

Our Ref: 22/01703/FUL
Your Ref: 21_1161B Drew Price and James...

5 September 2022



Mr Graham Clark
Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Shrewsbury
SY4 4TT

South Cambridgeshire Hall
Cambourne Business Park
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CB23 6EA

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Dear Mr Clark

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
Application for Planning Permission

Proposal: 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.

Site address: Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham
Cambridgeshire

Your client: Mr Drew Price and James Ball

Please find attached the formal decision notice refusing planning permission for the above development and giving the Local Planning Authority's reasons for doing so.

Appealing against this decision

You should also be aware that the applicant has the right to appeal against this decision, please see <https://www.gov.uk/government/organisations/planning-inspectorate> for details.

Yours sincerely

SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire



Refusal of Planning Permission

Reference 22/01703/FUL
Date of Decision 5 September 2022

Mr Graham Clark
Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Shrewsbury
SY4 4TT

The Council hereby REFUSES Planning Permission for:

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.

at

Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham Cambridgeshire

in accordance with your application received on 17 May 2022 and the plans, drawings and documents which form part of the application for the following reason(s):

Reasons

- 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.

Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
21_1161B_003 Rev A	17.05.2022
21_1161B_001	08.04.2022

Authorisation

Authorised by:



SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Date the decision was made: 5 September 2022

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 under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.
- 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 notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably 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 Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about

which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>