



Appeal Decision

Site visit made on 7 October 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/W0530/W/25/3370713

Driftwood, Hale Road, Swavesey, Cambridgeshire CB24 4QP

- 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 Gary Fleming against the decision of South Cambridgeshire District Council.
 - The application Ref is 25/00370/FUL.
 - The development proposed is change of use of land and buildings to residential curtilage/residential use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land and buildings to residential curtilage/residential use at Driftwood, Hale Road, Swavesey, Cambridgeshire CB24 4QP in accordance with the terms of the application, Ref 25/00370/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The change of use hereby permitted shall relate to the red line area shown in plan ref 058662 CB483943

Main Issues

2. Whether the change of use proposed would be appropriate with regard to the
 - development framework policy of the South Cambridgeshire Local Plan 2018 (LP),
 - availability of village employment sites,
 - reuse of countryside buildings,
 - character and appearance of the area, and
 - requirements for Biodiversity Net Gain (BNG).

Reasons

Development Framework policy

3. The site abuts housing estate development marking one built-up edge to Swavesey village and projects into what is largely countryside, with surrounding uses including farmland, allotments and a cemetery. A new house at Driftwood is nearing

completion. The site contains the former piggery and barn associated with the agricultural worker's bungalow this new dwelling replaces, which had more recently been used for commercial purposes. The evidence is that these outbuildings had previously been linked with the dwelling at Driftwood and this proposal seeks to include the site of these as part of the residential curtilage. The area of additional residential land seems entirely proportionate with the quite large scale of dwelling permitted, that would otherwise have a comparatively small garden for its size.

4. The site is adjacent to but outside the development framework boundary for Swavesey. It is not allocated, and so development is restricted by LP Policy S/7 to countryside uses, such as agriculture or where supported by other policies. According to the supporting text, this is to protect the countryside from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. There is some flexibility in the LP for reusing existing buildings and proposals supporting the rural economy. Although not the case here, where large residential curtilages are cut out of development frameworks, Policy S/7 does not preclude ancillary domestic buildings.
5. The proposal applies to land containing existing buildings and seeks to include this as part of the new residential property allowed at Driftwood. The proposal would not result in any harmful encroachment on the edge of Swavesey, nor would it introduce new development in a rural area with few services and little or no public transport. The proposal would not conflict with LP Policy S/7 and therefore causes no material harm through any undermining of the development framework strategy this imposes.

Availability of village employment sites

6. Policy E/14 of the LP seeks to retain existing employment sites in villages, as a scarce resource which provide local employment and reduce the pressure for new development with the need to travel. Proposals involving the loss of these sites normally require evidence of a lack of demand through prior marketing for no less than twelve months. However, in correspondence prior to a decision, the Council had advised that, due to historical planning conditions tying the use of the commercial land to the owner of Driftwood, the proposed change of use of the land from commercial to residential amenity land is acceptable in principle. In this instance, the marketing requirement outlined in Policy E/14 was therefore not sought. Despite taking this initial position, in the decision the Council had ultimately not been satisfied the continued employment use had been sufficiently explored such as to satisfy Policy E/14. This might have been by first seeking the removal of the condition tying this employment use to the occupation of the dwelling at Driftwood.
7. The planning history suggests that the Council had previously considered the outbuildings at Driftwood to be functionally linked to the dwelling, given the condition it had previously imposed preventing these being let or occupied separately. Having taken this stance and imposed such a condition, it seems unreasonable of the Council to now expect the appellant to have made efforts to have this lifted, in order for this proposal to comply with Policy E/14.
8. The outbuildings are unused and not generally available for employment purposes. Opportunities for separate employment use are restricted by the current conditions tying this to the occupation of the dwelling at Driftwood, the shared means of

access and a proximity to residential uses. In these circumstances, the proposal would be acceptable in principle and be in compliance with Policy E/14, causing no material harm due to the loss of an available village employment site.

Reuse of countryside buildings

9. Policy H/17 of the LP sets out the criteria for permitting the reuse of buildings in the countryside for residential use. The proposal is to change the use of existing land and buildings to residential, historically linked with the dwelling at Driftwood and served by the same access. This is so the site would form part of the grounds of the new house, and the buildings might be used for purposes incidental to the enjoyment of that new dwelling. The appellant's final comments state that the buildings are to be used for ancillary residential storage alongside the new dwelling which, as I saw from my visit, is structurally complete and roofed in.
10. With this change of use proposal, there is no operational development proposed to physically convert the existing buildings to residential accommodation, so issues of structural suitability, enhancement of setting, appearance and access are not relevant. I have already concluded the buildings are acceptable for non-employment use and, to the extent LP Policy H/17 is relevant to this proposal, there would be no conflict with its terms. Therefore, the ancillary residential use proposed would be appropriate for these existing countryside buildings.

Character and appearance

11. The buildings on the appeal site exist and no further operational development is proposed. Some ground works appear to have taken place on this site in association with the construction of the new dwelling, involving the storage of spoil and spreading of topsoil. This is not part of the proposal before me and the change of use proposed would not of itself lead to any material harm to the character and appearance of the area. As such, I find no conflict with LP Policy NH/2 in respect of any landscape harm or with the design principles of Policy HQ/1.

BNG

12. Under the statutory framework for BNG, subject to some exceptions, every planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits¹.
13. A de minimis exception to the requirement for BNG applies where a development does not impact on any onsite priority habitat and, if there is an impact on other onsite habitat, that is on less than 25 square metres of that with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow). The application form indicated that it was considered that BNG did not apply as the proposal was for a change of use only.
14. The Council considers the change of use to residential land represents a substantial alteration of the existing habitat, with this replaced with vegetated garden, potentially leading to a shift in habitat units and a change in units' value.

¹ Planning Practice Guidance Paragraph: 001 Reference ID: 74-001-20240214

However, this is not the proposal before me which is a change of use and not habitat type, so I am satisfied the 'de minimis' exemption is applicable in this case and neither a baseline biodiversity calculation nor a post-intervention calculation are required.

Conditions and conclusion

15. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects². The standard three-year period for commencement is required. Although an approved drawings condition might not normally be appropriate for a change of use only, I consider one to be necessary to establish the red line area to which this applies.
16. Due to the proposal being for a change of use only, the further conditions suggested by the Council relating to land contamination, BNG calculations, hard and soft landscaping and boundary treatments are neither reasonable nor necessary. Conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity³, which I consider to be the case here.
17. The evidence is that the new dwelling at Driftwood occupies a site with a historical mixed use of residential and commercial, with the latter tied by condition to the occupiers of the now replaced dwelling. The commercial use no longer requires to be secured and so the change of use to residential of the existing planning unit is appropriate and complies with the LP as a whole. Subject to the two conditions deemed necessary, I conclude the appeal succeeds.

Jonathan Price

INSPECTOR

² Paragraph 56 of the National Planning Policy Framework

³ Planning Practice Guidance Paragraph: 017 Reference ID: 21a-017-20190723