



Appeal Decision

Hearing Held on 5 December 2017

Site visit made on 5 December 2017

by C Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2018

Appeal Ref: APP/W0530/W/17/3180092

Land off Boxworth End, Swavesey

- 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 Gladman Developments Limited and Burgess against the decision of South Cambridgeshire District Council.
 - The application Ref S/3391/16/OL, dated 6 December 2016, was refused by notice dated 11 May 2017.
 - The development proposed is outline planning permission for the demolition of farm outbuildings and the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage systems (SuDs) and vehicular access point from Boxworth End with all other matters reserved except for means of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with appearance, landscaping, layout and scale reserved for future consideration. However an Illustrative site plan, Framework Plan and Development Parameters Plan have been submitted, which show one way in which the site might be developed. I have nevertheless determined the appeal on the basis that this provides a useful guide to the form that number of units on the site might take.
3. A unilateral undertaking (UU) has been submitted by the appellant. This agrees to provide contributions towards affordable housing, transport, open space and social infrastructure, and I deal with the provisions in the UU below.

Background and Main Issue

4. The parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, in accordance with paragraphs 49 and 14 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The parties are also in agreement that this site is not one where any of the specific policies set out in footnote 9 to paragraph 14 of the Framework apply.

5. In addition, the Council confirmed before the Hearing that it no longer sought to defend the third reason for refusal, relating to surface water drainage. The main issue in the appeal is therefore the effect of the proposal on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises Dairy Farm House, a dwelling and various outbuildings, including a barn, which has planning permission for conversion to residential use. The western boundary of the site, fronting Boxworth End is enclosed by a mature hedgerow, and a hedge boundary exists along the eastern and southern edges. About two thirds of the northern boundary of the site abuts the rear gardens of residential properties on Ramper Road.
7. The site is located at the southern end of the village of Swavesey, and abuts the village settlement boundary along its northern, southern and western boundaries. Swavesey has a strong linear built form, focussed on the main spine of High Street, Middle Watch and Boxworth End, and the historic core of the village is towards its northern end. There is some development in depth within the village, including the Pine Grove caravan site to the immediate south of Dairy Farm House, Swavesey Village College and fields, and some individual plots, but the built form generally becomes more fragmented towards the southern end of the village, where gaps within the main road frontage are more evident and the depth of development becomes more limited.
8. Swavesey is identified in Policy ST/6 of the Local Development Framework Core Strategy (CS) (2007) as a Group Village, where residential development and redevelopment up to an indicative scheme size of 8 dwellings will be permitted, and exceptionally up to about 15 dwellings where this would make best use of a single brownfield site. Further to the above, the emerging Cambridge and South Cambridgeshire Local Plan (ELP) Policy S/9 moves Swavesey up the settlement hierarchy, designating it as a Minor Rural Centre where an indicative maximum scheme size of 30 dwellings will be permitted. However, the plan has not yet been adopted and therefore only limited weight can be applied to Policy S/9 in light of objections to it during consultation on the plan. In any case, the scale of the proposed development would be significantly greater than set out in either policy.
9. In terms of landscape, the area has been identified as within the National Character Area of Bedfordshire and Cambridgeshire Claylands. The key characteristics of this area are dispersed settlements with a rural character, and fen-edge villages often taking a linear form, surrounded by a gently undulating lowland plateau with large rectilinear fields and scattered woodland. Further to the above, the Council's District Design Guide SPD (2010) characterises the area as "Fen Edge", a mostly flat, low lying landscape with open views, and fields enclosed by hedgerows and poplar tree belts. The site has no national landscape designation.
10. The landscape character of the site is typical of the area, and has no rarity value or particular significance as a wild or tranquil area. Nevertheless it has a local amenity value for surrounding residents, albeit there is no public access and the agricultural field and hedgerow boundaries are in good condition. The hedge along the site boundary fronting Boxworth End is designated as Important Countryside Frontage (ICF) in the Development Control Policies DPD (DCP) (2007). DCP Policy CH/7 states that planning permission will be refused

for development that will adversely affect such frontages which penetrate or sweep into the built up area providing a significant connection between the streetscene and the surrounding rural area, or provide an important rural break between two nearby but detached parts of the village framework.

11. ICFs were identified in the 1993 South Cambridgeshire Local Plan, and the Village Capacity Study (1998) recognised the role of these gaps in providing a transition between the village and the open countryside beyond. There are a number of ICFs within Swavesey, which range in character from very open to areas with a semi-enclosed appearance. Two ICFs of substantial width are located at the southern end of the village, where the spacing between the built form allows views through to the more open countryside beyond, reinforcing its semi-rural character.
12. The proposed dwellings would be located in two development parcels on either side of the central vehicular access from Boxworth End, with a buffer of about 15 metres of soft landscaping behind the hedge frontage. Development could also be highest within the centre of the site, reducing towards the edges as illustrated. The Landscape and Visual Impact Assessment submitted by the appellant notes that the site is visually well contained, with views of it generally limited to properties around the site, and concludes that there would be moderate harm to the landscape, reducing to minor harm over the medium term as additional landscaping becomes established.
13. However, the natural boundaries of the appeal site do not preclude it from making a positive contribution to the rural character of the village by providing a break in the built form, and although there are existing buildings within the site, these are clustered together within the centre and set well back from the road. In this way the predominantly undeveloped character of the site is retained.
14. When viewing the proposed development from Ramper Road, the roof tops of dwellings would be likely to be visible, but given the separation distance and buffer that would be created by the public open space and enhanced planting along the site boundaries, the open approach to the village currently experienced along Ramper Road could be largely retained. However, the effect on the street scene when viewed from Boxworth End is likely to be more significant.
15. Despite the screening that would be provided by the 3-4 metre high hedge fronting Boxworth End, and the potential to restrict the height of buildings around the edges of the site by condition, the roofscape of any dwellings would present an urban form at odds with the semi-rural character of the surrounding area. Therefore if the site were developed as proposed it would no longer provide an appropriate transition between the village and the open fields beyond. The proposal would consequently be contrary to DCP policy CH/7, which seeks to maintain the character of villages by preserving important open areas.
16. Turning to density, the Housing Density Map provided by the Council identifies various character areas within the village. Although later areas of post war housing are slightly greater in density at up to 21 dph (dwellings per hectare), the density of Swavesey as a whole is shown to be approximately 16 dph, and the southern part of the village including the adjacent caravan park is around 13 dph. However, the proposed density of the site excluding the public open

- space would be 32 dph. It would therefore accord with DCP Policy HG/1, which seeks to make best use of the site by achieving the average net densities set out in the policy.
17. I accept that the layout, scale and appearance of the development are reserved matters, and that there is more than one way to develop the site. Even so, the outline permission would form the basis for what could be built on the site and thus consideration must be given to the upper limit of 90 dwellings as set out in the application. In order to achieve the lower density single storey development on the Boxworth End frontage and the eastern edge of the site, the dwellings shown within the centre of the site would almost certainly have to be built at significantly higher densities than the dwellings immediately surrounding the site and within the village as a whole. As a result the proposal would be likely to result in an urbanised appearance that would contrast markedly and unfavourably with the more informal semi-rural character of this part of the village and thus would be visually harmful.
18. Whilst the proposal would be compliant with DCP Policy HG/1 in numerical terms, for the reasons I have described, the proposal would not demonstrate adequately that up to 90 dwellings could be accommodated on the site without harming the character and appearance of the surrounding area. Additional planting might enhance the existing site boundaries but would not be sufficient to mitigate the harm that would be caused. As such the shortcomings of the proposal could not be overcome by the imposition of conditions.
19. I acknowledge that an appeal was allowed in Swavesey at 130 Middle Watch.¹ Whilst this development would be built at a similar density to that proposed in the current appeal, the site is located nearer to the centre of the village, is bordered by modern estate development to the north and has land with planning permission for 30 dwellings to the south. The Inspector also held in that case that the conflict with the Framework that would arise as a consequence of incursion into the countryside around the village would be quite limited. Furthermore, the Middle Watch site is not designated as having an Important Countryside Frontage. Accordingly the circumstances are materially different to that of the proposal before me.
20. For the reasons set out above I find that the proposal would have a jarring and adverse impact on the local street scene, and in particular, would detract significantly from the ICF. Overall I conclude that the proposed development would cause considerable harm to the character and appearance of the area, and would conflict with DCP policies CH/7 and HG/1.

Other Matters

21. The submitted UU would provide for 40% of the proposed dwellings to be affordable, in accordance with DCP Policy HG/3. It would also secure provision and maintenance of on-site public open space and financial contributions towards improved health facilities in the village and pedestrian enhancements, real time passenger information at 2 bus shelters and additional cycle parking by the Cambridge Guided Busway. From the evidence before me I am satisfied that the planning obligations would meet the three tests in paragraph 204 of the Framework and would not offend the pooling restrictions set out in

¹ Appeal Ref. APP/W0530/W/16/316552 dated 26 July 2016

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

22. At the Hearing Swavesey Parish Council put forward a proposal for a community transport initiative in the village which it was suggested should be funded by redirecting the transport contribution to be received by Cambridgeshire County Council for this site and for others within Swavesey. No planning obligation is provided in this respect. However, based on the information before me I cannot be certain that the amount requested by the Parish Council would relate in scale and kind to the proposed development and there is no certainty that the project could be delivered. The absence of a contribution in relation to this matter does not therefore count against the scheme.
23. A small population of Great Crested Newts was found to be present within Pond 1 on the appeal site. A derogation licence would be likely to be required to ensure there would be no adverse impact on protected species, but on the basis of the evidence before me there is nothing to indicate that this would not be granted, and a condition could be imposed to require mitigation measures in line with the outline Mitigation Strategy set out in Section 7 of the GCN Survey Report (FPCR November 2016), should the proposal be acceptable in all other respects. Other species resurveys and mitigation measures would be required prior to commencement of development if the appeal was allowed, but these could also be secured by condition to avoid harm to protected species.
24. Local residents are concerned that the main drains in the area cannot cope with new development, but sufficient information was provided with the appeal to address this matter, and there is no compelling evidence before me to the contrary. As such I afford this matter little weight in reaching my decision.

Balancing and Conclusion

25. The parties agree that a 20% buffer should be applied to the housing requirement in the District, so it is evident that there has been a persistent under delivery of housing in the past. At the time of the Hearing the Council was able to demonstrate a 4.1 year supply of deliverable housing sites, and it is clear that the Council has demonstrated a positive approach to meeting its housing obligations through granting planning permission for housing development outside its defined settlement network. Nonetheless, the Framework seeks to boost significantly the supply of housing, and I attach substantial weight to the provision of up to 90 dwellings on the site.
26. In addition, 40% of the units would be affordable housing. Almost 2 hectares of public open space would also be secured, and there would be improvements to social infrastructure for the village and some biodiversity enhancement. These would mitigate the effects of the proposal in accordance with relevant policies but would also provide some wider benefits.
27. The village has a primary school, college, Church, library, and a small number of shops including a post office, thus giving future occupiers of the proposed dwellings day to day access to some essential facilities. In terms of wider connectivity, there is a regular bus service on the Guided Busway to Cambridge, but this is at the northern end of Swavesey, over a mile from the appeal site. I also heard at the Hearing that the circular Citi 5 service, which stops in the village, is much less frequent, but nevertheless would provide an

hourly service in the peak, taking into account that the journey to Cambridge can be made in either direction. Overall, the location of the site does not perform especially well in reducing car travel and thus does not offer support to the proposal.

28. Turning to the economic implications of the proposal, there would be some moderate benefits arising during the construction phase and potentially from increased spending on local shops and other enterprises. However, these might be achieved on other sites within the village or elsewhere and so the fortunes of those businesses are not dependent on this development.
29. Taking all of the above into account, there would be benefits to the proposal, in particular the contribution it would make to meeting the identified shortfall in housing, and affordable housing. However, for the reasons I set out above, I conclude that the proposal would cause considerable harm to the character and appearance of the area, and the adverse effects of the proposal would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework as a whole.
30. Overall the proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. I therefore conclude the appeal should be dismissed.

C Victory

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Roberts	Gladman Developments Limited
John Mackenzie	Gladman Developments Limited
Sian Gulliver	Gladman Developments Limited
Jonathan Evans	FPCR

FOR THE COUNCIL:

Luke Simpson	Adams Hendry
Laura Archer	Adams Hendry
James Fisher	South Cambridgeshire District Council

INTERESTED PERSONS:

Cllr Sue Ellington	South Cambridgeshire District Council
Cllr Linda Harford	Cambridgeshire County Council
Judit Carballo	Cambridgeshire County Council
David Allatt	Cambridgeshire County Council
Linda Miller	Swavesey Parish Council
Will Wright	Swavesey Parish Council
John and Deirdra Burgess	Local residents
Kwun Lee	Local resident
Will Wright	Local resident
Jim Bryant	Bryant Land and Property

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Schedule of planning applications 2015-2017 –Swavesey Parish Council
- 2 Proposal for Community Transport scheme – Swavesey Parish Council