

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Decision Date: 12 August 2015

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The Council hereby refuses permission 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

At: Land at Teversham Road, Fulbourn
For: Mr Daniel Coulson, Castlefield International Limited

In accordance with your application dated 19 September 2014

for the following reasons:-

1. The collective adverse impact of the development on the landscape character, setting of Fulbourn Conservation Area, village character and ecological interests results in demonstrable and significant harm which, on balance, outweighs the benefits which arise from delivering up to 110 dwellings (30% of which will be affordable at a 50/50 rented to shared ownership split) in a village which is well served by services and facilities and has good access to public transport links. For this reason the proposal does not represent sustainable development and conflicts with the requirements of the NPPF.
2. The site is proposed to be designated a 'Local Green Space'. The NPPF and policy NH/12 of the emerging Local Plan seek to protect such sites from development unless there are very special circumstances. In accordance with paragraph 216 of the NPPF and taking into account the sites 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 this proposed designation. No very special circumstances have been demonstrated to outweigh this harm.
3. Paragraph 14 of the NPPF states there is a presumption in favour of sustainable development, it says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted. Paragraph 49 of the NPPF states that adopted policies 'for the supply of housing' cannot be considered up to date where there is not a five year housing land supply. It follows on from this that where councils are unable to demonstrate a five year supply of housing, as is the case with South Cambridgeshire, that planning applications for new housing development are required to demonstrate the new houses can be delivered within 5 years. Taking into account the technical complexities in delivering the houses on this site and outline nature of the development proposal it is not considered the applicants have provided sufficient evidence to demonstrate the houses will be delivered within 5 years.

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General

1. **Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions**

The LPA positively encourages pre-application discussions. Details of this advice service can be found on the Planning pages of the Council's website www.scambs.gov.uk. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

2. A delegation report or committee report, setting out the basis of this decision, is available on the Council's website.

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Jane Green
Head of New Communities

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA

SEE NOTES OVERLEAF

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NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so using a form which you can get from the Customer Support Unit, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Alternatively, an online appeals service is available through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs. The Planning Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information you are happy will be made available to others in this way, including personal information belonging to you. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Fully completed appeal forms must be received by the Planning Inspectorate within six months of the date of this decision notice except where the property is subject to an enforcement notice, where an appeal must be received within 28 days.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving the notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.