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## Appeal Decision

Inquiry Held on 12-15 & 19 December 2017

Site visit made on 19 December 2017

**by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

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

**Decision date: 12 January 2018**

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### **Appeal Ref: APP/H0520/W/17/3174462 Biggin Lane, Ramsey, PE26 1NB**

- 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 Abbey Properties Cambridgeshire Limited and Robert, Daphne and Susan Pickard against the decision of Huntingdonshire District Council.
  - The application ref. 16/01530/OUT, dated 18 July 2016, was refused by notice dated 23 November 2016.
  - The development proposed is residential development involving the erection of 141 dwellings, access arrangements and associated works at land to the north and south of Biggin Lane.
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### **Decision**

1. The appeal is allowed and planning permission is granted for residential development involving the erection of 141 dwellings, access arrangements and associated works at Biggin Lane, Ramsey in accordance with the terms of the application, ref. 16/01530/OUT, dated 18 July 2016, subject to the conditions set out in the schedule at the end of this decision.

### **Preliminary Matters**

2. The application form indicates all matters of detail apart from access are reserved for future determination. It was confirmed at the Inquiry that, notwithstanding the information in the submitted statement of common ground, the application plans comprise drawing nos. 15.91.LP1 and A095572-010 B.
3. It was also confirmed that all other drawings in respect of the scheme are submitted for illustrative purposes only. In particular, the appellants stated that the two illustrative layouts SL01 and SL01B represent potential options for the site's development, and that neither is intended to be determinative. I have determined the appeal on that basis.

### **Policy Background and Main Issues**

4. It is common ground that the countryside restraint policies cited in the Council's refusal reason – namely policies H23 and En17 of the Huntingdonshire Local Plan Part One 1995 (LP) and policy CS3 of the Huntingdonshire Core Strategy 2009 (CS) – are out of date in terms of the National Planning Policy Framework (the Framework). While these policies have an environmental dimension that is considered further in this decision, it is accepted by both main parties that they do not take account of more recent assessments of

- housing need in the District. Indeed, the Council's assessment of its current housing land supply relies upon sites that lie outside settlement boundaries and that conflict accordingly with the relevant requirements of these policies.
5. The day before the present Inquiry opened, an appeal decision was issued relating to a housing proposal at Thrapston Road, Brampton<sup>1</sup>. In the light of that decision, and notwithstanding the case that it had previously made in the present appeal, the Council confirmed that it is no longer pursuing the argument that the 'tilted balance' set out in the final bullet point of the Framework's paragraph 14 does not apply. I agree: to my mind, the out of date nature of these policies clearly engages the 'tilted balance'.
  6. Although not referred to in its refusal reason, the Council now submits that the appeal scheme also conflicts with policy HL5 of the Huntingdonshire Local Plan Alteration 2002 (HLP). It appears that this policy was omitted from the Council's decision notice in error. I agree that this policy is relevant to the appeal scheme. Its design and layout criteria do not materially conflict with relevant requirements of the Framework.
  7. Reference is also made to policies in the emerging Draft Local Plan to 2036. While the Inquiry was taking place, a version of the draft plan was approved for consultation under Regulation 19 prior to submission for examination. Given that this consultation had yet to take place and that the draft plan has yet to be examined, I can afford its policies only limited weight in this decision.
  8. At the Inquiry, the Council also clarified its position in respect of a number of the matters set out in its single composite refusal reason. In summary, it confirmed that the matters referred to in the 4<sup>th</sup> and 5<sup>th</sup> bullet points (relating in summary to the quality of the scheme's built environment and its effect on the site's rural surroundings) would not justify refusal on their own. However, it considers that the matters referred to in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> bullet points (relating in summary to the accessibility of Ramsey and the appeal site, as well as a failure to 'prioritise use of previously developed land') could stand together as a freestanding reason for refusal<sup>2</sup>.
  9. It is common ground that, following the submission of further information, the matter referred to in the 6<sup>th</sup> bullet point (relating to archaeological remains) is capable in principle of being resolved by the imposition of a planning condition.
  10. As such, I consider that the main issues in this appeal are as follows:
    - (a) whether the proposal would accord with development plan policies that seek to restrict development in the countryside;
    - (b) whether the town of Ramsey, and the appeal site itself, would comprise accessible locations in respect of local employment opportunities, services and facilities;
    - (c) whether the proposal would conflict with national and local policies on the re-use of previously developed land;
    - (d) the effect of the scheme on landscape character; and
    - (e) whether the appeal scheme would have the potential to create an attractive built environment.

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<sup>1</sup> Appeal ref. APP/H0520/W/17/3172571 (inquiry document 1).

<sup>2</sup> Paragraph 1.6 of Mr Cundy's proof of evidence was amended accordingly.

11. The main parties also disagree about, first, whether the Council is able to demonstrate a five year supply of land for housing, as is required by paragraph 47 of the Framework, and, second, the level of objectively assessed housing needs upon which such a supply should be based. However, for the reasons set out in the planning balance towards the end of this decision, I do not consider this matter to be determinative in respect of the appeal.

## Reasons

### *Countryside Protection*

12. The appeal site comprises agricultural land outside the built-up area of Ramsey. It is common ground that the scheme would not accord with the criteria set out in LP policies En17 and H23 for housing within the countryside. As such, it conflicts with these policies. Within Market Towns such as Ramsey, CS policy CS3 provides in-principle support for development schemes of all scales *within the built-up area*: in that regard the appeal scheme also conflicts with that policy. I therefore conclude that the proposal would not accord with development plan policies that seek to restrict development in the countryside.
13. However, as already noted it is common ground that these policies are out of date in terms of the Framework. On the west side of Ramsey, the Council has granted planning permission for another greenfield development – a proposal of approximately 90 dwellings at Field Road – on farmland a short distance to the north of the appeal site. This development also conflicts with the above-noted countryside protection policies.
14. It is accepted that the Framework supports a genuinely plan-led approach, and that this has been reinforced by a 2016 Court of Appeal decision<sup>3</sup>. However, it is also a core principle of the Framework that plans are kept up-to-date. Although the above-noted Field Road development is now being promoted as an allocation in the emerging Local Plan, planning permission for this scheme was granted in conflict with the above-noted development plan policies. It was therefore not a plan-led development. The same applies to a number of schemes elsewhere in the District upon which the Council's housing land supply evidence relies. As such, the above-noted countryside protection policies are not capable of meeting the level of housing need that is now identified by the Council, let alone the higher figure that is suggested by the appellants.
15. To my mind, these factors significantly reduce the weight that can be afforded to the above-noted policy conflicts in the present appeal. I note that a similar view was given by an Inspector in another appeal at Lucks Lane, Buckden<sup>4</sup>, while in the Thrapston Road decision referred to above the Inspector stated that LP policies En17 and H23 and CS policy CS3 carried reduced weight.

### *Accessibility of Ramsey and the Appeal Site*

16. The town of Ramsey, which is considered in association with neighbouring Bury in planning policy terms, is located off the main road network and has a lower scale of service provision than the three other Market Towns identified in CS policy CS3. Nevertheless, it is grouped with these other three towns in the relevant hierarchy. As such, it lies – in spatial strategy terms – within the District's highest tier of settlements. As already noted, policy CS3 sets out no

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<sup>3</sup> Gladman Developments Ltd v Daventry DC and SSCLG [2016] EWCA Civ 1146.

<sup>4</sup> Appeal ref. APP/H0520/W/16/3159161.

in-principle objection to larger scale development within such settlements (subject to the countryside protection point already discussed). Policy CS3's definition of larger scale development (60 or more dwellings) contains no upper limit. As noted above, the Council has already accepted the principle of a new greenfield development in excess of the 60 dwelling figure on the western side of the town. Furthermore, planning permission has also been given (in 2017) for a brownfield scheme comprising approximately 450 dwellings and 2 hectares of employment land at the former RAF Upwood and Upwood Hill, a short distance to the south of the present appeal site.

17. Policy CS3 also requires that schemes are judged on individual merit, with reference to the availability of a range of services and public transport appropriate to support the form of housing to be provided and performance against the criteria set out in CS policy CS1. A number of these are addressed elsewhere in this decision. In terms of accessibility, I consider the Council's concerns in relation to the town as a whole and the appeal site in particular, bearing in mind the last criterion of policy CS1 which refers to minimising the need for travel and promoting and increasing opportunities to make necessary journeys by foot, cycle or public transport.
18. In terms of the accessibility of the town as a whole, the Council's arguments are hard to understand. As already noted, Ramsey is at the highest level of the District's settlement hierarchy. It is clearly identified as a location for further growth in the CS. Indeed, the emerging Local Plan proposes draft allocations for approximately 800 new dwellings at Ramsey<sup>5</sup>. Irrespective of the status of that document, the majority of these sites already have been granted planning permission. Concerns about the town's accessibility do not appear to have precluded any of these developments. It is noted that the town contains infant, primary and junior schools, a day nursery, a wide range of shops including a supermarket, doctors' surgeries, a dentist, a library and a range of other services and facilities.
19. Regular bus services are available to Peterborough and Huntingdon, with less frequent services to Cambridge and St Ives. Employment opportunities within the town itself and within other towns (notably Peterborough) can be reached using alternatives to the private car. While Ramsey is within the top 30% of the wards in England in terms of employment deprivation, this does not in itself amount to a reason to resist further development in the town.
20. Although the appeal site lies at the edge of the settlement, it is located within a 15-20 minute walk of a range of facilities including several convenience stores, a public house, infant and junior schools, post office, pharmacy, doctors' surgery, dentist, day nursery and library. It would take some 16 minutes to walk to the town centre. Cycling times to these services and facilities are considerably shorter (mostly 4-6 minutes). The nearest bus stops (on Bury Road) are some 750m from the site access – an approximate 10 minute walk. Bus stop improvements are proposed in the submitted planning agreement.
21. To my mind these distances are not sufficiently large to preclude access to the relevant services and facilities by alternatives to the private car. Connecting routes are generally flat and adequately provided with footways and lighting.

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<sup>5</sup> Inquiry document 13.

22. The relevant distances to services and facilities are greater than those set out in the Huntingdonshire Design Guide Supplementary Planning Document (SPD) 2017, which refers to walking distances of 400m (5 minutes) to bus stops and 800m (10 minutes) to local shops and primary schools. However, these are not framed as absolute requirements: the SPD states that 'ideally' new homes will be built to be within those distances. While the Field Road development referred to above is closer to many facilities than the appeal site, it also fails to strictly accord with the distances referred to in the SPD.
23. Drawing the above together, I conclude that the town of Ramsey, and the appeal site itself, would comprise accessible locations in respect of local employment opportunities, services and facilities. In this regard, the appeal scheme would accord with relevant criteria of CS policies CS1 and CS3.

#### *Previously Developed Land*

24. The Council's refusal reason states, in this regard, that the proposal 'fails to prioritise use of previously developed land, being a wholly unallocated greenfield site'. The site's greenfield nature is not in dispute. However, there is no requirement, either in the development plan or the Framework, that the use of previously developed land should be *prioritised* over the use of other sites. CS policy CS1 refers to making best use of land, buildings and existing infrastructure, while the Framework encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Neither sets out the explicitly sequential approach to site acceptability that is implied by the Council in this appeal.
25. Furthermore, the Council accepts in its housing supply evidence that, within the District as a whole, the development of greenfield sites will be necessary as a matter of principle in order to achieve its identified housing needs. As already noted, it has granted planning permission for a greenfield site at Field Road in Ramsey. Other greenfield sites within the District are contained within its housing land supply evidence.
26. Drawing these matters together, I conclude that the proposal would not conflict with national and local policies on the re-use of previously developed land.

#### *Landscape Character*

27. The appeal site comprises two arable fields on the western edge of Ramsey. It is divided into two sections by Biggin Lane (a public right of way), which is bounded by trees and hedgerows on both sides. The site's eastern boundary is adjoined by the rear gardens of residential properties within the built-up area. A variety of boundary treatments, including fences, hedges and garden structures, interspersed by some mature trees, provides a clear demarcation between urban and rural areas. However, the amount of screening is limited, and the presence of dwellings, along with a conspicuous water tower, is easily seen in short range views towards the town from the countryside to the west.
28. The western boundary of the southern part of the site is open, being formed by a concrete track. Although woodland planting has taken place on the southern boundary, this has yet to become well established. As such, there is little effective definition between the southern part of the site and the countryside to the south and west – an effect that is easily seen from the public footpath that

runs along the site's southern boundary. Nevertheless, the rising landform to the west prevents the appeal site and the nearby built-up area from appearing in longer distance views from that direction.

29. The northern part of the site has a somewhat greater degree of visual enclosure, being bounded to the south-west by the trees and hedgerow adjoining Biggin Lane and to the west by an intermittent hedgerow including a mix of mature trees and scrub (and including some more recent planting). To the north, the site is bounded by a low hedge with gaps: this is adjoined by a further public footpath.
30. Although footpaths and field margins on and around the site are used for informal recreation, including dog walking, the main parties agree that this is not a 'valued landscape' in the terms of paragraph 109 of the Framework.
31. The appeal scheme has been the subject of a Landscape, Townscape and Visual Impact Assessment (LTVIA) (dated April 2017), the methodology and conclusions of which are not substantively disputed by the Council. However, the Council, which did not present specialist landscape evidence to the Inquiry, queries whether the planting and landscaping that has been proposed demonstrates whether the appeal scheme could be effectively integrated into the countryside. Nevertheless, as already noted, it does not consider that this matter would, on its own, merit refusal of planning permission.
32. Clearly, the appeal scheme is submitted in outline. Landscaping is a reserved matter and the details that are before me are illustrative only. Nevertheless, such details are relied upon in the conclusions of the LTVIA and I attach some weight to them accordingly.
33. The LTVIA accepts that the appeal proposal would result in some degree of landscape and visual harm. Within the site there would be a large landscape change that would be direct, adverse and long term – creating a major effect<sup>6</sup>. Outside the site, the LTVIA refers to the National Character Area of the Bedfordshire and Cambridgeshire Claylands (Character Area 88) and, with reference to a Council SPD, the Central Claylands landscape character area. The LTVIA identifies moderate and minor landscape effects respectively with regard to these two areas.
34. However, both of these character areas are extensive and, given the degree of visual containment in respect of long distance views discussed above, it is not surprising that any resulting effects would not be significant. To my mind this analysis gives insufficient weight to the effect of the appeal scheme on the rural landscape immediately surrounding the appeal site that is experienced from the above-noted footpaths. Given the lack of effective definition on the western boundary of the southern part of the site, it seems to me that the scheme's effect on the landscape of the countryside adjoining the site's southern section would be greater than is suggested by the LTVIA's findings. However, as already noted, the northern part of the site is better contained, and I agree that a moderate/minor effect would result.
35. In terms of visual effects the LTVIA accepts that there would be a large, adverse and long term change, creating a substantial effect in year 1 in respect of a number of key viewpoints<sup>7</sup>. I share that assessment. The LTVIA considers

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<sup>6</sup> LTVIA Appendix 2 – contained in appendix 1 of Mr Ellis' proof of evidence.

<sup>7</sup> LTVIA Appendix 3 – contained in appendix 1 of Mr Ellis' proof of evidence.

- that these effects would reduce to moderate at year 15, subject to the introduction and establishment of landscape structure planting.
36. The effectiveness of the proposed landscaping is therefore an important factor in determining the longer term landscape and visual effects of the appeal proposal. It is clear that planting proposals have evolved since the original planning application was submitted. Indeed, the LTVIA itself was prepared after planning permission was refused. I share the Council's concern that the information that had been provided prior to that date, notably in the Preliminary Visual Analysis (PVA)<sup>8</sup> suggested that a hard and abrupt edge to the town would be created that would be prominent from nearby footpaths, thereby creating an inadequate transition between urban and rural landscapes.
37. The most recent illustrative proposals include a 5 metre planted woodland strip along the western boundary of the southern part of the site and the retention of existing hedgerows and trees on the western and northern boundaries of the northern part of the site. It seems to me that these measures would represent a marked improvement on the earlier landscaping suggestions. Nevertheless, I share some of the Council's concerns that they would still fail to fully achieve the outcomes suggested in the LTVIA.
38. Specifically, I do not feel that the 5 metre strip proposed on the western boundary of the southern part of the site would provide a strong and effective woodland feature. This is because it would be constrained by the concrete path to the west and the boundaries of back gardens to the east, as well as (potentially) the side elevations of any dwellings sited near to this boundary, as is suggested in drawing no. SL01B. To my mind, the resulting effect would differ markedly from the photographs shown in Mr Ellis's proof of evidence<sup>9</sup>, which he accepted<sup>10</sup> showed a woodland strip with an overhang in excess of 5 metres. In the present case, such an overhang would be limited by the presence of adjoining gardens and any nearby dwellings.
39. In respect of the northern part of the site, the hedgerows on the northern and western boundaries both contain gaps. Mature trees are limited in number. It seems to me that further planting would therefore be needed to strengthen these landscape features. Moreover, I share the Council's view that the partial inclusion of these boundary features within (or overhanging) adjoining back gardens, as is suggested in drawing no. SL01B, would act to threaten their long term retention.
40. Nevertheless, I have seen no evidence that appropriate adjustments to address these concerns could not be included within the final landscaping proposals. For example, it was stated at the Inquiry that another 10 metres of buffer planting along the full western boundary of the site (including land both north and south of Biggin Lane) would lead to the loss of some ½ ha of developable space over and above that previously suggested. This would imply a low density of 22-23 dwellings per hectare on the remaining developable area.
41. Taking these matters together, I am satisfied that adequate landscaping could be included to reduce the scheme's landscape and visual effects in respect of the site's rural surroundings. As is discussed in more detail below, landscaped

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<sup>8</sup> Inquiry document 2.

<sup>9</sup> Figure 4 of Mr Ellis's proof of evidence.

<sup>10</sup> In response to Inspector's questions.

strips on the site's rural boundaries can be secured by an appropriate planning condition. This would go some way to reduce the adverse effects described above. Nevertheless, landscape and visual harm would remain, most particularly in respect of the change of the site itself from open countryside to an area of built development. I therefore conclude that the scheme would adversely affect landscape character. In this respect, it would conflict with relevant development plan policies including HLPAs policy HL5 and CS policies CS1 and CS3.

### *Built Environment*

42. The Council's concerns in this regard also relate to the illustrative layouts that have been submitted. As already noted, these matters remain to be finalised. Nevertheless, the Council considers that the appeal scheme would result in an over-intensive form of development, given its edge of town location, and that there would be a lack of variation across the site, being devoid of individual character areas that would contribute to place making and an attractive built environment.
43. In respect of the first concern, it is clear – as already discussed – that the appeal scheme would represent a low density development. For example, it would be well below the Council's own categorisation of low density housing at 35 dwellings per hectare contained in its Housing and Economic Land Availability Assessment (June 2017)<sup>11</sup>. Given the inclusion of effective landscaping as discussed above, I am satisfied that a development of this density could achieve a satisfactory built form for its edge of town location. It would not appear over-intensive.
44. In terms of detailed site layout, it seems to me that this is a matter that can appropriately be considered by the Council at the time of a reserved matters submission. Given the site's size, and the scheme's likely density as already discussed, I see no reason why a diverse and interesting urban design could not be achieved. This could include pockets of higher density development if required by the Council, as was suggested at the Inquiry. Indeed the inclusion of such areas within the site could increase the potential for additional land to be used for structural landscaping and/or open space.
45. Taking these matters together, and subject to the submission of details at the reserved matters stage, I conclude that the appeal scheme would have the potential to create an attractive built environment. In this regard, the scheme would accord with relevant development plan policies including HLPAs policy HL5 and CS policies CS1 and CS3.

### **Planning Balance**

46. It is not disputed that the appeal scheme would result in a number of benefits. It is common ground that significant weight should be afforded to the amount of affordable housing that the scheme would provide (40%). Construction jobs would be created and household expenditure within Ramsey and the local area would be likely to increase. Indeed, Ramsey Town Council supports the scheme in principle, stating a hope that the additional footfall created by the housing will lead to the regeneration of the town centre.

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<sup>11</sup> Core document 5.5, page 8.

47. As already noted, the main parties disagree about the housing land supply position within the District. The Council considers that, applying a 20% buffer, it can demonstrate a 5.25 year supply against the five year requirement that is set out in Framework<sup>12</sup>. This is disputed by the appellants. However, even if the Council's position were to be accepted, the provision of market housing on the appeal site – which does not appear within the Council's existing supply estimates – would amount to a benefit in terms of providing a greater flexibility of supply. Indeed the Council's housing land supply witness accepted at the Inquiry that the level of supply was 'tighter than we would wish'. Bearing in mind that the Framework seeks to boost significantly the supply of housing, it seems to me that material weight can be given to the appeal scheme's provision of market dwellings irrespective of whether a five year supply can be demonstrated in the District as a whole.
48. I have concluded above that the town of Ramsey, and the appeal site itself, would comprise accessible locations in respect of local employment opportunities, services and facilities. This is a further factor in support of the proposal. However, my conclusion that the scheme would not conflict with national and local policies on the re-use of previously developed land seems to me to represent a neutral factor in the planning balance.
49. It is clear that the appeal scheme would result in some harm. I have concluded that the proposal would not accord with development plan policies that seek to restrict development in the countryside. However, for the reasons set out above, I consider that the weight that should be afforded to that policy conflict is significantly reduced.
50. I have also concluded that the scheme would adversely affect landscape character. However, as already discussed, the potential to include effective landscaping on the site's boundaries with open countryside would go some way to reduce this harmful effect. Moreover, and importantly, it is part of the Council's case that its concerns in respect of landscape and visual matters would not be sufficient to justify refusal on their own. In that context, I have concluded that the appeal scheme would have the potential to create an attractive built environment.
51. For these reasons, and notwithstanding that there is local opposition to the appeal proposal, I consider that the adverse impacts discussed above are not sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore amount to sustainable development in terms of the Framework.
52. Notwithstanding that the scheme would accord with a number of particular development plan policies, as described above, I consider that it would conflict with the development plan as a whole as a result of its conflict with the above-noted countryside and landscape protection policies. However, I consider that the material considerations outlined above are sufficient to over-ride these policy conflicts in the present case.
53. Clearly, if the Council was to be unable to demonstrate a five year supply of land for housing, as the appellants allege, then the weight to be given to the

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<sup>12</sup> This figure incorporates an agreed change to Mrs Bond's proof of evidence, reducing the Council's estimate of the likely five year land yield from the Lucks Lane site from 180 to 108 dwellings.

scheme's benefits in respect of the provision of market housing would increase. However, this would not alter the outcome of the above-noted balancing exercises, which are already resolved in the appeal scheme's favour.

### **Planning Obligations**

54. At the Inquiry, the appellants tabled a Section 106 agreement containing a number of obligations. The Council clarified at the Inquiry that none of the matters for which funding is provided would lead to the pooling of more than five contributions. I have no reason to take a different view.
55. The agreement contains planning obligations in respect of five matters. Four of these are not subject to any disagreement between the main parties. The provision of 40% affordable housing, including at least 70% social rented or affordable rented, would accord with relevant policies. As already noted, it is accepted that this represents a significant benefit. There is no dispute that the provision of on-site green space and refuse bins is needed in line with relevant requirements. Highways works, namely the installation of two shelters at the bus stops on Bury Road to the north of Biggin Lane, and the submission of a travel plan are needed in order to encourage sustainable transport. I am satisfied that these requirements meet the tests of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
56. The main parties disagree about the justification for the off-site formal green space contribution, which the Council states would be used for the provision of football pitches at Ramsey Colts Football Club. The Council accepts that there has been a lack of clarity in respect of this requirement. An initial figure of £71,990 has reduced to £41,413. The Council explains that while the application of the figure in its Developer Contributions SPD would produce a total of £71,990, this has been reduced so as not to exceed the total cost of the relevant project, which has already received additional funding. I have no reason to doubt these figures.
57. The appellants consider that the football pitches are more appropriately funded though CIL. The Council's CIL Regulation 123 list<sup>13</sup> distinguishes between development specific (non-CIL funded) and remaining (CIL funded) infrastructure. While 'large scale major development specific sport and recreational facilities contributions' are listed as being non-CIL funded, this only applies to larger developments than that presently proposed (schemes of 200 or more dwellings).
58. The Council considers that the football pitches would fall into the category of 'development specific provision of informal and formal green space land requirements', which the Regulation 123 list states is non-CIL funded. In contrast, the appellants consider that the pitches would comprise 'remaining sport and recreational facilities', which are shown as being CIL funded in the Regulation 123 list. In the Council's view, expressed at the Inquiry, the latter category relates to buildings rather than playing pitches.
59. Given that the relevant terms are not defined in the Regulation 123 list, and that football pitches are clearly used for sport and recreation, the potential for confusion is understandable. However, the Council's Developer Contributions SPD<sup>14</sup> states, among other matters, that 'Formal Green Space Contributions will

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<sup>13</sup> Contained in inquiry document 12.

<sup>14</sup> At paragraph B.9.

be required from proposals for residential development of the provision of 1.61ha of land per 1,000 population for outdoor sports facilities to meet the anticipated need of resident (*sic*) for formal active pursuits. At least half of all *playing pitch* and court provision should be freely accessible for community usage' (my italics). This broadly supports the Council's interpretation of the relevant definition. On balance, therefore, I consider that the football pitches would amount to formal green space in terms of the relevant local policy requirements. I have seen no evidence that occupiers of the appeal scheme would not give rise to additional demands on these pitches. As such, I consider that this requirement meets the tests of CIL Regulation 122(2).

### Conditions

60. A list of conditions was submitted with the statement of common ground. This was updated by the Council during the Inquiry<sup>15</sup>, although a number of the changes were not agreed between the main parties. I have considered (and, where necessary, reworded or deleted) the updated list of conditions in the light of the Framework and Planning Practice Guidance.
61. Otherwise than as set out in this decision and conditions, it is necessary that the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. For the same reasons it is necessary to ensure that the scheme shall not exceed the stated 141 dwellings.
62. The Council suggests that the appeal development should be subject to a Design Code, and proposes a condition listing some 11 separate requirements. However, given that the Council will have the opportunity to consider the reserved matters in due course it seems to me that such an extensive condition would be unduly onerous. Nevertheless, given my comments about the importance of maintaining effective planting along the site's boundaries with open countryside, I consider that it is necessary to specify the width of the landscaped buffer strips on the western and northern boundaries of the site. In that context, I see no reason to impose the 20 metre strip now suggested by the Council: such a requirement would be unnecessary given that it is not an aim to the scheme to seek a complete visual screen. To my mind a 10 metre strip on the northern and western boundaries of the northern part of the site and a 15 metre strip on the more exposed western boundary of the southern part of the site would be sufficient to accommodate the canopies of appropriate tree species as they mature. A separate condition is also necessary to ensure that existing landscape features to be retained are appropriately safeguarded.
63. Given the site's potential archaeological interest it is necessary for a written scheme of investigation to be approved prior to commencement and then put into practice. However, a shorter condition is sufficient for this purpose. Foul and surface water drainage details have yet to be finalised and it is necessary for these to be submitted, approved and implemented in order to secure satisfactory arrangements. For fire safety reasons it is necessary to ensure that adequate provision is made for fire hydrants. However, details of finished floor levels are more appropriately considered at the reserved matters stage.
64. Implementation of the approved access arrangements is needed for highway safety reasons. The submission, approval and implementation of a

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<sup>15</sup> Inquiry document 16.

construction management plan are needed in order to safeguard the living conditions of nearby residents. However traffic restrictions are appropriately secured under other legislative provisions. Provision of a travel pack to new residents is necessary to promote sustainable transport. Implementation of the ecological mitigation and enhancement recommendations of the Preliminary Ecological Appraisal, Reptile Survey and Bat Survey is necessary in order to protect and enhance biodiversity. Assessment of the nature and extent of any contamination, and the submission and implementation of any necessary remediation, is needed to ensure satisfactory conditions for the proposed development. I have adopted three somewhat shorter model conditions for reasons of clarity and brevity in this regard.

### **Overall Conclusion**

65. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*M J Hetherington*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: nos. 15.91.LP1 and A095572-010 B.
- 5) The development hereby permitted shall not exceed 141 dwellings.
- 6) The reserved matters to be submitted pursuant to this permission shall include a landscaped buffer strip of at least 10 metres wide along the northern boundary of the site and the western boundary of the site north of Biggin Lane and a landscaped buffer strip of at least 15 metres wide along the western boundary of the site south of Biggin Lane.
- 7) Development shall not commence until a scheme of archaeological investigation and works has been submitted to and approved in writing by the local planning authority. The scheme and works shall be carried out in accordance with the approved details.
- 8) Development shall not commence until details of the foul water drainage for the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and implemented in accordance with a phasing plan approved as part of the scheme such that no dwelling hereby

permitted is occupied until the foul drainage works connecting it to an existing public sewer have been implemented.

- 9) Development shall not commence until a surface water drainage scheme, including a timetable for its implementation and details of the long term maintenance of any sustainable drainage scheme (SuDS) features, has been submitted to and approved in writing by the local planning authority. The scheme shall accord with the Flood Risk Assessment prepared by RPS Group dated 6 July 2016 (ref. HLEF38961/001R). Development shall accord with the approved details.
- 10) Development shall not commence until a scheme for the retention, protection during construction works and management of the existing landscape features which are to be retained has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. If any tree or hedge which is intended for retention is removed, uprooted, destroyed or damaged or dies within a period of five years from the date of substantial completion of the development, another tree or hedge shall be planted at the same place and of the same size and species, at such time as may be specified in writing by the local planning authority.
- 11) Development shall not commence until a construction management plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) arrangements for turning vehicles;
  - iii) routes for the use of construction traffic;
  - iv) means of protecting pedestrians and cyclists;
  - v) a method of preventing mud from being carried onto the highway;
  - vi) delivery, demolition and construction working hours.The approved construction management plan shall be adhered to throughout the construction period for the development.
- 12) Development shall not commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - ground waters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- 13) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as

unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development is occupied.

- 14) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 15) Development above slab level shall not take place until a scheme for the provision of fire hydrants, including a phasing plan, has been submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the fire hydrant serving it has been installed and made operative in accordance with the approved plan.
- 16) No dwelling hereby permitted shall be occupied until the access arrangements have been constructed in accordance with approved drawing no. A095572-010 B.
- 17) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a New Residents Travel Pack, the contents of which shall have previously been submitted to and approved in writing by the local planning authority.
- 18) All works shall be carried out in accordance with the ecological mitigation and enhancement recommendations of the Preliminary Ecological Appraisal, Reptile Surveys (both dated 12 July 2016) and Bat Survey Report (6 October 2016).

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga of Counsel  
Instructed by Ms Clara Kerr, Planning Policy  
Manager, Huntingdonshire District Council (HDC)

He called:

Mrs Rebecca Roebuck MEng	Research Manager, Cambridgeshire Research Group
Mrs Clare Bond BA MA PGDip	Planning Policy Team Leader, HDC
Mr Andrew Cundy BA DipUD MRTPI	Development Management Team Leader, HDC

### FOR THE APPELLANTS:

Mr Rupert Warren QC

Instructed by Mr Andrew Brand, Abbey  
Properties Cambridgeshire Ltd

He called:

Mr Paul Ellis BA(Hons) DipLA	Associate Landscape Architect, RPS
Dr Ricardo Gomez BA MA PhD	Director, Regeneris Consulting
Mr Mark Buxton MRTPI	Planning Director, RPS CgMs
Mr Andrew Brand MRTPI	Abbey Properties Cambridgeshire Ltd (Conditions session only)

### INTERESTED PERSON:

Cllr Steve Corney Ramsey Town Council and local resident

### **List of Documents tabled at the Inquiry**

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|-------------|--|
| Document 1: | Thrapston Road appeal decision (APP/H0520/W/17/3172571).                     |
| Document 2: | Biggin Lane, Ramsey: Preliminary Visual Analysis (RPS).                      |
| Document 3: | Table of distances and times for Field Road site, Ramsey.                    |
| Document 4: | Illustrative drawing no. SL01 B  |
| Document 5: | Letter from Highways England in respect of A428 dated 27.11.17.              |
| Document 6: | Email exchange between HDC and Highways England.                             |
| Document 7: | Email exchange in respect of land at Old Forge and 22 High Street, St Neots. |
| Document 8: | Appellants' Opening Points.  |
| Document 9: | Council's Opening Remarks.   |

- Document 10: Section 106 agreement dated 19 December 2017.
- Document 11: Memorandum from Highways England to HDC in respect of planning application ref. 1300388OUT.
- Document 12: HDC's position on Formal Green Space contribution.
- Document 13: HDC's table of sites proposed for allocation at Ramsey in the draft Local Plan.
- Document 14: Bat Survey Report (RPS)
- Document 15: Email from Senior Development Management Officer HDC in respect of site at Windmill Row, St Neots.
- Document 16: Amended list of draft conditions.
- Document 17: Closing Submissions on Behalf of HDC.
- Document 18: Appellants' Closing Submissions.