

Luvli Homes

Commentary on 2007 Inspectors report
on draft Northstowe AAP

Amended for "Proposal C" February 2021

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

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Longstanton CB24 3DT**

Andrew R Taylor
February 2021

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

Edited 20 December 2020 for relevance to “Proposal C” of application 20/04232/OUT

Other than headings, and where specifically stated, emphasis in bold is by the author.

The subject matter of this commentary can be downloaded at <https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/the-adopted-development-plan/northstowe-area-action-plan-aap/> under the link “Inspectors Report”.

If the link becomes unavailable, we will provide the document in soft copy.

Preface

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

- 1 This amended application is for a grant to develop 0.3ha of land (“the reduced site”) at the junction of Mills Lane and Clive Hall Drive, Longstanton CB24 3DT with 6 houses. We applied for a grant of permission to develop the whole 0.8 ha site (“the whole site”) with nine self-build plots under reference **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:

Longstanton Conservation Area – Full Reappraisal
Commentary on Inspectors Report of Northstowe AAP June 2007 (this report)
Northstowe and the Green Gap
- 3 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.

- 4 For the sake of good order, the applicant wishes to emphasise that it does not seek any comment or endorsement or approval or judgement of the facts set out in these three papers but puts them forward simply to provide irrefutable proof that there is no lawful reason why the Council should refuse this second application on account of matters pertaining to:

- the historic environment
- the landscape
- the green gap between the village and Northstowe.

- 5 We respectfully ask every decision maker who may assess this present application to take into account the facts stated in these three reports, not to be concerned with the illegality of the Council's past activity but purely to satisfy her/himself that the allegations of the Council with regard to the three items mentioned in paragraph 2, above, are a continuation of the misrepresentation and fraud set up 17 years ago and continue today, largely because the Council fears the public impact of an admission and possibly other legal consequences in third party claims.

Background and summary

- 1 This paper is a commentary **only on relevant sections** of the report of Ministry inspectors on the first draft NAAP presented to them by the Council. The title of that document is:

Report to South Cambridgeshire District Council
by Cliff Hughes BA(Hons) Dip TP MRTPI and
Terry Kemmann-Lane JP DipTP FRTPI MCMI
Inspectors appointed by the Secretary of State for Communities and Local
Government

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

- 2 The Planning and Compulsory Purchase Act 2004 (section 20) provides that a local authority shall submit certain substantial planning proposals to the Minister for "Independent examination". The Northstowe Area Action Plan ("NAAP") is such a proposal. It was submitted for examination on 06/01/2006. After six weeks of hearings, a version of the document, substantially rewritten by the Inspectors, was approved in June 2007.
- 3 The report upon which I now comment, relates the reaction of the Inspectors to the first proposed Northstowe Area Action Plan ("NAAP" or "AAP") put forward by the Council in 2007. It is relevant to this present application because it demonstrates:
 - 3.1 the chasm between the positions taken respectively by the Council on one hand and the Government appointed Inspectors on the other hand, with regard to treatment of the land added to the two tiny conservation areas in 2005.
 - 3.2 the Council's extreme determination to keep the prospective residents of Northstowe as far away as possible from the Saint Michaels end of Longstanton.
 - 3.3 the fact that the Council was overruled by the Inspectors and that this situation provides some understanding of the Council's drawing policy NH/1 in direct contradiction of what were effectively instructions from the Inspectors.
- 4 I have asked the Council for a copy of that first draft of the Northstowe Area Action Plan which was submitted to the Minister and which is the subject matter of their report, upon which I now comment. I have not yet received it.
- 5 By way of introduction, the Inspectors say:

"Our role is to consider the soundness of the submitted Northstowe Area Action Plan. This introduction is followed by consideration of soundness in accordance with the procedural tests. The report then covers the Main Matters raised during the examination on a topic-by-topic basis, reaching conclusions on soundness in relation to each matter. The report also covers points raised by the Inspectors with the Council in writing. Our overall conclusion is that the Northstowe Area Action Plan is sound

provided it is changed in the ways we specify.”

- 6 In reading this section, it is important to note that it consists primarily in setting out the points we assume were made by the Council in their proposal, but now perceived by the Inspectors to be not merely wrong, but wholly unacceptable. Paragraph after paragraph consists in the Inspectors enforcing their own views and not accepting the position put forward by the Council, either generally or in detail.
- 7 In some cases, the Inspectors even specified the actual text required in order to make the NAAP acceptable. I deduce that the Inspectors felt that their advice and proposals would fall on deaf ears if they had failed to enforce them so positively.
- 8 I shall demonstrate that the Council's position, relying on the 2005 CAA, was not merely untenable but has been maintained since that time, in direct contravention of the advice of the Inspectors in 2007. The Council had placed themselves in a difficult situation. Their action in 2005, in instructing for the Conservation Area Appraisal and then adopting it as their sole authority for creating the enlarged Conservation Area was breathtaking. The Council has refreshed its authority to rely on the 2005 CAA since its adoption by continuing to rely on it as an SPD and by continuing to leave Policy NH/1 as an important document in every ensuing Development Plan.

However, in this document on which we now comment there is no mention of the Conservation Area Appraisal; no mention of the expansion of the Conservation Area; no mention even of any historic asset. Whether or not by agreement with the Inspectors, a decision had been made to let sleeping dogs lie. In consequence, the Inspectors were able to make suggestions with regard to the future of the Conservation Area without taking any account of any historic asset. This is the origin of the proposition in Policy NH/1 whereby certain “open land” uses have been designated as acceptable within the Conservation Area.

- 9 The former Oakington barracks and airfield were every bit as close to Oakington as they were to Longstanton. However, I note that the document upon which I comment in this paper provides no meaningful reference to Oakington – and none at all to the smaller settlements at Rampton and Westwick.
- 10 At the time of this document (2007) the electoral ward which covered all four of the settlements, was represented by former councillor Alex Riley. Quite coincidentally, his own grand home was on the very front line of the boundary with Northstowe, while today his close relatives live on Mills Lane, adjacent to our site. Mr Riley was first elected to the District Council as an Independent. At some time before 2007, he asked the Conservative party to accept him. They did. A little later, members of the District Council agreed that he should represent the district in the negotiations with the Minister with regard to Northstowe.
- 11 This report identifies a number of points relevant to our present application. Some are instances of the Inspectors refusing to accept propositions put forward by the Council. Others highlight propositions and interpretation by the Council which are contrary to what was stated in the delegation report and the refusal notice in connection with our First Application.

Report of Ministry inspectors on the Council's proposals for the Northstowe AAP

1 The report proper commences:

“ Main Matter 1: Vision and Development Principles”

“The Overview of Conclusions on Main Matter 1

3.1. The Core Strategy stipulates that Northstowe will be a new town of up to 10,000 dwellings. However, the Council considers that the town should be planned for 8000 dwellings, whilst English Partnerships and Gallagher Longstanton Ltd consider that the area of the AAP could accommodate at least 9000 and possibly 10,000 dwellings. There is a further submission by the Fairfield Partnership which seeks to alter and enlarge the area of the AAP, so that it crosses the line of the Guided Busway and continues towards Willingham and Rampton. This it is claimed would enable a better separation between the new town and Longstanton and Oakington, and enabling up to 10,000 dwellings to be constructed without utilising excessively high building densities. Of necessity, in considering this Main Matter, we draw upon the evidence given and our conclusions on a number of the other Main Matters which we examine in more detail later in this report.

2 The Inspectors continue:

“3.2. Under Main Matter 2 below we conclude that a wider range of open uses should be permitted within the green separation than is allowed for in the submitted AAP. This enables a more efficient use of the built-up part of the new settlement, which in turn would allow for a higher number of dwellings to be aimed for. One implication of this is that the area of green separation should be included in the total hectareage of the new town. Similarly, we consider that the town centre should be constructed at a density which allows for a substantial contribution to the dwelling numbers.”

Comment

- 2.1 The Inspectors do not want a large swathe of Northstowe land to be dead to development as a result of the requirement for a green gap.
- 2.2 The green gap to be provided out of the Northstowe land will be subject to a “wider range of open uses” so as to permit “a higher number of dwellings”.
- 2.3 The Inspectors could hardly have made themselves more clear in demanding that green separation **should be included in the total hectareage of the new town. That is to say our site was never considered to be green separation. The requirement for green separation had been considered and was decided. Despite that, the Council drew policy NH/1 which quite explicitly includes the subject site as green separation.**
- 2.4 By including the green separation within Northstowe, and at the same time treating the land north of Mills Lane as coming within Northstowe, the Inspectors effectively joined up Northstowe to Longstanton – green separation or no.
- 2.5 Confirmation of the points made by the Inspectors is provided by the map of what constituted Northstowe on the NAAP which resulted from this report. It

clearly shows that all of the land in the Conservation Area to the north of Mills Lane was expected to be or become part of Northstowe. **Conversely, the smaller area of land to the south, including my site, was not expected to be part of Northstowe and was not designated as green gap.**

- 2.6 In dealing with the First Application, the Council entirely ignored the status of Northstowe with regard to the Conservation Area. This is clear from the email correspondence and most particularly from the delegation report and the refusal notice. **The Council has given no indication that their position has changed today from what it was in 2007.**

3 The Inspectors:

3.15. ***We have also reached conclusions about the green separation areas which lead us to conclude here that the area of the site of Northstowe, as expressed in this policy, should include the areas of green separation since they are able to play a constructive part in the development of the new town whilst performing their function of keeping separate the villages of Longstanton and Oakington. The resulting boundary for the AAP is very uneven and is determined by ownership. However, this consideration is outweighed by the need to maximise the land available to the new town. We reach this conclusion also in light of the protection the green separation areas will receive from Policy NS/6, amongst other policies. The opportunity to consider the policy treatment of areas adjoining the AAP, east of Longstanton St Michael's, will arise as a result of the examination of the Site Specific Policies DPD.***

Comment

- 3.1 **The Inspectors reinforce what they said earlier in that green separation should be provided exclusively out of Northstowe land.**
- 3.2 The plan provided by the Inspectors shows the entirety of the green land North of Mills Lane to be within Northstowe so that it could “play a **constructive** part in the development of the new town” quite regardless of the fact that it is designated as part of the Conservation Area. It follows that:
- 3.2.1 the Inspectors saw no significant historic value, nor landscape value in the land north of Mills Lane known as “The Paddocks”. This confirms our consistent allegation that there is no significant historic value in the land added to the Conservation Area in 2005 **and there is none today.**
- 3.2.2 land in the Longstanton Conservation Area can play a constructive part in development, without damage or harm being caused to any significant historic asset.
- 3.2.3 the “constructive part” envisaged by the Inspectors is now very much closer to reality since the Manor Field (immediately to the South of Rampton Road) 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. Despite that, the Council purports to requisition our small paddock without compensation.**
- 3.2.4 The words of the Inspectors are **absolutely contradictory to the 2005**

CAA. However, in refusing the First Application, the Council explicitly relied on the CAA, in complete contradiction of the Northstowe AAP – **which should (as a matter of law) have taken priority since it was adopted at a later date.**

- 3.3 I note that there is no mention of preservation of the “historic patchwork” referred to in the 2005 CAA nor of the historic value referred to in the delegation report and refusal notice of the First Application. From that, I deduce that either:
- 3.3.1 the Council had not dared to place the CAA document before the Inspectors, knowing that it was a fraudulent forgery, or
 - 3.3.2 the council did place that document before the inspectors; the Inspectors understood enough about the document to decide it was not anyone’s interest for it to be published in association with their report, so they simply pretended it did not exist. It is probable that a forthcoming Freedom of Information request will resolve this question. In any event, in no part of this report did the Inspectors appear to give serious consideration to historic value in the agricultural land added in 2005.
- 3.4 I note however, that without reference to the 2005 CAA, the Inspectors’ report does clarify some of the confusion contained in the 2005 CAA. In particular, it makes clear that the area known as “The Paddocks” is all located North of Mills Lane, extending eastwards, probably beyond Long Lane and into the land area of the former military airfield.
- 3.5 The points above appear to confirm that in refusing our First Application, the Council was wrong in:
- 3.5.1 claiming that The Paddocks ever included the subject site;
 - 3.5.2 stating that The Paddocks contained significant historic value as set out in the 2005 CAA;
 - 3.5.3 suggesting that development of our site could damage (non-existent) historic value.
- 3.6 In the light of the comments by the Inspectors, I submit that it is inconceivable that a large number of members and officers have been unaware of the true position, not merely in 2005 and in 2016 to 2018, but consistently for the last 15 years.

Policy NH/1

- 4 Meanwhile, and consequent upon the final agreement with the Ministry Inspectors with regard to Northstowe, the Council draws up the 2007 District Development Plan. It includes Policy NH/1. This policy is particularly important in the context of the current application because it relates solely and explicitly to the subject site and an unspecified area of land further to the south-east and north-east.
- 5 Most of the text in Policy NH/1 was provided by the Inspectors in connection with that part of the Conservation Area which was **within the Northstowe boundary, namely the open fields between Rampton Road and Mills Lane.** It reads as follows:

“Policy NH/1: Conservation Area and Green Separation at Longstanton.

*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.”*

Comment:

- 5.1 Sadly, the Council did not take the trouble to check whether the words of the policy **as applied by the Inspectors to the three fields north of Mills Lane also applied to the land to the south**. They did not match. For example it was considered important to retain the open land uses between Mills Lane and Rampton Road in order to maintain “views of All Saints Church”. However, to suggest that open views should be maintained over the land to the south of Mills Lane is ridiculous. **There are no open views through overgrown hedges and occasional trees.**
 - 5.2 Nevertheless, in the refusal notice and/or the delegation report relating to the First Application, the Council specifically refers to open views.
 - 5.3 Repeating the error that provisions in Policy NS/4 could also be applied to the land south of Mills Lane, the Council say that the open aspect of the fields affording views of All Saints Church will be “maintained”. The proposition of maintenance is perfectly logical in the context of land which is part of Northstowe. However, for the Council to adopt these words with reference to private owners with no connection to Northstowe is simply an error. The land concerned does not provide open aspects of fields. It consists in three paddocks surrounded by hedges. Furthermore the Council has failed to specify precisely how owners should “maintain” non-existent views and how they should be compelled to do so.
 - 5.4 In drawing this policy, the Council was careful not to change the words provided by the Inspectors, although there was no reason why they should not have done so. Instead, they re-branded it so as to include the land to the south of Mills Lane of which the subject site forms part took place in an even more confusing paragraph 6.5, as follows:
- 6 Policy NH/1** is explained in paragraph 6.5 as follows:

“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 its 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..”

Comment

- 6.1 There is no map of the area covered by Policy NH/1. There is merely a reference to an unspecified “area”.
- 6.2 The reference to green separation being “designed to ensure the maintenance of the village character” is a lie. The extent of green separation had been agreed with the Inspectors. Whatever else the Council might decide from the date of that agreement, it did not have the power to make any additional designation for green separation beyond what the Ministers representatives had authorised.
- 6.3 The Inspectors made absolutely clear that the green separation provided in the Northstowe Area Action Plan was adequate.
- 6.4 The Inspectors made absolutely clear that green separation did not require that an area should be “preserved” in order to provide green separation.
- 6.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 makes explicit provision as to what qualifies as having significant historic value. There is no mention in Northstowe Policy NS/4 of any historic value in the Manor Field and land around notwithstanding the proximity to All Saints Church and Manor Farm.
- 6.6 the Council has included the subject site in Policy NH/1 without identifying:
 - 6.6.1 why it is “an important area”
 - 6.6.2 what is its “valuable character”;
 - 6.6.3 why such character should be “preserved or enhanced”;
 - 6.6.4 what such preservation or enhancement should consist in.
- 6.7 The Council admits that the predominant historic character comprises a series of paddocks with hedgerows and small copses, etc, etc. The Council does not attempt to specify any other character, which could justify the description of “historic”, let alone “predominant”. However, by using these words, the Council represents and implies a that there are additional, unspoken, historic characteristics. I suggest that this misrepresentation must have been intentional, since otherwise the Council would have stated explicitly what were the historic assets of value.
- 6.8 The Council is careful to avoid saying specifically that non-topographical ridge and furrow is the feature **which provides historic importance**. The draftsman has merely intimated that non–topographical ridge and furrow could be of sufficient historic importance to justify this policy.
- 6.9 The use of the word “still” is clearly intended to imply that the ridge and furrow evidence noted is of historic value. That is either an intentional misrepresentation or evidence of the writer’s failure to understand the archaeological procedure to record that aerial photography indicated evidence of historic ploughing.

- 6.10 Reference to Long Lane also constitutes a misrepresentation. The presentation leads the reader to assume there is special historic value in Long Lane. There is none. Long established rights of way have existed in England for over 2000 years. To suggest that Long Lane is of historic Interest merely on account of being “long established” is fatuous to say the least.
- 6.11 The word “Sylvan” means “pertaining to wood or forest”. Although very rarely to used, when it is used it tends to be associated with a romantically imaginative story, such as “a Midsummer Night’s Dream”. Capitalisation merely emphasises the importance of the word. In using this word the writer clearly intended to appeal to the reader’s emotions and convey the proposition that Long Lane is not only of great value but could be under threat.
- 6.12 In fact, Long Lane is a public highway, maintained by Cambridgeshire County Council. It has not been maintained for many years, probably since 1939. Insofar as it was originally hedged, lack of maintenance has allowed nature to take its toll. Some hedging plants have grown into trees whilst others have fallen by the wayside. The southern stretch of Long Lane is a muddy quagmire for eight months of the year. I doubt it has been managed in any way since 1939. The use of the word “Sylvan” is important because it is evidence that the writer’s determination to misrepresent the value of land taken into the enlarged Conservation Area. Although there was nothing of historic value, the writer was not beyond falling back on asserting an extreme level of landscape value.
- 6.13 If the Council really valued Long Lane, arrangements would have been made with the County Council for its maintenance.
- 6.14 The only land within the Conservation Area which does have any historic value is Manor Field. That is because it provides the setting of All Saints Church. It also contains one other listed building. That field was sold to the Northstowe developers in 2016 at a price per hectare which makes it the **most expensive land purchase in the whole of the Northstowe holding**.
- 6.15 The land to the south of Mills Lane does not share that history and has no historical importance. The subject site has a history as part of the domestic garden of Clive Hall, and earlier, of an enclosure adjacent to the buildings of Magdalene Farm. In consequence, until the subject site was split from the land is now constituting the small Clive Hall estate on its south-west boundary, it was actually in residential use and had been in such use at least until the construction of Clive Hall and possibly for the previous 250 years as an appurtenance to Magdalene Farm.
- 6.16 Taken together, those 15 points indicate that policy NH/1, although muddled and unprofessional, was drawn specifically to misrepresent the value of the (understated) area alleged to be covered, so as to prevent development.

7 To close this section, the Inspectors provide the text they require under the heading:

Action Needed to Achieve Soundness

3.20. The following changes are required to make the document sound:

i) Replace the existing introduction with the following:

“AN INTRODUCTION

We do not believe that a statement or discussion of the inspectors’ extensive recommendations is sufficiently relevant, but of course the entire document is available if required, from either the Council or ourselves.

8 The Inspectors:
Main Matter 2: GREEN BELT(NS/3 IN PART, NS/4, NS/6)
(. . . .not relevant . . .)

9 The Inspectors:

Main Matter 2: Green separation

“Green Separation

*4.13 Structure Plan Policy P9/3 requires green separation between the new development at Northstowe and existing communities. **The Policy goes on to make it clear that the purpose of the green separation is to maintain the village character of Longstanton and Oakington.**”*

“4.14 The AAP (here the Inspectors are referring to the AAP put forward by the Council, and not the version edited by the Inspectors and subsequently adopted) defines a swathe of land a minimum of 200m wide as the green separation, regardless of the nature of the land and of the existing village development nearby. This is an inflexible approach which gives too little weight to the evidence on the ground, and fails tests vii and ix.

*4.15 **Our view is that village character depends to a large extent on attributes like settlement form, townscape, social make-up and contacts. Both Longstanton and Oakington are visually fairly self-contained villages, with substantial new development and limited views outwards towards the new town site.***

*4.16 It is significant that the Council’s paper on green separation recognises that distance alone is not the key factor **but that the treatment of the green separation is crucial.**”*

Comment

- 9.1 The Inspectors say that the purpose of the green separation is to maintain village character. Earlier in this paper I alluded to what they regard as village character. They made very clear that village character does not depend on green separation. I note that today, 14 years later, the Council continues to maintain the importance of green separation and for that reason denies consideration of our present development proposal on just a very small part of the green space under discussion.
- 9.2 The Inspectors recognise that the views outwards from Longstanton towards Northstowe are limited by substantial new development. This important point was refuted by the Council in the delegation report and refusal notice relating to our first application, in repeated references to the importance of (non-existent) open views and complete failure to recognise the fact that they had granted permission for Northstowe Phase 2 only a month or two earlier.
- 9.3 At paragraph 4.16, the Inspectors remind us that the treatment of the green separation is crucial. We agree. However, we do not believe that any such treatment should rule out low-level development. The subject site is tightly contained within a hedged boundary and substantially surrounded by other residential development. The degree of loss of green space or landscape value

is a mere 3,000 m². I submit that any such loss weighs very little against the benefit of even six houses at a time when the deficiency in housing in the District is among the highest in England.

- 9.4 I note that the Local Plan, completed only a matter of weeks after this report, ignores the decisions of the Inspectors. The Council refers only to the Conservation Area Appraisal, a document written with no professional authority in any discipline.
- 9.5 In using the CAA, the Council was not concerned with the “weight of evidence on the ground”. On the contrary, the land was added to the Conservation Area despite containing no evidence of anything of significant historic value.
- 9.6 The development plan for Northstowe was subject to Government approval as explained in paragraph 2, above. However, all of the land within the Northstowe development was, and remains, part of South Cambridgeshire District Council. So the Council has agreed to the requirements of the Inspectors relating to the Northstowe AAP on the one hand but simultaneously has produced a policy (NH/1) which contradicts what they have just agreed and maintained that policy for 14 years, to date.

The Council may attempt to justify that contradiction on the ground that policy NH/1 is outside the remit of the Inspectors. I agree with the proposition that what the Council decides in respect of land outside Northstowe should not generally be the concern of the Inspectors. However, at the time the agreement was made, Northstowe was in fact part of South Cambridgeshire District. Accordingly, it cannot be either proper or lawful for South Cambridgeshire to have made an agreement with Government in respect of the Northstowe part of its district and then provide policies with regard to other parts that directly contradict the contract made with the Government.

- 9.7 The Inspectors provide a simple but obvious and generally accepted definition of village character in the context of a green gap. It is not the waffling, poetic descriptions of the village as contained in the Conservation Area Appraisal, but *“depends to a large extent on attributes like settlement form, townscape, social make-up and contacts”*.
- 9.8 The Inspectors again remind us that the “open views” so beloved by the author of the 2005 CAA are figments of their imagination, there being no open views. They say: *“Both Longstanton and Oakington are visually fairly self-contained villages, with substantial new development and limited views outwards towards the new town site.”*

10 The Inspectors:

“4.17 In the light of these considerations we do not regard the creation of swathes of countryside around the villages as necessary to maintain village character. Residents will be aware of the presence of the existing buildings and uses on the airfield site.”

Comment

- 10.1 I note that the Inspectors summarise their earlier comments to make their points quite clear. They simply do not accept the Council’s proposition and they do not mince their words in saying that.

- 10.2 The Inspectors remind the Council and others that the pre-existing uses of the land did not contribute to maintaining village character. After all, until only a few years earlier, the land was owned by the Ministry of Defence and could have been taken into use at any time for purposes which would have been even further from rural charm and idyllic vistas than use as a military base.
- 10.3 The present Council has endorsed the position taken by the unknown author of the 2005 Conservation Area Appraisal and continues to ignore the rather different views of the Inspectors. (Note: the history of the appraisal is covered fully in my report "Longstanton Conservation Area Re-appraisal".

11 The Inspectors:

"4.18 The need for social inclusion and integration between existing and new communities is a further reason militating against a rigid and excessive width of green separation. Facilities provided for the new town, and the opportunity to have access to open land, will benefit existing communities as well as Northstowe."

Comment

- 11.1 **To this day, there is no mention of integration between the village of Longstanton on the one hand and Northstowe on the other hand, in the South Cambridgeshire District Council LDF. On the contrary, the entire aim and intent of the Council from 2005 onwards has been, and continues to be, to keep Northstowe as far away as possible from Longstanton. The "social inclusion and integration" referred to by the Inspectors is as far from the intentions of the Council as it was possible to be. It was that very "social inclusion and integration" which was most feared by the unlawful Conservation Advisory Group. I suggest that was the prime reason why there is no vehicular link from Longstanton to Northstowe, south of Rampton Road.**

12 The Inspectors:

*"4.20 The perception of these villages from the outside, and the rural settings of the villages, will inevitably change markedly with the location nearby of a new town as required by Structure Plan Policy P9/3. **However the settings have been changed already and substantial areas of small enclosures have been lost to the airfield and golf course. The approaches and views towards Longstanton now feature the buildings of the airfield as well as post-war housing forming parts of the village itself.**"*

Comment

- 12.1 I do not doubt that the "substantial areas of small enclosures" refers to the land known as "The Paddocks" – an area of small enclosures shown very clearly on early OS maps. I submit that the Inspectors took the trouble to investigate exactly what areas of small enclosures the Council must have been trying to preserve. I can imagine their annoyance when they realised that the Council was trying to preserve an area of small enclosures which in 2007, constituted only a part of the original area of that character, subsumed into the airfield in 1941 and the golf course, sometime later.

I have already made clear in my report "Northstowe and the Green Gap", that the land known as The Paddocks contains nothing of historic value. I now make the point that the Council's refusal of the First Application, in so far as it was

based on the historic value of The Paddocks, is just one more instance of the Council's fraudulent misrepresentation used to defeat my application.

I ask the present decision maker to consider not the fact of the fraudulent misrepresentation but quite simply the fact that I am compelled to provide this history simply because the Council, to date, has refused to acknowledge any change in their policies which could correct these misrepresentations.

- 12.2 The Inspectors point out that until only a few years earlier, there were none of the "long views" so beloved by the authors of the 2005 CAA. On the contrary the views out from any part of Longstanton to the north, to the east, and to the south, were of the airfield and golf course. The Inspectors expand upon that with reference to the buildings of the airfield and post-war housing. I surmise that explicit description was necessary in order to respond to whatever argument the Council had put forward (a document which the Council has been unable to locate!) in claiming that preservation of the green space was necessary on account of its special landscape value.
- 12.3 I suggest that the blunt words of the Inspectors arose from the proposition made by the Council that The Paddocks was of historic landscape value, when all that remained of it was a small portion of the original area.
- 12.4 Today, this seems to be a statement of the obvious. Nonetheless, it was not accepted by the Council when they assessed the First Application and there is no indication that either policy or opinions have changed since that time.
- 12.5 Instead of accepting the position put forward here by the Inspectors, the Council fell back on the Conservation Area assessment document of November 2005, of which I refuted its arguments in my paper "Longstanton Conservation Area Re-appraisal". I now ask the decision-maker to accept that the opinions and statements expressed by the Inspectors, and supported by the facts on the ground, are more than sufficient to outweigh the Council's persistent misrepresentation.
- 12.6 In summary, the setting of the subject site is attractive but not special. The land around is flat. Our proposal leaves Mills Lane untouched – hedges and all. Our housing will be simple, elegant and suitable for the location.

13 The Inspectors:

"4.21 The plan is wrong to refer to the maintenance of paddocks with hedgerows in the green separation, with one exception identified below. In many areas these features have been lost, as stated above. The plan is too prescriptive in detailing the treatment of the green separation in these areas, where it is preferable to leave such details to master planning. In this way a suitable response to the varied character of the edges of Longstanton in particular can be designed, and tests vii and ix can be met in respect of the planned treatment of these areas."

Comment

- 13.1 I could hardly hope for more precise and powerful support of the proposition put forward by us in the First Application than the first sentence above. Those words completely contradict the Conservation Area Appraisal and support our comments in defence of our application.

- 13.2 I note that again the inspectors shoot down the Council's propositions brutally.
- 13.3 Although the Inspectors states that the Council's proposal is "too prescriptive", the Council completely ignores that comment in drawing policy NH/1, safely relying on the probability that they would never have to deal with the same inspectors again.

14 The Inspectors:

*"4.23 This extension takes the AAP into the Longstanton conservation area. The open land in the conservation area is of value for visual, historical and archaeological reasons. It is likely that these features would be protected by conservation policies. Nevertheless, in this situation where a new town is to be developed adjoining the conservation area, **the characteristics of importance should be identified in the AAP so as to make it clear what needs to be protected, and as guidance for the masterplan.**"*

Comment

- 14.1 I note that the Inspectors pay neat lip service to the requirement to the proposition that "the Conservation Area is of value for visual, historical and archaeological reasons". The words of the Inspectors could be summarised as "You say that the open land in the Conservation Area is of value for whatever reasons. If you want support for that proposition, go away and make a list of the important characteristics and get that list into the AAP so that appropriate provision will be made in the masterplan." **The Council has never dared to do that because there are no such features.**

In fact, the masterplan contains only similar generalised provisions. There is no specific definition of valuable characteristics, valuable landscapes, historic assets, or any other. Since this report is dated June 2007, and the local plan of that year was published only a matter of weeks later, it seems extraordinary that the Council should have so ignored the Inspectors.

- 14.2 **The NAAP map now does indeed show the Conservation Area as part of Northstowe, while leaving the smaller amount of land to the south of Mills Lane (including our site) as having no particular planning status.**

15 The Inspectors:

"4.24 In altering Policy NS/6 to accommodate the above changes, the opportunity has been taken to delete the reference to conservation areas residing in particular villages. The reference is obscure in its expression and is inappropriate in the light of the extension of the AAP area."

Comment

- 15.1 It is the opinion of the Inspectors that "*Green separation does not have to eschew open uses of the type listed in the preceding paragraph to fulfil its role separating the new town from the existing villagers in order to maintain their character*". Whilst I accept that this is merely an opinion. I draw attention to the fact that today, in 2021, the Council not only continues to use vague and generalised language but categorically refuses to accept in respect of this present application, that the green separation shall be in any form other than its present form.
- 15.2 Paragraph 4.24 makes clear that the development of Northstowe from this point onwards – including today and in the immediate future, is controlled by the Northstowe AAP. The purpose of that continuing document is to provide

something akin to a development plan which relates only to Northstowe. Although Northstowe is still technically within the parish of Longstanton (but, as I write, about to be given separate status), day-to-day control is now exercised by Homes England. The Inspectors state bluntly that neither South Cambridgeshire District Council members nor officers have control what happens at Northstowe.

- 15.3 The Council is in no better position to dictate what shall or shall not be done on Manor Field than they are to dictate what shall be done 500m to the east, in the centre of the new town. I submit that development of all of the land between Rampton Road and Mills Lane will be developed in due course – probably for one of the three specific purposes provided by the Inspectors. Consequently, its historic value must surely be zero and in that event this present proposal cannot “harm” its historic value.

16 The Inspectors:

Paragraphs 4.29 and 4.30

a

“4.29 The Council’s report ‘northstowe – Green Separation’ defines green separation as comprising open land where new building should not be permitted in order to maintain openness. The green separation policy in the AAP (the document put forward by the Council) goes significantly further in preventing open uses such as playing fields, allotments or cemeteries, which require few structures. This policy is substantially more restrictive than national and local Green Belt policy.”

“4.30 We have concluded above that village character is influenced to a large extent by factors internal to the village, and that substantial views out are not obtainable from large sections of Longstanton and Oakington. In places there are already sporting uses on the edge of Longstanton. It seems to us that the green separation does not have to eschew open uses of the type listed in the preceding paragraph to fulfil its role separating the new town from the existing villages in order to maintain their character. The open nature of the uses and their treatment in detail, with careful location of any ancillary features, should be sufficient for the purpose. Green separation is not merely a landscaping tool. There is insufficient justification for the very harsh restrictions imposed by Policy NS/6, and it fails tests vii and ix.”

Comment

- 16.1 The Inspectors are again unhappy with the Council’s proposals for green separation. They point out:

16.1.1 “village character is influenced to a large extent by factors internal to the village”. I suggest that is another way to say that the character of a village is influenced only to a small extent by its setting. It follows that the Council’s constant glorification of the Added Land today is not relevant. In that context, any suggestion that the Council might object to our proposal for a mere six houses, clearly within the settlement boundary, is preposterous, since the essence of the separation remains intact.

16.1.2 substantial views out are not obtainable from large sections of Longstanton and Oakington. This is precisely the opposite of the fraudulent misrepresentation contained in the Conservation Area

Assessment of November 2005 and maintained as an SPD to this day and which form the basis of the delegation report and refusal notice of May 2017.

16.2 I note yet again that the Inspectors criticise the Council for what they perceive as over prescriptive provision.

17 The Inspectors:

“Action Needed to Achieve Soundness

Note – the entire text of the following 11 items is in bold font – because that is how the inspectors formatted it. I construe that as an indication of the determination of the inspectors to overrule the documentation and intentions of the Council for a level of separation which they considered to be unnecessary and excessively restrictive.

“4.33 The following changes are required to make the document sound:

i) Delete section C2, Part 3 of Policy NS/2, objective C2/a and the heading “Green Belt” on page 21.

ii) Replace objective C2/c with “To provide opportunities for outdoor sport and recreation and public access to the open countryside around northstowe.”

iii) Delete the Green Belt extension from the Proposals Map.

iv) Delete green separation from the Proposals Map.

v) Replace Part 1 of Policy NS/6 as submitted with “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.”

vi) Delete Part 2 of Policy NS/6.

vii) Replace Part 3 of Policy NS/6 with “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.”

viii) Delete from Part 4 of Policy NS/6 the words “of a series of hedged paddocks and small copses”.

ix) Replace paragraph C4.2 with “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. 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.”

x) Replace the second sentence of paragraph C4.3 with “Where still found this character should be retained and enhanced.”

xi) Replace paragraphs C4.5 and C4.6 with “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.”

Comment

- 17.1 That text constitutes the Inspectors’ requirement for green separation, taking into account all of the past discussions with the Council. The entirety of the above text was taken into the ultimate Northstowe AAP as policy NS/4. It relates exclusively to Northstowe. I note in particular:
- 17.1.1 The green separation will have a high degree of public access. I note that apart from the footpath across Manor Field, no public access has been provided.
- 17.1.2 The green separation will contain only open land uses, including playing fields, allotments and cemeteries, which will contribute towards effective separation between these communities. I note that the Council refused our First Application in part on the basis that the Site harmed the historic value of that land and since that time has continued to misrepresent that historic value.
- 17.1.3 The Inspectors suggest that a variety landscape treatments may be appropriate, including new landscaped areas, new planting, more active open uses “. The Council has acted upon none of these in approving the Northstowe plans.
- 17.2 Nevertheless, the Council applied much of the above terminology to our site which was not part of Northstowe and which affected Northstowe in no detrimental way. Indeed, the Council used words taken from the 2005 document and applied them to the subject site even though, in 2005, none of the foregoing considerations were relevant or foreseen.

18 Finally, I refer to archaeology. In handling the First Application, the fact that the site was within the Conservation Area was a critical issue to the Council. They went to endless lengths to demonstrate the enormous prospective archaeological value of all of the green space in the Conservation Area. Recent enquiries have indicated that the Council still maintains that this land contains a high level of such value. However, the entire section on this Main Matter was passed off by the Inspectors in a few words as follows:

“Main Matter 12: Archaeology And Heritage – NS/21

*14.1 Some of the structures on the site, such as wartime pill boxes, may be of historic interest. A survey of buildings and other structures will be needed to determine which should be preserved. **The need to preserve specific structures should be identified in the outline planning permission. The intention to preserve should be supported by an appreciation of potential suitable long-term uses.** Hence the strategy for such structures should be prepared and approved before planning permission is granted. The plan is sound in respect of Policy NS/21.”*

Comment

18.1 14 years later, the Council has still failed to undertake a survey!

Summary

19 As I have shown in:

 this report;
 my reappraisal of the Conservation Area;
 my explanation of the supposed requirement for green separation;

the Council set up a conspiracy in 2005, and gave effect to a host of unlawful activity. Since that time, they have consistently relied on the fraudulent misrepresentation to the Minister of a forged document, to defeat what would otherwise have been reasonable proposals for development of some part of the land in the Conservation Area. They refused our planning application in May 2017 for reasons based on the same fraudulent misrepresentation and today they have indicated, through officers, that these policies are unchanged.

20 At the same time, fully acquainted with our research, the Council has neither denied our allegations nor accepted them. Accordingly, I draw the attention of the decision maker to the multiple points I have set out in this report which illustrate that the Inspectors took virtually the same views as mine when they drew this report.

21 I note that in dealing with the Inspectors, the Council has made no mention whatever of significant historic value in any building, thing or place on or under land which is the subject of the section of the report which I have discussed above. Neither is there any mention of the 2005 Conservation Area Appraisal. I submit the reason for that is that there is no such significant historic value and the adoption of the draft Conservation Area Appraisal was instigated and maintained fraudulently and knowingly by senior officers and senior members since that time. Consequently, either it was never submitted to the Inspectors, or the Inspectors took the view that it was too much of a “hot potato” for mention or discussion by them.

- 22 I have demonstrated that the Council's continuing position, relying on the 2005 CAA, is not merely untenable but has been maintained in direct contravention of the instructions of the Inspectors in 2007.
- 23 As the decision maker considers this document, please bear in mind the motivation of the Council in producing the original (Northstowe) Area Action Plan upon which the report by the Inspectors was based. As I set out in detail in my report "Longstanton Conservation Area Re-appraisal", all of the work by the Council had been undertaken since 2004 by the unlawful, secret Conservation Advisory Group ("CAG"), of which no records remain. Since there is no record of any later subcommittee having produced any additional or different SPD, from the 2005 Conservation Area Appraisal, it seems probable that the liaison with the Minister in 2006 and 2007 was conducted either directly or indirectly on the back of the activity of the CAG. If that was the case then the entire activity of the Council in relation to Northstowe from 2004 to 2007 was not lawfully authorised and may well be void. Our further investigations by Freedom of information requests to both the Council and the Minister will no doubt add a further chapter to this report.

The presumption in favour of sustainable development

- 24 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 or containing or affecting any significant historic asset is unsupported and accordingly out of date. As a result paragraph 11 of the NPPF applies and this application should be granted.

End