



Appeal Decision

Site visit made on 9 November 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/W0530/W/22/3291085
110 Cinqes Road Gamlingay SG19 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Chris and Ruth Baglin against the decision of South Cambridgeshire District Council.
 - The application Ref: 20/01779/FUL dated 20 February 2020, was refused by notice dated 30 July 2021.
 - The development proposed is the erection of 5 No. Self-Build and Custom Dwellings.
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Decision

1. The appeal is dismissed.

Costs Application

2. An application for costs was made by Mr and Mrs Chris and Ruth Baglin against South Cambridgeshire District Council. This application will be the subject of a separate Decision.

Preliminary Matter

3. The Gamlingay Neighbourhood Plan (GNP) was at an early stage when the proposal was determined by the Council. However, pursuant to examination and a referendum, the GNP was 'made' on 24 November 2022 and became part of the Development Plan relevant to this application. I have made my decision on that basis.

Main Issues:

4. The main issues are:
 - whether the proposed development would be appropriately located having regard to the effect of the proposal upon character and appearance of the area, including the effect of the proposal upon trees and hedgerows, and
 - whether permission should be granted having regard to the duty set out in sections 2 and 2A of the Self Build and Custom Housebuilding Act 2015 (as amended) (The Act).

Reasons:

Character and Appearance

5. The appeal site comprises two parcels of pastureland fronting Cinques Road situated each side of No.110 Cinques Road (No.110), a large single dwelling with outbuildings outside the main built area of Gamlingay and on the approach to The Cinques hamlet. There is a large group of mid-twentieth-century (mostly) semi-detached houses arranged on one side each of North Lane and East Lane which, as a large group, lie to the east of the appeal site (eastern parcel).
6. The application form identifies the existing use of the appeal site as residential, and whilst it is not for this decision to determine the lawfulness of existing use, my observations are, in relation to the land included in the appeal, that a character of the land as being ancillary to residential use is absent. The appeal sites have the appearance of open pastureland being visually contiguous with that which lies to the north of the appeal site, towards Drove Road.
7. Whilst I note the appellant seeks to persuade that the appeal sites are 'logical' infill and form part of the Cinques hamlet, the substantial and largely continuous hedged frontage to the appeal site and the host dwelling stand in contrast with the smaller scale, and open (edge of pavement) aspect, to the road, of the dwellings to the west of the site which, to my mind, mark the edge of the Cinques hamlet. In addition, the two land parcels comprised in the appealed proposal occupy a significant proportion of the road frontage such that No.110 stands as an isolated dwelling within generally sporadic, mixed, rural development of the area but specifically in the gap that separates the Cinques from the somewhat anomalously dense frontage of the houses on North and East Lane. The loss of these gaps would unbalance the relatively contained character of the Cinques settlement.
8. The GNP identifies Gamlingay as a 'radial village with satellite hamlets and smallholdings' and seeks to protect the open countryside and landscape setting with particular reference in Policy GAM3 to retaining the separate identities of the settlements including The Cinques, to prevent coalescence. This Policy identifies land northwest and west of the main settlement as a 'sensitive village edge', including land immediately south of (but not including) the appeal site, from which important views, including views north across the appeal site, are gained. The appellant suggests that the proposed new development would not be visible from Cinques Road. However, the submitted street scene shows the effect of the proposal would be to introduce substantial built form where there is currently an absence, and this, by its enclosing and joining effect would appear to extend The Cinques and thereby erode the identities of the settlements. The proposal would deplete the open and rural character of the setting to Gamlingay.
9. The appellant has submitted detailed information and proposals as to the management of existing (including protected) trees and hedges. From my observations, some trees identified as protected were in poor condition potentially missing or incorrectly marked. Nevertheless, were the proposals acceptable in other respects, conditions could be attached to ensure adequate mitigation and address conflict with Policy HQ/1 and NH/4 with regard to hedges, trees and planting of the site.

10. However, notwithstanding my conclusion on the matters raised in Refusal Reason 3, I nevertheless conclude that the proposal would by virtue of its location and impact on character and appearance of the area, conflict with Policy S/7 of the SCLP and GAM3 of the GNP which seek to direct development to suitable locations and to protect the character, appearance and setting of Gamlingay.

Self Build

11. The appeal site lies outwith the development framework for Gamlingay, where Policy S/7 of the South Cambridgeshire Local Plan 2018 (SCLP) restricts development to specified activities and to allocations in a 'made' neighbourhood plan. None of these provisions apply to the appeal site and there is, in consequence, an in-principle objection to the proposal.
12. The GNP identifies need in the parish for smaller, affordable housing including a specific unmet need for 24 bungalows. The proposal seeks detailed approval for 5 large houses of which (the GNP states) Gamlingay has 'plenty'. On that basis the proposal does not support the objectives for housing set out in the GNP which, as Policy S/7 of the SCLP sets out, would in any event require such housing to be delivered within the development framework boundary for Gamlingay.
13. Section 5 of the NPPF sets out the Government's objective to significantly boost the supply of homes and the importance of an amount and variety of land being available such that the needs of groups with specific housing requirements are addressed. Footnote 28 of the NPPF sets out the requirements of the Self Build and Custom Housebuilding Act 2015 (The Act) and the related duty under sections 2 and 2A of the Act that the LPA should grant 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. Section 2A, however, excludes the '*building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person*'.
14. The appellant points to concerns as to delivery of self-build plots, the policy approach by the Council (with reference to the delivery of such plots within strategic allocations that may revert to the developer if not taken up) and to evidence of consistent annual increases of people on the registers resulting in a 'significant shortfall' of provision in breach of the duty set out in section 2A of The Act. The Council say the provision of 5 units 'would provide limited impact in meeting the identified need' (for SBCH), but it is clear that small sites do contribute to diverse delivery of SBCH sites and, significantly, the Council do not dispute there is a shortage of such plots within the District, a concession which would appear to engage the tilted balance as provided by Paragraph 11(d) of the NPPF, which stands strongly in favour of the proposal.
15. I now turn to the question raised by the Council as to whether the proposed development would provide self-build plots in accordance with the provisions of The Act. Planning Practice Guidance (PPG) indicates that to be counted as a suitable permission the '*initial owner of the homes (should) have primary input into its final design and layout*'¹. However, the matter to be determined is a full application with detail proposals for layout and appearance on the

¹ 038 Reference ID: 57-038-20210508

submitted drawings; plainly what is proposed to be granted planning permission would be more than 'serviced plots'.

16. The appellant has provided a Section 106 agreement ('Unilateral Undertaking' or 'UU') which defines Self Build or Custom Built Houses as: '*a house or group of houses which is commissioned by an individual or group of individuals from a builder contractor or package company and is built by an individual either by themselves or with the assistance of appropriate tradesmen*'. The appellant explains that '*commissioned*' means being '*produced specially to order*' but that is no guarantee of 'primary input' to design and layout.
17. The appellant's evidence includes that provided by the agent, who identifies as an established provider of individual houses, however there is nothing before me to indicate that the designs proposed have been 'commissioned' by intended homeowner(s) in the meaning of the Act. Overall, and whilst I note both the comments of the appellant in this regard, also their 'golden brick' approach, the grant of the permission sought would create a situation little different to general market housing bought off plan. A grant of detailed planning permission creates to opportunity for prospective homeowners to avoid the trouble and cost of advancing an individual design and simply allow what is already approved (or some minor amendment thereof) to be built. To my mind a requirement for '*primary input into (its) final design and layout*' necessitates 'clear water' must exist between a design and layout authored by the initial owner (albeit with assistance) and mundane adjustments to the design of others or choice of finishes and fittings.
18. The NPPF and PPG are clear that the purpose of provisions in the Act is to increase the supply of housing and to address the needs of different groups including 'people wishing to commission their own homes'. Plainly those objectives and the strategic policies of the development plan are undermined if permissions are granted without proper justification or where undeserved benefits accrue². The definition in the UU would allow, for instance, the designs appearing in the submitted drawings to be treated as self-build, and this would be contrary to the provisions in The Act for the reasons I set out. Primary input would involve the time, trouble and cost of pursuing individual requirements and making significant, individual, design and layout choices.
19. I therefore find that the proposal would not meet the definition of Self-Build or Custom Housing as set out in the Self Build and Custom Housebuilding Act 2015, the related duty under sections 2 and 2A and in PPG and in consequence that to grant permission as proposed would undermine the strategy in the Development Plan as to the location of housing in Gamlingay.

Other Matters

20. No. 1,2 & 4 Cinques Road are listed buildings (Grade II) and lie the west of the appeal site; my observations indicate that the proposal site would not form part of the setting of these buildings and the proposal would not harm the significance of these heritage assets.
21. The appellant points to the existence of a lit footway from the appeal site into the village and to other attributes of the proposal. None of these are

² such as exemption from the Community Infrastructure Levy

considerations of more than little weight, insufficient to outweigh the main issues.

Conclusion

22. I have concluded that there would be significant conflict with the development plan as regards to the location of the proposal and its impact on the character and appearance of the area; I have also found that the proposal would not provide Self Build or Custom Housing within the definition of The Act and that in consequence, even if the tilted balance were engaged with respect to an inadequacy of supply of serviced plots, the proposal could not benefit.
23. I therefore conclude that the proposal would not accord with the provisions of the development plan such that, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR