



Appeal Decision

Site visit made on 13 March 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2025

Appeal Ref: APP/W0530/W/24/3352058

**Land to the south of H/1:B and to the east of H/1:C, Babraham Road, Sawston
Cambridge CB22 3DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
 - The appeal is made by Mr Len Satchell, Waterbeach Instruments Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref is 24/02221/PIP.
 - The development proposed is the erection of up to 9 self-build or custom-build units, up to 15 community allotments, a new permissive right of way and potential community orchard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2024. The main parties have been given the opportunity to comment on any implications for the appeal.
3. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has two stages. The first stage (PiP) establishes whether a site is suitable in principle. The second stage (technical details consent) (TDC) is when detailed proposals are assessed. This appeal relates to the first stage.
4. The scope of the considerations for PiP are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PiP is granted. An applicant can apply for PiP for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, PiP has been sought for upto nine dwellings on the appeal site. I have determined the appeal accordingly.
5. When considering a PiP application, regard must be had to the provisions of the development plan and any other material considerations, such as the Framework. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only – showing what the layout of the appeal site might look like if built on.

Main Issues

6. The main issues are whether the appeal site is suitable in principle for residential development, having regard to its location, the proposed land use, and the amount of development, with respect to:
- whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the appeal site is in an acceptable location having regard to local and national policies;
 - the effect of the proposal on the best and most versatile agricultural land, and;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

7. The appeal site comprises agricultural land located within the Green Belt. Policy S/4 of the South Cambridgeshire Local Plan 2018 (SCLP) requires new development in the Green Belt to be considered in accordance with Green Belt policy in the Framework.
8. At paragraph 142, the Framework attaches great importance to Green Belts. The Framework paragraphs 154 and 155 identify certain forms of development that are not inappropriate within the Green Belt. Paragraph 155 e) advises that limited infilling in villages is not inappropriate development within the Green Belt.
9. The Framework does not provide a definition of infilling, and I have not been directed to a definition within the SCLP. It is therefore necessary to use a common definition - the development of small gaps between buildings.
10. There is housing development on the opposite side of Babraham Road and to the west of the appeal site on the same side of the road. However, open agricultural land adjoins the east of the appeal site.
11. I acknowledge that to the east of the appeal site is the proposed location of a Cambridge South East Transport route for a proposed new tramline/guided busway development (CSET) providing new public transport across the district. The appellant indicates that a Transport and Works Act Order has been submitted to the Department for Transport in relation to the CSET. However, at present, there is limited certainty that the CSET will come forward in due course, and I have assessed the proposal based on the existing situation 'on the ground'.
12. Notwithstanding this, in the event that the CSET development comes forward, there is not evidence before me that this would involve new buildings immediately to the east of the site. Accordingly, the appeal site is not within an otherwise

uninterrupted built frontage. The open expanse of agricultural land to the east provides a very substantial gap between the appeal site and the closest buildings. The appeal proposal would not therefore fill an obvious gap between buildings, and cannot be considered as infilling.

13. I acknowledge that case law¹ has established that the boundary of a village defined in a local plan may not be determinative when considering whether a proposal represents limited infilling in a village for the purposes of the Framework. However, I have found that the proposal cannot be considered to amount to limited infilling.
14. I have been referred to an appeal² in Cheshire East Council. From the submitted evidence, that proposal related to a field which was between two residential dwellings. As a result, it would infill an existing gap within a frontage, and therefore, based on my observations from my site visit, the way in which the appeal site relates to neighbouring development varies.
15. I have been referred to a planning officer report³ for a proposal in Church Lawton, also in Cheshire East. From the evidence before me, that proposal related to the infilling of a site which was bounded by buildings on three sides. Notwithstanding this, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
16. Subsection f) of 154 of the Framework advises that limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) is not inappropriate. The main parties disagree whether the proposal would provide affordable housing.
17. The appellant indicates that self-build or custom build housing (SBCH) is affordable housing as it allows homes to be designed to an individual's budget and need and benefits from not being subject to CIL or Section 106 contributions. Furthermore, funding options such as Homes England Help to Build loans make self-build home ownership more affordable.
18. The Planning Practice Guidance (PPG) notes that authorities should be aware that self-build and custom build can provide a route to affordable home ownership for those on low incomes. The Framework defines affordable housing to include housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. This definition includes homes provided through relevant equity loans.
19. Policy H/11 sets out that affordable housing developments to meet identified local housing needs on small sites adjoining a development framework boundary will be permitted subject to four criteria being met. For sites within the Green Belt, the policy requires demonstration that no alternative sites exist that would have less impact on Green Belt purposes. The appellant has provided a Sequential Site Analysis which indicates there were no other preferable sites outside of the Green Belt that could deliver housing units in Sawston.

¹ Julian Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWHC Civ 195

² Ref: APP/R0660/W/16/3156493

³ Council ref: 16/5562C

20. Whilst the Council do not dispute the findings of the Sequential Site Analysis, Policy H/11 also requires that affordable homes are secured for occupation by those in housing need in perpetuity.
21. The appellant states that the proposal would comprise units in accordance with the legal definition set out within the Self-Build and Custom Housebuilding Act 2015 (the Act). However, the PPG outlines that planning obligations cannot be secured at the permission in principle stage. As such there is not an appropriate mechanism before me to ensure that a SBCH development would be delivered. I also cannot be sure that its self-build status would be safeguarded, for example if the site ownership changed.
22. I acknowledge caselaw⁴ in relation to the legal status of the Framework and PPG. However, the Framework states that self-build housing can be either market housing or affordable housing. I have not been presented with a mechanism that would ensure the development meets the Framework definition of affordable housing through the intended utilisation of the Help to Build programme, or through some other qualifying equity loan, or through meeting other relevant criteria. Neither have I been presented with a mechanism that would ensure the permission would contribute to meeting the Council's duty under Section 2A of the Act, or that would ensure appropriate occupancy criteria are defined and enforced to meet identified local need.
23. Accordingly, under the terms of this type of application, and on the basis of the evidence before me, I am unable to be confident that the proposed housing, would be secured, delivered and safeguarded as a form of affordable housing. Consequently, the proposal would not comply with paragraph 154 f) of the Framework.
24. Paragraph 143 of the Framework sets out the five purposes of the Green Belt. The proposal would not result in the merging of settlements nor impact upon the setting or special character of historic towns. There is also little substantive evidence before me to suggest that the development of this site would disincentivise the urban regeneration of sites elsewhere. Nonetheless, the extent of sprawl would likely increase. Accordingly, the appeal scheme would have an adverse impact on purpose a) of checking unrestricted sprawl of large built-up areas. In light of the appeal site's character, it follows that the proposal would also conflict with the Green Belt purpose c) of safeguarding the countryside from encroachment. Overall, I find that the appeal site contributes to checking the unrestricted sprawl of a large built-up area and therefore cannot be considered to be grey belt land as defined within the Framework.
25. It is concluded on the first main issue that the proposal would amount to inappropriate development in the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness

26. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt and has a spatial and visual aspect. Matters

⁴ Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 279 (Admin)

relevant to openness in any particular case are a matter of planning judgement, not law.

27. I acknowledge that there are large areas of housing development to the north and west of the site. However, the appeal site is currently agricultural land free from any built form. The arrangement, size, and design of dwellings on the site are ultimately a matter for the TDC stage. Nevertheless, considering the area and the proposed range of development of up to nine houses within the site, this would result in areas of the site with significant bulk where there is currently none. Furthermore, there would likely be parking areas, gardens, outbuildings and boundary treatments which would add to the extent to which the site would be developed. As a consequence, there would be a significant spatial reduction to the openness of this part of the Green Belt.
28. Any development would be clearly visible along Babraham Road, and also in distant views across open fields from the east and south. Whilst it would be viewed in the context of the existing nearby built development, the appeal site would appear significantly more urbanised than is presently the case and be likely to give rise to a considerable spatial and visual loss of openness on the site.
29. On the basis of the evidence before me, and under the terms of this type of application, I conclude that the proposed development would cause substantial harm to openness, in both visual and spatial terms. As such, the amount of development proposed is not acceptable.

Location for housing

30. Policy S/6 of the SCLP sets out the Council's development strategy to 2031 and describes where new development should be located. It explains that development in the rural area will be limited, with allocations for jobs and housing focused on Rural Centres, with rural settlement policies providing for windfall development for different categories of village consistent with the level of local service provision and quality of public transport access to Cambridge or a market town.
31. The appeal site is adjacent existing and recently approved housing development. However, the main parties agree that the site is located outside a development framework. Accordingly, the second part of Policy S/7 of the SCLP is applicable. This sets out that outside development frameworks, development and redevelopment will only be permitted for allocations within Neighbourhood Plans and development for agriculture, horticulture, forestry, outdoor recreation, and other uses that need to be located in the countryside or where supported by other policies in the SCLP. The proposal is not allocated in a Neighbourhood Plan and does not fall within an identified form of development that needs to be located in the countryside. Neither is there evidence before me that the use is supported by other policies in the plan.
32. Whilst outside a defined settlement boundary in the SCLP, the existence of additional dwellings on Babraham Road and the potential future CSET scheme are material considerations. However, this edge of Sawston retains much of its character from the immediate juxtaposition of fields and houses. The open agricultural appearance of the appeal site marks a clear break from the more consolidated development to the west. I acknowledge that much of the appeal site would remain free from significant built form and details of a landscape buffer could come forward as part of a future TDC. However, the development of up to 9

dwelling would have an urbanising effect and would result in encroachment into the countryside. In this regard, and given my findings on the other main issues, the proposal would not comply with the aims of Policy S/2 of the SCLP which require new development to enhance the area and to protect the Green Belt.

33. As a Rural Centre Sawston is identified as one of the largest, most sustainable villages of the district. The main parties agree that due to the segregated cycleway which runs along Babraham Road to the front of the appeal site, it is accessible to Sawston. As a result, a range of services and facilities including shops, schools, ample employment premises, and bus services would be accessible to future occupiers. In this respect, the appeal scheme would not undermine some of the aims of Policy S/2 because residents of the development would be able to travel by active means to a reasonable range of services and facilities within Sawston.
34. Nevertheless, the appeal site would not be a suitable location for residential development as it would be contrary to the spatial strategy outlined within the SCLP, including the aims of Policies S/6, S/7. The weight to attach to this conflict is tempered by the level of access to facilities and services, local employment opportunities and the pedestrian and cycle infrastructure that connect to the site. There would also be a degree of conflict with the objectives of the Local Plan set out in Policy S/2 of the SCLP which seek to protect the Green Belt.
35. Given the encroachment into the countryside, I also find conflict with Policies HQ/1 and NH/2 of the SCLP insofar as they require proposals preserve or enhance the character of the local area and respond to its context in the wider landscape.
36. Policy S/3 requires that, where relevant policies are out of date at the time of making the decision planning permission shall be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This matter is addressed within the planning balance below.

Agriculture

37. The Framework at paragraph 180 requires decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land. The Framework defines the best and most versatile agricultural land as those within Grades 1, 2 and 3a of the Agricultural Land Classification. The Council consider that the land falls within Grade 2, and this is not disputed by the appellant.
38. The footnote to paragraph 188 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
39. The appellant indicates that approximately 70% of the site would remain as agricultural land, and that this would not be 'significant'. Policy NH/3 of the SCLP sets out that planning permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land. In that regard it follows the thrust of the Framework. However, it then draws on other areas of the Framework by accepting that this loss can be accepted if one of two tests are passed, the first being that the site is allocated and the second is that sustainability

considerations and the need for the development override the need to protect the land.

40. In relation to the two tests, firstly the land is not allocated for development in the SCLP. In relation to the second test, I have previously found that the site's access to shops, services, employment and schools, and other facilities would mean this would be an accessible location, and no other sustainability considerations have been highlighted.
41. However, whether the level of need is sufficient to override the loss of agricultural land, and whether or not there is a conflict with this policy in the development plan, is a matter that is considered within the planning balance below.

Other considerations

- Self-build

42. There is national planning and political support for self-build and custom housebuilding and the provision of more homes generally. Also, the Council is a Right to Build Vanguard Authority, chosen by central government to help promote self and custom housebuilding. Under section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), the Council has a duty to grant a sufficient number of suitable permissions to meet the demand for self-build and custom housebuilding within their area. The demand is measured by the number of new applicants entered on the local self-build register in each base period and, that number must be matched by new suitable permissions granted within 3 years of the end of each relevant base period.
43. The provision of upto nine self-build or custom-build plots (or 5% of the district's self-build need for base period 6 of the Council's Self-Build and Custom Housing Register) would assist in the significant shortfall of SBCH housing in the district and assist in South Cambridgeshire District Council meeting its legal requirement to meet SBCH need.
44. Paragraph 73b) of the Framework supports small sites to come forward for self-build and custom-build housing. Both parties acknowledge there is a shortage of such provision within the district, and there is no dispute as to the need for self-build housing in the area, the legislative and policy support for its provision, or the importance which its delivery finds in previous appeal or application decisions.
45. The proposed delivery of upto 9 SBCH units would contribute towards meeting the significant shortage of this type of housing within the district and therefore is a benefit that weighs in favour of the proposal. However, the appellant does not identify an appropriate mechanism for securing the dwellings as SBCH plots. As such, without an appropriate means to secure the development as self-build, I attach limited weight to the matter.

- Other potential benefits

46. The main parties agree Council highlight that it is unable to demonstrate a five year housing land supply. There is a demonstrable unmet need for the type of development proposed, which would provide a positive contribution to housing supply in the area.

47. While not secured as self-build housing, the construction of up to nine additional dwellings would contribute to boosting the supply of new housing, as referenced in the Framework. The construction of new dwellings would also provide both short and long term associated economic benefits in regard to local employment and support for small and medium sized enterprises during design and construction, and following occupation. In the context of a shortfall in housing land supply I attach significant weight to these benefits.
48. I have found that the proposal would be located in an area within which shops and services would be accessible to future occupiers. The potential introduction of the CSET locally may also improve accessibility in the future. Given the small number of upto nine residential units, this matter is afforded moderate weight.
49. Other benefits of the proposed development include environmental benefits of habitat creation, biodiversity net gain and landscaping, and social benefits related to the provision of a permissive right of way, a community orchard and 15 community allotments. I note that there is a local waiting list for allotments. However, there is limited certainty that each of these elements would form part of a future TDC application and therefore they attract limited weight.
50. The appellant indicates that the residential plots will be large, thereby providing a good standard of accommodation. This benefit is given limited weight because there is no guarantee that just because the permission in principle has been granted, the TDC application would follow the details illustrated within the indicative layout.

Other Matters

51. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.
52. My attention has been drawn to a number of appeal decisions. The appeal decisions in Shrivenham⁵, Broughton Astley⁶ and Steventon⁷ were not located within the Green Belt and therefore the respective planning balances and attributed weight vary depending on the circumstances of each case. The appeal decision in Holyport⁸ did relate to the provision of a small number of SBCH units within the Green Belt. However, in that instance I note that the SBCH was secured by a unilateral undertaking. Finally, in relation to the appeals in Colney Heath⁹ very substantial weight was afforded to the provision of 45% affordable housing equating to circa 45 units.
53. Overall, various reasons why certain factors should or should not be afforded different levels of weight in my decision have been cited. Nonetheless, these cases involved a mixture of different policy considerations, main issues and site characteristics which were subsequently considered in the respective planning balances and attributed weight dependant on the circumstances of each case. Each application and appeal must be determined on its own merits, and that is what I have done in this case.

⁵ Ref: APP/V3120/W/22/3297610

⁶ Ref: APP/F2415/W/22/3303898

⁷ Ref: APP/V3120.W/20/3265465

⁸ Ref: APP/T0355/W/22/3309281 & Ref: APP/T0355/W/23/3314990

⁹ Ref: APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926

Planning and Green Belt Balance

54. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. While the site would have good accessibility to services and facilities, it would not be a suitable location for residential development as it would be contrary to the spatial strategy outlined within the SCLP.
55. In relation to the effect on best and most versatile agricultural land, from the above it is clear that as well as finding the sustainability considerations do not offer a reason to resist the scheme, I consider there is a need for the development to help reduce the substantial shortfall in SBCH plots. However, in the absence of a mechanism to secure the SBCH units, this factor does not outweigh the harm from taking the best and most versatile land out of agricultural use. There is therefore conflict with Local Plan Policy NH/3.
56. In terms of the public benefits of the scheme, I find that the provision of upto 9 self-build dwellings, which may be more affordable to future occupiers, would help to meet the identified shortfall in the area and aid the Council in meeting its statutory duties in this regard. I have identified various other benefits associated with the proposal. However, even if an appropriate mechanism had secured the SBCH, those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt and other harm that I have identified. Therefore, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. Consequently, the proposal is contrary to Policy S/4 of the SCLP and the principles of the Framework that seek to protect the Green Belt from inappropriate development. The proposal also conflicts with SCLP policies S/2, S/3, S/4, S/6, S/7, HQ/1 and NH/2.
57. The lack of a five-year housing supply means the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the proposal would not benefit from the presumption in favour of development in this instance.
58. Accordingly, the site is not suitable in principle for residential development. The appeal scheme consequently conflicts with the development plan and there are no material considerations including the Framework that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

B Pattison

INSPECTOR