



Appeal Decision

Site visit made on 1 October 2019

by **S D Castle BSC(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2020

Appeal Ref: **APP/W0530/W/19/3227065**

Firs Farm, St Peters Street, Caxton CB23 3PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs J & R Millard against the decision of South Cambridgeshire District Council.
 - The application Ref S/4832/18/OL, dated 19 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is demolition of agricultural building & erection of self-build dwelling as an extension to already approved development of 8 self-build plots ref. S/2294/16/OL.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of agricultural building & erection of self-build dwelling as an extension to already approved development of 8 self-build plots ref. S/2294/16/OL at Firs Farm, St Peters Street, Caxton CB23 3PJ in accordance with the terms of the application, Ref S/4832/18/OL, dated 19 December 2018, subject to the conditions listed in the attached schedule and the unilateral undertaking.

Preliminary Matters

2. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. Whilst the submitted indicative layout plan shows how the site might be developed, such detail will be addressed at the reserved matters stage and I have not treated the indicative details as formally part of the scheme.

Main Issues

3. The Council's second reason for refusal relates to insufficient information with regards to the proposal's impact on protected species, with particular regards to bats. A further ecological report has been submitted that advises the barn is unsuitable for bats and the Council has confirmed that it no longer seeks to resist the proposal on ecological grounds. Based on the evidence before me and my observations on site, I have no reason to consider otherwise.
4. Against this background, I consider the main issues to be whether the site is a suitable location for housing having regard to the development plan; and whether there are material considerations to warrant a departure from the development plan.

Reasons

5. The South Cambridgeshire Local Plan 2018 (SCLP) uses development frameworks to define where policies for the built-up areas of settlements give way to policies for the countryside. The development would result in an additional dwelling approximately 150 m west of the development framework for the village of Caxton. The development would, therefore, be contrary to SCLP Policy S/7 which seeks to restrict housing development in the countryside in order to prevent encroaching urbanisation of the countryside and to prevent incremental growth in areas with few services and little or no public transport.
6. The appeal site is, however, bounded on its northern and eastern boundaries by a development site recently granted permission for 8 self-build dwellings¹. The proposed dwelling would use the same access off the western side of St Peters Street as the adjacent development. At the time of my site visit, significant site clearance works had been completed in pursuance of the adjacent permission. The adjacent residential development would largely fill the land between the western edge of the development framework of Caxton and the appeal site. As such, the proposal would appear as an integral continuation of the built form of the settlement. Whilst the proposal would represent an incremental encroachment into the countryside, it would be largely enclosed by development, including the large stable building to the south. It would, therefore, have only a very limited impact on the wider prevailing rural character of the area west of St Peters Street.
7. SCLP Policy S/11 identifies Caxton as an 'Infill Village' where residential development within development frameworks is restricted to no more than 2 dwellings. The explanatory text to this policy advises that 'Infill Villages' have a poor range of services and facilities and that development on any scale would be unsustainable as it would generate a disproportionate number of additional journeys outside the village. Given the site is located outside of the development framework of Caxton, there is no direct conflict with SCLP Policy S/11.
8. The walking distances to facilities in Caxton from the dwelling would be approximately 450 m to the church, 600 m to the village hall/play area, 750 m to the nearest bus stop and 1.1 km to the nearest pub/restaurant. Whilst it would be necessary for future residents to make journeys out of Caxton for key services such as shops and schools, the distances to the existing local facilities would be shorter for residents of the proposed dwelling than for many existing residents within other parts of Caxton's development framework. Pavements with street lighting are located on St Peters Street approximately 130 m from the site access and much of the remainder of the distances to the local facilities would be along pavements with street lighting. The proposal would, therefore, provide some access to public transport, local services and facilities by sustainable transport modes. A single dwelling would be unlikely to generate a disproportionate number of additional journeys outside the village.
9. I acknowledge that the proposal conflicts with SCLP Policy S/7 given its location outside of the defined development framework. For the reasons above, however, the proposal for a single dwelling would result in only limited harm to the wider aims of the policy, including preventing encroachment in the

¹ S/2294/16/OL

countryside and incremental growth in areas with few services and little or no public transport.

Material Considerations

10. The proposal is for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the Act) imposes certain duties on planning authorities, one of which is to 'give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area.'
11. The Council's evidence indicates that there is substantial and ongoing registered demand for self-build and custom build plots within the authority's area. Whilst the Council's evidence includes reference to the granting of a significant number of development permissions for self-build plots, it also indicates a shortfall in meeting the registered demand. I note that SCLP Policy H/9 requires self and custom build plots to be made available on sites of 20 or more dwellings. This policy does not, however, preclude applications for self-build coming forward on smaller sites. The appellant has submitted a unilateral undertaking that would limit the appeal development to self-build and custom housebuilding. As such, whilst the proposal is only for a single dwelling, I give moderate weight to the proposal's contribution to meeting the registered demand for self-build and custom housebuilding.
12. Whilst legislation with regard to self-build is not a carte blanche for development in otherwise unsuitable locations, the appeal site would be within walking distance of a limited range of local facilities and services, including a bus stop providing a service to larger settlements. The proposal would result in some economic and social benefits, including through its construction and as a result of a slight increase in spending and patronage of facilities in the local area. Such patronage would make a limited contribution to the vitality of Caxton in accordance with paragraph 78 of the Framework. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. As such, I give some limited weight to the delivery of a single dwelling on the appeal site.
13. The appellant asserts that permitted development rights to convert agricultural buildings to residential use is a factor in favour of the proposal. Such rights are available under Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015. Whilst I acknowledge that this legislation makes provision for the reuse of redundant agricultural buildings as dwellinghouses, such rights are only available subject to various criteria and conditions. The Council has recently refused such an application on the appeal site due to the extent of demolition proposed. I do not, however, find it necessary to explore this issue in detail as it is not determinative given other material considerations.
14. I have had regard to the various appeal decisions² submitted by the appellant. In particular, I note that significant weight was given by the Inspector to the delivery of 9 self-build dwellings within South Cambridgeshire District in a recent appeal at Green End / Heath Road. Each referred appeal was assessed,

² APP/W0530/W/19/3230103; APP/G2435/W/18/3214451; APP/G2435/Q/18/3214498;

however, with reference to different evidence and therefore can only be given limited weight. As such, notwithstanding the referenced appeals, I have considered this appeal on its own merits and with regards to the evidence before me.

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
16. For the reasons set out above, I find that the limited harm identified by virtue of conflict with SCLP Policy S/7 would be outweighed by the identified benefits, including the proposal's contribution to housing supply and meeting the Council's duties under the Act. As such, there are material considerations of sufficient weight to justify a departure from the development plan.

Conditions

17. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and in light of the relevant guidance at paragraphs 54 and 55 of the Framework.
18. The standard conditions for the grant of outline planning permission are to be applied and amended to reflect that the development forms part of a larger self-build development where dwellings would likely progress at different rates. Therefore, a long timescale for submission of the reserved matters is necessary.
19. A condition to protect and record any archaeological features is necessary given the potential that these might be found on the site. Conditions regarding surface and foul water drainage are necessary to ensure the proposal does not increase the risk of flooding on-site or elsewhere. Given the agricultural building history of the site, it is necessary to impose conditions relating to contamination investigation and remediation. Conditions are necessary to ensure bio-diversity is preserved and enhanced. Control of vehicle movements is appropriate to ensure minimal disturbance to the living conditions of nearby occupiers.
20. Conditions are necessary requiring the use of on-site renewable energy and low carbon technologies, plus restricting water consumption for future occupants, in the interests of the sustainability of the development and to ensure that it complies with SCLP Policies CC/3 and CC/4 respectively. To support future opportunities for homeworking and to meet the needs of future occupants, I have imposed a condition requiring sufficient infrastructure to support wi-fi access to ensure that the proposal complies with SCLP Policy TI/10. I have also imposed a condition requiring the dwellings to meet minimum standards for internal and external space in accordance with SCLP Policy H/12 to ensure satisfactory living conditions for future occupants.

Conclusion

21. The appeal is allowed subject to the conditions in the attached schedule and the unilateral undertaking.

S D Castle

INSPECTOR

**Schedule of Conditions attached to Appeal Decision
APP/W0530/W/19/3227065
Firs Farm, St Peters Street, Caxton CB23 3PJ**

1. Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application(s) for the approval of any matters reserved shall be submitted no later than 5 years from the date of this permission.
2. The development hereby permitted shall be begun not later than 2 years from the date of final approval of the reserved matters referred to in condition 1.
3. In so far as it relates to those matters of principle and access considered under this application, the development shall be carried out in accordance with the following plans and documents, except where modified by the conditions of this permission or any subsequent reserved matters application;

Location Plan – Drawing no. 016670/1
Site Layout Plan – Drawing no. 016670/2
Access Plan – 1741-04

4. The development hereby permitted shall be carried out in accordance with the ecological measures and/or works contained in Section 6 of Ecological Assessment Addendum (Green Environmental Consultants, December 2018).
5. Prior to the commencement of development, a scheme of biodiversity enhancement shall be supplied to the Local Planning Authority for its written approval. This shall include the location and specification for integrated bat and bird boxes. The approved scheme shall be fully implemented in accordance with a timetable agreed in writing with the Local Planning Authority.
6. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
 - a) the statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The programme for the analysis, publication & dissemination, and deposition of resulting material.

Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

7. No development shall occur, unless otherwise agreed in writing, until;
 - (i) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority;
 - (ii) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority;
 - (iii) Detailed proposals (the remediation method statement) for the removal, containment or otherwise rendering harmless of any contamination identified as unacceptable in the risk assessment have been submitted to and approved in writing by the Local Planning Authority.
8. The development hereby permitted shall not be occupied until the works specified in any remediation method statement approved in respect of condition 7 of this planning permission have been completed, and a verification report, if necessary, has been submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
9. If, during the development, contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.
10. The development hereby permitted shall not proceed above base course level until a scheme has been submitted to and approved in writing by the Local Planning Authority for the disposal for foul water and surface waters. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwelling hereby permitted and shall thereafter be maintained in its approved form.
11. The proposed driveway shall be constructed using a bound material and its falls and levels shall be such that no private water from the site drains across or onto the adopted public highway.
12. The development hereby permitted shall not proceed above base course level until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.

13. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.
14. The dwelling hereby approved shall not be occupied until it has been provided with infrastructure, including sockets, cabling and connection points, sufficient to enable Wi-Fi, and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling, unless otherwise agreed in writing with the Local Planning Authority.
15. The dwelling hereby approved shall, as a minimum, accord with the "Technical Housing Standards – Nationally Described Space Standards" (2015) (or any successor document), in accordance with policy H/12 of the South Cambridgeshire Local Plan 2018, and this shall be demonstrated on the floor plans and sections submitted for the dwelling under any reserved matters application for the matters of layout, scale and appearance.
16. During the period of construction, no construction related deliveries to or dispatches from the site shall occur except between the hours of 0800h to 1800h Mondays to Fridays (inclusive), 0800h to 1300h on Saturdays and at no time on Sundays or Bank or Public Holidays.