



Appeal Decision

Inquiry held on 25 to 28 January and 1, 2 and 4 February 2022

Site visit made on 7 February 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2022

Appeal Ref: APP/V0510/W/21/3282241 163-187 High Street, Bottisham

- 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 Axis Land Partnerships Limited on behalf of Bottisham Farming Limited against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00296/OUM, dated 17 February 2020, was refused by decision notice dated 5 March 2021.
 - The development proposed is *the development of a retirement care village in use class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and use class C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development.*
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DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

2. The proposal includes a retirement care village, in use class C2. A retirement care village is a form of extra care housing. The proposed flats would be self-contained, privately purchased units. In addition, an extensive range of communal facilities would be provided, such as a café, and well-being, fitness, and leisure facilities. On-site care, up to and including 24/7 care, would be provided, but on a sliding scale and on a separate contract to the accommodation and communal facilities. As defined by Planning Practice Guidance¹ (the PPG), this element of the proposal would be 'extra care housing' where residents are able to live independently, as distinct from 'care homes', which are aimed solely at elderly people that require high levels of care for daily living. The PPG also confirms that extra care housing is a form of older peoples housing.
3. A s106 Planning Obligation, dated 24 February 2022 (the s106), has been provided. This secures the extra care units to be use class C2, but provides no further controls beyond requiring that at least one person in each unit requires extra care (defined as personal care required due to old age, disablement or past or present mental disorder) and is 65+ years old. However, limiting the use of the proposed use class C2 floorspace to extra care, as opposed to care home, purposes could be achieved by condition. In addition, the description of

¹ Paragraph: 010 Reference ID: 63-010-20190626

development includes the words 'retirement care village' and the additional facilities. The appeal site is also in a countryside setting and of a size which would provide large amounts of landscaping. There is therefore sufficient control over the type of proposed development to allow me to determine the appeal on the basis that the proposal is not only for extra care housing but would also be for a particular sub-set of this product called a 'retirement care village'.

4. Following the closing of the inquiry, a relevant appeal decision was issued² relating to a site on land to the north east of Broad Piece in Soham. I accepted this decision and provided all parties with the opportunity to comment.
5. The effect of the proposal on local healthcare provision was not a reason for refusal of the application and is not contested by the Council. However, it is a concern raised by a local GP Surgery, the Bottisham Medical Practice (the BMP), who had Rule 6 status at the inquiry.

MAIN ISSUES

6. It is common ground that the scheme proposed would be inappropriate development in the Green Belt through the construction of new buildings, amongst other works, and because none of the Green Belt exceptions set out in Paragraph 149 of the National Planning Policy Framework (the Framework) apply. I agree. Taking this into account, the main issues are:
 - the effect of the proposed development on the character and appearance of the area, in particular the character and setting of Bottisham village and the character and landscape of the surrounding countryside;
 - the effect of the proposal on healthcare; and,
 - whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

REASONS

7. The Development Plan includes the East Cambridgeshire Local Plan, April 2015 (the LP). There is debate around the weight to be applied to any conflict with Policy GROWTH 2, which I deal with as appropriate below.

Character and Appearance

The Site and Proposal

8. The appeal site is split into two distinct fields by a hedgerow, creating a northern field and a southern field. The appeal site as a whole is surrounded on three sides by existing built form, with residential properties to the south and west, and an existing care home development to the west. To the north and further afield to the east and west is open countryside.
9. The application is made in outline, with all matters reserved apart from access. Parameters plans have been submitted and could be conditioned to control development heights and the broad locations for development. This would be

² Ref APP/V0510/W/21/3282449, dated 11 February 2022

the retirement care village on the 'L' shaped part of the northern field in buildings up to a maximum height of 12 metres (m), and the affordable housing on the square piece of land by Rowan Close, at buildings up to a maximum height of 8.5m. Indicatively, the area of land for the retirement care village element of the proposals comprises approximately 3.4 hectares (ha) and a further 0.7ha for private amenity space and landscaping. Indicatively, 0.7ha has been set aside for the affordable housing, the amount, scale, design, and layout of which is not yet known.

10. Access would be from High Street (vehicular and pedestrian) and from Rowan Close (pedestrian and cycle). The alignment of the access road is applied for in full and would be along the western boundary of the site, near to the existing footpath.
11. Landscaping in general would be a reserved matter or condition(s), but details have been provided confirming that public open space and enhanced landscaping, including the retention of existing trees (some of which are the subject of a Tree Preservation Order³), is proposed to the southern field. In addition, hedgerows to the northern and eastern boundaries of the appeal site, and to the hedgerow separating the northern and southern fields, would be retained and enhanced, including groups of woodland trees just set back from the northern boundary. The s106 also secures the provision and contributions towards maintenance of the landscaped areas of the site.

Landscape Effects

12. The appeal site falls within two landscape character areas, as set out in the Cambridgeshire Landscape Guidelines, 1991. These are the Planned Peat Fen/Fenlands area, which covers most of the northern field, and also the Chalklands area, mainly to the southern field. The key characteristics include rolling countryside, fairly large fields, and a number of woodlands and tree belts which break up long distance views. Policy ENV 1 of the LP also explicitly seeks to protect, conserve and enhance the settlement edge, to protect individual trees, hedgerows and field patterns, the unspoilt nature and tranquillity of the area including light pollution, and key views into and out of settlements. It is common ground between the parties, and I agree, that the site does not constitute a valued landscape, as defined at Paragraph 174 of the Framework.
13. The northern field is a fairly flat, nondescript agricultural field. It is of limited intrinsic value beyond simply being a field and has a low landscape value. The southern field is of semi-parkland character, with managed grassland and sporadic, mature trees. It has a direct relationship with the historic core of Bottisham along the northern side of High Street, including the rear garden and claiveoyee of the grade II Listed Bottisham House. This has a moderate landscape value.
14. The views northwards are foreshortened by a fairly extensive tree belt. The views to the east are more extensive to low lying hills in the middle distance. The views are pleasant but are not scenic. There is limited visual connectivity between the two fields, which are different in character and split by the hedgerow which, although fairly low, is a clear delineation between the two parcels of land. On my site visit I observed that the southern field gains its

³ Ref TPO/E/15/19, dated 3 January 2020

character from its intrinsic semi-parkland character and relationship to the properties along High Street. I did not find a meaningful relationship with the northern field nor wider views of the countryside. Likewise, the northern field feels more visually connected to the further agricultural fields to the north and east, than to the southern field.

15. It is common ground between the parties that the most appropriate measure for the effect of the proposal is at 15 years, once the landscaping scheme matures. An intermittent tree belt and strengthened hedgerow is proposed along the long northern boundary. This would be along the line of an existing hedgerow and in the context of substantial existing tree belts in the area, including one close by to the north. This would be in-keeping with the character of the area. The proposed built form would also all be within one existing field and would not alter existing hedgerow or field patterns. However, even at the 15 year point, there would remain an obvious and clear built form on the former agricultural northern field, with buildings up to 12m tall, and fairly extensive in floorplan, still likely to be clearly visible on the site.
16. Overall, although there would be a fairly high degree of change, this would be inevitable with any development of reasonable scale on an agricultural field. The northern field is also of low existing landscape value. The harm to the landscape from this element of the proposal would therefore be low.
17. The southern field would be enhanced through improved landscaping, new trees and improved hedgerow planting. There would be some negative effect to its setting from the proposed development to the northern field, but this would only be at a low level as set out above, and would be seen in the context of existing built form to three sides of the field. The important relationship to the historic core of Bottisham along High Street would not be materially affected. However, the existing views out to the countryside to the east, which are fairly extensive, and the, albeit foreshortened, views to the north, would be significantly reduced by the proposed built development, even allowing for the proposed landscaping, thereby harming the connection with the surrounding countryside.
18. Overall, the improvements to the field itself would be set against the low to moderate harm from the changes to the setting. I assess the overall harm to landscape to the southern field to be low.

Visual Effects

19. There would be two key groups of receptors affected by the proposal – residents in surrounding properties, and users of nearby footpaths and bridleways.
20. The rear windows and gardens of several properties along High Street overlook the appeal site. The proposal would affect this, but at distance in the northern field. The southern field would be enhanced by the proposed landscaping. There would, nevertheless, be a minor negative effect on the wider setting from the proposed built form where there is currently an agricultural field and the partial blocking of views out to the wider countryside. The overall effect on these residents would be minor negative.
21. The properties along Maple Close and Cedar Walk are closer to the proposed built form and look out in a more easterly direction, where the widest

countryside views currently exist. The proposed access road would also be in proximity to these properties. However, the access road would be the other side of the existing footpath and a proposed new landscaping belt, and the built form would be partially mitigated by the proposed landscaping. The overall effect on these residents would be moderate negative, primarily due to the access road.

22. The residents at Rowan Close overlook the western side of the site and would be fairly close to the proposed affordable housing. However, there are existing properties backing onto the southern boundary of that part of the appeal site and the proposal would be seen in that context. There would be a moderate negative harm to those residents. The residents at Ancient Meadows are fairly distant from the appeal site to the west, and any views of the proposal would be oblique and would be in the context of the existing homes along Beechwood Avenue. There would be a minor negative effect to those residents.
23. Footpath 25/10 runs along the western boundary of the site, alongside the proposed access road. It would be fairly significantly affected due to the proximity of the proposed road and the built development, and curtailment of views out to the wider countryside. However, beyond the proposed access road the southern field would be enhanced through the proposed landscaping. In this context, the level of harm would be moderate negative. It's also important to note that the footpath itself has limited value, only providing access to the residential properties and not to the wider countryside.
24. Footpath 25/2 runs alongside the Ancient Meadows properties and then further northwards to an elevated bridleway. A hedgerow runs across the path. South of this, the path offers relatively unobstructed views of the proposed development, albeit at distance. North of the hedgerow, even allowing for the slight elevation of the bridleway, intervening trees and hedgerows significantly reduce any visual effect. From all parts of the route, the proposal would be seen in the context of the existing backdrop of Bottisham village and its built form. The overall effect on views from this footpath would be minor negative.

Overall

25. The visual harm from the proposal would be low in the main, although with some moderate effects to the closest local residents and footpath 25/10. The landscape effects would also at worst be 'low negative', particularly at 15 years after the proposed landscaping matures. Consequently, there would be low to moderate harm to the character and appearance of the area, and low harm to landscape character. The proposal therefore fails to comply with Policies ENV 1 and ENV 2 of the LP, both of which require the character and appearance of the area to be protected.
26. Policy GROWTH 2 of the LP strictly controls development outside defined settlement boundaries. However, exceptions are set out, where proposals may be acceptable subject to complying with other policies. The exceptions include 'residential care homes' (Policy HOU 6). The policy, as it relates to the appeal proposal, is therefore intrinsically linked to Policy HOU 6, and if the proposal accords with that policy, then it also accords with Policy GROWTH 2.
27. Policy HOU 6 of the LP comes in two parts. The first part applies to the type of extra care housing proposed with the appeal, because at supporting paragraph 4.7.3 it explicitly references both retirement villages and extra care housing.

This also links Policy GROWTH 2 to the proposal, because although that policy only refers to 'care homes' it also directly references Policy HOU 6, which is where the detail on what this means is set out. However, the second part of the policy, despite being discussed at the inquiry, explicitly references care homes and is not relevant to the proposal. With regard to the relevant, first part, of the policy, it states, amongst other things, that proposals should have no adverse impact on the character of the locality. I have found harm to the character and appearance of the area and therefore the retirement care village element of the proposal conflicts with this policy, and therefore also Policy GROWTH 2.

28. A further exception set out in Policy GROWTH 2 where proposals may be acceptable outside settlement boundaries is for affordable housing, with direct reference to Policy HOU 4. This policy sets out a number of criteria for affordable housing to be acceptable in such locations. The criteria relevant to character and appearance is that no *significant* harm be caused (emphasis mine). I have only identified low to moderate harm to character and appearance, or the wider landscape. The affordable housing element of the proposal therefore complies with Policy HOU 4, as it relates to character and appearance, and therefore, by extension, also to Policy GROWTH 2.

Healthcare

Effect on the BMP

29. The tenure of the proposed accommodation and whether or not it is self-contained would not directly affect the level of care needs of the future occupants. However, the proposed retirement care village would provide significant communal facilities. Although on-site care would be provided this would be in a separate financial package to the service charge for the communal facilities and general upkeep. Whilst there would be no explicit restriction on the type of person moving in, or on the proportion that would require very high care needs, eg 'continuing care' patients in particular, the nature of the product would likely limit this proportion. There would be little incentive for a person with very high care needs to move to a development whose main selling point was communal facilities that they would not benefit from but would need to pay towards.
30. I acknowledge, however, that this may not always be the case, possibly due to personal preference, one of a couple requiring the very high care needs but not both, or other factors. In addition, evidence was provided that, the longer that people stay in the facility, the greater their care requirements, although the increase is relatively low, moving from nine hours per week on entry to 15 hours by the seventh year⁴.
31. Taking all of the above into account, the appellant's evidence that the likely split of future occupants would be a third of residents having low level needs, a third having medium level needs and a third having high level needs, seems reasonable. This is distinctly different to a care home. This is important because such a profile of future occupants would have a lower requirement for GP care provision than has been assumed by the BMP in their evidence, which assumed a worst case scenario of a care home profile for all future residents.

⁴ Putting the 'care' in Housing-with-Care Integrated Retirement Communities: improving care quality and tackling the workforce crisis, by Associated Retirement Community Operators, undated

32. The BMP have assumed that all of the future occupants would be new additions to their practice. However, a proportion of future occupants are likely to move from the local area, including some from within the catchment of the BMP and would therefore likely include some existing patients. It is also possible that some of the future occupants would want to keep their existing GP, although I acknowledge that in practical terms, both for the patient and GP, this is likely to be a small number.
33. Nevertheless, even allowing for the factors described above, the proposal would undoubtedly give rise to an increase in patients, all of them elderly, to be accommodated by GP services in the area, likely mostly at the BMP. This would clearly give rise to an increase in workload for local GP services, and specifically for the BMP.

Effect on Wider Healthcare

34. Uncontested evidence was provided by the appellant that the proposed development would decrease pressure on the National Health Service (NHS). This is because studies have shown that older people that live in extra care developments of the type proposed have better health outcomes than those that continue to live at home, including improvements in depression, perceived health, and memory, which leads to a decreased need for nurse and GP appointments, and an estimated saving to the NHS of £1,991 per person over five years⁵.
35. Specifically with regard to Covid-19, evidence has been provided that, on average, residents of retirement care villages had better outcomes than similarly aged people still living at home. Fewer residents died compared to the general population of the same age, at 0.97% compared to 1.09%, and the retirement care village section of the extra care offer had an even better outcome at 0.51%⁶. The BMP provided evidence of worse outcomes from an academic paper, but those were in relation to care home residents and not therefore directly comparable to the appeal proposal.

Overall

36. The Cambridgeshire and Peterborough Clinical Commissioning Group (the CCG), in their letter dated 2 February 2022, have requested mitigation of £132,585 for the capital costs for the BMP associated with the increased healthcare demand for the surgery. The CCG also request an unspecified sum be allocated in mitigation of the clinical needs to be created by the proposal. The BMP have undertaken their own calculations, and concluded that the minimum requirement to respond to the increased demand to their services would be 1.25 GPs full time, equating to c.£100,000 per annum excluding administrative and non-GP costs. However, this is based on the partially erroneous assumptions the BMP have made as set out above, and the likely demand on GP time would be lower.
37. Moreover, this is moot because, for the reasons set out above, although the proposal would increase pressure on local GP services and this pressure would fall largely, or almost entirely, on the BMP, it would decrease pressure on

⁵ Integrated Care Homes and Support: Measurable Outcomes for Healthy Ageing The ExtraCare Charitable Trust Research Report March 2019 – paragraphs 2.3 to 2.8

⁶ Retirement Village and Extra Care Housing in England: Operators' Experience during the COVID-19 Pandemic RE-COV Study Full Report April 2021 – Section 3.2, page 8

health services as a whole. In this context, a contribution towards healthcare services would not be necessary to make the development acceptable, or fairly and reasonably related in scale and kind to the development.

38. The responsibility for allocating the increased pressure on the BMP falls on the CCG, which is the group with the responsibility of allocating, planning and buying local NHS services. If, as seems likely, the BMP would require additional resources as a result of the proposal, this is for the CCG to respond to, and to allocate funding as appropriate. This falls outside of the planning system in a situation such as this, where the overall effect on healthcare would be to reduce demand for resources.
39. The s106 includes a clause with the provision of a healthcare contribution. However, it is drafted such that I can modify or remove this clause. Therefore, for the avoidance of doubt, I confirm that the healthcare contribution as set out in the s106 is not necessary.

Green Belt

In this section, I have adopted the following ascending scale in terms of weighting – limited, moderate, significant, substantial.

40. The critical test is as set out at Paragraph 148 of the Framework – is the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, *clearly* outweighed by other considerations (emphasis mine)?

Harm

Green Belt Essential Characteristics

41. Harm to the Green Belt can be caused by harming the essential characteristics, as set out in Paragraph 137 of the Framework, of openness and permanence.
42. The PPG finds that the duration and remediability of a proposal influences its effect on the permanence of the Green Belt⁷. It is common ground, and I agree, that the proposal, once constructed, would remain indefinitely. Any effect on the Green Belt would be permanent and would therefore harm this essential characteristic.
43. The PPG finds that openness should be considered both spatially and visually. It can also include non-permanent factors, such as cars. The detailed design and layout of the proposed buildings and any ancillary structure is not yet known. However, the parameters plans confirm that a series of buildings of up to 12m tall are likely. Due to the scale of the proposal, these would be of significant volume. There would also be a fair amount of activity associated with the proposal, from residents, workers and visitors, and also fairly extensive car parking. The proposal would therefore have a significant negative effect on the spatial openness of the appeal site.
44. There would also be an effect on visual openness. This would be mitigated to a degree by landscaping but there would still be a noticeable effect on the visual openness of the site and its immediate surroundings. There would also be an effect on views across the site from footpaths, roads, and nearby properties. The proposal would be viewed in the context of a wider parcel of Green Belt

⁷ Paragraph: 001 Reference ID: 64-001-20190722

land, including the countryside to the north and east up to woodland areas and tree boundaries. The Council agree with this allocation. Within this parcel, the perception of the proposal would be more limited, particularly when set against the backdrop of the existing Bottisham village. However, there would still be a moderate negative effect on the visual openness of the Green Belt due to the scale of the proposed development, which would be clearly visible even against the backdrop of the village, and extensive in scale.

Green Belt Purposes

45. Paragraph 138 of the Framework sets out the five purposes of Green Belt land. I assess the proposal against each purpose below:

(a) 'to check the unrestricted sprawl of large built-up areas'

46. Bottisham is not a large built-up area and this purpose is not relevant.

(b) 'to prevent neighbouring towns merging into one another'

47. The two relevant built-up areas are Bottisham and Swaffham Bulbeck, both of which are villages. The purpose relates to towns. Paragraphs 142 and 144 of the Framework make it clear that, where the document wishes to refer to villages as opposed to towns, it does so. This purpose is not therefore relevant to the proposal.

(c) 'to assist in safeguarding the countryside from encroachment'

48. The proposal would encroach into the countryside because it is for extensive built form, up to 12m in height, and would be built on a currently agricultural field. This purpose would therefore be harmed, albeit the level of harm is tempered, to a degree, because the proposal sits in a wider 'parcel' of Green Belt land, as described above.

(d) 'to preserve the setting and special character of historic towns'

49. Bottisham is not a town and this purpose is not relevant to Bottisham. The Greater Cambridge Green Belt Assessment, by LUC, dated August 2021, states that the setting of Cambridge includes the rural setting of Green Belt villages. However, Bottisham is difficult to appreciate in the context of Cambridge due to its distance to the east of the city. There might be some very slight diminution of this setting from the proposal from far reaching views of Cambridge from the east with the proposal in the foreground, but the effect, and the harm to this purpose, would be negligible. This purpose would not, therefore, be materially harmed.

(e) 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'

50. No specific evidence has been provided that the proposal would be in place of a more urban site, as opposed to other non-Green Belt greenfield land. A key aspect of the proposal is that it would be for a retirement care village in a countryside setting with a significant landscape setting, which would not be achievable on an urban site. I see no reason why it would prevent the development of urban sites for different styles of extra care product, particularly given that the level of extra care need significantly exceeds the proposed provision (see below), and there would be residual need even after construction of the proposal. This purpose would not, therefore, be harmed.

51. Overall, the proposal would harm Green Belt permanence and openness, and would encroach into the countryside. It therefore fails to comply with Policy ENV 10 of the LP, which requires that development not harm the openness of the Green Belt. As directed by Paragraph 148 of the Framework, I give substantial weight to the proposal for inappropriate development, and to the harm to the Green Belt's essential characteristics and purposes that I have identified.

Other Harm

52. The Bottisham Conservation Area largely lies to the south of the appeal site but the proposed access road would also partially lie within the conservation area. The significance of the conservation area is derived from the intrinsic character of the various historic buildings located throughout Bottisham, and this particular part of the conservation area by the relationship of the historic buildings with the southern field behind, and the parkland setting it provides. There would be harm to the conservation area and its setting, primarily through the proposed access road, and also, albeit only slightly, from the proposed development in the northern field. However, this would be mitigated by the proposed landscaping, particularly as it matures, and by the proposed enhancements to the immediate setting of the southern field through the new tree planting and landscaping.

53. The Grade II Listed Bottisham House lies directly to the south of the southern field. The house has clear views of, and a direct relationship to, the southern field and its parkland character, both from upper storey windows and a clairvoyee in the garden. There are also long distance views of the northern field and the wider countryside, particularly to the east, from the building and the clairvoyee. These factors contribute to the significance of the setting of the building. The proposal would harm the setting of the northern field and wider countryside through the proposed change of character from agricultural to built development. However, as with the conservation area, this harm would be mitigated by the proposed landscaping and enhancements to the southern field.

54. The level of harm to the setting of the Grade II Listed Bottisham House and Bottisham Conservation Area would therefore be low, and I attribute to this limited weight.

55. There would be low to moderate harm to the character and appearance of the appeal site, and the wider area and landscape, as set out above. The proposal therefore conflicts with Policies ENV 1 and ENV 2 of the LP. The retirement care village element of the proposal also conflicts with Policies HOU 6 and GROWTH 2 of the LP. However, it is almost impossible to imagine a scheme of reasonable scale proposed on a greenfield site that would not cause some harm to the character of the locality. This is recognised by the Framework, which has a more balanced approach than the LP policies. Paragraph 174(b) only seeks to recognise the intrinsic character and beauty of the countryside, and does not prevent all development of the countryside. Paragraph 79 states that villages should be allowed to grow and thrive. I therefore place limited weight on this conflict, and to the associated conflicts with Policies ENV 1, ENV 2 and HOU 6 of the LP.

56. In addition, it is common ground, and I agree, that Policy GROWTH 1 of the LP is out-of-date because it is based on housing requirement figures that are more

than five years old. Policy GROWTH 2 is the key policy for directing the location of development in the District. It focusses the majority of development on Ely, Littleport and Soham, and within defined settlement boundaries. The policy strictly controls development outside these boundaries. This locational strategy for development is based on the out-of-date figures from Policy GROWTH 1. A Single Issue Review of the Local Plan is underway but is at a relatively early stage. It is common ground, and I agree, that until this review is further progressed, it can carry limited weight. We are therefore in a position where we cannot know with any certainty what the future location strategy for development will be and, specifically, whether or not its strict controls over development outside of settlement boundaries will persist. Therefore, I place limited weight on the conflict with Policy GROWTH 2 identified above.

Other Considerations

Affordable Housing

57. The s106 commits the appellant to achieving the maximum possible number of affordable housing units on-site, within the land allocated for affordable housing on the parameters plan, and subject to detailed design considerations at the reserved matters stage. If this is a shortfall on the policy compliant level of affordable housing, at 30% of the extra care units, then a payment in lieu is secured through the s106.
58. It is agreed between the parties that there is a significant need for affordable housing. The latest Strategic Housing Market Assessment⁸ sets this at 3,517 net dwellings in the period 2011 to 2031, or 176 dwellings per annum (dpa). The latest Annual Monitoring Report (AMR)⁹ shows the total gross affordable housing completions from 2011 to 2021 has been 479 dwellings, or 48dpa, equating to a delivery shortfall of 1,281 homes even before accounting for any affordable dwellings that may have been lost in that period.
59. The level of proposed affordable housing would be policy compliant. The Council can demonstrate a five year supply of overall housing land. However, this does not reduce the importance I place on the Council's persistent and meaningful under-delivery of affordable homes over the past 10 years. I therefore place substantial positive weight on the proposed affordable housing.
60. During cross-examination, the Council indicated that the weight to be applied to the proposed delivery of affordable housing should be tempered by the harm they claim the affordable housing buildings would cause to character and appearance. However, I do not agree with this approach. The weight to be applied to the proposed provision of affordable housing stands on its own, as does any harm or otherwise to character and appearance that must be counted separately.

Older Persons Housing

61. The total area of proposed floorspace is currently unknown. However, the development would likely provide in the order of 170 bedrooms within the proposed use class C2 flats, based on the indicative proposed floorspace figures, and this is a reasonable assumption of the likely scale of the proposed

⁸ The Strategic Housing Market Assessment 2013 for the Cambridge Housing Sub-Region

⁹ East Cambridgeshire Authority's Annual Monitoring Report (AMR) 2020-2021, Table 6

- development. The precise number of persons this would accommodate is difficult to quantify, but would almost certainly be in excess of 200.
62. Policy GROWTH 1 of the LP is out-of-date and in any event says nothing about the specific need for older persons accommodation, extra care or otherwise. However, Paragraphs 60 and 62 of the Framework confirm that addressing the needs of groups with specific housing requirements, including for the elderly, is a key part of national planning policy. The PPG states that the national need for older people's housing is critical¹⁰. The number of people aged 65+ in the District is predicted to rise by 58% from 2020 to 2040, an increase of 10,404 persons from a base of 18,041¹¹, strongly indicating a likely increase in need for older persons accommodation in the future.
63. When looking at the age demographic the development is likely to cater for, those aged 75+, evidence has been provided by the appellant that the Council's need for accommodation in 2025, the likely year of opening of the development, would be 418 private extra care dwellings. This is based on a ratio of 45 people aged 75+ per 1,000 population. This was contested at the appeal, and lower ratios have been used by, for example, GL Hearn in their report, at 27 per 1,000. However, this report, which also assumes a lower proportion of owner occupiers within this group at 56% compared to the appellant's 69%, still concludes that there is a shortfall of extra care dwellings in the District at 118 in 2020 and predicted to rise to 271 by 2040.
64. Evidence was provided by the BMP, and supported by the Council, of vacancies in existing care homes in Bottisham, thereby indicating that sufficient provision of older persons accommodation is already being provided in the village. However, the examples given are of care homes, and one a social care home not even solely aimed at the elderly, and do not represent the same type of extra care accommodation as is being proposed.
65. Providing choice and a range of options of accommodation to older persons is important due to their differing needs, desires, and requirements for care support. Extra care accommodation in general, and retirement care villages specifically, are key components of the range of older persons accommodation. The supporting text to Policy HOU 1 of the LP, at paragraph 4.2.3, explicitly acknowledges the need for extra care housing. At present, there are no retirement care villages in the District, only a small extra care facility in Ely called Rosalyn Court.
66. Overall, I am therefore satisfied that there is a need for not only older persons accommodation, but specifically extra care accommodation, in the District. I am also satisfied that the need is acute and growing.
67. There is limited data available of how this need is being met. The AMR does not provide a breakdown, although it does acknowledge that there were no use class C2 completions in 2020-2021. Appendix C¹² of the Council's Five Year Land Supply Report looks at the projected delivery of older persons accommodation over the next five years, and finds the likely provision of 97 beds in care homes, and no provision of extra care accommodation.

¹⁰ Paragraph: 001 Reference ID: 63-001-20190626

¹¹ Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, page 273

¹² East Cambridgeshire District Council Five Year Land Supply Report 1 April 2021 to 31 March 2026 Published 13 October 2021

68. There are no applications, no site allocations, and no predicted completions in the next five years for extra care accommodation. There are site allocations for general housing in use class C3. However, the uncontested evidence given in this appeal is that unless sites are specifically allocated for use class C2 development, the developers of such schemes are unable to compete with the providers of general housing. These allocations cannot therefore be relied upon to provide extra care accommodation.
69. When an older person requires accommodation with an element of care support it is likely that the need is imminent and should be met quickly. I therefore place greater reliance on the predicted provision of extra care accommodation in three years, the likely date of opening of the proposed development, rather than the five year period used in the Council's report. To a certain extent, this does not matter, though, because the predicted supply of extra care accommodation falls significantly below the identified need, even using the most conservative assumptions.
70. The market catchment of the proposed accommodation includes areas outside of the Council's land. This was explored at the appeal, however, given the acute and unmet need identified in the District as set out above, there is no need to dwell on this other than to acknowledge that even in the catchment area there is only one further extra care scheme, and even that is more urban and has fewer communal facilities than proposed in the appeal scheme.
71. The health and wellbeing benefits of the type of extra care accommodation proposed, both to the residents themselves and to the wider healthcare economy, also contribute to the weight to be given to the proposed older persons accommodation.
72. The Council have advanced the argument that the overall weight for older persons accommodation needs to take account of the likelihood of the need being able to be met on preferable sites. However, as with the similar situation for affordable housing, I do not agree with this approach. The weight to be applied to the proposed provision of older persons accommodation stands on its own, and the consideration of alternative sites must be considered separately.
73. Overall, due to the acute, growing, and unmet need for older persons accommodation generally, and extra care accommodation specifically, as well as the additional benefits of retirement care village on improved health for occupiers, I place substantial positive weight on the proposed use class C2 accommodation.

Housing Stock

74. Over 80% of older people in the District live in under-occupied homes, which is a high proportion, although it does approximately tally with the average for England as a whole¹³. It is not possible at this stage to precisely predict the number of future occupiers of the proposed use class C2 accommodation that would come from current occupiers of these homes, but there would undoubtedly be some, and potentially a high proportion of the future occupiers would be drawn from this pool. The release of some of these family-sized

¹³ Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, by GL Hearn - Figure 28

homes would benefit other demographics in the housing market, and the overall fluidity of the market. I place significant weight on this benefit.

Housing Supply

75. Both the proposed affordable housing and the extra care accommodation would contribute to the District's housing land supply. This is an important factor, irrespective of the fact that the five year housing land supply is currently being met, because the continued adequate provision of housing is one of, if not the most, important factor in national and local planning policy. I place significant positive weight on this.

Employment

76. There would be short term employment generation during construction. There would also be long term employment generation during operation. This would be fairly significant due to the on-site communal facilities and on-site care provision. As directed by Paragraph 81 of the Framework, I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity.

Public Open Space

77. The Council are concerned that there would be a loss to the perceived recreation and leisure value of the southern field through the harm to the setting of the field they say is caused by the proposed built works. However, there would be no building on the field, the works would have minimal effect on its recreation and leisure value, and in fact the proposal would open up access to the currently private southern field. Extensive landscaping, planting, and new footpaths are also proposed in this field, and could be secured by condition. The Framework, at Paragraph 120(a), encourages improved public access to the countryside, which the proposal would provide. The proposed extensive area of new public open space weighs positively in the planning balance. I attribute this moderate positive weight.

Access to Services

78. It is common ground, and I agree, that the proposal is in an accessible location. Bottisham provides a range of services and facilities, and there would be good access to the town because of its proximity and because there are footpaths directly from the site to the town centre. I place moderate positive weight on this factor.

Biodiversity

79. The planning application the subject of this appeal was accompanied by a Biodiversity Net Gain Assessment. This concluded that the proposed landscaping works would result in a biodiversity net gain of 10% for habitats and 47% for hedgerows. These significant gains are possible because of the low biodiversity of the existing site, which is just two open fields and limited hedgerow and other planting. These gains could be secured by condition(s) and I place moderate positive weight on this benefit.

Alternative Sites

80. The appellant submitted an Alternative Sites Assessment (ASA) to demonstrate that the appeal site is the only suitable, available and deliverable site for the

proposal. The Council raised concerns that the ASA took place after the decision on the application and was not produced in consultation with it. However, there was no concern raised in relation to the professionalism of the production of the ASA. I am primarily concerned with the quality of the ASA and not its provenance, and have assessed the document on its own terms.

81. Various filters were used in the ASA to sift through potential sites. The size filter adopts a range of 3.5ha to 7.5ha. The upper limit of the size filter is based on the size of the part of the appeal site to be developed plus an allowance to go larger. The lower limit is based on known operator requirements for a retirement care village, which are at least 3.5 ha¹⁴. I have no reason to dispute that the site area range of 3.5ha to 7.5ha is a reasonable one with regard to the size of site required for a retirement care village in a countryside setting. However, in the search for an alternative site, the upper limit of the filter is unfairly restrictive. For example, the size filter would actually filter out the appeal site itself, which is 8.4ha, if the open space land to the southern field is included. I am aware that this land is not a necessity for a retirement care village, but the size filter removes the possibility for this more granular assessment, which if applied to other sites might have found them to be suitable.
82. The smaller parts of bigger sites are also filtered out because it is considered that the development of larger, mixed-use sites would take longer than the three year timescale achievable for the appeal site. This timescale filter is also applied to all sites, irrespective of size. I agree that there is an acute and growing need for older persons accommodation. I also agree that in an ideal world, any suitable, available and deliverable alternative site should be able to be developed within three years. However, this is an unreasonably restrictive filter because it does not allow for the complex reality of the planning and development process. A timescale filter that is only just long enough to accommodate the timescales for the proposed development, if all goes well, is insufficiently flexible. For example, if taken from the inception of interest in the scheme, the appeal proposal itself could not now be delivered within three years.
83. I agree with the conclusions of the ASA that the four sites that have met the filtering criteria and are assessed in detail are not suitable alternative sites. However, as a result of the filters used, it is only these four sites that have undergone detailed assessment, from an initial pool of 285 potential sites. It is imperative that non-Green Belt sites are given a proper hearing for it to be robustly demonstrated that it would not be feasible to develop sites elsewhere. This has not been achieved by the ASA due to these two filters being too tightly drawn, to the extent that if applied to the appeal site itself, it would not even pass the filtering process. Without more detailed assessment of a greater range of potential sites, it is not possible for me to robustly conclude that there are no suitable, available and deliverable alternative sites.

¹⁴ Rangeford Villages letter, dated 8 November 2021

84. Independently of the appellant's ASA, the Council have also set out five preferred sites to the appeal site. I set out below my conclusions on each of these sites, none of which I find to be suitable, available and deliverable alternatives:

- Clare House – the site has an existing use class C3 consent, and a reserved matters application was lodged during the course of the inquiry which keeps this consent alive. Further arguments were advanced in relation to the shape of the site and the possibility for it to be split, but I do not need to consider these issues because the site is fundamentally not available;
- Station Gateway (Ref ELY7 in the LP) – this is an over 12ha site allocated for mixed use development, none of which is explicitly for use class C2 accommodation. It is the appellant's uncontested evidence that use class C2 cannot compete in an open market against use class C3 due to the extra communal facilities and other costs. I agree. In addition, the site is in multiple ownerships, significant transport infrastructure is required as part of development, and the site is unlikely to come forward for at least five years;
- Land off Brook Street, Soham (Ref SOH1 in the LP) – this is a 20ha site with a mixed-use allocation in the LP, including for c.400 dwellings. However, as with the Station Gateway site, there is no express support for use class C2;
- Eastern Gateway (Ref SOH3 in the LP) – a 33ha site, with a mixed-use allocation in the LP including for c.600 dwellings. However, as with the above two sites, there is no express support for use class C2; and,
- Land north of Blackberry Lane (Ref SOH6 in the LP) – a 4.4ha site, with a mixed-use allocation in the LP including for up to 100 dwellings. However, as with the above three sites, there is no express support for use class C2.

85. I acknowledge that no suitable alternative sites have been identified by either party. However, only 3% of land in the District is Green Belt, and only three villages, including Bottisham, are sited in this Green Belt land. This makes it even more important that a robust ASA is provided to justify the use of Green Belt land. I place the onus for this on the appellant. It is their proposal to justify. Due to the two filters being too tightly drawn and the resultant deficient detailed assessment of individual sites, the submitted ASA is not robust. It has therefore not been adequately demonstrated that the proposal needs to be located in the Green Belt or that it would not be feasible to find a suitable site elsewhere.

86. My attention has been drawn to a recent appeal decision¹⁵, made on 29 December 2021, in relation to a site within the adjacent South Cambridgeshire District Council. The decision related to a similar proposal for a retirement care village on Green Belt land and the appeal was allowed. I am not aware of the full facts of the case, but a key difference between the two appeals is that a much greater proportion of South Cambridgeshire's land is within Green Belt compared to East Cambridgeshire. There is therefore an even

¹⁵ Appeal Ref APP/W0530/W/21/3280395

greater requirement for a robust ASA to be completed for appeal proposals on Green Belt land in East Cambridgeshire.

Overall

87. There would be substantial benefits from the proposed extra care accommodation and affordable housing. There would also be significant benefits from general housing provision, the release of family-sized housing stock, and employment generation. There would be moderate benefits from biodiversity net gain, the proposed public open space, and that the site is accessible to the services and facilities of Bottisham. These are important considerations and, in combination, amount to a substantial positive weighting.
88. However, there would be harm to the permanence, openness and some of the purposes of Green Belt land. These all attract substantial negative weight. Because of the limited weight to attach to Policy GROWTH 2 of the LP, which is the source of the heavy restriction on greenfield development outside of settlement boundaries, as well as the substantial weighting attributed to Green Belt harm in the Framework, I place significant negative weight on the other consideration that a robust ASA has not been provided. I cannot, therefore, be sure that there are not suitable, available and deliverable non-Green Belt alternatives, including greenfield development outside of settlement boundaries, which would be sequentially preferable to the appeal site. There is also harm, albeit with only a low to moderate weighting, to the character and appearance of the area, the wider landscape, and the heritage assets of Bottisham Conservation Area and the Bottisham House Grade II Listed building.
89. Overall, the other considerations, although including substantial benefits, also include a deficient ASA, and they do not clearly outweigh the harm to the Green Belt that I have identified, and the other harms. Consequently, the 'very special circumstances' necessary to justify the proposed development do not exist.

OTHER MATTERS

Heritage

90. As set out above, subject to the mitigation and proposed landscaping, the overall level of harm to both heritage assets would be low. It falls within the description of 'less than substantial', as defined by the Framework, and at the lower end of this scale. The public benefits of the proposal are extensive, as set out in detail above, and easily outweigh the harm. The proposal therefore complies with Paragraph 202 of the Framework.

Interested Persons

91. Several interested persons, including Councillors Ogborn, Cane and Wilson, spoke in opposition to the appeal proposal at the inquiry. A number of written objections have also been received, including from Councillors Daunton, and Bottisham Parish Council.
92. The objections raised various concerns in addition to those addressed above and below: some affordable housing is about to be built and no more is needed in the village; the affordable housing would not be integrated into the wider development; the increase in vehicle movements would harm highway safety and traffic congestion, and would also increase pollution and car parking

problems – these are all particular issues because of proximity of the primary school; the south field has archaeological value; Bottisham is not a suitable location in terms of accessibility because it has no train station and only infrequent busses, and the appeal site itself has poor access to Bottisham because it has narrow broken footpaths not suitable for the elderly; and, opposition to the principle of the loss of the agricultural land.

93. I have taken all of these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. The Highways Authority have confirmed that they have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. The detail of any mitigation could be controlled by condition(s) where necessary.

CONCLUSION

94. For the reasons set out above, the appeal is dismissed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel. He called:

Anne James MRTPI	Planning Consultant, ECDC
Robert Browne CMLI	Associate, Wynee-Williams Associates
Russell Wisnall	Legal Assistant, ECDC

FOR THE APPELLANT:

Zack Simons of Counsel. He called:

Nick Sedgwick CIHCM	Director, Sedgwick Consultancy Limited/Associate, Ben Cave Associates
Jessamy Venables MRICS	Director, Carterwood
Robert Belcher FRICS (retired)	Consultant, Carterwood
Charles Crawford CMLI	Director, LDA Design
Jon Sneddon MRTPI	Managing Director, Tetlow King Planning
Jay Mehta	Partner, Howes Percival LLP

FOR THE BOTTISHAM MEDICAL PRACTICE:

Dr Tamara Keith MBBS DFSRH DRCOG MRCPCH MRCPGP	GP Partner, Bottisham Medical Practice
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INTERESTED PERSONS:

Councillor Jon Ogborn	Chair of Bottisham Parish Council
Councillor Charlotte Cane	Bottisham Ward Councillor
Councillor John Wilson	Vice-chair Bottisham Parish Council
Robert Stocking	Resident
Anthony Jolley	Resident
John Harris	Resident
Stuart Clarke MRTPI	Principal Planner, Cambridgeshire County Council

ANNEX B: INQUIRY AND POST INQUIRY DOCUMENTS

- 1 Appellant's Opening & Appearances, dated 25 January 2022
- 2 Opening Statement of the Council, dated 25 January 2022
- 3 Opening Statement, by Dr Keith
- 4 Mr Jolley Representations, dated 26 January 2022
- 5 Round Table Session on Character and Appearance and Green Belt Openness, updated Agenda, dated 28 January 2022
- 6 Draft s106 Planning Obligation Ref JZM/230260.0003
- 7 White Crown Stables - Application Form, dated 10 October 2018
- 8 White Crown Stables - Decision Notice Ref 18/01435/OUM, dated 5 February 2020
- 9 Cambridgeshire County Council Email re Archaeology Condition, dated 13 April 2020, including attached site plan
- 10 Burston Nurseries Ltd - Appeal Decision Ref APP/B1930/W/21/3279463, dated 31 January 2022
- 11 Suggested Route for Inspector's Site Visit, dated 1 February 2022
- 12 Climate Change SPD, dated 8 February 2021
- 13 Natural Environment SPD, dated 24 September 2020
- 14 Statement to the Inspector, dated 2 Feb 2022, by Councillor John Wilson
- 15 Email from Kasia Gdaniec, Cambridgeshire County Council Senior Archaeologist, dated 13 April 2020
- 16 Cambridgeshire and Peterborough Clinical Commissioning Group Letter, dated 2 February 2022
- 17 Letter from Phil Thacker, Water and Planning Manager at Cambridgeshire Fire Authority, dated 3 February 2022
- 18 Email from Anne James, Planning Consultant at ECDC, dated 4 February 2022
- 19 Land North of the Railway Viaduct, Ledbury - Appeal Decision Ref APP/W1850/W/20/3244410, dated 15 March 2021
- 20 Land North of the Railway Viaduct, Ledbury - S106 Planning Obligation, dated 2 October 2020
- 21 Land at Wykin Lane, Nuneaton - Appeal Decision Ref APP/K2420/W/20/3262295, dated 21 May 2021
- 22 Land at Wykin Lane, Nuneaton - s106 Planning Obligation, dated 27 April 2021
- 23 Email from Ricky Ching, Senior Associate Town Planner at the NHS, dated 4 February 2022
- 24 Closing Submissions of the Council, by Jack Smyth, dated 4 February 2022
- 25 Closing Statement, by Dr Keith, dated 4 February 2022
- 26 Appellant's Closing Submissions, by Zack Simons, dated 4 February 2022
- 27 East Cambridgeshire District Council Note, submitted 4 March 2022
- 28 Letter from Iain Warner, Tetlow King Planning, dated 3 March 2022
- 29 Land to the North East of Broad Piece, Soham - Appeal Decision Ref APP/V0510/W/21/3282449, dated 11 February 2022