



## Appeal Decision

Site visit made on 15 September 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

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**Appeal Ref: APP/W0530/W/25/3364329**

**93 Swaynes Lane, Comberton, Cambridgeshire. CB23 7EF**

- 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 Dr Harriet Gray Stephens against the decision of South Cambridgeshire District Council.
  - The application reference is Ref: 25/00628/FUL.
  - The development proposed is 'Erection of 1no. self-build dwelling, parking and associated landscaping.'
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### Decision

1. The appeal is allowed and planning permission is granted for Erection of 1no. self-build detached 2-bedroom bungalow, parking for 2 cars and associated landscaping at 93 Swaynes Lane, Comberton, CB23 7EF in accordance with the terms of the application, Ref 25/00628/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The second reason for refusal concerns the risk of flooding and information provided in a Floor Risk Assessment (FRA). A FRA was not lodged with the original planning application despite this being a validation requirement. The application was validated despite this omission. The appellant submits that a FRA was lodged during the planning application process on 27 March 2025 after submission of the original planning application and has provided evidence in this regard, but this was not considered by the Council in their determination of the application. The Council state that because of other concerns, set out in the first reason for refusal remained, officers did not consider that it was reasonable for the subsequent provision of the flood risk assessment during the process of the application. Without such flood risk assessment, officers considered, in line with the comments from the council's drainage officer, that there was insufficient information to demonstrate that the proposal would not be at risk of flooding from surface water. The aforementioned FRA was submitted at the appeal stage following a request to provide this information. This was provided to the Council

for comment. I have determined the appeal with regard to the information provided in the FRA.

## **Main Issues**

4. The main issues are the effect of the proposed development on the character and appearance of the area and whether the proposed development would be at risk of flooding.

## **Reasons**

### *Character and appearance*

5. The area surrounding the appeal site is predominantly residential in character. It features a mix of dwelling types and sizes, including single- and two-storey homes. There is a variety of materials used, as well as differing boundary treatments and access arrangements, including for vehicles. Building plots tend to be generous and include spacious gardens, predominantly to the rear of dwellings. There are numerous examples of property extensions and outbuildings, including domestic sheds and garages. Overall, the character is that of a mixed residential area that has evolved over time, with alterations and extensions reducing uniformity and increasing diversity in appearance.
6. The proposal is for a single-storey dwelling with a traditional pitched roof, located within the rear garden of the existing dwelling. This is a large, spacious garden which, together with surrounding gardens, forms a substantial open area to the rear of the dwellings. While there are no other examples of backland dwellings of this nature in the immediate area, there are numerous examples of other outbuildings and structures, along with mature vegetation in this area. Access to the proposed dwelling would be via Swaynes Lane, to the side of the existing dwelling, using an existing access to the highway.
7. My attention has been drawn to several other examples of backland development in the surrounding area. While the relevance of these examples varies and each differs from the proposal before me, which must be assessed on its individual merits, it is clear that this form of development has precedent locally. It has also been highlighted that the proposal is for a dwelling within the same building envelope as a single-storey residential annex incidental to the main dwelling, confirmed as permitted development under Lawful Development Certificate Ref: 24/03395/CL3PD. That proposal was located on the same site as the current appeal.
8. Having regard to the scale of the proposed development and its limited visibility from surrounding public areas, I do not consider that it would result in a cramped form of development that is out of keeping with or harmful to the character of the area. There is sufficient capacity within the site to integrate a development of this scale and nature including associated access and parking areas and private amenity space without causing unacceptable harm to the character and appearance of the area. The single-storey design means that views from surrounding private dwellings and gardens will, for the most part, be restricted to the roof of the proposed dwelling. There will be no unacceptable harm to the living conditions of surrounding occupiers due to overlooking, overshadowing, or loss of outlook. This is due to the separation distance between the proposed dwelling and the site boundary, as well as existing boundary treatments. Both the original

dwelling at 93 Swaynes Lane and the new dwelling will have acceptable private amenity space surrounding the dwellings. Any increase in the intensity of use of the overall site as a result of the introduction of the additional dwelling is unlikely to be harmful to the character and appearance of the area.

9. For these reasons, the proposed development complies with Policies HQ/1 and H/16 of the South Cambridgeshire Local Plan 2018 (the Local Plan), and with paragraphs 135 and 139 of the National Planning Policy Framework (the Framework).

#### *Flood risk*

10. Policy CC/9 of the South Cambridgeshire Local Plan states that site-specific flood risk assessments are required for proposals within Flood Zone 1 where there are records of flooding from sources other than fluvial (river) flooding.
11. The FRA, prepared by Orton Civil Design, submitted during the appeal, and evidence indicates, also as part of the planning application process, concludes that the site will be unaffected by future sea level rises due to climate change. It identifies a very low risk of flooding from rivers and the sea, very low risk of surface water flooding, very low risk from reservoir flooding, low risk of groundwater flooding, very low risk of sewer flooding, and no significant historic flooding, despite recorded major events in 1947, 1968, 1978, and 2001. I have not been presented with any evidence that challenges the conclusions of the FRA.
12. For these reasons, I conclude that the proposed development would be at low risk of flooding and complies with the requirements of Policy CC/9 of the Local Plan, which seeks to direct development to areas at the lowest risk of flooding.

#### **Other Matters**

13. The description of the development specifically refers to a “self-build dwelling,” as defined in Section 1 of the Self-build and Custom Housebuilding Act 2015. Both parties to the appeal are satisfied that this use can be secured through a planning condition. The Council has provided suggested wording for such a condition. Accordingly, I have attached a condition to this appeal decision requiring that the proposal be constructed as a self-build dwelling, in accordance with the definition of self-build and custom housebuilding set out in the 2015 Act.

#### **Conditions**

14. The Framework states that 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 respects. In this case, I have carefully considered the conditions proposed by the Council, alongside the submissions received from the appellant, who has reviewed and commented on the draft conditions. I am satisfied that each condition meets the relevant policy tests and is justified in planning terms.
15. Conditions relating to the standard time limit for commencement and the approved plans are both reasonable and necessary. An energy and sustainability strategy, including on-site renewable energy generation, is required to ensure the development meets sustainability objectives.

16. I have not included the proposed conditions relating to foul and surface water drainage, as details are provided on the approved drawings and are therefore not necessary. I have also omitted the requirement for an ecological enhancement scheme, as this is not necessary given the nature of the proposal.
17. Details of external materials are required to safeguard the character and appearance of the area, and boundary treatment details are necessary to protect the living conditions of surrounding occupiers.
18. To protect the residential amenity of neighbouring occupiers, who are located in close proximity to the site, restrictions on construction working hours are included, along with a separate condition to control the use of piling, if required.
19. I have not included the condition restricting works due to potential impacts on birds, as this is not necessary given the site conditions. The proposed conditions relating to water efficiency and broadband provision are also not required, as these matters are addressed through other legislation. The proposed condition relating to driveway details is unnecessary, given that access will be via an existing entrance. It is neither necessary nor reasonable to remove permitted development rights associated with the proposed dwelling, and this condition has therefore been omitted.
20. I have included the proposed condition requiring that the dwelling be constructed as a self-build property, in accordance with the definition of self-build and custom housebuilding set out in the 2015 Act.
21. I consider all of the included conditions to be reasonable and necessary to make the development acceptable in planning terms. Without these safeguards, planning permission would otherwise be refused.

### **Conclusion**

22. The development complies with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is allowed.

*F P Tinsley*

INSPECTOR

### Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

044-SK-018 PROPOSED GROUND FLOOR AND ROOF PLANS 20.02.2025  
044-PL-050 PROPOSED BIN AND CYCLE STORE PLAN 20.02.2025  
044-SK-018 PROPOSED ELEVATIONS 20.02.2025  
044-PL-050 REVISED PROPOSED SITE PLAN (Revision 00) 21.02.2025  
044-PL-010 REVISED LOCATION PLAN (Revision 00) 21.02.2025  
0195 Flood Risk Assessment (Orton Civil Design). March 2025  
0195/D/50-0 Below Ground Drainage Layout. March 2025

3. No development above ground level shall proceed 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.

4. No development shall take place above ground level, other than demolition, 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 ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for the dwelling shall be completed before that dwelling is occupied in accordance with the approved details and retained as approved thereafter.

6. No construction or demolition work shall be carried out and no plant or power operated 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.

7. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and

approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved statement.

8. The residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and shall comply with the following:

- i.) The first occupation of the unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years; and
- ii.) The Council shall be notified of the persons who intend to take up first occupation of the unit in the development hereby permitted at least two months prior to first occupation

**\*End of Schedule\***