AGREED STATEMENT OF COMMON GROUND

INTRODUCTION

1. This Statement of Common Ground confirms those matters that are agreed between the parties; those matters in dispute focusing on the reason for refusal; and confirms the conditions that the parties agree should be annexed to the planning permission if this appeal is allowed.

APPEAL SITE

2. The site is situated on the north-eastern side of Fowlemere Road, Foxton, approximately 1.2km north-west of the village of Thriplow and 340m north of Orchard Farm ("Appeal Site").

3. The Appeal Site measures 2.7 ha (as amended and agreed with the Council post submission of the planning application to incorporate the wetland area) and is largely flat, located within a slight depression in the topography of the area, with the fields rising to the north and south. The site is located in the open countryside and within the Green Belt.

4. A public footpath (references 93/1 and 94/3) is situated 400m west of the Appeal Site. A permissive bridleway (reference AG00222912.A) is located to the north of the Appeal Site.

5. A Tree Preservation Order (No. 5/74) applies to the group of trees along the western boundary of the Appeal Site.

6. The site lies in Flood Zone 1.

PLANNING HISTORY

7. The Appeal Site has no relevant planning history.
8. The Appellant has submitted the following applications, which have been referred in the consultation comments and referenced in the Council’s report to Planning Committee of 24 April 2018, although do not concern the Appeal Site:

8.1. S/3591/17/FL- Thriplow Farm, Lodge Road, Thriplow, Royston, Cambridgeshire, SG8 7RN - Demolition of existing buildings and redevelopment for 36 dwellings together with new vehicle access from Lodge Road, parking, drainage infrastructure and public open space to include children’s play facilities. Refused. This site is identified on the plan at Appendix 1.

8.2. S/3567/17/FL- New Barn, Brook Road, Thriplow, SG8 7RG - Demolition of existing barn and construction of a car repair workshop and works to site entrance. Refused. This site is identified on the plan at Appendix 2.

8.3. S/0713/05/0 – Thriplow Farm, Lodge Road, Thriplow, Royston, Cambridgeshire, SG8 7RN - Outline planning application for residential development (estimate of 25-35 dwellings). Refused. This site is identified on the plan at Appendix 3.

DEVELOPMENT PROPOSALS

9. The proposed development is described as follows ("Appeal Scheme"): "Construction of a new grain store and creation of an access from Fowlmere Road together with planting and formation of an acoustic bund."

10. The Appeal Scheme comprises the following elements:

10.1. New grain store facility comprising:

10.1.1. Three buildings ("Agricultural Buildings"): 

10.1.1.1. Building A: 108m x 30m compartmented building with a shallow pitch roof to house grain, accessed from the southern elevation, and 8.5m to the eaves and 13m to the ridge, save for a western section which is 13.5m to the eaves and 18m to the ridge which shall store drying machinery.

10.1.1.2. Building B: situated to the south west, and front of Building A with a footprint of 1400 sqm, and ridge height of 10m,
measuring 6m from ground level to the eaves. This building is set back circa. 70m from Fowmire Road and shall accommodate agricultural machinery and vehicles.

10.1.3. Building C: a small mono pitched building on the northern boundary of the Appeal Site to store fertiliser.

10.1.2. Two silos, each 13m high located to the north side of Building A, adjacent to the higher section connected by grain conveyors (“the Silos”).

10.1.3. Rainwater harvesting tank (capacity 500,000 litres) located to the south of Building B.

10.1.4. Weighbridge to the northern side of the Appeal Site.

10.1.5. 5m high noise bund created from soil excavated from the Appeal Site of up to 91m long, by 17 metres wide, located on the northern boundary of the Appeal Site.

10.1.6. Associated hardstanding and access.

10.1.7. Tree planting and landscaping.

11. The parties agree that the Appeal Scheme may exclude the noise bund described at paragraph 10.1.5 if the Inspector is satisfied that other suitable noise mitigation measures may be available to make the development acceptable in accordance with the Appellant’s Technical Note of 25 February 2019 prepared by Cass Allen (“Technical Note”), which the parties agree may be considered by the Inspector to assist with determination of the appeal.

12. Exclusion of the noise bund could be secured through planning condition, either as an express requirement or through a requirement to agree a scheme of noise mitigation and implement the same. The parties agree that the Appellant’s new plans that include omission of the bund may be considered as part of this Appeal and secured through planning condition if the Inspector considers necessary (“Revised Plans”). The Appellant agrees that the Council may make further submissions in response to the Technical Note and Revised Plans prior to the hearing.
ENVIRONMENTAL IMPACT ASSESSMENT

13. The Proposed Development and the Appeal Site is not one that falls within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("Regulations").

14. In any event, it is not considered that the Proposed Development is likely to have a significant impact on the environment and therefore no environmental statement is necessary under the Regulations.

LOCAL PLANNING POLICY

15. The development plan against which the Appeal is to be assessed comprises the adopted South Cambridgeshire Local Plan 2018 ("Local Plan"). The following policies are relevant to determination of this Appeal and appended at Appendix 5:

15.1. Policy S/1 - Vision

15.2. Policy S/2 – Objectives of the Local Plan

15.3. Policy S/3 – Presumption in Favour of Sustainable Development

15.4. Policy S/4 – Cambridge Green Belt

15.5. Policy S/7 – Development Frameworks

15.6. Policy S/10 – Group Villages

15.7. Policy CC/1 – Mitigation and Adaptation to Climate Change

15.8. Policy CC/3 – Renewable and Low Carbon Energy in New Developments

15.9. Policy CC/4 – Water Efficiency

15.10. Policy CC/6 – Construction Methods

15.11. Policy CC/7 – Water Quality

15.12. Policy CC/8 – Sustainable Drainage Systems

15.13. Policy CC/9 – Flood Risk
15.14. Policy HQ1 – High Quality Design
15.15. Policy NH/2 – Protecting and Enhancing Landscape Character
15.16. Policy NH/4 - Biodiversity
15.17. Policy NH/8 – Mitigating the Impact of Development In and Adjoining the Green Belt
15.20. Policy TI/2 – Planning for Sustainable Travel
15.21. Policy TI/8 – Infrastructure and New Developments

REASON FOR REFUSAL

16. The single reason for refusal is as follows as detailed in the Decision Notice of 25 April 2016:

"The proposed grain store, new access and acoustic bund would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms. The proposal is therefore contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states that there is a presumption against inappropriate development in the Green Belt and paragraph 87 of the National Planning Policy Framework 2012 that states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been demonstrated that would clearly outweigh the in principle harm to the Green Belt through inappropriateness and the other harm by the adverse effect on the rural character and openness of the Green Belt as a result of the scale, height and mass of the proposed buildings contrary to Policy GB/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007."

17. The Council maintains this reason for refusal as per the above, subject to amendment to update the policy references from “Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007” to “Policy S/4 of the adopted South Cambridgeshire Local Plan 2018” and “Policy GB/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007” to “Policy NH/8 of the adopted South Cambridgeshire Local Plan 2018".
18. Apart from the issue contained with the reason for refusal, the Council has raised no further concerns with the Appeal Scheme as supported by the relevant statutory and technical consultees.

19. It is agreed that the Proposed Development complies with remaining policies in the adopted South Cambridgeshire Local Plan 2018 and the National Planning Policy Framework (February 2019) ("NPPF") and the Council accepts that the Appeal Scheme is acceptable in all other respect save for those matters and policies contained in the reason for refusal.

20. It is also agreed that for the purposes of the 145 of the NPPF, the Agricultural Buildings and Silos as described in paragraphs 10.1.1, 10.1.2 and 10.1.3 above are — by definition — appropriate development falling within the exception of "buildings for agriculture and forestry" in accordance with paragraph 145 (a) of the NPPF. The purposes of paragraph 146 (b) of the NPPF.

21. The parties agree that the Technical Addendum prepared by Liz Lake Associates of February 2019 may be submitted in support of the appeal and may be considered by the Inspector to assist determination of this appeal. The Appellant agrees that the Council may make further submissions on this document prior to the hearing.

MATTERS IN DISPUTE

22. There are three principle matters in dispute:

22.1. Whether the Appeal Scheme complies with Policy NH/8 and whether the Appeal Scheme has an unacceptable adverse impact on the rural character and openness of the Green Belt.

22.2. Whether, even if conflict with a Local Plan policy (or policies) is found, the Local Plan is compiled with as a whole.

22.3. Whether if conflict with the Local Plan as a whole is found, the material considerations outweigh any conflict so as to justify the grant of planning permission.
22.4. Whether the Appeal Scheme complies with Policy S/4 – Cambridgeshire Green Belt and in turn paragraphs 143 to 147 of the NPPF. In particular:

22.4.1. Whether the remaining elements of the Appeal Scheme (i.e. other than the Agricultural Buildings and Silos and the rainwater tank, namely noise attenuation bund, access and areas of hardstanding (including weighbridge)) are or are not “inappropriate development” as “engineering operations” for the purposes of paragraph 146 (b) by virtue of preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

22.4.2. Whether “very special circumstances” apply to justify the approval of the Appeal Scheme if found to be “inappropriate development” for the purposes of paragraph 143 of the NPPF.

PROPOSED CONDITIONS

23. A list of agreed conditions appears at Appendix 4. These as per the Committee Report, and the Council’s Statement of Case to include updated references to the up to date local plan adopted in 2018.

Name: ...........................................................................................................

Signature: .................................................................................................

On behalf of South Cambridgeshire District Council

Name: ...........................................................................................................

Signature: .................................................................................................

On behalf of the Appellant