloped area to the north of Cow Lane the extent of these views is very limited and, for the reasons set out above, I am not persuaded that the appeal site contributes anything particularly meaningful to the rural character of the village in views from these aforementioned roads.
25. The situation is somewhat different from parts of Cox's Drove, where there is a common boundary with the appeal site and from where the site's open nature can be clearly seen. Some views of the site would also be available to passengers on the train, passing close to the site's northern boundary, but these would only be fleeting. However, no views of the appeal site are possible from the southern end of Cox's Drove, where it passes between residential properties, and use of this road is likely to be limited as it only serves a handful of residential and commercial properties, all located on its eastern side.
26. Importantly, not all of Cox's Drove is adopted public highway, and even though it continues northwards as a pedestrian route to a railway crossing point, this path does not feature on the definitive map as a public right of way. Rather, it was described at the inquiry as a private bridleway for the use of occupiers of properties in Cox's Drove and landowners to the north of the railway. I saw at my site visit that this bridleway appears to be largely impassable a little distance north of the railway, and there is no firm evidence before me to suggest that Cox's Drove and this bridleway are well used.
27. With these points in mind I am not persuaded that there is great scope for the appeal site to be seen and appreciated from Cox's Drove, and this reinforces my view that the site only plays a limited role in defining the rural character of the village. In coming to this view I have also been mindful of the fact that a number of vehicles associated with the businesses in Cox's Drove were parked adjacent to the appeal site at the time of my site visit, and I also saw that some of the Cow Lane properties feature in views across the appeal site. Taken together, these

aspects of the site's immediate surroundings introduce urban elements into the proximity of the site, and serve to highlight its edge of settlement nature.

28. I share the Council's view that the railway line does not read as an intrusive feature in landscape or visual terms, but do not agree that it results in no landscape separation between the settlement and the open countryside to the north. I saw at my site visit that other than when a train is actually passing along the track, the railway line and its associated vegetation has the clear character and appearance of a typical field boundary, and that from the publicly accessible locations along Cox's Drove no clear impression can be gained of the wider, open landscape to the north. As such, I consider that the railway line forms a natural northern boundary to the appeal site.
29. Moreover, with appropriate planting, landscaping and a sensitive layout of the proposed built form, I see no good reason why the railway could not also form an acceptable northern boundary to Fulbourn at this location, as it does immediately to the north and west of the appeal site at Breckenwood Road and to the west of Teversham Road. This view appears to be borne out by the Council's Strategic Housing Land Availability Assessment¹³ (SHLAA) of August 2013 which concluded, in its "Townscape and landscape impact" section, that *"Development of this site would have a neutral effect on the landscape setting of Fulbourn because the site is so well screened from the residential and commercial buildings that surround it on 3 sides with the railway forming a barrier to the north"*.
30. I turn now to consider Poorwell Water and the pumping station garden which, as noted above, are both designated as PVAAs. As such, the appeal proposal needs to be assessed against LDF Policy CH/6 which indicates that development will not be permitted within or adjacent to PVAAs if it would have an adverse impact on the character, amenity, tranquillity or function of the village. The supporting text to Policy CH/6 explains that PVAAs are important to the amenity and character of villages and should be protected for their own sake.
31. The appeal proposal would not impact directly upon Poorwell Water, but the Council and others are concerned that it would substantially change the physical and visual relationship of the appeal site with Poorwell Water and result in substantial visual harm to receptors within, and looking northwards across, this important amenity area. The Council also maintains that attempting to address this by substantial reinforcement of boundary planting between the appeal site and Poorwell Water, as the appellant proposes, would simply compound this harm by enclosing the amenity area from its surroundings to the north.
32. The character of the area to the north would clearly change as a result of the appeal proposal, but insofar as views from within Poorwell Water are concerned it seems to me that with a layout and landscaping as indicated on the illustrative plans, only partial views of the upper parts of a few new dwellings on the site would be seen, set back some 14m-17m from the site's southern boundary, as suggested in the appellant's LVA. This would limit their visual impact, and I see no reason why new planting would need to be so dense as to completely enclose this area from its surroundings to the north, as feared by the Council.
33. The likely overall effect is described in the LVA as being moderate adverse, and that does not seem unreasonable to me as visitors to Poorwell Water at the present time would not be unaware of nearby existing residential properties on

¹³ CDD1

Cow Lane and in The Pines. Because of this, I am not persuaded that glimpsed views of new dwellings on the appeal site would unacceptably harm the existing character of the area.

34. Furthermore, the illustrative proposals offer the potential (subject to agreement with the Parish Council), for visitors to Poorwell Water to lawfully continue into the appeal site and make use of a number of walks and open spaces proposed as part of the development. Whilst some of the proposed open space would accommodate the SuDS features, and would be seasonally wet, boardwalks are proposed through these areas so that public access would still be available at all times. This would result in a different type of experience to that which the current, open fields provide, but I am mindful of the fact that no formal public rights of way currently exist within the appeal site.
35. I also note that anyone who currently walks along the south-eastern part of the appeal site, between Poorwell Water and Cox's Drove, would be well aware of the existing residential properties which front each of those roads, as I saw at my site visit. In view of these points I do not consider that the appeal proposal would result in conflict with LDF Policy CH/6 insofar as Poorwell Water is concerned.
36. There is currently no public access to the second PVAA referred to above, the pumping station garden, although that would change with the appeal proposal as a new pedestrian entrance would be created somewhere along the Cow Lane frontage. The appeal proposal also seeks to remove some low-grade trees and restore this garden area and its pond to some semblance of its former condition. This would provide an area of some 0.81 ha of accessible open space, with a pedestrian link through into other walkways and areas of public open space within the main parts of the appeal site. Again, I do not consider that this would result in conflict with LDF Policy CH/6.
37. I turn finally to consider whether or not the appeal site can be considered as a valued landscape in the context of paragraph 109 of the Framework. As already noted, the appeal site has no landscape designation. Of itself, this does not mean that land cannot have the status of a "valued landscape", but the absence of a designation is a good indication that past, objective, assessment of the landscape has not caused anyone to conclude that it has particular value which needs to be marked out and noted.
38. It is clear from the representations made at application and appeal stages, as well as in the representations seeking to have the site designated as a Local Green Space (see later), that local people do value this area of currently open land. However, a recent Court judgement¹⁴, indicates that in the absence of any formal landscape designations or other protection, a site needs to have some "*demonstrable physical attribute rather than just popularity*" for it to be considered as valued under Framework paragraph 109. On the basis of the evidence before me, including the matters set out above, I do not consider that the appeal site has any such qualities. Because of this, I do not regard it as a valued landscape, deserving of protection under paragraph 109.
39. Drawing all the above points together I conclude on this first main issue that the appeal proposal would result in a form of development which would not be out of keeping in this part of Fulbourn, and would therefore not have an unacceptable impact on either the character or the appearance of the surrounding area.

¹⁴ CDG5

40. Accordingly I find no conflict with LDF Policies DP/1, DP/2, DP/3 or NE/4, referred to in evidence by the Council. In summary, Policy DP/1 requires, amongst other things, that new development should be appropriate to its location, scale and form, and should conserve and wherever possible enhance local landscape character. Policy DP/2 seeks to ensure that new development preserves or enhances the character of the local area, whilst Policy DP/3 seeks to preclude development which would give rise to an adverse effect on things such as village character and countryside and landscape character. Finally, Policy NE/4 requires new development to respect and retain or enhance the local character and distinctiveness of the individual LCA in which it is located.

Main Issue 2 – The effect of the proposed development on the setting of Fulbourn Conservation Area

41. The Council's first reason for refusal contends that the appeal proposal would have an adverse impact on the setting of the Fulbourn Conservation Area, but provides no further information on the alleged extent of that harm. Its written evidence claims that there would be conflict with LDF Policy CH/5, which requires that applications for proposals that affect conservation areas are determined in accordance with legislative provisions and national policy, together with guidance contained in specific CAAs and the District Design Guide¹⁵. The relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of such areas.
42. National policy is set out in the Framework, with paragraph 132 making it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework explains that in this context, "significance" is the value of a heritage asset to this and future generations because of its heritage interest; and that that interest may be archaeological, architectural, artistic or historic. It further notes that significance derives not only from a heritage asset's physical presence, but also from its setting. At the local level, the Council adopted the Fulbourn CAA¹⁶ in 2008, and a Supplementary Planning Document (SPD) Development Affecting Conservation Areas¹⁷ in 2009.
43. In this case no harm is alleged to the conservation area itself, with the principal area of dispute between the parties being what impact, if any, the appeal proposal would have on the conservation area's setting, and hence on its significance. The setting of a heritage asset is defined in the Framework as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
44. The Council first designated a conservation area at Fulbourn in 1975, covering the historic core of the village, and then extended it in 1992 to include the former Fulbourn Waterworks on Cow Lane, which abuts the appeal site to the south. This Waterworks area was not contiguous with the originally designated historic core of the village, but these 2 parts were joined together in January 2008 by the

¹⁵ CDD4

¹⁶ CDD3

¹⁷ CDD5

inclusion of Pierce Lane within the conservation area designation. The issue in this appeal relates predominantly to impact on the Waterworks area and its setting.

45. The Council points to the "Key Characteristics" section of the CAA¹⁸ which states, amongst other things, that the *"fields that surround the village and the greens that mark the meeting and division of roads are all an important part of Fulbourn's strong rural character, and should continue to be protected"*. It argues that the appeal site falls into the category of "fields surrounding the village" and, as such, should be protected, as stated. However, a fuller reading of this paragraph makes it clear that the protection is considered necessary *"so that Fulbourn continues to be a separate place, rather than being subsumed into that almost continuous belt of suburb that stretches south-eastwards from Cambridge via Cherry Hinton"*.
46. There is no suggestion that development on the appeal site would make Fulbourn less of a "separate place", and I have already concluded that development could take place on the appeal site, in keeping with the character of the village. I am therefore not persuaded that the appeal proposal would be unacceptably at odds with this defined key characteristic. In any case, the appellant has pointed out that nowhere does the CAA identify the appeal site as contributing to the significance of the conservation area, a point which the Council has not disputed.
47. Moreover, although I have noted the Council's contention that the Waterworks were located purposefully remote from the settlement and bordering the countryside to the north, there is no firm evidence before me to suggest that this location was chosen because of any anti-social aspects of the Waterworks operation, as opposed to it simply being the most appropriate location close to the source of well water. But regardless of the reason for its location, in functional terms there appears to be no historical link with the appeal site, save possibly for surface water discharge to the award drain which runs along the southern boundary of the site. I share the appellant's view that if any such connection still exists, it would not be affected by the appeal proposal, nor would it be of any materiality in understanding what is special about the pumping station building.
48. In any case, as the Framework explains, the setting of a heritage asset can change over time, as the asset and its surroundings evolve. That is clearly a relevant point here, as whilst the historic maps show that the Waterworks, Poor's Well, Poorwell Water and the nearby cart wash or horse pond on Cow Lane were all once separated from the main built-up part of Fulbourn, that is not now the case. Indeed, the submitted evidence indicates that Poor's Well used to be the main source of water for the village of Fulbourn¹⁹, such that there seems to me to be a greater functional link between the Waterworks area and the built-up area of the settlement to the south, that with the rural area to the north.
49. That said, there is a clear physical proximity between the appeal site and that part of the conservation area which includes the pumping station garden and Poorwell Water, where people can currently visit or where they would be able to visit under the appeal proposal. The fact that such visitors would be able to obtain glimpsed views of development on the appeal site has to mean, in my assessment, that the appeal site should be considered as serving as some part of the setting of the conservation area. I note that this was the view of the consultants (CgMs) who prepared the Heritage Statement²⁰ which accompanied the planning application in

¹⁸ Paragraph 8.1 of CDD3

¹⁹ See paragraph 9.3 in CDD3

²⁰ CDE11

2014, and was also the view of English Heritage²¹ (EH) in its consultation response on the original application²².

50. However, in the version of the scheme seen by EH, a play area was proposed for part of the pumping station garden, and this prompted it to comment that such a feature would fit awkwardly in this historic context. It also considered that 2½ storey dwellings, as indicated by the parameters plan, would not be appropriate on the edge of the village. But even with these points in mind, EH considered that the likely scale of any harm would be limited, and that it might be possible to mitigate at least part of that harm through control of the scale and layout of the development, and by relocating the Local Equipped Area of Play (LEAP) to elsewhere on the site.
51. To address these points, a suggested condition to control building heights has been put forward and agreed between the main parties, and in the currently submitted parameters plan and illustrative layout the LEAP has been moved to a location within the eastern field. Furthermore, CgMs commented in the Heritage Statement that any less than substantial harm could be mitigated, and possibly reduced to a negligible or neutral level, by the setting back of any built form from the boundary of the conservation area.
52. With these points in mind, I conclude that, at most, the appeal proposal would only have a very minor adverse impact on the setting of the conservation area and, in turn, would only have a very minor adverse effect on its significance. Using the wording of the Framework I place this impact at the bottom end of the "less than substantial harm" range. Accordingly, this harm needs to be weighed against the public benefits of this proposal, as detailed in paragraph 134 of the Framework, a matter I address later in this decision, when all the potential benefits have been identified.
53. However, before leaving this issue it is necessary to consider whether the appeal proposal would give rise to any heritage benefits which would also need to be assessed in the overall balance. In this case it seems to me that there would, indeed, be benefits arising from the proposed restoration and opening to the public of the former pumping station garden. I consider that this would allow for a better appreciation of this part of the conservation area and should therefore be seen as a modest enhancement.
54. On a final point, the Council has made reference to an appeal decision issued in June 2016, relating to an outline proposal for 50 dwellings on land to the north of Lanthorn Stile, Fulbourn²³. That site also abuts the conservation area, and the Inspector in that case commented that "*the historic pattern of development along the main roads adjoins the open countryside and the open land forms a key part of the character of the area. By providing an open setting to the Conservation (sic) it positively contributes to its value as a heritage asset*". The Inspector went on to comment that with the proposed development, "*urbanisation of the site would clearly alter the setting and erode the historic relationship of the village with the open countryside beyond*".
55. The Council argues that the same relationship and the same adverse effect would apply in the current case, but I do not agree. Firstly, I saw at my site visit that

²¹ Now Historic England

²² Within CDE5

²³ Reference: APP/W0530/W/16/3144909

the Lanthorn Stile site has a much more open feel to it than the current appeal site, with noticeably less boundary planting and no clearly defined northern boundary. In addition, as roads such as The Chantry and Lanthorn Stile lie very close to the conservation area boundary, it seems to me that development on the Lanthorn Stile site would be much more clearly visible from within the conservation area than would be the case with the current appeal site.

56. In any case, the Inspector concluded that the impact would be less than substantial, which is within the same range that I consider applies in the current case. The facts are clearly different between this earlier case and the matter before me, and I see nothing in this Lanthorn Stile decision to cause me to give any different weighting to the low level of harm I have identified.

Main Issue 3 –The effect of the proposed development on areas of ecological or nature conservation interest

57. The Council's written evidence alleges that the proposal would be at odds with LDF Policy NE/6: Biodiversity. Amongst other matters, this states that the Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat, unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations. The Council also alleges conflict with the Framework, particularly paragraphs 109 and 118.
58. The appeal site is not subject to any conservation designation, and the parties agree that the site's grassland habitat represents the most important element of its ecological interest. There was, however, a significant difference of opinion regarding the extent and frequency of occurrence of the various grassland species; the consequent implications for the status or value of the site; and the overall success or otherwise of any proposed mitigation measures.
59. The Council maintains that the appeal site is of borderline County Wildlife Site (CWS) status, citing the findings of a Targeted Botanical Survey undertaken by the Wildlife Trust²⁴ (WT) in June 2016²⁵, along with earlier studies by MKA Ecology Limited (MKA) in 2012 and 2014²⁶. The 2016 survey found that as a whole, the appeal site contained 46 grassland species which is just short of the 50 species required for selection as a CWS, but that the western field contained at least locally frequent numbers of 3 or more strong neutral grassland indicator species and would therefore meet the CWS selection criteria for grasslands²⁷.
60. However, some of the reported findings do not appear to be fully verified, whilst others do not seem to be borne out by the illustrative material contained in these same reports. In particular, and notwithstanding the Council's comment to the contrary²⁸, the MKA Phase 1 Habitat Survey does not record the frequency of occurrence of the grassland indicator species, but highlights the fact that they were not widespread across the site. Because of this, it is difficult to verify whether these indicator species occur "frequently", which is the requirement for

²⁴ The Wildlife Trust for Bedfordshire, Northamptonshire and Cambridgeshire

²⁵ Appendix 2 to Mr Mungovan's evidence

²⁶ See CDE12 and Doc 22

²⁷ See Appendix 3 to Mr Mungovan's evidence

²⁸ Paragraph 53 of Doc 30

CWS selection²⁹, and which the Council's ecology witness explained means with an occurrence of 40%-60%, in accordance with the DAFOR³⁰ scale.

61. Moreover, even though the 2016 WT survey refers to the western field containing at least locally frequent numbers of adder's-tongue, yellow rattle and glaucous sedge, this does not appear to be reflected in the plans which accompany this survey. Rather, these only show adders tongue as occurring anything like frequently, with glaucous sedge not shown at all within the western field. This seems to broadly be confirmed by 2 more recent surveys undertaken by the appellant in 2016³¹, and also by a further assessment of the 2012 and 2014 MKA surveys³². On this basis, it seems to me that the site should be seen as simply of local ecological significance, rather than of borderline CSW quality.
62. The Council has cited guidance issued by the Chartered Institute of Ecology and Environmental Management³³ (CIEEM), to support its view that rather than just considering the site's current condition, regard should also be had to the potential for improving the site's habitat. However, the appellant points out that the site could be cleared at any time, such that its current ecological value is not secure, and that there is no realistic prospect of the appellant allowing its ecological value to do anything other than decline, if the development does not proceed³⁴.
63. That said, it is the appellant's case that if planning permission was to be granted, all impacts of the proposed development could effectively be mitigated and there would be significant opportunities for biodiversity enhancement on the site. These mitigation and enhancement measures could be delivered through a Landscape and Biodiversity Management Plan, which could be secured by condition. This position is supported by the MKA Phase 1 Habitat Survey which, despite taking the view that the semi-improved neutral grassland is potentially of CWS quality, still concludes that development could acceptably take place on the site.
64. Indeed, one of its specific recommendations is that where possible, areas of this grassland habitat type should be retained and enhanced within the development. It also recommends that consideration should be given to the translocation of target species such as early marsh orchid and adder's tongue into the proposed retained areas, and that a management plan should be developed to ensure that the retained areas of grassland are enhanced and conserved in the long-term.
65. I have noted the Council's concerns about the difficulties of successful translocation of grassland species, and its reference to the Joint Nature Conservation Committee's document A Habitats Translocation Policy for Britain³⁵, which makes it clear that translocation of habitats is not an acceptable alternative to in situ conservation. Similar views are expressed in Habitat translocation: a best practice guide³⁶. However, I share the appellant's view that much of the concern and disquiet regarding translocation in both of these guides appears to be directed towards habitats of high conservation interest and, as such, carry less weight in the context of this site of purely local interest.

²⁹ See Appendix 3 to Mr Mungovan's evidence

³⁰ DAFOR scale: a common means of describing ecological frequency - Dominant (80%+); Abundant (60%-80%); Frequent (40%-60%); Occasional (20%-40%) and Rare (1%-20%)

³¹ See Appendix A to Mr Ellis's evidence

³² Doc 22 – Assessment of Species of Botanical Interest, MKA Ecology Limited, 2 April 2015

³³ Paragraph 4.17 of CDH4 - "Guidelines for Ecological Impact Assessment in the UK and Ireland"

³⁴ Paragraph 4.25 in Mr Kosky's evidence

³⁵ CDH5

³⁶ CDH3

66. This guidance indicates that knowledge of the soil and hydrological conditions is critical if translocation is being considered³⁷, and I understand that no such assessments have been carried out from an ecological perspective. That said, the appellant comments that the only species of local interest which would require translocation is adder's tongue, which is widely distributed across the site suggesting that if there are groundwater variations, it is insensitive to them. All other relevant species are stated to be relatively undemanding in terms of soil condition, with there being sufficient flexibility within the scheme to ensure that they would be provided with the conditions they most need. No firm, contrary evidence has been placed before me to dispute these points.
67. Turning to hydrological matters, it is clear that certain aspects of the proposed development layout have been driven by the need to take account of and accommodate surface water flooding of parts of the site, which is identified as lying within Flood Zone 1 on mapping provided by the Environment Agency (EA). Zoned as such, the site has been identified as being potentially liable to flooding as a result of surface water run-off shed from areas of Fulbourn which lie uphill of the site³⁸, and as a result of the site having a high groundwater level. This seems to be supported by representations made by interested persons and the evidence from FP, which speak of standing water on the appeal site at various times.
68. The surface water flood map shows that water flows onto the site over the eastern and southern boundaries, with the on-site chalk stream providing an onward route for this floodwater to leave the site. In order to allow floodwater to continue to pass through the site it is proposed to manage the risk of surface water flooding through the creation of raised development platforms some 300mm-600mm high³⁹. The appellant explains that these proposals have taken account of the site's high water table and would allow for the passage of water without affecting the development parcels, without leading to flooding elsewhere, and with no areas designed to be permanently wet.
69. Although interested persons raised objections to the Flood Risk Assessment, the appeal proposals were considered acceptable by the EA and the Council's Drainage Officer⁴⁰. Moreover, the proposals have subsequently been independently reviewed and assessed by HR Wallingford, who have concluded that the proposed development would be unaffected by surface water flooding, and that the drainage proposals would actually result in a slight reduction in peak flows downstream of the site⁴¹. No firm contrary evidence has been put forward to contest these conclusions, and I therefore give them significant weight.
70. The fact that the need to accommodate surface water floodwater and provide public amenity space has taken precedence over habitat development, does not automatically mean that acceptable habitat and ecological mitigation and enhancement measures could not also be achieved. That would be a matter to be explored at any future detailed design stage. But I see no good reason why a satisfactory layout, to accommodate drainage requirements and habitat management and enhancement proposals, could not be prepared along the lines of that included in the appellant's ecology witness's evidence⁴².

³⁷ See page 15 of CDH3

³⁸ This surface water run-off from outside the site is also referred to as run-on

³⁹ See section 5 of Mr Totman's evidence

⁴⁰ See section 6 of Mr Totman's evidence

⁴¹ Appendix E to Mr Totman's evidence

⁴² See Appendix B to Mr Ellis's evidence

71. This illustrative Habitat Management and Drainage Plan shows that the principal concentration of the early marsh orchid and the only common twayblade plants would remain in situ, with adder's tongue also present in the areas to be retained. Such a scheme would therefore result in the retention in situ of 3 of the key grassland indicator species.
72. Insofar as there would be the likelihood of disturbance to any of the retained or translocated grassland habitat arising from any future residential development, I note that MKA provide an explicit recommendation to address such matters in its report of April 2015⁴³. This sets out suggested measures to minimise the long-term impacts of human disturbance if the development was to proceed, and whilst such measures could not eliminate all harm, no firm evidence has been submitted to demonstrate why, with good design and high quality management, the appeal proposal could not deliver meaningful ecological mitigation and enhancement.
73. Indeed, the appellant has stressed that a number of ecological benefits, would flow from a grant of planning permission. In particular, the chalk stream would be cleared of shading, managed and maintained to the benefit of ecology. As this feature is a UK Biodiversity Action Plan Priority Habitat, I consider that this proposed enhancement should be accorded significant weight. Although concern was expressed that this work could disrupt a foraging corridor used by pipistrelle bats, the appellant's comment that these bats are the least sensitive to light pollution was not disputed by the Council or others.
74. The proposed landscaping scheme is intended to provide additional boundary planting and allow for the management of existing planting, and would be accompanied by the provision of bat and bird boxes and a more diverse flora on the site itself⁴⁴. This could enhance the species mix and provide opportunities for protected species and species which do not presently use the site for roosting or breeding. Although FP is particularly concerned about the potential loss of habitat for breeding corn bunting, the appellant disputes the current presence of a breeding population, as no birds of this species were recorded on the site during 3 visits in 2016. But as MKA has put forward a recommendation showing how an appropriate breeding habitat could be incorporated into the site layout, I am not persuaded that this matter should weigh significantly against the appeal proposal.
75. The nature of the site would clearly change with the proposed development, but there would still be significant open areas and areas of existing and strengthened vegetation and, like the appellant, I consider that this would result in notable benefits for bats and the breeding bird population. No firm evidence has been submitted to support the views of FP and other interested persons, that the value of the site to birds would be harmed by the appeal proposal.
76. Furthermore, it seems to me that the existing reptile and grass snake population could be readily accommodated within the scheme, with a variety of areas of open space on the site being suitable for them. In particular, the pond in the pumping station garden would be suitable habitat for the grass snake population and large areas of the site would be suitable for the small population of lizards. I see no good reason why all such matters could not be delivered by the proposed Landscape and Biodiversity Management Plan, and consider that this would offer real potential for enhancement of the site's ecological value.

⁴³ Doc 22

⁴⁴ See, for example, paragraphs 59 & 60 of Mr Ellis's evidence

77. Drawing all the above points together, on balance I conclude that subject to the satisfactory implementation of an agreed Landscape and Biodiversity Management Plan, which could be secured by condition, the proposed development would not have an unacceptably harmful impact on areas of ecological or nature conservation interest. Accordingly I find no conflict with adopted LDF Policy NE/6, referred to earlier. Nor do I consider the appeal proposal to be at odds with paragraphs 109 and 118 of the Framework which, in summary, require the planning system to conserve and enhance biodiversity, minimising impacts and providing net gains where possible.

Main Issue 4 –The weight to be given to policies for the supply of housing

78. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.

79. Of particular relevance is Framework paragraph 49 which indicates that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 year supply of deliverable housing sites. In this case, the SOCG records that using a 20% buffer, the Council only has a 3.9 year land supply for the period 2015-2020. When calculated between 2016-2021 this increases to 4.1 years, but still falls well below the required 5 years.

80. Fulbourn is currently identified as a Rural Centre within the LDF Core Strategy, under Policy ST/4. This policy indicates that development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development. Insofar as these latter matters are concerned, the SOCG confirms that Fulbourn is well served by existing shops and services, which also provide employment opportunities. The SOCG also states that the appeal site is well located for access by sustainable modes of travel. I explore other infrastructure requirements, made necessary by the appeal proposal, under a later main issue.

81. Fulbourn is proposed to be designated as a Minor Rural Centre in the emerging SCLP, with development limited to an indicative maximum of 30 dwellings within the development frameworks of such settlements. However, as the SCLP is just at examination stage, I consider that only limited weight can be given to this policy at this time. This view is supported by the evidence of both the Council's and appellant's planning witnesses⁴⁵. Moreover, as the Council cannot demonstrate a 5 year supply of housing land, restricting development in the way suggested by this policy would not accord with the Framework's requirement that local planning authorities should boost significantly the supply of housing.

82. In this case the appeal site lies outside the current development framework for Fulbourn, set by LDF Policy DP/7, and insofar as both this policy and emerging SCLP Policy ST/4 seek to restrict development to within the currently defined settlement boundary, it is clear that they cannot be considered up-to-date in

⁴⁵ See paragraph 8.47 of Mrs Ballantyne-Way's evidence and paragraph 2.21 of Mr Kosky's evidence

accordance with paragraph 49 of the Framework. I return to consider the implications of this, when I assess the planning balance later in this decision.

Main Issue 5 – The weight to be given to emerging SCLP Policy NH/12, and the proposed designation of the appeal site as a Local Green Space

83. The Framework introduced the option for local communities to identify green areas which are of particular importance to them and to protect such areas from development by designating them as Local Green Space (LGS), through local and neighbourhood plans. Once designated, development would only be permitted on such areas in very special circumstances.
84. The emerging SCLP includes Policy NH/12, under which such LGS would be defined, and as part of the SCLP's development the appeal site has been identified as a potential LGS and has received some appreciable support, together with 1 objection, from the appellant⁴⁶. The Council cites this policy in its second reason for refusal, which maintains that in view of the site's close proximity to the community of Fulbourn, and demonstrable special significance arising from its beauty, recreational value, tranquillity and richness of wildlife, notable weight can be afforded to this proposed designation. The reason for refusal also states that no very special circumstances have been demonstrated to outweigh this harm.
85. However, paragraph 216 of the Framework makes it clear that the weight which can be given to relevant policies in emerging plans is dependent on a number of factors, such as the stage of preparation of the emerging plan; the extent to which there are unresolved objections; and the degree of consistency of the relevant policies to the policies in the Framework. On the first of these points I have already concluded, above, that because of the current stage of preparation of the SCLP, its policies can only carry limited weight in this appeal. The fact that there is an unresolved objection, on behalf of the site owner, is a further reason why this policy should only carry limited weight in this case.
86. Furthermore, on the basis of my findings on the earlier main issues, I consider it questionable whether the appeal site can reasonably be seen as fulfilling the requirements of the Framework or indeed the Council's own draft policy for LGS designation. Having regard to the matters set out in paragraph 77 of the Framework, and notwithstanding the assertions made in the Council's second reason for refusal, I am not persuaded that the site possesses any particular beauty, historic significance, or richness of wildlife.
87. In terms of recreational value, despite the evidence of use by the Council and particularly by interested persons⁴⁷, the fact remains that there are no formal rights of way across the appeal site, and as the appellant says, the submitted figures indicate that only a small proportion of the local catchment population appears to use the site on a regular basis⁴⁸.
88. Moreover, paragraph 76 of the Framework makes it clear that identifying land as LGS should be consistent with the local planning of sustainable development and should complement investment in sufficient homes, jobs and other essential services. However, I understand that the proposed designation of the appeal site as LGS dates back to 2012, well before the objectively assessed needs of the district had been assessed in accordance with Framework requirements. There is

⁴⁶ See the evidence of Councillor Williams

⁴⁷ See especially paragraph 4 in Mr Culshaw's evidence

⁴⁸ Paragraph 89 in Doc 31

no firm evidence before me to demonstrate that the credentials of this site as a contender for LGS designation have been reassessed in the light of the Council's current housing situation, where it cannot demonstrate a 5 year supply of housing land and where there is a significant need for affordable housing.

89. Because of this I share the appellant's view that LGS designations should not be applied to sites in sustainable locations, which are otherwise unconstrained and well suited for the development of new homes⁴⁹. This echoes guidance in the PPG, which states that plans must identify sufficient land in suitable locations to meet identified development needs, and that the LGS designation should not be used in a way that undermines this aim of plan making⁵⁰.
90. I acknowledge that there is strong support for the LGS designation of the appeal site from many local people, and that general support for the protection of the countryside around Fulbourn was identified as long ago as 2007, when the Parish Plan for Fulbourn was being prepared⁵¹. But for reasons already detailed above, I do not consider that this means that the appeal site should be considered a valued landscape in Framework terms, or that it satisfies the criteria for LGS designation. Accordingly, in view of all the above points, I conclude that very little weight should be given in this appeal to emerging SCLP Policy NH/12, and the proposed designation of the appeal site as a LGS. In these circumstances, there is no need for any very special circumstances to be identified.

Main Issue 6 – Whether the submitted planning obligations would satisfactorily address the impact of the proposed development

91. LDF Policy DP/4 indicates that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. In this regard the appellant submitted 2 planning obligations to accompany the appeal proposal: a bilateral agreement with Cambridgeshire County Council⁵²; and a unilateral undertaking (UU) in favour of the Council⁵³.
92. Under the bilateral agreement the appellant would make a number of agreed financial contributions relating to Early Years Education, Primary Education, Secondary Education, and Libraries and Lifelong Learning. There is no dispute between the parties regarding these contributions, the actual amounts of which, and timescale for payment thereof, would be dependent on the final number of dwellings to be built on the site and the detail of the subsequent applications for approval of reserved matters.
93. The appeal proposal would increase the population of the village and, without the agreed contributions, would place pressure on education services and facilities. I therefore conclude that these contributions would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, as they would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
94. The UU covers a number of matters, several of which have been agreed with the Council. There is no dispute regarding the arrangements for the provision of

⁴⁹ Paragraph 4.33 to Mr Kosky's evidence

⁵⁰ CDA2 – Paragraph 007 Reference ID 37-007-20140306

⁵¹ See paragraph 3 in Councillor Williams' evidence

⁵² Doc 32

⁵³ Doc 33

affordable housing, which would amount to 30% of the total housing units provided. Nor is there any dispute regarding the contributions offered for Waste Receptacles, Healthcare, Indoor Community Space or Sports Space, or for the Monitoring Fee. There are strong disagreements, however, relating to LEAP and open space provision, and whether the appeal proposal would accord with LDF Policies SF/10 and SF/11 which deal, respectively, with "Outdoor Playspace, Informal Open Space, and New Developments", and "Open Space Standards", and also with guidance in the Open Space in New Developments SPD⁵⁴.

95. The Council is concerned that the UU seeks to limit formal children's play space to the form of a LEAP. It argues that the quantum of formal play space to be provided could and most likely would exceed that which is required for a LEAP, and that the UU would not allow delivery of the full quantum of formal play space required under Policy SF/11 and paragraph 2.8 of the Open Space SPD. However, whilst the Council may prefer the UU to omit the specific reference to a LEAP in its table at paragraph 5.6, I am not persuaded that the inclusion of this reference places this aspect of the UU outside the requirements of the Open Space SPD.
96. I acknowledge that paragraph 2.4 of this SPD simply sets out a guide for when on-site provision will be sought, but it seems quite clear that the maximum number of dwellings proposed only requires the provision of a LEAP, with provision of a Neighbourhood Equipped Area for Play not being triggered on sites of less than 200 dwellings. Accordingly, and despite the Council's contrary assertions, I do not consider that the provision as proposed would be at odds with SPD requirements. As such, I do not find conflict with Policy SF/11.
97. I have noted the Council's contention that the UU does not make provision for ongoing maintenance, in accordance with Policy SF/10, and for Council step-in rights and indemnification, in respect of the very substantial areas of open space to be delivered over and above the formal and informal place space. It argues that if a detailed maintenance arrangement is required at this stage through a UU for the relatively modest area of space required to meet policy, there is no logical reason why the same arrangement is not required for the balance of open space, which would amount to some 3.29 ha⁵⁵.
98. It seems to me, however, that such matters could be dealt by means of the proposed Biodiversity and Landscape Management Plan which would cover these additional open space areas, and could be secured by condition⁵⁶. This negatively worded condition would not permit development to start until the aforementioned plan has been submitted to and approved in writing by the Council. The appellant has compared this condition to a further agreed condition, aimed at securing an acceptable surface water drainage scheme⁵⁷, which I understand is acceptable to the Council.
99. I note that the scheme referred to in the drainage condition is intended to cover details of the long-term ownership/adoption of the surface water drainage system, as well as its maintenance, but that there is no similar, explicit provision in the suggested Biodiversity and Landscape Management Plan condition. In some ways, this appears to go to the heart of the Council's concerns about step-in rights and indemnification in a case of default. That said, as currently worded, this condition

⁵⁴ See Appendix 1 to Doc 23

⁵⁵ See paragraph C.1 in Doc 23

⁵⁶ See Condition 12 in Doc 26

⁵⁷ See Condition 8 in Doc 26

makes it plain that the Biodiversity and Landscape Management Plan should include full details of measures required to deliver the long-term maintenance of all the areas providing landscape and ecological management, and should also address means of public access, including boardwalks.

100. As such, I see no reason why this condition could not give the Council the assurances and safeguards it seeks, especially as there would be further scope to pursue this issue in detail at reserved matters stage. In this regard I share the appellant's view that if it was felt that certain provisions could only be secured through a planning obligation, such as giving the Council step-in rights and/or securing a guarantee of long-term maintenance funding, then despite the Council's assertions to the contrary, the PPG would not rule this out⁵⁸. Put simply, if the Council was not satisfied that the submitted Biodiversity and Landscape Management Plan could and would make all the necessary provisions, including acceptable arrangements for long-term maintenance, it could refuse to approve it.
101. I am more concerned, however, about the Council's contention that the UU contains no adequate guarantee to provide indemnification, should the Council need to undertake maintenance of the LEAP and the informal open space, with the guarantee as proposed being deficient in 2 respects. Firstly, it maintains that as the offer of a guarantee is limited to circumstances in which the open space is transferred to a management company, it fails to address the position whereby the landowner elects to retain the open space itself, or transfer it to what the Council referred to as a "shelf company"⁵⁹. Secondly, it argues that a guarantee is only as strong as the reliability of the guarantor, and that the UU provides the Council with no control over the identity of the guarantor, which is fixed as the owner, whomsoever that may be.
102. I consider that there is some validity to these concerns, especially when what the UU offers is compared with paragraph 2.19 of the Open Space SPD. This makes it quite clear that for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed.
103. I note that clause 5.1 of the UU requires a "LEAP Scheme" and an "Open Space Scheme" to be submitted to the Council for approval, prior to commencement of the development. But whilst both of these schemes would require a programme and specification for the maintenance of the respective areas to be detailed and approved, neither provide any guarantee regarding effective implementation of the schemes or maintenance thereof. That appears to rely upon the requirements of clause 5.2 which indicates, in summary, that the owner will maintain the LEAP and the open space in accordance with the approved schemes.
104. But in this regard I share the Council's concern that if the owner transfers the LEAP and open space to a successor in title, as opposed to a management company, there is no provision in the UU for the Council to have any involvement. It could not therefore satisfy itself that a future owner would have the ability to provide the necessary long-term management and maintenance, as required by the aforementioned SPD. It is only if the owner decides to transfer the LEAP and/or open space to a management company that the Council would have an

⁵⁸ See Paragraph: 005 Reference ID: 21a-005-20140306, last bullet point

⁵⁹ Explained by the Council to be a company with no assets – see paragraph D.2 in Doc 23

involvement, insofar as it would be able to approve the Deed of Guarantee which the owner covenants to provide under clause 5.3 of the UU.

105. However, even in these circumstances the Council maintains that being able to approve the guarantee is not the same as being able to approve the guarantor, and it drew attention to 2 cases within the district where management companies had been wound up⁶⁰. The appellant's response is that the Council would not need to approve the guarantee unless it was satisfied as to the covenant strength of the covenantor⁶¹. But whilst this may be the case, this area of dispute, and the fact that the Council has had experience of management companies being unable to fulfil their obligations, causes me to have concerns as to whether this aspect of the UU would work effectively, in practice.
106. The Council had put forward 3 suggested alternative mechanisms which would have satisfied it on this matter, but none of these were acceptable to the appellant. These alternatives were that the UU should contain:
- a guarantee from an entity/body named at this stage, with sufficient assets/net worth to give the Council (and the Inspector) sufficient assurance that the guarantee would address "permanent, managed open space available for the benefit of the whole community"⁶²; or
 - a mechanism for future submission of a named Guarantor to the Council for approval and for the submission to include details of the assets/net worth of the Guarantor being proposed⁶³; or
 - fall-back arrangements with liability passing to plot purchasers in the event of default⁶⁴.
107. I understand that this final alternative, which has been used in other recent planning obligations within the district (both bilateral and unilateral), was under discussion between the Council and the appellant until after the opening of this inquiry, but was then withdrawn by the appellant⁶⁵. These alternatives do not seem unreasonable to me, and the appellant's unwillingness to embrace any of them reinforces the concerns I have already expressed about the ability of the arrangements in the UU to fulfil the responsibilities placed on a developer by Policy SF/10 and paragraph 2.19 of the Open Space SPD, detailed above.
108. Clause 5.4 of the UU does provide a mechanism for the Council to rectify any material default of compliance by the owner or any management company in respect of the ongoing maintenance of the LEAP and/or the open space, by allowing the Council to call for payment of the "Maintenance Contribution". But this clause also states that on payment of this contribution, the obligations of the owner or management company to maintain the LEAP and or open/space (as appropriate) shall be discharged. The Council has made it clear that it finds this discharge provision unacceptable, and again it seems to me that this mechanism would be at odds with the requirements of paragraph 2.19 of the Open Space SPD as it would remove the developer's/owner's responsibility to guarantee satisfactory long-term maintenance and management of these areas.

⁶⁰ See paragraph D.6 and Appendix 5 in Doc 23

⁶¹ See paragraph 96 in Doc 31

⁶² This quote comes from the appellant's Statement of Case, which refers to the proposed development as the catalyst (via the S106 agreement) for the dedication of nearly half of the site as permanent managed open space available for the benefit of the whole community. See paragraphs B.2, D.3.1 and Appendix 3 to Doc 23

⁶³ Paragraph D.3.2 in Doc 23

⁶⁴ The Council referred to other recent planning obligations where this mechanism has been accepted – see paragraph D.3.3 and Appendix 6 in Doc 23

⁶⁵ See paragraph D.4 and Appendix 7 in Doc 23

109. A final matter of disagreement between the parties relates to the timescale for provision of the LEAP and open space. The UU would permit no more than 75% of the open market units to be occupied until the LEAP and open space have been properly and fully laid out and made available to the residents of the development. But as the Council points out, that this could mean as many as 91⁶⁶ dwellings, or some 82% of the overall development, being occupied before new residents could use the LEAP and open space⁶⁷.
110. Similarly, the requirement to dedicate the LEAP and open space for public use would not arise until this same 75% target has been reached. Conceivably, the appellant could decide to stop the development short of this target, such that subject to Clause 5.1(b)(i) of the UU, up to 90 dwellings could be built and occupied with no LEAP and no open space provision at all. This would be in conflict with LDF Policy SF/10, and would result in an unacceptable development. In light of these points I share the Council's view that such a high threshold would be unreasonable, and consider that the Council's suggested alternative trigger of 50% of all dwellings would be both reasonable and proportionate.
111. I have noted the appellant's comment that the 75% figure was chosen because of safety considerations arising from the proposed layout of development, the fact that the site is to be served just from Teversham Road, and the need to avoid construction vehicles having to pass over or close to the proposed LEAP. But as the detailed layout of the site is yet to be agreed, I see no good reason why a lower threshold, to benefit future residents, could not be devised.
112. Taken together with my adverse findings already set out above, this latter point reinforces my view that the UU would not make suitable arrangements for the provision of infrastructure necessary to make the scheme acceptable in planning terms, as required by LDF Policies DP/4 and SF/10. I do not consider that this is a situation I could seek to resolve by the imposition of additional conditions, to take precedence over the UU (as set out in Clause 3.6), as any such conditions would have to cover matters which the appellant has already declined to accommodate. As a result, my overall conclusion on this issue is that the appeal proposal would fail to satisfactorily address the impact of the proposed development.

Main Issue 7 – Whether the appeal proposal would represent sustainable development in the terms of the Framework

113. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to this - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs, and what weight this should carry in my overall assessment. Then, as the development plan policies for the supply of housing are out-of-date, I assess the proposal in accordance with the fourth bullet point of paragraph 14 of the Framework, to determine whether or not the appeal proposal can be considered to be sustainable development.

The economic role

114. It is clear that a number of economic benefits would flow from this development, if permitted, as was recognised in the officer's Committee report. Up to 110 new

⁶⁶ comprising 58 open market dwellings and 33 affordable units

⁶⁷ See paragraph 78(iv) in Doc 30

market and affordable dwellings would contribute to the vitality of the area and would help support economic activity and growth. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term the provision of housing would help meet the needs of businesses in Cambridge⁶⁸.

115. Despite claims from both the Council and FP that the need for advanced earthworks and ecological surveys and other concerns such as noise implications (see later) would be likely to reduce the number of dwellings which could be completed within a 5 year period, this view is not supported by the Statement of Delivery prepared by Carey New Homes⁶⁹. This indicates that all dwellings could be completed on site within an overall 4 year period, from the start of any detailed planning exercise, and it seems to me that this would allow adequate time for the necessary earthworks and any additional surveys to be undertaken. In the absence of any firm, factual evidence to the contrary, I have to have due regard to this Carey New Homes assessment.
116. These benefits would not be unique to this development, but would flow from any new housing development within the district. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs heavily in the appeal proposal's favour.

The social role

117. A key strand of the social role is the provision of housing to meet the needs of present and future generations and, as already noted, the appeal scheme would deliver much needed market and affordable housing with up to 77 market units and up to 33 affordable homes. This has to be viewed in the context of the fact that the Council can currently only demonstrate a 4.1 year's supply of deliverable housing sites, well below the 5 year supply required by the Framework.
118. I give little weight to the Council's contention that it has been actively addressing this housing land deficit by granting planning permission for some 570 dwellings since April 2016. It seems to me that the appellant is correct in saying that this is barely sufficient to meet the assessed need which has arisen over the last 5 months⁷⁰. Moreover, I share the appellant's view that as some 199 of these dwellings were allowed on appeal, this is not indicative of a Council recognising that it needs, itself, to be taking steps to boost housing provision⁷¹.
119. The evidence before the inquiry also indicates that there is a significant shortage of affordable housing within the district, with a recent appeal decision in the district issued in August 2016, identifying a "chronic shortage" of affordable homes, amounting to an existing need at 2013/14 of 2,846 dwellings⁷². No firm evidence has been submitted to indicate that this situation has materially changed since 2013/14. I also note the appellant's comment that there is a recently assessed need for some 79 affordable homes in Fulbourn⁷³, and whilst there is nothing to suggest that affordable units on the appeal site would specifically address this identified local need, this does not diminish the weight which should be given to much needed, policy compliant affordable housing.

⁶⁸ See paragraph 58 in CDE6

⁶⁹ Appendix J to Mr Totman's evidence

⁷⁰ Paragraph 15 in Doc 31

⁷¹ *ibid*

⁷² Paragraph 17 of CDF5

⁷³ Page 3 in Appendix 8 to Mr Kosky's evidence

120. FP asserted that the total amount of housing to be provided would only represent a very low percentage of the Council's overall objectively assessed need, but the same could be said of any modestly-sized housing proposal. In itself, this is therefore not a good reason to prevent such development from proceeding, and I give it little weight. I also give little weight to FP's assertions, referred to earlier, that likely difficulties and delays in delivery should lessen the weight to be given to the benefits arising from new dwellings on the site, as it was unable to submit any firm, factual evidence to support these views.
121. However, the potential benefits detailed above have to be tempered by my concerns regarding the UU. The Framework makes it clear that the social role of sustainable development embraces more than simply housing numbers. It requires the supply of housing to reflect the community's needs, and support its health, social and cultural well-being. I find it very difficult to be confident that the appeal proposal would achieve these aims, and make adequate provision for the needs of future residents, when there seems to me to be a high degree of uncertainty regarding the provisions for long-term maintenance of the LEAP and the open space – and indeed, some uncertainty as to whether the LEAP and open space would be delivered at all.
122. Taking a precautionary view on this matter, I consider that the proposed development would fail to satisfy the social role of sustainable development, and that this should weigh against the appeal proposal.

The environmental role

123. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment, and I have considered these matters in detail under the first 3 main issues, above. I have concluded that the appeal proposal would not have an adverse impact on the character or appearance of the surrounding area nor, subject to the successful implementation of an agreed Landscape and Biodiversity Management Plan, would it have an unacceptable impact on areas of ecological or nature conservation interest.
124. Insofar as the impact of the proposed development on the historic environment is concerned, I have concluded that there would be less than substantial harm to the significance of the Fulbourn Conservation Area, with this harm being at the bottom end of the "less than substantial" range. I need to consider whether this harm to the designated heritage asset would be outweighed by the public benefits of the proposal, in accordance with paragraph 134 of the Framework.
125. To be set against this harm there would be the economic benefits I have just identified above. These benefits weigh heavily in the appeal proposal's favour. I also attach weight to the specific heritage benefits arising from the proposed restoration and opening to the public of the former pumping station garden, as set out in paragraph 53 above. There would also be a number of ecological benefits, arising from the proposed positive management of the site, and the other matters detailed in paragraphs 73 to 76 above.
126. Overall, in carrying out the necessary balance, I consider that notwithstanding the great weight which I give to the conservation of the designated asset, the public benefits outlined above would outweigh the low level of "less than substantial" harm which I have identified would be caused to the Fulbourn Conservation Area. In other words the appeal proposal passes the "paragraph 134" test.

127. Having regard to all the above points, I conclude that the proposed development would satisfy the environmental role of sustainable development. This also weighs heavily in favour of the appeal proposal.

Other matters

128. Before undertaking the assessment under the fourth bullet point of the Framework's paragraph 14, it is necessary to consider whether any of the other matters raised weigh significantly for or against the appeal proposal. I have had regard to the significant number of written representations submitted by interested persons, covering a wide range of topics. However, the majority of these raise matters which have already been addressed under the main issues in this decision, and it is therefore not necessary to deal with them separately here.
129. Many objections have been raised on highways related grounds, but these points were carefully considered by the Council and were not seen as valid reasons for refusal, as they could be addressed by conditions, or at any future reserved matters stage. On the basis of the evidence before me I share that view, and have not given these matters weight in reaching my decision. Some other matters do, however, warrant further consideration, as they were raised in the written evidence, or raised directly at the inquiry by FP or others, and I therefore deal with them in the following paragraphs.
130. A particular theme of the evidence presented by FP was that development of this site would present many difficulties, which could well lead to delays in the construction of any dwellings, if planning permission is granted, such that any benefits arising from additional housing would be reduced and should therefore carry less weight in the planning balance. I have already indicated that I do not consider these arguments to be justified insofar as any advanced earthworks and ecological surveys are concerned. A further matter raised in this context is noise.
131. The Noise Assessment Report submitted with the planning application recognises the potential for noise impact on occupiers of any new dwellings, arising from existing industrial activity from premises at the Breckenwood Road Industrial Estate. However, any such impacts could be mitigated by "acoustically treating" any noisy equipment at source, or by incorporating appropriate mitigation measures into the detailed design of the proposed development. These measures could be secured by suggested conditions, if planning permission was to be granted, and I see no reason why approval of such measures should unacceptably delay construction, as claimed by FP. In these circumstances, and in light of the Statement of Delivery prepared by Carey New Homes and referred to earlier, I cannot give these claims any meaningful weight.
132. Mr Godber, who spoke at the inquiry, claims that contrary to the information contained in the SOCG, there are several public rights of way which cross the appeal site. He states that Cambridgeshire County Council will need to investigate these claims and that this process will delay the construction of new housing (if planning permission was to be granted), such that there would be no prospect of housing being built on this site within 5 years. However, Mr Godber's claims have not been supported by any firm, factual evidence, and they are at odds with the agreed position of the 2 main parties as set out in the SOCG. In these circumstances I can only give these claims very limited weight.
133. Finally, Mr Godber also states that there is a real possibility that an application will be made to register part or all of the appeal site as a village green, which could

also have major implications for the timescale or realisation of any construction on the site. Again, however, no firm evidence has been put forward on this matter. Moreover, the appellant has highlighted the fact that the provisions introduced by the Growth and Infrastructure Act 2013 prevent an application for registration being made once notice of a planning application has been given, as here⁷⁴. No contrary evidence on this matter has been placed before me, and I therefore give little weight to Mr Godber's assertions in this regard.

Assessment under paragraph 14 of the Framework

134. This assessment has to be undertaken under the first sub-point of paragraph 14's fourth bullet point, as I have already concluded, above, that policies for the supply of housing have to be considered out-of-date, and the specific heritage policies of the Framework do not indicate that planning permission should be refused. In this context I have found in the appeal proposal's favour on many of the main issues, and have also concluded that the proposal would satisfy the economic and environmental roles of sustainable development. These matters, together, weigh heavily in the appeal proposal's favour.
135. However, my concerns regarding the UU, and the fact that I have found the proposal to be in conflict with LDF Policies DP/4 and SF/10, mean that I have serious doubts about the appeal proposal's ability to provide an acceptable development for future residents. As such, I do not consider that it would satisfy the social role of sustainable development. This is an important consideration, and in my assessment, the adverse impacts arising from this matter would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
136. Because of this I conclude that the appeal proposal cannot be considered to be sustainable development. This means that it does not benefit from the presumption in favour of such development, described in the Framework as the golden thread running through both plan-making and decision-taking. This is a material consideration in the overall planning balance, which I undertake below.

Planning balance and overall conclusion

137. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. Although policies for the supply of housing have to be considered out-of-date, other relevant development plan policies are up-to-date and should carry full weight. This applies to LDF Policies DP/1, DP/2, DP/3 and NE/4, dealing with design and landscape matters; Policy CH/5 dealing with conservation areas; and Policy NE/6 dealing with biodiversity. I have found no conflict with these policies.
138. However, LDF Policies DP/4 and SF/10, dealing with infrastructure and new developments; and outdoor playspace, informal open space and new developments, also carry full weight, and as detailed above, I have found that the appeal proposal would be in conflict with these policies. This conflict means that, despite my favourable findings on many of the main issues, the deficiencies with the UU mean that I cannot have any certainty that the appeal proposal would result in an acceptable development for future residents to live in. I do not

⁷⁴ Section 15C of the Commons Act 2006

consider that this matter could appropriately be addressed by any planning conditions I could impose.

139. My overall conclusion, therefore, is that the appeal proposal would be in conflict with the development plan and would not be sustainable development. The adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits which would arise from this development and I therefore conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR

APPEARANCES

FOR THE COUNCIL	
Douglas Edwards QC	instructed by the Head of Legal Services, South Cambridgeshire District Council (SCDC)
He called:	
Adrian Gascoyne BA(Hons) FSA MCIfA	Historic and Built Environment Manager, Essex County Council
David Bolt BA(Hons) CMLI	Technical Manager, Fairhurst Landscape and Urban Design
Rob Mungovan BSc(Hons) MIEEM	Ecology Consultancy Officer, SCDC
Sarah Ballantyne-Way BSc(Hons) MSc MRTPI	Director, SBW Planning Ltd

FOR THE APPELLANT	
Simon Bird QC	instructed by Michael Heyworth-Dunn, Legal Counsel, Castlefield International Limited
He called:	
Dr Chris Miele MRTPI IHBC	Senior & Owning Partner, Montague Evans
Lisa Toyne BA(Hons) DipLA DipTP CMLI	Landscape Planning Director, Barton Willmore LLP
Richard Totman BEng(Hons)	Director, Canon Consulting Engineers
Ian Ellis BSc(Hons) MRes MCIEEM	Principal Consultant, NIRAS Consulting Limited
Steven Kosky BA(Hons) DipTP MRTPI	Planning Director, Barton Willmore LLP

FOR FULBOURN PARISH (FP) (RULE 6(6) PARTY)	
George Crutcher DipUD MRTPI	Planning Consultant
He gave evidence himself, and called:	
Robert Culshaw FRSA FRGS MCIL	Local resident
Councillor John Williams	District and County Councillor
Mrs Alex Andrews	Local resident
David Cottee DArch RIBA	Local resident (did not attend the Inquiry – his statement was read out)

INTERESTED PERSONS OPPOSING THE PROPOSAL	
Paul Godber	Local resident
Martin Baker	Conservation Manager, The Wildlife Trust BCN
Graham Cone	District Councillor, Fulbourn Ward

CORE DOCUMENTS

Section A: National Planning Documents, National Guidance and Legislation	
CDA1	National Planning Policy Framework 2012
CDA2	National Planning Practice Guidance 2014
CDA3	Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England) 2015
CDA4	Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England) 2015
CDA5	NCA Profile 87: East Anglian Chalk
CDA6	NCA Profile 88: Bedfordshire and Cambridgeshire Claylands
CDA7	Vision for the Future Cambridgeshire Landscape, Cambridgeshire County Council 1991
CDA8	Conservation Area, Designation and Appraisal, Historic England Advice Note 1 2016
CDA9	BS 7913:2013 Guide to the Conservation of Historic Buildings 2013
Section B: Local Development Plan Documents	
CDB1	Selected South Cambridgeshire District Council Core Strategy 2007 Policies
CDB2	Selected South Cambridgeshire District Council Development Control 2007 Policies
Section C: Emerging Development Plan Documents	
CDC1	Selected South Cambridgeshire Local Plan Proposed Submission 2013 Policies
CDC2	Relevant Schedule of Proposed Modifications 2016
CDC3	Proposed Modifications Joint Consultation Report 2015
CDC4	Schedule of Proposed Major Modification to the Submission Local Plan 2014
CDC5	Local Plan Submission Inset Map 2013 - Fulbourn
CDC6	Local Plan Submission Inset Map Key
CDC7	Issues and Options 2 - Jan 2013
CDC8	Fulbourn Settlement Audit March 2014
CDC9	Objectively Assessed Housing Need: Further Evidence - PBA Nov 2015
CDC10	Objectively Assessed Housing Need: Response to Objectors - PBA March 2016
CDC11	Local Plan Inspector Letter 20 May 2015
CDC12	Council letter to EIP Inspector 30 June 2015
CDC13	Council letter to EIP Inspector 30 June 2015 ref Joint Trajectory
CDC14	Local Plan Inspector Letter 28 July 2015
CDC15	Local Plan Inspector Letter CIL 18 Aug 2015
CDC16	Council Letter to EIP Inspector 1 Sep 15
CDC17	Local Plan Inspector Letter 10 Sep 2015
CDC18	Council Letter to EIP Inspector 28 Sep 2015
Section D: Other SCDC Documents	
CDD1	Fulbourn Site Assessment Proforma SHLAA August 2013
CDD2	Local Development Scheme Addendum Nov 2015
CDD3	Fulbourn Conservation Area Appraisal 2007
CDD4	District Design Guide 2010
CDD5	Development Affecting Conservation Areas SPD 2009
CDD6	Landscape in New Developments SPD 2010

CDD7	Cambridge Green Belt Study, LDA on behalf of SCDC 2002
CDD8	Cambridgeshire Green Infrastructure Strategy 2011
CDD9	South Cambridgeshire Annual Monitoring Report January 2016
CDD10	Strategic Housing Market Assessment 2013
CDD11	Cambridge & South Cambs Sustainable Development Strategy 2012
CDD12	Matter 8 – Housing Land Supply and Delivery Jan 2015
CDD13	Housing Land Supply Update Nov 2015
Section E: Planning Application Documents	
CDE1	Screening Opinion Response
CDE2	22430 M02 Rev C Site Boundary Plan
CDE3	22430 M03C Illustrative Layout Plan
CDE4	22430 M06E Parameters Plan
CDE5	Consultation Responses
CDE6	Committee Report
CDE7	Committee Minutes
CDE8	Decision Notice
CDE9	Design and Access Statement
CDE10	Tree Survey
CDE11	Heritage Statement
CDE12	Phase 1 Habitat Scoping Report
CDE13	Landscape and Visual Impact Appraisal
CDE14	Planning Statement
Section F: Planning Inspectorate Decisions	
CDF1	Land off Shepreth Road, Foxton - APP/W0530/W/15/3084325
CDF2	Land to the west of Cody Road, Waterbeach - APP/W0530/A/13/2207961
CDF3	Land North of Bannold Road, Waterbeach - APP/W0530/A/13/2209166
CDF4	Land to the North of Lanthorn Stile, Fulbourn - APP/W530/W/16/3144909
CDF5	Land to the east of New Road, Melbourn - APP/W0530/W/15/3131724
CDF6	The Old Kennels, Framlingham Road, Easton - APP/J3530/W/15/3004542
CDF7	Land off Walden Road, Thaxted - APP/C1570/A/14/2222958
CDF8	Land North of Pelham Road, Clavering- APP/C1570/W/15/3010055
CDF9	Land at 14 Brook Street, Elsworth - APP/W0530/W/15/3135579
CDF10	Land off Green End, Braughing - APP/J1915/W/15/30045954
Section G: Legal Judgements	
CDG1	2014 EWCA Civ 137 East Northamptonshire DC v SSCLG (Barnwell Manor Wind Turbine Case)
CDG2	2014 EWHC 1895 (admin) Forge Field Society v Sevenoaks DC
CDG3	2014 EWHC 292 (admin) North Cote Farms Ltd v SSCLG & ERoYC
CDG4	2016 EWCA 168 Suffolk Coastal v Hopkins Homes & Richborough Estates v Cheshire East
CDG5	2015 EWHC 488 (admin) Stroud DC v SoS
Section H: Other Documents	
CDH2	Conservation Principles, Policies and Guidance – Historic England 2008
CDH3	Habitat Translocation A Best Practice Guide – Penny Anderson 2003
CDH4	CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland 2016
CDH5	A Habitats Translocation Policy for Britain – JNCC 2003
CDH6	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute and IEMA 2013
CDH7	Landscape Character Assessment Topic Paper 6
CDH8	Departmental Letter, Brandon Lewis MP to Simon Ridley 27/03/2015

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Letter of notification of the inquiry, and list of persons notified
Document	2	Opening statement on behalf of the appellant
Document	3	Opening statement on behalf of SCDC
Document	4	Errata Sheet to Mr Bolt's evidence
Document	5	Errata Sheet to Mr Gascoyne's evidence
Document	6	Briefing Note from Dr Miele
Document	7	List of submitted plans
Document	8	Signed and dated SOCG between SCDC and the appellant
Document	9	Errata Sheet to Mrs Ballantyne-Way's evidence
Document	10	Updated Appendix 3 to Mrs Ballantyne-Way's evidence
Document	11	Extracts from the South Cambridgeshire Adopted Proposals Map 2010, showing Important Countryside Frontages
Document	12	Bundle of 2 photographs, taken from Mr Culshaw's property
Document	13	Extracts from A Parish Plan for Fulbourn, January 2009
Document	14	Statement of Peter Godber
Document	15	Planning and Landscape Report October 2007, prepared by Hutchison Whampoa Properties (Europe Ltd)
Document	16	Bundle of 3 plans showing the extent of adopted public highway in Cow Lane and Cox's Drove
Document	17	Plan showing the Breckenwood Road Industrial Estate
Document	18	Extracts from the South Cambridgeshire Adopted Proposals Map 2010, showing land to the north of Lanthorn Stile, Fulbourn, which was the subject of Appeal Ref APP/W530/W/16/3144909
Document	19	Bundle of 3 documents relating to proposed development at the Ida Darwin Hospital site
Document	20	Accompanied site visit itinerary
Document	21	Statement of Martin Baker, CIEEM, on behalf of The Wildlife Trust BCN
Document	22	Assessment of Species of Botanical Interest, dated 2 April 2015, carried out by MKA Ecology Limited
Document	23	Comments (with appendices) from SCDC Officers relating to matters of open space and landscaping covered by the appellant's unilateral undertaking
Document	24	Breeding Bird Survey Report, dated 18 August 2014, carried out by MKA Ecology Limited
Document	25	Details of Castlefield International Limited
Document	26	Final list of suggested conditions, all largely agreed
Document	27	Explanatory note from the local highway authority providing reasons for the proposed highway conditions
Document	28	Closing Submissions on behalf of Fulbourn Parish
Document	29	Extract from the State of Nature 2016, England
Document	30	Closing Submissions on behalf of SCDC
Document	31	Closing Submissions on behalf of the appellant
Document	32	Signed and completed S106 Agreement between Castlefield International Limited and Cambridgeshire County Council
Document	33	Signed and completed S106 unilateral undertaking made by Castlefield International Limited in favour of SCDC

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