

Luvli Homes

Northstowe and the Green Gap

Amended for "Proposal C" February 2021

**Land at Clive Hall Drive
Longstanton CB24 3DT**

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Andrew R Taylor
October 2020

* Luvli Homes is a trade name of Resolute Estates Ltd.

Definitions

- "Added Land" means the land which was added to the two tiny pre-existing Longstanton conservation areas in 2005. A plan can be found by clicking on "Part 2B" at:
<https://www.scambs.gov.uk/planning/natural-historic-and-built-environment/historic-environment/conservation-area-appraised-longstanton>
- "CA Act" means Part II of Planning (Listed Buildings and Conservation Areas) Act 1990 (commencing at S69).
- "CAA" means the Conservation Area Appraised of November 2005, which supported the inclusion of the Added Land in the pre-existing two small Longstanton conservation areas. It can be found by clicking on "Part 1" at:
<https://www.scambs.gov.uk/planning/natural-historic-and-built-environment/historic-environment/conservation-area-appraised-longstanton/>.
- "the Council" means South Cambridgeshire District Council.
- "Site" means the paddock at the junction of Mills Lane and Clive Hall Drive, the subject of the present application.

Preface

This preface has been provided at the start of each of the three reports mentioned below.

- 1 This application is for a grant to develop 0.8 ha of land at the junction of Mills Lane and Clive Hall Drive, Longstanton CB24 3DT with twenty houses. The applicant applied for a grant of permission to develop the Site with nine self-build plots under reference Ref S/2482/16/OL, dated 10 January 2016 (the “First Application”). That application was refused by notice dated 5 May 2017. It was also refused on appeal under reference: APP/W0530/W/17/3187357, on 4th May 2018.
- 2 The applicant believes that the application was refused as a result of unlawful activity by the Council, first around 2004 to 2007, and again from 2006 to 2018. The applicant’s evidence is set out fully in three reports attached as documents relating directly to this application. They are:

 This report
 Longstanton Conservation Area – Full Reappraisal
 Commentary on Inspectors Report of Northstowe AAP June 2007
- 3 For the sake of good order, the applicant wishes to emphasise that it does not seek any comment or endorsement or approval or denial of the facts set out in those two papers but puts them forward simply to provide information in the same way as it provides information with regard to ecology or sustainability or other important issue.
- 4 Council members are broadly aware of the content of the reports. The Council has given no indication of acceptance or denial. Accordingly, the applicant has no evidence that the grounds for refusal would substantially change today on account of the facts of the detailed history uncovered by the applicant in the 30 months of research undertaken since May 2018 and set out in these reports. Consequently the applicant has no alternative than to set out the true position in sufficient detail to make clear that reasons for refusal given in 2017 and 2018 cannot apply today.
- 5 If the Council were to accept that the applicant’s understanding of the history is broadly correct then these three reports become simply matters of history. If, conversely, the Council were to maintain the positions broadly stated in the delegation report and the refusal notice in 2017 then we respectfully request that every decision maker who may be asked to assess this present application should take into account the facts stated in those three reports.

Introduction

- 1 This paper is concerned with the fraudulent use of the device of adding open land to two small conservation areas in order to increase the green space between the village of Longstanton and unknown forthcoming development on land previously owned by the Ministry of Defence.
- 2 Through various machinations and arrangements, South Cambridgeshire District Council intended to expropriate our land for the benefit of what was Gallagher Developments, now Homes England.
- 3 No governmental organisation has the power to allocate land owned by “A” for the benefit and profit of adjacent private landowner “B”? The Law sets out the only procedures whereby rights in land can be transferred. It follows that a private landowner can never compel an adjacent owner to sell and neither can a governmental organisation acquire private land without compensation. That is one of the basic tenets of freedom, democracy and the rule of law.
- 4 Nevertheless, in 2005 SouthCambs Council gave effect to an unlawful plan. The outcome was to enable Gallagher Developments to plan for more houses on the land it owned because SouthCambs decided that the Site and other land could be treated as part of the necessary green gap.
- 5 Had the Added Land (including my land) not been treated as part of a green gap, then it is reasonable to assume that the Council would have insisted that more of Gallagher’s own land be left open and undeveloped so as to provide the required green separation, thereby substantially reducing the extent of Northstowe and the value of Gallagher’s project.
- 6 Consequently, the actions of the Council increase the value of Gallagher’s land by the development value of the additional land on which they have been able to build and reduce the value of the Added Land by a comparable sum.
- 7 Somewhere in the Council’s archive lies the legal advice. It seems likely that the Council’s senior solicitor actually advised of the illegality of the proposal. If he did, then every member and officer involved from that point was perfectly aware that as individuals they were acting against the law.
- 8 So, by the end of 2005 a large group of intelligent people:
 - 8.1 knew that they were entering into a fraudulent conspiracy to mislead Central Government, their electors and ratepayers, the relevant land owners, and of course the general public.
 - 8.2 must have known that their actions had the effect of requisitioning the privately owned Added Land for the benefit of an adjacent private owner;
 - 8.3 apparently believed that although their actions were unlawful, they could get away with it because no one would notice. Indeed, until now, it appears that no one has noticed.

What is a Green Gap?

1 In refusing the First Application, one of three specific reasons given by the Council was that the Site was part of a green gap between Longstanton and Northstowe. For that reason, no development should be permitted. On appeal, the Inspector disagreed with the Council, thereby removing one of the three pillars of the Council's refusal notice.

2 In UK law, there is no definition of what constitutes a green gap. Accordingly:

2.1 there is no requirement in planning law for development to provide open space of any sort between one settlement and another;

2.2 a local planning authority cannot proscribe that land should be protected from development by designating it as a green gap;

2.3 opposition to a development on the ground that the Site reduces or eliminates a green gap therefore has to be put forward either as a landscape issue or, usually of secondary importance, is an issue relating to the setting of a listed building.

2.4 the colloquial expression "green gap" is construed by an inspector or by the Court depending on the way the decision-maker sees the facts on the ground. "Gap" is more important than "green". In other words a green gap does not have to consist in unspoiled or even agricultural land.

2.5 the yardstick by which a green gap is most frequently measured is therefore the view or series of views seen by some category of traveller when moving from one settlement to another; from one environment to another; from one identity to another. The impact is assessed whether the traveller moves on foot, by bicycle or by motorised transport.

2.6 I have found no recorded case of a dispute regarding a green gap between established settlement on the one hand and propose new development on the other hand. The reason is obvious. There is no dispute because the local planning authority has complete control over the new development and can provide for whatever separation – green or otherwise – is allowed by law.

3 I provide two examples of judicial approaches to the green gap concept. **It is not necessary that you read them in order to understand this paper.**

3.1 An example of the Minister's approach is at appeal reference APP/R0660/W/15/3136524:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/554081/16-09-20_DL_IR_Church_Lane_Crewe_3136524.pdf

This case is particularly important to the present application because:

3.2 it is the first **called in** case substantially to follow the "Suffolk Coastal" case (as decided in the Court of Appeal and supported by the Supreme Court subsequently).

3.3 it is concerned with a green gap and clearly illustrates that a green gap is assessed by reference to its **visual impact**.

- 3.4 A second example of a green gap is discussed in Appeal Decision APP/J2210/A/14/2227624. Paragraphs 28 and 29 discuss the view and perception from a moving vehicle on the A2990. Paragraph 30 analyses the visual effect from a public footpath.
- 4 There is no route by foot, horse or car which passes between Northstowe and Mills Lane from which someone could appreciate the movement from one character area to another. There is not even any high ground from which the division could be seen. Furthermore, planning maps of Northstowe make clear that there is no green space whatever between the most northerly half of Longstanton settlement and the settlement which comprises Northstowe Phase 1.
- 5 In three years of research, I have found no record which indicates that the Council was ever concerned to create green separation between Northstowe and the northern part of Longstanton – nor why there ever should have been. However, the Council has spent 15 years supporting and protecting the concept of green separation between Northstowe and Longstanton at the southern end of Longstanton, but has shown not the slightest interest in creating or preserving any separation whatever between Northstowe and the northern end of Longstanton.
- 6 The only substantial difference between the land character to the north-east of Longstanton and the land character to the south-east appears to be based on the proposition that the land to the south is of significant historic value. Since we have now made clear there is no such historic value, we can only guess at the reason for this apparent lack of logic.

The Northstowe Area Action Plan (“NAAP”) – confusion worse confounded

- 7 The following text is taken from the NAAP

C2 MITIGATING THE IMPACT OF NORTHSTOWE ON EXISTING COMMUNITIES

POLICY NS/4 Green Separation from Longstanton and Oakington

“1. Green Separation will be provided between the village frameworks of Longstanton and Oakington and the built-up area of Northstowe. The green separation will have a high degree of public access where appropriate to character and amenity, having particular regard to the character of conservation areas.

It will contain only open land uses, including playing fields, allotments and cemeteries, which will contribute towards effective separation between these communities. Where the public has access to land adjoining Longstanton and Oakington, mitigating measures to protect the privacy and amenity of potentially affected properties will be provided.

Extent and Treatment of Green Separation:

2. Conservation Area, Longstanton St Michael’s: Public access to countryside west of Long Lane will be controlled to protect the Conservation Area. The open aspect of the fields affording views of All Saints Church will be maintained. Elsewhere the landscape character of a series of hedged paddocks, small copses and tree belts will be maintained and enhanced.

3. Conservation Area, St Michael's Mount, Longstanton: The landscape character will be maintained and enhanced adjoining St Michael's Mount.

4. Oakington: The green separation on the northern side of Oakington will comprise additional tree planting of individual trees, groups and copses to reinforce the pastoral parkland nature of this local landscape area. Tree groups would be located so as to shield views through the green separation but at the same time retain a more open character.

C2.1 In order to provide an appropriate landscaped setting for the new town where it is closest to existing villages and to ensure the maintenance of the village character of Longstanton and Oakington as required by the Structure Plan, there will be suitably landscaped green separation between them which will continue to form part of the rural setting of these two villages.

C2.2 The village character of Longstanton and Oakington and the individual landscape character in the areas adjoining them will be taken into account in the development of an appropriate Masterplan for the new town.

July 2007 Northstowe AAP
Northstowe Area Action Plan
Adopted July 2007

Proposals for Northstowe will be required to respect the openness of the existing conservation area and to propose appropriate landscaping treatments such as woodland copses which are deep enough to close off views through an area, or a series of paddocks and tree lined hedgerows that provide sufficient depth to filter views. Existing tree cover within the green separation will be maintained or enhanced. In some cases it will require thinning. Tree cover should be reinforced wherever possible by locating urban open space uses on the edge of Northstowe closest to Longstanton and Oakington. Open uses such as playing fields and allotments, provided within a comprehensive landscape framework, will contribute towards green separation objectives.

Longstanton

C2.3 The predominant historic character of land adjoining Longstanton comprises a series of paddocks with hedgerows and small copses. Where still found this character should be retained and enhanced. The paddocks bounded by Mills Lane and St Michael's Lane already exhibit that character.

C2.4 The Conservation Area at St Michael's includes fields and paddocks adjoining the village, and bounded by the tree lined bridleway of Long Lane which lies further than 200m from the village framework. Historically this is an important area and includes fields which still demonstrate remnants of the early ridge and furrow field system. Long Lane is a long established right of way and its sylvan character is a key part of the setting of Longstanton.

C2.5 Proposals for Northstowe will be expected to demonstrate a comprehensive landscape framework to reinforce the quality of the existing landscape. A variety of landscape treatments may be appropriate, including new landscaped areas, new planting, more active open uses as well as the retention of the historic landscape where this remains.

Oakington

C2.6 The character of land adjoining Oakington is more consistent along the village

edge than at Longstanton, comprising a mixture of small paddocks and larger fields and parts of the Airfield. It has a generally more open aspect than the tightly knit paddocks adjoining Longstanton.”

- 8 The NAAP was conceived as the masterplan for Northstowe. It has been maintained in that capacity over many years. It sets out policies and proposals as to what must be provided **by the Northstowe development. It is exclusive to Northstowe. Nothing in it relates to what should happen in any land adjacent to Northstowe (except relating to access and service provision). In particular, it does not refer or relate to** what should happen “on the other side of the fence” in Longstanton – or Oakington Westwick and Rampton.
- 9 The Council attempted to use Northstowe policy NS/4 to defeat our first application. They were defeated by the Inspector. Despite that, today, in 2021, the Council is prepared to ignore the decision of the Inspector in 2018. Instead, the Council continues to rely on a policy from a document intended to guide the development of Northstowe 14 years ago and apply it to Longstanton today. However, since 2007, the Northstowe plans have been decided and Northstowe has planning permission in terms which the Council has approved.
- 10 In using this as the basis of an objection to my development proposal, the Council:
- 10.1 completely ignores the presence of Northstowe, instead continuing to protect views and green space which has simply not existed since 1940, when the Ministry of Defence took over the open farmland to create a 300 ha military establishment.
 - 10.2 totally misrepresents and lies about the landscape value in any event. Even the most cursory walk around the area makes clear that local landscape views are unimaginably distant in quality and value from what is professionally explained in the guide issued by the Institute of Landscape Architects.
 - 10.3 refuses to provide any professional assessment whatever, relating to this issue. They have also refused contact by me with the officer responsible for landscape issues. Instead they continue to rely on the forged Conservation Area appraisal of November 2005.

In summary, I submit that the dishonesty and misrepresentation which runs through this issue like a malevolent virus, is based not upon carelessness, but a fundamental disdain for the Inspector’s decision, truth and law.

- 11 To summarise this section, I now submit that **the green gap concept cannot apply** because:
- 11.1 the Council has never designated one;
 - 11.2 the term cannot apply to a situation where one end of the gap is new and is entirely under the control of the Council.
 - 11.3 the Council has considered the Northstowe proposals since 2004. After 17 years of consideration, it has granted consent for a new town in Longstanton Parish (destined very soon to be designated as an independent “town”). At all times, the **Council has been in control of what shall be built and what green space is required.**
 - 11.4 every paper about Northstowe and produced by the Council since 2007 makes

absolutely clear that suitable separation **must be provided by land within the Northstowe ownership**. **There is never a mention that the Added Land should also form part of the green gap**. Since the Northstowe border was already fixed in law in 2007, the Council cannot now decide that they got it wrong. If they "got it wrong" in the past, it is not appropriate to now tell us "Ah yes, but what we really meant was . . .".

Conservation Area land sold for £1 million a hectare

- 12 The Council's green gap claim is fatuous in the context of their having progressively released land to the HCA and Gallaghers for Northstowe, with no regard for significant historic value, real or imagined. Specifically:
- 13 The field now described as "Manor Field" is the only green space which was included in the original 1985 Northern Conservation Area Appraisal. It is reasonable to assume it was included on account of its providing the setting of the Grade 1 listed All Saints Church – a mere 10 m across the road. It also surrounds the listed Manor Farmhouse. It is therefore not unreasonable to suggest that it is by far the most valuable piece of green space within the enlarged Conservation Area.
- 14 The Land Registry records show that Gallagher sold approximately 285 five ha to Homes England on 19/04/2006 for £99,500,000, a sum which equates to approximately £349,122 per hectare.
- 15 The Manor Field was bought by HCA (now "Homes England") in 2016 for £2,800,000 (per Land Registry). **That equates to green gap land being sold at a price of over £1 million per hectare.**
- 16 I submit that:
 - 16.1 the price paid equates to **current residential development value**.
 - 16.2 like every government department, annual accounts of Homes England are subject to audit by the Auditor and Comptroller General.
 - 16.3 the HCA would not have been able to buy that land at that price without the confidence that the sum paid would not be challenged by the Auditor and Comptroller General.
 - 16.4 the HCA would not have paid that price without extensive discussion and subsequent approval of the Council.
 - 16.5 accordingly, the only rational explanation of that purchase is that the HCA team were confident that in due course they would receive a grant of planning permission for residential development.
- 17 What is more, if Policy NS/4 applies to the Site, then it must also have applied to all of the remainder of the open land within the Conservation Area. Despite that, only a few months before refusing my application, the Council approved development on a piece of the Conservation Area which is far more valuable in conservation terms than the Site. For elaboration of this argument please refer to the full version of my report "Longstanton Conservation Area Reappraised".
- 18 From that, I deduce:

- 18.1 it seems probable that the HCA has built up its land holding so as to provide for easy future development of an expanded Northstowe.
- 18.2 any development on that land will bring Northstowe to within ten metres of the boundary of the Grade 1 listed Church and right up against the Grade 2 listed "Manor".
- 18.3 to the North and East of All Saints Church, Northstowe has already been separated from the "Magdalene" estate by as little as ten metres.
- 19 I submit that it is illogical, to say the least, that the Council claims a green gap around the Site is so important, when they have planned for no green gap at all on 95% of the Western (village) side of Northstowe. I leave it to decision-makers to consider whether this anomaly may be related to the fact that former councillor Alex Riley owns a substantial home in an attractive and spacious rural setting within the green space at the Southern end of the village and that he represented the Council throughout the discussions with representatives of the Minister, Homes England, and the developer.
- 20 For those reasons, I submit that the Council is perfectly aware, and has always been aware, that none of the Added Land contains any feature or asset of significant historic value. If it were otherwise than the inspectors report, referred to below which shows some indication of discussion of that historic value.
- 21 It follows that the Council refused the First Application, and continues to indicate refusal of this current application, and perpetuation of lies, misrepresentation, conspiracy and fraud, simply to avoid the embarrassment of the prospective publicity of admitting the past history.
- 22 That position is supported fully in the learned report of Doctor Peter Wardle of the Historic Environment Consultancy, submitted with this application.

The inspectors confront the Council in 2007

- 23 Less than two years after this expansion of the Conservation Area, the Council were compelled to deal with two senior government inspectors tasked with approval of a proposed new area appraisal plan ("Northstowe AAP"). Their report is headed:
- 24 Report to South Cambridgeshire District Council
by Cliff Hughes BA(Hons) Dip TP MRTPI and
Terry Kemmann-Lane JP DipTP FRTPI MCMl
Inspectors appointed by the Secretary of State

The Planning Inspectorate
Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol BS1 6PN
0117 372 8128 e-mail: mark.billing@pins.gsi.gov.uk

I have commented in detail on the inspectors report in a separate document titled "Commentary on Inspectors report on draft NAAP June 2007". That report covers the involvement of the Government inspectors in consideration of the extent of the green gap and the status of the Conservation Area.

- 25 The Inspectors suggested in their 2007 report that it was inappropriate to attempt to sterilise the newly added land and that instead, it should be available for "open land

uses”, for example, “playing fields, allotments and cemeteries”. Accordingly, the Council adopted those specific examples in the 2007 Local Development Plan.

The Council denied having any requirement for green separation

- 26 At an early stage in my research as to the requirement for a green gap, I asked the Councils’ Northstowe Planning Manager whether the Site was or was not intended to be the part of the green gap. I received the following message on Monday April 4th 2016, from Mr James Stone who referred to himself as “the planner responsible for the new town of Northstowe”:

“Your proposed site is not within any land zoned as part of the Northstowe Development Framework Document (2012) and is therefore not required as part of the green separation between Northstowe and Longstanton. If you look at the parameter plans for Northstowe Phase 2 these illustrate that the green separation will not be provided on the site you have referred to.”

That is a clear and unequivocal admission from the Council that the Site is not required for development relating to Northstowe nor to contribute to “green separation”.

- 27 I asked a very specific question and received a very specific reply. As a result, I had a legitimate expectation that the Council would stand by that reply. They failed to do so. They also failed to respond to my proposition that they had no lawful right to allocate my land to green space for the benefit of a nearby developer.
- 28 The Inspector on appeal dismissed James Stone’s confirmation as irrelevant. The Inspector was wrong on a point of law. The law provides that a **legitimate expectation** may arise either from an express promise given on behalf of a public authority or from the existence of a regular practice which the Claimant can reasonably expect to continue (per Lord Fraser, Council of Civil Service Unions v Minister for the Civil Service [1985] AC 375, at 401B) [CB/69].
- 29 The extent to which a third party can rely on a statement by an employee of a government organisation to bind that organisation in law, depends on the facts of each case. However, case law is clear that any employee at a senior level can be assumed to bind the Council. Doubt arises only in connection with more junior staff.
- 30 In R(Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No.2) [2009] 1 AC 453, Lord Hoffmann said at 488G [CB/128-129] that:
- “It is clear that in cases such as the present, a claim to a legitimate expectation can be based only upon a promise which is ‘clear, unambiguous and devoid of relevant qualification”*
- 31 **Despite that, the Inspector explicitly supported our contention that whatever green gap was required by Northstowe, should have been provided out of Northstowe land and not our land.**
- 32 The Local Development Plan of 2018 continues to specify that the Added Land could be available, subject to compliance with other relevant criteria, for development as “playing fields, allotments and cemeteries”. In passing, I have to ask myself what would be the reaction of people living locally to the Site if the council were to grant permission

for, say, a new sports field for Hatton Park Primary.

The Council has refused to explain the extent of loss of historic significance of the land now included in the Conservation Area in the context of possible development for the three above-mentioned uses, all requiring levelling, grading, hedge removal, vehicular access and parking.

- 33 When the Council refused the First Application on fifth of May 2017, permission had already been granted to Homes England to bring heavy equipment onto The Paddocks land for the purpose of creating a substantial cycle and pedestrian track. Accordingly, whatever historic value could earlier have been attributable to the open land within the Conservation Area, it must inevitably have been reduced by that permission. Nonetheless in dealing with my application, the Council misrepresented the historic value of the Paddocks land by failing to disclose this grant of permission. Celia Wignall's short report on behalf of the Council in opposing the First Application makes no mention of the fact that the land between Mills Lane and Rampton Road had been allocated to Northstowe since 2007.
- 34 I note also that inclusion of the Site in the Longstanton Conservation Area offends against NPPF paragraph 127 in that the concept of conservation is devalued through the designation of an area that lacks special interest.
- 35 Leaving the legal issues aside for a moment, I submit that it is simply ridiculous that land should be placed in a conservation area, and yet at the same time available for development of sports facilities.

Visual separation does not apply

- 36 I respectfully submit that visual separation does not apply in the case of Northstowe and Longstanton. It does not apply because:
- 36.1 Damage to visual separation by our proposed development could only apply to what is seen on a journey between Longstanton and Northstowe. The journey would have to be sufficiently proximate to the Site to be affected by the proposed development.
- 36.2 As it happens, it seems likely that many people in Longstanton and future residents of Northstowe would both appreciate a direct link in order to be able to share each other's facilities. However, the Council provided no road connection between Northstowe and Longstanton at the Southern end of the village.
- 36.3 No driver can observe that he is traveling from anywhere in the Southern section of Longstanton to Northstowe. The only access is 500 m to the North, via Rampton Road, a journey unchanged by the present proposal.
- 36.4 There is no route on foot or any means of mechanical transport between Mills Lane and Northstowe, other than the indirect route via Long Lane, entirely screened by foliage. The views from that route are exactly the same, whether or not the Site is developed.
- 36.5 The landscape plans for Phase 2 of Northstowe describe and show massive tree planting on the Western boundary against Longstanton. There is already tree cover the length of Long Lane which is so heavy as to be solid even in

winter. So no person in Southern Longstanton will see anything of Northstowe Phase 2 in any event. Northstowe has been designed to this effect. Fields of green separation in this case are irrelevant. Even without the proposed development, the apparent gap is exactly the same. What matters is that the existing trees are maintained and that the Northstowe developers are compelled to comply with the plans for soft landscape.

Unbelievable contradictions

37 This short section draws the attention of the decision maker to just one element of the Council's confusion relating to the refusal of the First Application. I do not mention it by way of commentary on the outcome of the First Application. I am simply setting out example instances of the management of the First Application in order to make clear to new decision-makers that the outcome of the present application should not be affected by this past maladministration.

38 Northstowe policy NS/4

"Green Separation will be provided between the village frameworks of Longstanton and Oakington and the built-up area of Northstowe. The green separation will have a high degree of public access where appropriate to character and amenity, having particular regard to the character of conservation areas."

So the green separation will have a high degree of public access (unspecified what or where or how), but only where appropriate to character and amenity (what particular character and amenity?) And also subject to having particular regard to the character of the conservation areas (what does that mean? It is absolute nonsense.)

39 It continues:

"Conservation Area, Longstanton St Michael's: Public access to countryside west of Long Lane will be controlled to protect the Conservation Area. The open aspect of the fields affording views of All Saints Church will be maintained. Elsewhere the landscape character of a series of hedged paddocks, small copses and tree belts will be maintained and enhanced."

Longstanton Saint Michaels runs southwards from Mills Lane. Accordingly, a glance at the map will show that only a tiny part of the countryside west of Long Lane is actually within what was formerly St Michael's. The open aspect of fields affording views of All Saints Church are in fact across fields which are part of Longstanton All Saints and now 100% part of Northstowe. So now the Council is telling us that the open aspect of the fields to the east and South of All Saints Church will be maintained, despite allowing them to be used as playing fields, allotments and cemeteries. I'm not convinced there is much value in the views of the Church across 100 people playing and watching a game of football.

40 The refusal notice quotes sections of policy NS/4 (a Northstowe policy) and concludes:

*"Whilst the **development of this site would not affect the views of All Saints Church**, it does form part of the hedged paddock land landscape character and therefore NS/4 is considered relevant to the determination of this application."*

However, the "hedged paddock land landscape character" is treated as a critical factor

“relevant to the determination of this application”. I understand that to mean sufficient to justify a refusal. So the Council have simply use their imagination to form a view that the Site was part of an unspecified “hedged paddock land” and that it’s unspecified “landscape character” was sufficient to refuse that application. All without a shred of evidence.

I note to that the Council now denies that development of the Site could adversely affect the views of All Saints Church – a position put so fervently by the Council via the report of Celia Wignall. In her report she goes to great length to say how important is the view of the Church and how the proposal will affect its setting - 500 metres distant and totally obscured by buildings.

Policy NH /1 Conservation Area and Green Separation at Longstanton

41 Policy NH/1 states:

“Areas of countryside within the conservation area at Longstanton will form part of the green separation between Longstanton and Northstowe. Public access to this area of countryside will be controlled to protect the conservation area. The area will contain only open land uses, such as playing fields, allotments and cemeteries, which will contribute towards effective separation between these communities. The open aspect of the fields affording views of All Saints Church will be maintained. Elsewhere the landscape character of a series of hedged paddocks, small copses and tree belts will be maintained and enhanced.”

42 The explanation in the Local Development Plan continues:

“The green separation between Longstanton village and the new town of Northstowe is designed to ensure the maintenance of the village character of Longstanton. Most of the area of green separation is covered by the Northstowe Area Action Plan, but part of the area lies outside its boundary and is covered by this policy.

The land within the conservation area has a valuable character which should be preserved or enhanced. The predominant historic character of the open land comprises a series of paddocks with hedgerows and small copses, bounded by the tree-lined bridleway of Long Lane. Historically this is an important area and includes fields which still demonstrate remnants of the early ridge and furrow field system. Long Lane is a long established right of way and its Sylvan character is a key part of the setting of Longstanton.”

43 I comment:

43.1 I have already commented briefly on this policy in my document “Longstanton Conservation Area Re-appraisal” so will avoid repeating the same points. Here I mention a small number of points directly relevant to the alleged requirement for green separation.

43.2 The title to this policy immediately indicates the council’s confusion between preservation of the historic environment, the value of special landscapes, and their own specific agenda to distance the village from whatever horrors might erupt or escape from Northstowe.

- 43.3 The Council gives no indication as to what is meant by “controlled”. Nor is there any evidence of what “control” has been exercised over the last 14 years nor is there any indication of what control would be in some way beneficial to the Conservation Area.
- 43.4 the Council gives no indication of the link between the control they allege is required on the one hand and the open land uses which appear to be free of control. If control refers to human activity, it is difficult to imagine playing fields, allotments and cemeteries providing facilities in some way which is controlled.

Not even Local Green Space

- 44 The Conservation Area Appraisal of 2005 glorifies Longstanton to an extent such that local people would barely have recognise their own village. This glorification was taken up by the Council through repeating words and ideas in lyrical terms, in subsequent policies. Indeed many of the phrases used in the refusal notice and the inspectors decision notice are also drawn from that document.
- 45 As a result of the reliance by the Council on that document for twelve years, local objectors to the First Application also assumed the document to be of almost religious significance. I now therefore submit that there is a means of protecting local green space, set out clearly in the National Planning Policy Framework of 2014.
- 46 I set out how that operates, in order to demonstrate that neither the Site nor the area around it could ever have qualified for that designation and the protection which would follow from it. In other words, whilst I submit that the area local to the Site is attractive, it is still far from being sufficiently attractive to have been designated as Local Green Space and thereby sanitised from development.
- 47 So, although a community cannot lawfully include in a Conservation Area an area of green space which contains nothing of significant historic value, here is an alternative, brought in specifically *“to provide special protection against development for green areas of particular importance to local communities.”*
- 48 For the avoidance of doubt, Paragraph 76 of the NPPF says:

*“The Local Green Space designation **will not be appropriate for most green areas or open space.** The designation should only be used:*

where the green space is in reasonably close proximity to the community it serves;

where the green area is demonstrably special to a local community and

holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

where the green area concerned is local in character and is not an extensive tract of land.”

PPG Guidance in relation to local green space is at:
<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-o>

f-way-and-local-green-space

- 49 Just one short extract from **the Guidance at Paragraph 007 Reference ID: 37-007-20140306**, illustrates this point:

*"Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and **the Local Green Space designation should not be used in a way that undermines this aim of plan making.**"*

- 50 I submit that those five qualifications are collectively very reasonable and objective. **However the Site was never suitable for designation because:**

50.1 the Site does not serve the local community in any way. It is private land, hidden from view, with no public access.

50.2 the green area is not demonstrably special.

50.3 the land holds no particular local significance.

- 51 In conclusion, I submit that if the Site qualified for protection, then the Council would have designated that protection in 2014. The Council probably failed to do so because the Site simply does not qualify under the criteria laid down by Parliament.

Visual importance of the Site

- 52 The writer of the CAA had no idea what would happen at Northstowe because no plans had by then been made. Even the boundary of Northstowe was not fixed until 2007. Nevertheless, the writer of the refusal notice for the First Application (I believe the case officer had already vacated his post by then) based his refusal on that document and Policy NS/4 which uses substantially the same words. The North and East sides of the village are already changing beyond recognition and in another five years will have totally changed. The CAA was a forgery. It would not be admitted as evidence today in a court of law.

- 53 I submit that the new proposed development will have no unacceptable adverse impact on the countryside, the village character or the landscape character.

The presumption in favour of sustainable development

- 54 In support of this application we therefore state that any claim the Council might make as a reason to refuse this application on account of the land being part of the green gap against Northstowe is unsupportable and accordingly out of date. As a result paragraph 11 of the NPPF applies and this application should be granted.

- 55 We are also aware that the "five-year land supply" as defined in the NPPF and as calculated by the Council, is falling steadily and may well already be below five years. We reserve the right to provide a calculation when the figures become clear, and based on proven figures, to submit that the consequences laid down in law, shall apply.

End