



Appeal Decision

Site visit made on 30 January 2024

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th February 2024

Appeal Ref: APP/W0530/W/23/3323769

339 St Neots Road, Hardwick, Cambridgeshire CB23 7QL.

- 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 Stephen Brock against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03058/FUL dated 28 June 2021, was refused by notice dated 15 December 2022
 - The development proposed is erection of 2 No 3 Bed dwellings (further variation to S/2665/17/FL, S/0884/19/VC and S/3206/19/VC).
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Decision

1. The appeal is allowed and permission is granted for erection of 2 No 3 Bed dwellings (further variation to S/2665/17/FL, S/0884/19/VC and S/3206/19/VC) at 339 St Neots Road, Hardwick, Cambridgeshire CB23 7QL in accordance with the terms of the application Ref 21/03058/FUL dated 28 June 2021 and subject to the conditions set out in the schedule below.

Procedural Matter

2. The description of the development on the application was varied by the Council with the agreement of the applicant during determination of the application. I have therefore used the description as set out in the decision notice.
3. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (the Framework). None of the changes directly affect this appeal but I have used the paragraph referencing from the new Framework in my decision below.

Main Issue

4. Whether the location outside the Hardwick development framework defined in the *South Cambridgeshire Local Plan* (SCLP) is an appropriate one for an additional dwelling given the context of St Neots Road at this point and the policies of the plan.

Reasons

5. The appeal site sits on the south side of St Neots Road, Hardwick. This section of the road is now a cul-de-sac having been truncated when the A428 was rerouted bypassing the village. Development on this stretch of St Neots Road is single sided only with open countryside and the A428 to the north. The form of development is a ribbon of residential properties standing in deep plots.

6. Some of the original bungalows that occupied this section of road remain but many have been redeveloped with large, detached houses creating a varied mix of single storey, 1.5 storey and two storey house types which do not follow any definite building line – some being on the frontage, some being set further back.
7. The appeal site originally comprised two bungalows side by side which have been demolished and permission granted for a tandem development of one large house to the rear of the plot (now almost complete) and a second large, detached house on the frontage. (Ref S/2665/17/FL). The permission has been implemented through the construction of the house at the rear and therefore is extant and a material consideration in this appeal. The appeal proposal seeks to replace the permitted single house on the frontage with two smaller semi-detached houses.
8. Hardwick is identified in the SCLP at Policy S/10 as a 'Group Village' where, in recognition of the more limited services and facilities, only minor development within the development framework will be permitted. The section of St Neot's Road where the appeal site is located is outside the development framework and, in line with SCLP Policy S/7, the location is classed as countryside even though there is a continuous ribbon of development along the road. To be acceptable, development here must be for uses that need to be located in the countryside. Clearly, the appeal proposal does not need to be located in the countryside. However, the policy goes on to state that development will be permitted where it is supported by other policies in the plan.
9. It has been put to me that Policy H/16 relating to the development of residential gardens is a case in point. As set out above the appeal site previously comprised two residential plots and therefore was last in use as residential gardens. The criteria of Policy H/16 would appear to be capable of being met by the proposed development. Indeed, in respect of the first two criteria, the Council has accepted that the appeal proposal would be acceptable in terms of its impacts on the character of the local area and residential amenity. On its face therefore Policy H/16 would allow the development to be permitted. Whether it is the intention of the Council for Policy H/16 to apply outside development frameworks is not clear. The supporting text refers to villages but the Policy itself does not state that it should not be applied outside the development framework. I note that the Inspector in reaching his decision in appeal Ref APP/W0530/W/18/3215540 concluded that Policy H/16 would support development on garden land outside development frameworks and I share this interpretation of the policies.
10. In any event, even if it was not the Council's intention for the policy relating to the development of residential gardens to apply outside development frameworks, in this particular case, there would be an exception to the policies by virtue of the extant permission. Permission Ref S/2665/17/FL is capable of being implemented for a large detached dwelling on the frontage only slightly smaller in floor area to that now proposed for two semi-detached dwellings and there is no reason to suggest this fallback development would not be implemented. I acknowledge that the appeal proposal, may constitute an intensification of development as it would be two dwellings rather than one in a rural location which the SCLP Policies seek to restrict. However, the large detached 4 bedroom dwelling permitted could be occupied by a large household with a similar intensity of use and traffic generation to that generated by the two smaller 3 bedroom houses and I therefore am not persuaded that the increase from one to two dwellings would constitute any additional harm to the local area.

11. For the reasons above I am satisfied that the revised proposal, the subject of the appeal, notwithstanding the location outside the development framework of Hardwick would not be in conflict with SCLP Policy S/7 when considered in the context of Policy H/16 and that development of the two dwellings would be appropriate given the context of St Neots Road at this point.

Other Matters

12. It has been put to me that a 5 year housing supply is available unlike the situation when S/2665/17/FL was permitted. The policies of the development plan relevant to housing supply can therefore be considered up to date and the 'tilted balance' set out in the Framework at Paragraph 11d) is not engaged - the presumption in favour of development only applying to proposals in accordance with the plan. However, as set out above, I am satisfied that the relevant policies of the SCLP would be met and, even taking the Council's position that they are not met, the extant permission is a material consideration which outweighs the possible policy objection in this case.
13. Moreover, the Framework recognises the value of small sites for housing delivery at paragraph 70 and at section 11 emphasises the need for effective use of land. The proposal would result in an additional house in a reasonably sustainable location contributing in a small way to the supply of moderately-sized family housing.
14. I accept that paragraph 128 of the Framework makes it clear that the efficient use of housing land should not be at the expense of an area's prevailing character and setting including residential gardens. However, given the limited difference between the development of one large, detached house, already permitted on the frontage, compared to two smaller, semi-detached houses on the character and appearance of this part of St Neots Road I am satisfied that this would not outweigh the benefits in this case.

Conclusion and conditions

15. For the reasons above the proposal would be acceptable and the appeal is allowed and permission is granted subject to conditions.
16. The Council in submitting the appeal documentation did not provide suggested conditions in the event that the appeal was allowed. Although the proposed conditions have now been obtained from the Council the appellant did not have the opportunity to consider these in final comments and therefore in the interests of fairness he has been given the opportunity to comment on these and has accepted them.
17. I have considered the proposed conditions in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
18. In order to prevent surface water flooding it is necessary to ensure the satisfactory disposal of surface water from the site. The Council's proposed condition requires the submission of a surface and foul water drainage scheme but as the intention, according to the application form, is to connect to the mains sewer for foul drainage, reference in the condition to foul water is unnecessary.

19. In the interests of helping to enhance the development in its setting conditions are necessary relating to submission of details of materials to be used on the exterior of the building and the submission and implementation of a landscaping scheme as minimal details have been provided of the latter.
20. The Council proposed two conditions to deal with ecological and biodiversity matters one requiring the submission of a Biodiversity Net Gain Plan and the other requiring the submission of a biodiversity enhancement scheme. There is overlap between the two conditions but in any event as Biodiversity Net Gain is not yet obligatory for minor development (coming into force 1 April 2024) the proposed condition for the time being could not be enforced and therefore would not meet the tests for conditions. Accordingly, I will only impose the condition relating to biodiversity enhancement.
21. The Highway Authority has requested a number of conditions to be added in the interests of securing highway safety and sustainable transport. These are necessary to control the provision of access, visibility splays and crossings within the highway, the avoidance of loose material transferring onto the highway and in the interests of promoting more sustainable transport, a condition requiring the provision of secure cycle storage for the development.
22. The Council proposes two conditions that are necessary in the interests of securing sustainable development. The first requires the submission of an energy statement to demonstrate how a reduction in carbon emissions can be achieved by utilising on site renewable energy and the other requires submission of a water efficiency specification for the development. Both are justified and based on SCLP policies and I will impose them.
23. In the interests of managing the impact of development on the surrounding environment and on living conditions for neighbouring occupants the Council proposes a condition requiring a Construction Environmental Management Plan and a condition controlling the hours of working during construction. Both are justified controls and I will impose them.
24. Finally, a condition requiring provision of broadband infrastructure to the houses is necessary in pursuit of digital connectivity and is required by SCLP Policy TI/10.
25. Although pre-commencement conditions are generally to be avoided, two of the proposed conditions need to be pre-commencement conditions relating to the submission of a surface water drainage scheme and the Construction Environmental Management Plan (CEMP). This is either because details submitted may affect the final layout, for example surface water drainage or because they must be in place to control construction from the very start – the CEMP. In agreeing to the wording of the conditions, when consulted on them, the appellant has agreed to the necessity of these being pre-commencement conditions.

P. D. Biggers

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted must be begun no later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 589 PO-1; 589 PO-2; 589 PO-3.
- 3) Prior to commencement of development a scheme for the disposal of surface water drainage that can be maintained for the lifetime of the development shall be provided to and agreed in writing by the local planning authority.

Information required to be submitted to satisfy this condition includes:

- a) The existing drainage arrangements of the site including discharge location and rate where appropriate;
- b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved;
- c) A site plan identifying indicative locations for sustainable drainage features;
- d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable; and

Works shall be carried out in accordance with the approved details.

- 4) No development above floor slab level shall take place until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development above floor slab level shall take place until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports);
 - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
 - c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.
 - d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is

reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

- 6) No development above floor slab level shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.
- 7) Prior to the first occupation of the development the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. The proposed accesses shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 8) The proposed accesses shall be constructed using a bound material, for the first five metres from the boundary of the public highway into the site, to prevent debris spreading onto the adopted public highway.
- 9) The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.
- 10) No development above floor slab level shall take place until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% 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 approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented and thereafter maintained in accordance with the approved details.
- 11) The dwelling shall not be occupied until a water efficiency specification based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day. The development shall be carried out in accordance with the agreed details.
- 12) No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall include the following, which shall be adhered to throughout the period of development:

- i) full details of any piling technique to be employed, if relevant
 - ii) contact details for site manager, including how these details will be displayed on site.
- 13) No construction or demolition work shall be carried out and no plant or powered machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
- 14) Prior to the first occupation of the dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided.