

**The Town and Country Planning Act 1990: Section 171 The Town
and Country Planning Appeals (England) Rules 2000**

PROOF OF EVIDENCE

DEAN SCRIVENER

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

PLANNING WITNESS

**Appeal by Mr Drew Price and Mr James Ball against South
Cambridgeshire District Council's decision to refuse the
application for the Change of use of land through intensification to
the stationing of caravans for residential purposes, nine dayrooms
and the formation of hardstanding ancillary to that use.**

2025

Planning Inspectorate Reference:

APP/W0530/W/22/3308444

Local Planning Authority Reference:

22/01703/FUL

Contents

1. Qualifications/Experience
2. The Planning Application
3. Scope of evidence
4. Relevant Legislation, policy and guidance
5. Appeal Scheme
6. The Assessment of Harm
7. Planning Balance and Conclusion
8. Appendices

1. Qualifications, experience and involvement

Qualifications:

- 1.1 My name is Dean Scrivener and I am a Principal Planning Officer for the Greater Cambridge Shared Planning Service (GCSPS). The GCSPS provides a planning service for both Cambridge City and South Cambridgeshire District Councils.
- 1.2 I attended the University of East Anglia and graduated with a BSc Honours in Environmental Earth Science. Following my employment at GCSPS, I attended Anglia Ruskin University and graduated with a MSc Honours in Town Planning, which was fully accredited with the Royal Town Planning Institution (RTPI). I conduct my work professionally in accordance with the values and professional obligations of an RTPI member.

Experience:

- 1.3 I started my career at South Cambridgeshire District Council (SCDC) in November 2015, as a Planning Project Officer. In 2016 I was appointed as a Planning Officer within the Development Management Team at SCDC, where I started dealing with Planning applications and having my own case load. From then on, I have worked my way up to Senior Planning Officer and then onto Principal Planning Officer. During my Planning career, I have obtained experience in assessing planning applications and have been directly involved in various types of planning matters including residential uses, commercial uses and research and development type uses, on both minor and major scales. I have also dealt with Section 73 applications, Section 106 and Section 106A applications, certificates of lawfulness and discharge of conditions.

Involvement:

- 1.4 My involvement with this appeal commenced in December 2024 when I was asked to represent the Local Planning Authority (LPA) on planning matters in

relation to the appeal. To clarify, I was not the original Case Officer on the application which was refused in 2022.

- 1.5 The evidence which I have prepared and provided in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. The Planning Application

- 2.1 Planning Application 22/01703/FUL was determined on the 5th of September 2022. The application was refused on the following eight grounds:

1. *The site is located outside of the development framework boundary of Cottenham. The proposal would result in the encroachment into the open countryside and incremental growth in an unsustainable location. To access local services/facilities the future occupiers of the site will have to travel a significant distance via a car. The proposed development would represent encroachment of the open countryside, incremental growth in an unsustainable location and a need to travel, particularly by car. The proposal is therefore contrary to Policies S/3, S/7, H/22 & TI/2 of the South Cambridgeshire Local Plan 2018 and fails to comply with the provisions of the National Planning Policy Framework.*
2. *The proposed development would result in a significant urbanisation of the application site in a rural setting. The urbanisation of this site would fail to appropriately relate to its setting and would significantly harm the character of the site and the wider surrounding area. Accordingly, and given the proposal would be located outside of the development framework of Cottenham, the development contravenes Policies S/7, H22 & HQ/1 of the South Cambridgeshire Local Plan 2018 and fails to comply with the provisions of the National Planning Policy Framework and therefore allow a form of development that is not sustainable.*

3. *The proposed development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development; dust and noise are of particular concern. The applicant has also failed to demonstrate that the proposed development is compatible with the adjacent quarry.*
4. *In the absence of a statement demonstrating safeguarding of the Sand and Gravel Mineral Safeguarding Area, the proposal is contrary to Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021).*
5. *In the absence of submission of a biodiversity statement outlining the mitigation methods of the impact the proposal will have upon the local wildlife or existing planting, the proposed development is contrary to Policy NH/4 of the South Cambridgeshire Local Plan.*
6. *The development is proposed on contaminated land. In the absence of an assessment of the extent of contamination and any possible risks, the proposed development is contrary to Policy SC/11 of the South Cambridgeshire Local Plan 2018.*
7. *The proposed development partly falls within Flood Zone 3. At present the flood risk of part of the site means the safety of people and ability of people to reach places of safety or access by emergency services is compromised, The proposed development is therefore contrary to Policies CC/8 & CC/9 of the South Cambridgeshire Local Plan 2018 and Section 14 of the NPPF.*
8. *The proposed development would lead to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The vehicular movements associated with the use of the access in respect to stationing of*

caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use would lead to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduce a point of possible traffic conflict, being detrimental to highway safety. The proposed development is therefore contrary with Policy TI/2 of the South Cambridgeshire Local Plan 2018 and Section 9 of the NPPF.

- 2.2 Reason for refusal nos. 6 and 7 have been withdrawn subject to conditions which are currently being agreed with the appellant. Following the submission of further information during the appeal process, reason for refusal 8 (highway safety) has also been withdrawn subject to conditions and in agreement with the appellant.

3. Scope of Evidence

- 3.1 My evidence covers the planning matters associated with the proposal and the reasons for refusal. This proof of evidence will set out why I consider the development is not acceptable in relation to the relevant policies of the South Cambridgeshire Local Plan 2018, as well as other national planning policies and associated material planning considerations.
- 3.2 I rely upon the evidence of expert witnesses in relation to specific topics such as landscape, ecology, minerals and the need for traveller sites. Therefore, this proof of evidence should be read alongside the evidence of all other witnesses.

4 Relevant Legislation, Policy and Guidance

- 4.1 This section outlines the relevant legislation, policies and guidance which I consider are the most relevant to the proposed development and to inform my judgement.

Legislation

- 4.2 The Planning and Compulsory Purchase Act 2004 Section 38(6) states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Natural Environment and Communities Act 2006 (as amended)

- 4.3 The Natural Environment and Communities Act 2006 (as amended) is relevant as follows: Section 40: Duty to conserve - Natural Environment and Communities Act 2006 (as amended). This section of the NERC Act confirms that the public authorities, including the Planning Inspectorate, have a statutory duty to further the conservation and enhancement of biodiversity in England. In relation to the priority habitats and priority species, the minimum requirement in legislation is conservation.
- 4.4 Section 41: Biodiversity Reports - Natural Environment and Communities Act 2006 (as amended) confirms that the priority species and priority habitats included in the lists published by the Secretary of State are of “principal importance for the purpose of conserving or enhancing biodiversity” in England.
- 4.5 As set out in the ecology proof of evidence, Regulations 9 and 10 of the Conservation of Habitats and Species Regulations 2017 (as amended) are relevant in that public authorities, including the Planning Inspectorate, have a legal duty to have regard for the requirements of the Directives (Habitats Directive and Wild Birds Directive) when exercising any function, such as determining planning applications or appeals and a separate duty to further the preservation, maintenance, and re-establishment of wild bird habitat.
- 4.6 Section 5 – Wildlife and Countryside Act 1981 (as amended). This section lists animal species that are protected under this Act, of which some are relevant to this appeal.

National Planning Policy Framework (December 2024)

- 4.7 The National Planning Policy Framework (NPPF) 2024 provides the Framework for decision-making within the planning sector. The NPPF was revised as of December 2024. The relevant paragraphs and chapters are outlined below.
- 4.8 Chapter 2 of the NPPF refers to achieving sustainable development and sets out criteria which LPAs should adhere to when considering development proposals. Paragraph 11 states that *'plans and decisions should apply a presumption in favour of development of sustainable development'*.
- 4.9 More specifically, paragraph 11(d) applies a 'tilted balance' in respect to the determination of applications, stating that planning permission should be approved *'...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...'* The titled balance does not affect the presumption in favour of Development Plan policies. An assessment of the basket of the most important policies for determining the appeal must be undertaken. Part (ii) of paragraph 11(d) emphasises the need to have regards *'to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*⁹. Footnote 9 states that *'the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12'*.
- 4.10 The NPPF defines sustainable transport modes as *'any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport'* (Page 79 of the NPPF).
- 4.11 Chapter 9 of the NPPF discusses the promotion of sustainable transport. Paragraph 109(e) of the NPPF states that *'identifying and pursuing opportunities to promote walking, cycling and public transport use'* should be

considered from the earliest stages of development proposals. Paragraph 110 of the NPPF goes on to ensure there is a range of transport modes serving new development, in order to reduce congestion and improve air quality and public health. Similarly, Paragraph 115 of the NPPF addresses the need for all applications to ensure that sustainable modes of transport are prioritised, and that all users can easily access the site safely. In particular, part (a) states that *'sustainable transport modes are prioritised, taking account of the vision for the site, the type of development and its location'*.

4.12 Paragraph 63 of the NPPF refers to establishing housing for different groups within the community *'...These groups should include (but are not limited to)...travellers²⁷'*. Footnote 27 of this paragraph refers to the Planning Policy for Traveller Sites (PPTS) which sets out how travellers' housing needs should be assessed. The relevant sections of the PPTS will be covered in the section below.

4.13 Chapter 11 of the NPPF refers to making effective use of land. Paragraph 129 of the NPPF addresses the need to ensure the efficient use of land, of which parts (a), (c) and (e) are of particular relevance to this appeal.

4.14 Chapter 12 of the NPPF deals with achieving well designed places in order to deliver high quality development. Paragraph 135 of the NPPF sets out a list of criteria which all new development should strive to achieve.

4.15 Chapter 15 of the NPPF makes clear and strong provisions for minimising impacts on biodiversity and the protection of important ecological features, including priority habitats, priority species and Ecological Networks. Paragraph 193(a) of the NPPF states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.

4.16 Moreover, paragraph 187 refers to the need for development to protect and enhance sites of biodiversity.

- 4.17 Chapter 17 of the NPPF refers to the sustainable use of minerals and their importance in delivering infrastructure, buildings, energy and goods. Paragraph 222 goes on to state that *'minerals are a finite natural resource and can only be worked where they are found'*.
- 4.18 Paragraph 200 of the NPPF refers to the 'agent of change' principle, and states *'Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*.
- 4.19 Furthermore, paragraph 225 of the NPPF states that *'Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working'*.

South Cambridgeshire Local Plan (2018)

- 4.20 The South Cambridgeshire Local Plan 2018 (Local Plan) aims to strike the right balance between growth and conservation, valuing what makes the area unique. It aims to provide new homes in the right areas, and that all transport needs are considered, as well as providing people with a choice about where to live so they do not have to rely on cars for all their journeys.
- 4.21 The Local Plan also sets the levels of employment and housing development that should be provided over the plan period to best meet the needs of the area and establish a clear strategy for meeting development needs in the most sustainable way that protects the quality of life of existing and future residents.
- 4.22 The LPA accepts that it does not have a 5 Year Housing Land Supply (5YHLS) for traveller sites or housing.

4.23 The Court of Appeal found in *Hallam Land v SSCLG & Eastleigh BC* (See Section 8 'Appendices' (2) - Paras. 46-47), that the extent of a 5YHLS shortfall and the action being taken by the LPA to address it, is relevant to the weight to be given to policies.

4.24 As set out above, the scale of the 5YHLS shortfall is a material consideration; the District's housing land supply gap of 4.6 years in the 2025 to 2030 period (beginning on 01 April 2025 and using the new standard method for calculating supply) being considered relatively small. A new trajectory is due to be published in April 2025.

4.25 I attach appeal decisions listed within Section 8 'Appendices' below, dealing with similar shortfalls as follows:

- Hawkhurst Golf Club appeal decision issued 2nd February 2022 – 4.39 year supply 'relatively modest' shortfall (para 76)
- Land West of Hartenoak Road, Hawkhurst (APP/M2270/W/20/3247397) issued November 2020 – 4.69 year supply found to be a 'relatively small' shortfall (para 29)
- Pickwick appeal (APP/Y3940/W/21/3276908) determined in April 2022 – 4.14 year supply was a shortfall attracting 'moderate rather than significant weight' (para 44)

4.26 Paragraph 232 of the NPPF makes it clear that *'Existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'*

4.27 It is therefore necessary to detail which policies are most important for determining the appeal and appraise whether these policies are consistent with national policy in order to assess the weight to be attributed to them.

4.28 In the case of this appeal, the following policies are considered the most important for the determination of this Appeal:

- S/3 Presumption in Favour of Sustainable Development
- S/7 Development Frameworks
- HQ/1 Design Principles
- H/20 Provision for Gypsies and Travellers and Travelling Showpeople
- H/22 Proposals for Gypsies, Travellers and Travelling Showpeople Sites on Unallocated Land Outside Development Frameworks
- H/23 Design of Gypsy and Traveller Sites, and Travelling Showpeople Sites
- NH/2 Protecting and Enhancing Landscape
- NH/4 Biodiversity
- NH/5 Sites of Biodiversity or Geological Importance
- SC/10 Noise Pollution
- TI/2 Planning for Sustainable Travel

4.29 Refusal reason no. 1 of the decision notice refers to policies S/3, S/7, H/22 & TI/2 of the Local Plan. These policies are outlined below.

4.30 Policy S/3 (Presumption in Favour of Sustainable Development) refers to the presumption of sustainable development as directed within the NPPF. This is a common theme throughout the Local Plan and requires development to be sustainable in considering the economic, social and environmental conditions within the area, unless material considerations indicate otherwise. It goes onto state that *'where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account: a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or b) Specific policies in that Framework indicate that development should be restricted.'* Given the Local Plan policies as set out above are now out of date, these policies carry less weight than previously, however, in accordance with paragraph 232 of the NPPF, I will give levels of weight to the Local Plan policies when considering their consistency with the NPPF policies, as set out below.

4.31 Policy S/7 (Development Frameworks) intends to secure development to within village framework boundaries in order to promote sustainable development and protect the countryside from gradual encroachment. The policy does recognise that certain types of development need to be located outside of these boundaries and/or are supported by other policies within the Local Plan. The purpose of the policy is to direct development to within settlements in order to ensure sustainable development patterns which is consistent with the objectives of the NPPF. Given the LPA cannot demonstrate a 5YHLS, as such any policy that can be considered to restrict the supply of housing is considered out of date and therefore an assessment against paragraph 11(d) of the NPPF and the qualitative criteria that it sets out is needed. Whilst I acknowledge that Policy S/7 seeks to deliver development to within settlement boundaries, the revisions to the NPPF clearly sets out the requirement for LPAs to deliver more housing, albeit in sustainable locations and therefore this restrictive location policy is not strictly consistent with the intentions of the NPPF policies. I therefore acknowledge this and would only attribute moderate weight to this policy.

4.32 Policy H/20 is not referenced within the reason for refusal no.1 however, it does set out the requirement for the LPA to deliver traveller sites within the District which is in accordance with the NPPF and PPTS.

4.33 Policy H/22 (Proposals for Gypsies, Travellers and Travelling Showpeople Sites on Unallocated Land Outside Development Frameworks) directs applications for Gypsy and Traveller caravan sites and sites for Travelling Showpeople (as defined in the Government's Planning Policy for Travellers) on unallocated land outside development frameworks, and outside the Cambridge Green Belt. This policy requires the need for traveller sites to be demonstrated, in terms of type, tenure and pitches proposed. There is a number of criteria set out within this policy and there is a clear emphasis to ensure sites are designed so that they do not result in harm upon the surrounding areas in respect of design and location, as well as being appropriately located and not within open countryside and away from existing settlements, promoting sustainable development. This policy reflects the objectives of the NPPF in relation to delivering sustainable

development and promoting healthy communities. This is further directed within the PPTS, particularly in paragraphs 26 and 27. Therefore, I attach significant weight to Policy H/22.

4.34 Policy H/23 discusses the need for traveller sites to be appropriately designed and laid out effectively, to ensure sites are in keeping with the surrounding area. Despite this policy not being referred to in the reason for refusal, the policy supports similar objectives of paragraph 27 of the PPTS in relation to appropriate design and landscaping, as well as the design aspirations as set out within paragraph 135 of the NPPF. Therefore, I consider significant weight to be attached to Policy H/23.

4.35 Policy TI/2 (Planning for Sustainable Travel) deals with promoting sustainable modes of transport in order to reduce the reliance on car dependency and encourage walking and cycling. This is wholly consistent with the objectives of the NPPF in providing sustainable development which offers a wide range of more sustainable modes of travel and therefore I attach significant weight to this policy.

4.36 Refusal reason no. 2 of the decision notice also refers to policies S/7 and H/22 as above, as well as Policy HQ/1 of the Local Plan.

4.37 Policy HQ/1 is the overarching policy in respect of securing high quality developments which are in keeping with the character and appearance of their respective areas, as well as providing access for all users. The policy sets out a number of criteria which all development should adhere to. This policy and its aspirations build upon the design objectives for new development as directed by the NPPF, as well as the design criteria as set out within the PPTS. Therefore, I consider significant weight to be attached to Policy HQ/1.

4.38 In addition to the above, I also consider Policy NH/2 of the Local Plan to be relevant to this appeal. Despite reason for refusal no. 2 not referring to this policy, the policy requires development to respect and retain the local character and distinctiveness of the local landscape. The objectives of this policy are

similar to the aims of paragraph 27(b) of the PPTS with reference to soft landscaping and positively enhancing the environment, as well as increasing the openness of the site. Policy NH/2 is very specifically related to protecting the surrounding landscape. Chapter 15 of the NPPF refers to protecting and enhancing valued landscapes and specific sites of natural beauty of the countryside. Therefore, I attach moderate weight to this Policy NH/2 in this instance.

4.39 Reasons for refusal nos. 3 and 4, predominantly refer to policies 16 and 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021), respectively. Policy 5 reflects the directions of paragraphs 222 and 225 of the NPPF in terms of ensuring any future mineral extraction can take place. Policy 16 instructs that within Consultation Areas, which is the case here, the agent of change principle will be applied to ensure the operations associated with mineral excavation can continue, in accordance with paragraph 200 of the NPPF. As such, both policies are consistent with the objectives of the NPPF and therefore I attach significant weight to these policies in this instance. These policies will be specifically addressed by the expert witnesses from the County Council, Mr Matthew Breeze and Mrs Deborah Jeakins.

4.40 These reasons also refer to noise and dust impact upon the occupiers of the site, in relation to the operations of the quarry. It is clear that the County Council consider noise and dust to be particular issues for future residents. Despite neither of these reasons for refusal referring to the Local Plan policies, I consider policies HQ/1(part n) and SC/10 to be of most relevance within the Local Plan in respect to dust and noise impact respectively. One of the intentions of the NPPF is to deliver healthy places for communities, however dust and noise are not specifically addressed in isolation. These matters are considered to fall within the objectives of paragraph 135(f) of the NPPF which strives to achieve '*high standards of amenity for existing and future users*' and promoting health and well being. As such, I attach moderate to significant weight to policies HQ/1(n) and SC/10 in this instance.

- 4.41 Reason for refusal no. 5 refers to the lack of ecological information submitted with the original application to inform the LPA as to whether the proposal would have an impact upon local wildlife and existing planting at and near to the site.
- 4.42 Policy NH/4 addresses the need for all new development to ensure sufficient mitigation is in place to protect and enhance biodiversity and supports the direction of paragraph 193(a) of the NPPF. This is further directed within the Natural Environment and Communities Act 2006 and the Conservation of Habitats and Species Regulations 2017 in relation to the statutory obligations of LPAs to safeguard protected species from harm. As such, I attach significant weight to Policy NH/4.
- 4.43 Unfortunately, as this development took place without planning permission, this aspect is extremely difficult for the LPA to assess. This demonstrates the importance of deterring intentional unauthorised development. Therefore, there has been a clear breach of safeguarding and/or enhancing biodiversity on the site, which may have incurred harm upon protected species within and/or near to the site.
- 4.44 Although reason for refusal no. 5 does not refer to Policy NH/5 of the Local Plan, following the assessment of the development and in discussions with our ecology witness Dr Daniel Weaver, I consider this policy to be also relevant. This is due to the site being partly located within a designated County Wildlife Site: River Great Ouse. This policy seeks to protect such sites from adverse impact and should not be permitted unless proven otherwise, in accordance with paragraph 193(a) and paragraph 187 of the NPPF. Therefore, I attach significant weight to this policy.

South Cambridgeshire Supplementary Planning Documents (SPDs) (of Relevance to this Appeal)

- 4.45 The Greater Cambridge Biodiversity SPD (2022) reflects the requirements of Policy NH/4 in requiring ecological enhancement (such as integrated bird bricks) and measurable net gain in biodiversity as supported by the NPPF.

4.46 Cottenham Neighbourhood Plan (2021) sets out policies which steer new development within and around the area of Cottenham.

Planning Policy for Traveller Sites (PPTS) (2024)

4.47 The Planning Policy for Traveller Sites (PPTS) sets out how LPAs should deliver traveller sites within their respective areas. The PPTS has also been revised as of December 2024 and should be read in conjunction with the NPPF.

4.48 Paragraph 2 states '*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans and is a material consideration in planning decisions*'.

4.49 Section 4 of the PPTS addresses the decision taking process for traveller sites. Policy H sets out what material considerations should be adopted in determining planning applications for traveller sites. I consider the following paragraphs are of most relevance to this appeal.

4.50 Paragraph 23 states '*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.*'

4.51 Moreover, paragraph 24 states '*Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.*'

4.52 Paragraph 25 sets out a number of criteria which LPAs should consider when assessing planning applications for traveller sites.

- 4.53 Paragraph 26 states that *'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.'*
- 4.54 Paragraph 27 sets out criteria which should be attached weight when assessing traveller sites.
- 4.55 Lastly, paragraph 28 states *'If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply'*. It goes on to state that LPAs should consider the use of planning obligations and conditions to overcome planning objections, in order to support traveller sites.
- 4.56 Policy I purely states that the implementation of the policies in the PPTS are required from date of adoption and that the NPPF policies also apply to decision taking for traveller sites (paragraphs 29 and 30).
- 4.57 Annex 1: Glossary on page 11 refers to what is the definition of Gypsies and Travellers under point 1: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'*.

5. The Appeal Development

The Appeal Site

- 5.1 The appeal site is located to the south of the Chear Fen Boat Club, Twenty Pence Road, Cottenham. Directly to the north of the site is the River Great Ouse. The site is surrounded by open countryside and is located outside any development framework boundary. The site is located within a minerals and waste safeguarding area, which is associated with Mill Hill Quarry, located

further to the south/south east. There is a public right of way (PROW) which runs along the northern side of the River Great Ouse, on the opposite side to the site.

- 5.2 The site is situated along Twenty Pence Road which is a long stretch of road, connecting the villages of Cottenham and Wilburton and adopts the national speed limit of 60mph. The road has clusters of buildings along it, which are predominantly farm establishments, although there are residential homes directly to the north of the site, on the other side of the river.

The Proposed Development

- 5.3 The proposed development involves the change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use. This equates to 9no. individual plots.
- 5.4 According to the submitted drawings under the planning application reference 22/01703/FUL, each of the individual plots would have loose bound permeable hardstanding to accommodate a mobile home, a singular touring caravan, a utility/day room and two vehicle parking spaces, as indicated on the Proposed Block Plan (drawing no. 21_1161B_003 Rev A). Each plot will have hardstanding with varying sized residential gardens. The plots will be divided via boundary planting and post and rail timber fencing.
- 5.5 The access into the site is via Twenty Pence Road. The access track into the site is to be loose bound permeable hardstanding and each plot will be accessed via this internal access track.

6. The Assessment of Harm

Reason for Refusal no. 1 - Sustainable Location

- 6.1 Reason for refusal no.1 refers to the site being within an unsustainable location by virtue of its location within the countryside and outside of any designated village framework boundary. In this instance, the nearest village boundary is Cottenham, located further to the south west. The main access via Twenty Pence Road is only accessible by car, which adopts the 60mph speed limit. There are no footpaths or cycleways to allow the occupants to safely walk or cycle to and from site, in order to access services and facilities. The relevant policies of the Local Plan are S/3, S/7, H/22 and TI/2, as referred to within the reason for refusal no.1.
- 6.2 Policy S/3 of the Local Plan sets out that the LPA will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Sustainable development is the main thread which runs through the NPPF and is influential in decision making, as directed by paragraph 11. Given the location of the site is approximately 3.1 miles (according to Google maps) from the village of Cottenham, I consider the development does not constitute a location which is in close proximity to local services and facilities and are not easily accessible. As the Local Plan development strategy and its settlement hierarchy remains relevant to weighing up the sustainable location of the site, the proposal is not in accordance with the aims of Policy S/3 of the Local Plan.
- 6.3 Moreover, Paragraph 2 of Policy S/7 of the Local Plan states that *'outside of development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.'* Cottenham has adopted a Neighbourhood Plan but the site is not located within any of the suggested sites within the Neighbourhood Plan. The development frameworks remain relevant to weighing up the sustainability of a location as the boundaries are drawn as to what the LPA considers to be sustainable locations. As such, the proposed development would need to accord with other policies in the Local Plan to enable the LPA to support the development in this location.

- 6.4 Policy H/22 of the Local Plan allows traveller sites on land outside of village framework boundaries, subject to several criteria being adhered to. As stated within the delegation report and at the time of writing this proof evidence, the appellant has not submitted any information to the LPA to demonstrate the occupiers fall within the definition of travellers as set out within Annex 1: Glossary of the PPTS, and therefore Policy H/22 is not technically engaged at the current time. Should the appellant demonstrate the occupiers do fall within the definition during the course of the appeal, then Policy H/22 is the most relevant policy in this instance.
- 6.5 Notwithstanding the above, traveller sites should not be located so far away from existing settlements, as clearly directed within paragraph 26 of the PPTS. Therefore, in my opinion, the location of the site would not be in accordance with the policies within the Local Plan nor paragraph 26 of the PPTS.
- 6.6 Assuming the appellant demonstrates the occupiers do fall within the definition during the appeal, criterion (b) of Policy H/22 is the most relevant criterion in relation to reason for refusal no.1. The site is clearly set far beyond the nearest village framework boundary of Cottenham. It is not related to any existing settlement which provides a range of services and facilities, and cannot be made safely accessible on foot, cycle or public transport. As referred to within the delegation report, the closest facility is at least 2.5 miles from the site, which is Wilburton CofE Primary School. In accordance with the Independent Parental Special Education Advice (IPSEA) (Section 8 'Appendices' (1)), the distance is suggested to exceed the statutory walking distance of 2 miles that a child below the age of 8 years is expected to be able to manage to walk between home and school. In addition, the other nearest secondary school is located in Cottenham which is approximately 3.1 miles from the site. This exceeds (albeit narrowly) the 3 mile limit that children of more than 8 years are expected to walk to school, as per the advice contained within the IPSEA guidance. Whilst I appreciate this only guidance and not planning policy, it does emphasise the unsustainable location of the site in my opinion.

- 6.7 Other facilities such as food shops and doctors are also located in Cottenham. The site is not accessible by any means of footpaths or cycle ways, nor is it serviced by any local bus service. I believe the closest bus stop to the site is approximately 2 miles south of the site, along Twenty Pence Road, adjacent to the Brookfield Business Centre. To exacerbate the inaccessibility of the site, Twenty Pence Road also has no street lighting, deeming it unsafe for occupiers to walk or cycle along, especially in the dark. It is therefore my view that the site would be unsafe for the occupiers to walk and/or cycle to and from the site, which is contrary to criterion b) of Policy H/22.
- 6.8 Reason for refusal no.1 also refers to Policy TI/2. This policy sets out that all development must be located to reduce the need to travel, particularly by car, and promote sustainable modes of travel. Sustainable modes of transport is defined on page 79 of the NPPF, which refers to safe and accessible means of transport with overall low impact on the environment, including walking and cycling. Given the remote location of the site and the lack of any designated footpath and cycleways servicing the site, as well as lighting, the development is not considered to promote sustainable modes of transport and is therefore not within the remits of paragraph 109(e), 110 and 115(a) of the NPPF which all seek to encourage opportunities and prioritise sustainable modes of transport when developing a site.
- 6.9 Overall, the remote location of the site does not offer any real travel choice to the occupiers and forces them to travel to and from the site by car. This is considered to be against the common thread of sustainable development as set out within the NPPF and the above policies of the Local Plan, as well as paragraph 26 of the PPTS, which all seek to deliver traveller sites within sustainable locations and create places where more sustainable modes of transport are available.

The Need for Traveller Sites

- 6.10 As directed by paragraph 78 of the NPPF, all LPAs are required *‘to identify and update a supply of specific deliverable sites sufficient to provide a minimum of*

five years' worth of housing against their housing requirement set out in annually of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old' . This includes a supply of specific deliverable sites for traveller sites. As directed by paragraph 28 of the PPTS, if the LPA cannot demonstrate a 5YHLS of deliverable sites for travellers, then the provisions under paragraph 11(d) of the NPPF apply.

6.11 Arc4 Consultants recently undertook a Gypsy and Traveller Accommodation Needs Assessment (GTANA), as of December 2024. The main findings of this GTANA establishes a 5-year need for 41no. pitches and a longer-term need for 89no. pitches, with a total need over the period 2023/4 to 2040/41 for 130no. pitches within the District. It is understood that more work is being undertaken to establish where these additional sites could be accommodated within the District, however this is not known at this stage. Essentially the LPA cannot currently demonstrate a 5YHLS for traveller sites, however recognises there is a clear need for pitches over the coming years. I refer to Michael Bullock's (arc4 Consultants) witness statement which provides further details on the GTANA and need for traveller sites.

6.12 In light of the conclusions drawn from the GTANA, the LPA are currently reviewing as to how best to proceed in delivering available sites for travellers to ensure the need identified is met. A strategy is currently being developed in consultation with arc4 consultants.

Reason for Refusal no. 2 - Landscape Harm

6.13 The area around the site is mainly used for arable farming and is part of the flat fenland landscape north and east of Cottenham. It is understood that the majority of nearby buildings which appear sporadically along Twenty Pence Road are associated with agricultural uses, although there is a cluster of residential houses directly to the north, on the other side of the River Great Ouse.

- 6.14 Reason for refusal no. 2 refers to landscape harm and refers to policies S/7, H/22 and HQ/1 of the Local Plan. As already mentioned above, given the site is located beyond the village framework boundary of Cottenham, the proposal is contrary to Policy S/7. Whilst it is recognised traveller sites could be supported in more rural locations, it is considered the site is located far beyond existing settlement which is also contrary to paragraph 26 of the PPTS.
- 6.15 In respect of Policy H/22, it is considered that part (g) is the most relevant criterion in respect to landscape harm, which states that traveller sites will only be permitted where *'the site, or the cumulative impact of the site in combination with existing or planned sites, would not have an unacceptable adverse impact on the amenity of surrounding land uses, the countryside and landscape character, village character, on heritage or biodiversity interests, or from traffic generated;'*
- 6.16 Moreover, Policy HQ/1 is the overarching policy which sets out a number of criteria to which developments should adhere to in order to promote high quality design. In addition, I consider Policy NH/2 of the Local Plan is also of relevance as it refers to retaining the surrounding landscape from visual harm.
- 6.17 Given the site is located within the countryside and would comprise caravans and hardstanding, the proposal is considered to urbanise this countryside location. In my opinion, it is difficult to fully establish the full extent of the landscape harm incurred without any Landscape Visual Impact Assessment (LVIA) to inform the extent to which the proposal would be visible from certain viewpoints, which has not been submitted to the LPA to date. Without such information and detail, it is difficult to fully assess as to whether the site could be effectively assimilated within this countryside location and mitigate any landscape harm which may or may not exist.
- 6.18 I also note there is a Public Right of Way (PROW), which runs along the north of the River Great Ouse and there are other promoted rights of way which run nearby. I note that our landscape witness Helen Sayers states there is a lack of integration of the proposed development within this rural landscape setting and

has a negative impact upon views from the PROW. It is considered the proposal would result in a moderate significant level of visual impact as the site would only be prominently visible from these viewpoints along the PROW and the Twenty Pence Road bridge, directly from the north and west of the site respectively. It is considered these views of existing open countryside would be eroded by virtue of the proposed development. I refer to our landscape witness Helen Sayers, who will discuss landscape harm in further detail.

- 6.19 Finally, whilst I note that this is not a valued landscape or a designated landscape in NPPF terms, that does not mean that the site and area are devoid of value. In the Lawrences Lane appeal decision (APP/W0340/W/22/3292211) (See Section 8 'Appendices'(6)), the site was similarly not designated or valued but the development of the site to accommodate 7no. pitches was found to harm the visual qualities and enjoyment of the landscape (see para 43).

Reason for Refusal nos. 3 and 4 – Minerals and Waste

- 6.20 The site is located within close proximity to the Mitchell Hill Quarry, which is located to the south of the site. The quarry was granted permission under reference S/0088/18/CM, by the Cambridgeshire County Council. The site is located within a Mineral Safeguarding Area and Consultation Area associated with this quarry, hence why the County Council were consulted on the original application.
- 6.21 The reasons for refusal therefore refer to policies 5 and 16 of the of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP). I rely on the evidence of Matthew Breeze and Deborah Jeakins from the Cambridgeshire County Council in respect of these policies.
- 6.22 Given the close proximity of the site in relation to the quarry, there are concerns associated with noise disturbance and dust impact arising upon the amenities of the occupiers of the site. In accordance with paragraph 200 of the NPPF which refers to the 'agent of change principle', it is my opinion that there should not be a conflict between the residential use of the site, and the operation of the

quarry and preventing the quarry from being operational. This is further directed under paragraph 225 of the NPPF.

6.23 Following the submission of the appeal, the appellant has submitted a Mineral Resource Assessment, dated 30 January 2025, prepared by the RPS Group, which relates to the effects of mineral excavation. The County Council witnesses have assessed the information and conclude that this does not sufficiently overcome the concerns around the operation of the quarry and subsequent amenity impacts upon the occupiers of the site. As a consequence, and in reliance on evidence from the County Council, these reasons for refusal have not been overcome.

6.24 I also note that further information in respect of noise information was submitted by the appellant as of 5th February 2025. These were undertaken by Sharps Redmore, LF Acoustics and TGS Acoustics. The LPA instructed its Environmental Health Officer to assess this information as to whether noise would result in significant levels of disturbance upon the occupiers. The Environmental Health Officer agrees with the conclusions drawn within the noise reports, in that the occupiers will not experience significantly harmful levels of noise as a result from quarrying activities and therefore the noise levels experienced at the site would be acceptable.

6.25 Notwithstanding this, no information has been submitted in relation to dust generation and/or dust mitigation by the appellants to date. As noted by our County Council witnesses, many of the processes taking place at the quarry have the potential for dust emission and therefore it is likely that the operations associated with the quarry would result in dust particles being dispersed. Therefore, dust still remains a concern as referred to within reason for refusal no.3.

Reason for Refusal no. 5 - Ecology

6.26 Reason for refusal 5 refers to the lack of any ecological assessment being submitted with the original application. As such, the LPA could not make an

informed assessment as to whether the proposal would result in significant harm upon any protected species which may be present, and whether any effective mitigation was needed to be secured prior to development. Therefore, the proposal is contrary to Policy NH/4 which seeks to protect and enhance biodiversity, which is also directed by paragraph 193(a) of the NPPF.

6.27 Additionally, it has become clear through discussions with our ecology witness Dr Daniel Weaver, the site partly lies within a designated County Wildlife Site, and therefore it would appear that Policy NH/5 of the Local Plan is also engaged. Policy NH/5 seeks to protect sites of biodiversity and therefore the application should have been supported by an ecological assessment and any suitable mitigation needed to safeguard any protected species present. Should the LPA's Ecology Officer have been consulted at the time of the original application, I agree that Policy NH/5 would have also been included within the reason for refusal.

6.28 The appellant has submitted a Retrospective Ecological Appraisal and Biodiversity Net Gain Assessment, dated January 2025. There appears to be a lack of evidence to suggest that the development has not resulted in harm upon protected species and habitat within the site, and therefore no recommended mitigation measures or whether further ecology surveys are required to establish the level of harm. This is a requirement of Policy NH/4 and paragraph 193(a) of the NPPF, and therefore the reason for refusal no. 5 still stands.

6.29 It does appear that no assessment of the potential impact upon the County Wildlife Site has been undertaken, and therefore the LPA cannot accurately determine the resulting level of harm upon the designated site, and therefore the proposal is contrary to Policy NH/5 of the Local Plan and paragraph 187 of the NPPF.

6.30 I refer to Daniel Weaver, our Ecology Witness, who will discuss ecology matters in more detail, but it is my view that ecology harm has not been avoided, mitigated or compensated via the evidence thus far presented by the appellant.

Intentional Unauthorised Development (IUD)

6.31 A further harm is the intentional unauthorised development that has taken place. This development plainly took place in the knowledge that planning permission was required. I note that in the Lawrences Lane appeal decision, the Inspector gave “significant weight to the nature, extent and the intentions leading to the unauthorised development” (para 146).

7. The Planning Balance and Summary

7.1 The Planning and Compulsory Purchase Act 2004 Section 38(6) states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 As per paragraph 11 of the NPPF and paragraph 23 of the PPTS, applications should be assessed and determined in accordance with the presumption in favour of sustainable development.

7.3 Nonetheless, the LPA cannot currently demonstrate a 5YHLS for traveller sites. The latest GTANA clearly sets out there is a need for traveller sites over the next Plan period and beyond, which I cannot dispute. Although I understand that further assessment is required to be undertaken to establish alternative site in which to accommodate travellers, this is currently unknown. As such, in accordance with paragraph 28 of the PPTS, paragraph 11(d) of the NPPF and the ‘tilted balance’ applies. This does not mean no weight is attributed to Development Plan policies and I have undertaken an assessment of consistency of the most important policies with national policy, as set out above.

7.4 Part (ii) of paragraph 11(d) emphasises the need to have regards ‘to *sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*⁹’. Footnote 9 states that ‘*the policies referred to are those in paragraphs 66 and*

84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12'.

- 7.5 As aforementioned, the site is located far beyond any designated village framework boundary and is within the countryside, contrary to the guidance under paragraph 26 of the PPTS. The site is not accessible by more sustainable modes of travel as there are no footpaths or cycle lanes along Twenty Pence Road, forcing the occupiers to travel by car only. The site is also not serviced by any means of local transport. As such, the development is contrary to the policies S/3, S/7, H/22 and TI/2 of the South Cambridgeshire Local Plan 2018, as well as paragraphs 11(d), 110 and 115 of the NPPF. I therefore consider the site is not in a sustainable location.
- 7.6 In terms of effective use of land, paragraph 129 of the NPPF sets out criteria to which decisions should consider (a-e, of which parts (a), (c) and (e) are applicable here). Whilst I acknowledge there is a need for traveller sites within the District, it is currently unclear as to where these additional sites are to be located. Making effective use of the land needs to be considered in the context of the location of the site which is immediately adjacent to a working quarry for mineral extraction. There are concerns raised regarding residential amenity and the possibility of complaints affecting the working of minerals. Under paragraph 200 of the NPPF regarding the 'agent of change principle', it would not be an effective use of land to create potential conflicts between uses. Having said this, the proposal would appear to respond to part (a) of paragraph 129 in terms of contributing to the need for traveller sites.
- 7.7 Conversely, due to the unsustainable location of the site and the reliance on car use, the proposal is not considered to promote sustainable travel modes which would subsequently not provide a healthy place to live (parts (c) and (e) respectively).
- 7.8 Moreover, paragraph 27 of the PPTS refers to criteria which should be given when considering traveller applications. Part (a) refers to the effective use of previously developed (brownfield) land and/or untidy or derelict land. The site is

not classified as brownfield land however it could be argued it was untidy or derelict. However, for the reasons above, due to its location immediately adjacent to a quarry, this is not considered to be the most effective use of land in this location.

7.9 When taking into account the ecological constraints and landscape effects and dust impact arising from the nearby quarry, the site is not considered to fall within a desirable location to deliver a traveller site. The lack of information in respect of assessing harm upon local species, as well as establishing the extent of harm upon the County Wildlife Site, is significant in this instance.

7.10 As aforementioned, the noise impact arising from the quarry has been assessed by our Environmental Health Officer, who has confirmed that noise impact would not be significant. However, as referred to by our County Council witnesses, dust is likely to be an issue and therefore I consider the proposal would not make effective use of land in this regard.

7.11 The other consideration to consider is whether the proposal achieves a well-designed place. Paragraph 135 of the NPPF lists a range of criteria for which development should deliver. The proposal would introduce a form of development which would erode existing countryside. No visual landscape analysis (LVIA) has been submitted and therefore it is difficult to establish the visual impact of the proposal upon the surrounding countryside, and whether this could be mitigated with effective landscaping. The need to ensure sites positively enhance the environment and do not comprise a lot of hardstanding, is reiterated under paragraph 27(b) and (c) of the PPTS. Part (d) of paragraph 27 refers to ensuring the site is not enclosed with so much hard landscaping, so to avoid deliberate isolation of the site from the rest of the community.

7.12 Although the site does comprise hardstanding, as well as fencing around its perimeter, these aspects are not clearly visible from further views due to the bunding and vegetation which surrounds the site. Therefore, in my view, I do consider the site to be isolated from the rest of the community, but this is due to its location specifically, as opposed to poor design. Aside from the boundary

treatments, each plot would accommodate sufficient space in which to provide garden areas for the occupiers to use and enjoy and the layout is generally well set out, allowing plentiful space in which to provide 9no. pitches.

7.13 Since the issuing of the planning refusal decision in 2022, gates have been erected at the entrance to the site. These are slightly set back from the edge of Twenty Pence Road and are clearly visible as you approach the site from the south, however, do not detract from the surrounding countryside to result in significant harm.

7.14 Therefore, whilst I consider there would be some harm incurred upon the existing landscape, the overall layout and design is considered to be acceptable in this instance and therefore I attach moderate weight to the landscape harm identified.

7.15 Furthermore, the proposal is not considered to create a place that is accessible nor promote health and well-being given the unsustainable location of the site and the lack of any cycleways and footpaths, as well as the lack of lighting along Twenty Pence Road. In terms of dust constraints associated with the nearby quarry as referred to by our County Council witnesses, it is my opinion that the proposal does not achieve a well-designed place nor an effective use of land.

7.16 In applying the 'titled balance' as directed by paragraphs 11(d) and 28 of the NPPF and PPTS respectively, I give the conflict with the Local Plan moderate weight. I note the outstanding matter of dust in association with mineral excavation, however I only give this level of harm moderate weight in the planning balance against the need for traveller sites in the District. Despite the evident need for sites within the District, I give moderate weight to the provision of a traveller site in this location. Whilst 9no. pitches would contribute to the need for traveller sites within the District, this is in an inherently unsustainable location of the site, as well as having an ecological impact which has not been sufficiently mitigated. Whilst I acknowledge traveller sites can be located within countryside locations; this location is not sustainable and cannot be made

sustainable. In my view the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to the unsustainable location.

7.17 I am aware that the appellants argue that there is a fallback position of a Lawful Development Certificate (LDC) for one caravan on the appeal site. I rely on the evidence of my colleagues as to the status of the LDC. However, even if there is such a lawful use, it is my view that the material change of use by virtue of intensification to 9no. pitches is significantly more harmful by virtue of the subsequent landscape and ecological effects, as well as more residents would be occupying the site which would result in greater exposure to dust from the quarry adjacent. In my view, even if there is an extant LDC, planning permission sought is not compliant with national or local policy.

7.18 For the reasons as set out within this witness statement, the inspector is invited to uphold the reasons for refusal and dismiss the appeal.

8. Appendices

- (1) [Transport: children who live beyond statutory walking distance www.ipsea.org.uk](http://www.ipsea.org.uk)
- (2). Hallam Land v SSCLG & Eastleigh BC – Case No. C1/2017/3339 (paras. 46-47) - [Court of Appeal Judgment Template](#)
- (3). Hawkhurst Golf Club (APP/M2270/W/21/3273022) decision issued 2nd February 2022 – 4.39 year supply ‘relatively modest’ shortfall (para 76) - [Reference: APP/M2270/W/21/3273022](#)
- (4). Land West of Heartenoak Road, Hawkhurst (APP/M2270/W/20/3247397) issued November 2020 – 4.69 year supply found to be a ‘relatively small’ shortfall (para 29) - [Reference: APP/M2270/W/20/3247397](#)
- (5). Pickwick appeal (APP/Y3940/W/21/3276908) determined in April 2022 – 4.14 year supply was a shortfall attracting ‘moderate rather than significant weight’ (para 44) - [Reference: APP/Y3940/W/21/3276908](#)
- (6). Land at Lawrences Lane, Thatcham (APP/W0340/W/22/3292211) - see para 43 in relation to landscape harm - [Reference: APP/W0340/W/22/3292211](#)

Land To The South Of Chear Fen Boat Club, Twentypence Road, Cottenham
Dean Scrivener - Planning Witness