



Appeal Decision

Site visit made on 25 March 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025.

Appeal Ref: APP/W0530/W/24/3351981

Mill House, 49 Broadway, Bourn, CAMBRIDGE CB23 2TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Richard & Lucie Zubrick against the decision of South Cambridgeshire District Council.
 - The application Ref is 24/00900/FUL.
 - The development proposed is for the erection of a new self build dwelling on part of the rear garden of the existing dwelling. The proposal also involves the reinstatement of a previous access onto the Broadway, demolition of a number of existing curtilage structures, the introduction of new areas of hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the appellant's response to the Council's appeal statement, they included new evidence in the form of a committee report for up to 5 self build dwellings (23/02752/OUT). However, given that this committee report was presented by the same Council less than two months before the development covered under this appeal was submitted; it is not considered that this new evidence puts the Council at a disadvantage. On this basis, I did not seek additional views from the Council.
3. The appellant and the Council agreed to change the description of the proposal to be a self build dwelling during the application, as detailed in the case officer report. On this basis I have updated the proposed development description to cover this change.
4. The Decision Notice refers to two different versions of the proposed site plan. I have determined this appeal on the latest version, given that it was formally amended during the application.
5. Since the appeal was lodged there has been an updated version of the National Planning Policy Framework (Framework). However, I am satisfied there are no implications for the main issues for this appeal.

Main Issue

6. The main issues are:
 - a) The effect of the proposal on the character and appearance of the local area;

b) Whether the appeal site provides a suitable location for the proposal having regard to development plan policies and accessibility;

c) If harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

7. The existing dwelling is a one and a half storey detached dwelling located on a large plot at the end of a group of dwellings on one side of the road that all front the road, with agricultural fields located to the north. The rear of the site is defined by a mature woodland, while the area of garden the proposed dwelling is located is defined by a collection of outbuildings with a few mature trees. On the opposite side of the road there is a cul-de-sac of two storey dwellings, as well as a line of dwellings facing towards the road. The majority of dwellings in this locality are two storey semi-detached, with the host property of the appeal site being the most unique in this group of dwellings. The overall character and appearance is a small enclave of dwellings set within a rural, green landscape.
8. The proposed two storey flat roofed dwelling will be situated behind the existing one and a half storey dwelling. While there is no back land development on this side of the road, there is development in depth on the opposite side of the road forming a cul-de-sac development. Notwithstanding that it was allowed as an affordable housing exception site, its form and presence helps to define the character and appearance of the area.
9. The Council accepts that the contemporary approach of the proposed dwelling would be a high quality design. In this respect it would accord with the design principles of Policy HQ/1 of the South Cambridgeshire Local Plan Adopted 2018 (Local Plan) and the Framework, which requires all development to provide high quality beautiful design. However, the Council's principal concerns relate to how the design relates and sits within the context. In particular, they highlight the developments visibility from the north that stems from its scale, form and location near to the northern boundary. This boundary divides the residential enclave from the open agricultural land.
10. In comparison with the existing modest outbuildings the proposed detached dwelling would introduce considerable built volume onto the site. Inevitably this would encroach into elements of the site that presently reinforce the rural character and appearance of the area. Moreover, this would be visible when travelling south into the village of Bourn, which would exacerbate the harm.
11. There are factors that would help to counter the extent of this effect, namely existing and proposed landscaping would provide some screening, the setback from Broadway, the proposed form of the upper part of the dwelling and use of muted timber cladding. Nevertheless, it would not entirely surmount the harmful visual impact, particularly given the reliance on landscaping to provide a visual filter is rarely guaranteed and will alter over the seasons.
12. Accordingly, I find that the proposal would still cause limited but permanent harm to the rural character and appearance of the area given its scale and location relative to the northern boundary.

13. Therefore, the proposal does not comply with Policy HQ/1 and NH/2 of the Local Plan, which seek to preserve or enhance the local area and landscape.

Development plan and accessibility

14. The site is located outside of the Bourn Village Framework. However, the site is in a group of approximately 30 dwellings.
15. Policy S/7 of the Local Plan states that development outside of the village frameworks will only be allowed under specific circumstances in order to protect the countryside from incremental growth in unsustainable locations. No evidence has been provided to suggest it would meet the specific circumstances mentioned in Policy S/7 of the Local Plan. However, Policy S/7 goes on to allow for development in circumstances that are supported by other policies in the Local Plan.
16. The appellant asserts Policy H/16 of the Local Plan is engaged, which sets out circumstances where the development of residential gardens would be supported. It has two limbs and requires developers to meet part a and/or part b of this policy. There is nothing in Policy H/16 that suggests that the site must be within a village framework, simply that the site is within a residential garden. The evidence before me indicates that the appeal site forms part of the residential curtilage to Mill House and I have not seen anything to the contrary. Accordingly, part b of Policy H/16 is relevant to the principle of the development.
17. I have already found that proposal would cause some harm to the character and appearance of the local area; though having regard to criteria i and iii of Policy H/16b the level of this harm would be limited rather than 'significant'. There is nothing to suggest that significant harm would arise owing to any of the other criteria in Policy H/16b. Therefore, the proposal would comply with Policy H/16 of the Local Plan and the principle of one dwelling in the garden of Mill House is supported. On that basis, it follows it would not conflict with Policy S/7.
18. Although not cited on the decision notice, the Council's the Delegated Report also refers to conflict with Policies S/2 and TI/2 of the Local Plan. Policy S/2 requires that housing is located in sustainable locations with good access to services/facilities that can be reached by sustainable modes of transport and Policy TI/2 requires proposals must be located to minimise the need to travel (specifically by car).
19. The site is located on the opposite side to the footpath, which means any future resident would need to cross the road to walk into the village. The crossing of the road is relatively safe as the road has a 30mph speed limit and there is good visibility to see vehicles in both directions. The Council has stated that it would take approximately 15 to 20 minutes to walk to the services and facilities with the village.
20. The appellant has provided a copy of a January 2024 committee report for up to five self build dwellings outside the village framework in Bourn (23/02752/OUT), with a bus stop 2 minutes walk away and 30 minutes walk to Bourn High Street, which the Council considered to be in close proximity. Given the apparent similarity between this appeal and 23/02752/OUT, it is reasonable to suppose that people could walk the 15 minutes or cycle to the High Street. However, the range of facilities in Bourn are relatively limited. Therefore, it remains likely that trips

involving greater distances to access wider work, education and recreational opportunities would be taken using private motorised transport. This would be broadly similar to development within the village framework of Bourn. Overall, I find that the proposal would give a reasonable degree of choice to use more sustainable alternatives of transport, and as such, the proposal complies with Policies S/2 and TI/2 of the Local Plan.

21. For these reasons, I do not find conflict with policies H/16, S/7, S/2 or TI/2 of the Local Plan.

Other material considerations

22. The appellant states that the proposal would be a self-build dwelling, support for which is found in the Framework and specific legislation. There is no dispute that there is presently a significant shortfall between the need and delivery of self-build plots in the district. Hence, the provision of an additional self-build unit is a matter that weighs in favour of the proposal.
23. The parties agree that this is something that could be secured by a planning condition. However, paragraph 57 of the Framework, states amongst other things, that planning conditions should only be used where they are enforceable. I am not persuaded that the suggested condition would be enforceable, as there would be no realistic repercussions available to the Council in the event that the occupants of the dwelling failed to meet the requisite definition for the first three years. On that basis, the status of the development as a self-build dwelling is not secured, and so this is a matter which attracts little favourable weight.
24. The appellant suggests that the presumption in favour of sustainable development contained in paragraph 11 of the Framework should apply. This is because they consider the Local Plan to be silent on the delivery of self and custom build housing within the district. However, there are relevant development plan policies which are applicable to considering the principle of the proposed dwelling, which I have considered as part of the main issues above. In addition, Policy H/9 of the Local Plan makes specific mention of self and custom builders. Consequently, I cannot agree that in these circumstances the balance in paragraph 11d applies.
25. The proposal would increase the available housing supply and would have limited and short term economic benefits, due to construction work. It would also deliver biodiversity net gain of 11.50%. However, the extent of the benefits would be minor and so carry limited weight in favour of the proposal.

Conclusion

26. The proposal would result in limited but permanent harm to the rural character and appearance of the area. On that basis, it conflicts with the development plans as a whole. The material considerations taken cumulatively do not carry sufficient weight to justify determining the appeal other than in accordance with the development plan. Therefore, the appeal is dismissed.

A Phillips

INSPECTOR