



Appeal Decision

Site visit made on 19 January 2026

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Appeal Ref: APP/W0530/W/25/3366119

Land To The South And West Of 110 Station Road, Over, Cambridge, CB25 5NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Chris Whistler against the decision of South Cambridgeshire District Council.
 - The application Ref is 25/00740/PIP.
 - The development proposed is Erection of up to 5 No. residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if the permission in principle is granted. I have determined the appeal accordingly.
4. Whilst a number of drawings have been submitted by the appellant to show how the dwellings could be laid out within the site, the drawings provided are indicative only.
5. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form indicates that permission is sought for the construction of five dwellings, however, I have interpreted this as permission is being sought for the erection of a minimum of one dwelling and a maximum of five dwellings at the appeal site.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

7. Policy S/7 of the South Cambridgeshire Local Plan (2018)(SCLP) sets out the types of development and redevelopment schemes that will be permitted within village development frameworks. Outside of development frameworks, only allocations within Neighbourhood Plans and other development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where development is supported by other policies within the plan will be permitted.
8. Paragraph 2.50 of the supporting text sets out the justification for SCLP Policy S/7 as being necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. It goes on to explain that within the countryside, development is generally restricted to uses that need to be located there. For the purposes of the Policies Map the appeal site lies outside of the Village Development Framework for Over and is therefore considered to be located within the countryside for planning purposes. The appeal site is not allocated for development within a neighbourhood plan, nor has it been promoted as one of the exceptional categories of development which need to be located within the countryside.
9. However, it is the appellant's case that the appeal site should be considered to fall within the village and my attention has been drawn to the case of *Julian Wood v SSCLG, Gravesham Borough Council*² [2015]. Although this case was concerned with a proposed development within the green belt, it was held that the boundary of a village defined in a local plan is a consideration, albeit it may not necessarily be determinative and that when considering whether a settlement is a village or whether a site is in a village, decision makers should have regard to the situation "on the ground" as well as any relevant planning policies. A planning judgment is therefore required.
10. The village of Over comprises a consolidated core with densely arranged built form radiating outwards. However, the compact suburban pattern of the village comes to an end partway along Station Road and changes abruptly to extensive areas of undeveloped fields, hedgerows and tree belts with a distinctly rural character with only limited built development arranged sporadically. A similar position exists on New Road where the tight linear pattern of built form ceases partway along the road and gives way to areas of open fields. Whilst new development is under construction on New Road it serves to fill a gap between existing built form and the recreation ground/sports field and as such, built form transitions into undeveloped areas of open land which lead away from the village to the junction of New Road and Station Road.

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

11. Although Station Road has a pedestrian footpath and cycle path, and streetlighting is present in the direction of Over, the appeal site is situated at a point on Station Road which is mostly comprised of open agricultural land and belts of trees and vegetation and where built development is limited. The Council estimates that the Over Development Framework is located some 180 metres to the north along Station Road and approximately 250 metres to the east along New Road. Notwithstanding that the appeal site is positioned to the side and rear of 110 Station Road (No.110), and there are some further dwellings and a cemetery positioned on the opposite side of Station Road there are vast expanses of open land between these positions and the consolidated built form of the village. Notwithstanding the proximity of other dwellings to the appeal site, the availability of a footway and cycle route, some day-to-day services and facilities within the village, nearby bus stops and a guided busway connection, I find that from what I could see on the ground, the appeal site forms part of the open countryside and is physically and visually separate from the village of Over. Therefore, in planning terms the appeal site therefore lies outside of the Village Development Framework of Over and thus within the open countryside.
12. SCLP Policy S/7 aims to help guard against incremental growth in unsustainable locations and seeks to ensure the countryside is protected from gradual encroachment on the edges of villages. In terms of the appeal site's rural location, I am advised that Over contains a primary school, convenience store and public houses and at distances of approximately 1km from the site these could be accessed on foot in around 12 minutes. A continuous pedestrian footpath and cycle path is located to the front of the appeal site and provides links between Over and Swavesey. The footpath is lit in the direction of Over and notwithstanding the appeal site's location outside of the village development framework, walking or cycling into the village would provide access to a limited range of day-to-day facilities within the village.
13. There are opportunities to access public transport services from within the village and I also observed a bus stop a short distance from the site on the opposite side of Station Road. The bus service provides a route to nearby villages, Bar Hill and St Ives and a guided bus service, which is located approximately 1km from the site, serves Huntingdon, St Ives and Cambridge. The National Planning Policy Framework (the Framework) recognises that opportunities for sustainable transport use will vary between urban and rural areas and in this context, although future occupants of the proposed dwellings are likely to use a private motor vehicle for many journeys, there is scope for some journeys to be undertaken by sustainable means other than private motor vehicle. Taken together with the limited range of day-to-day facilities within the village, whilst I do not consider the location to be highly sustainable, as is suggested by the appellant, it has been assessed by the Council to be '*relatively within a sustainable location*' and I see no reason to disagree with this view.
14. Whilst in terms of the appeal site's rural location, the proposed development would not conflict with SCLP Policy S/7 insofar as it aims to help guard against incremental growth in unsustainable locations, Policy S/7 also requires development to ensure the countryside is protected from gradual encroachment on the edges of villages.
15. Beyond the village, the western side of Station Road is typically characterised by an open and predominantly undeveloped rural character comprised of expansive

agricultural fields interspersed only occasionally by single dwellings set within generous plots. Belts of trees and pockets of vegetation appear as 'green fingers' extending from the wider countryside into the village. This creates a spacious, verdant, rural character where built form is very limited. In contrast, the opposite side of Station Road exhibits a more consolidated pattern of development, with pockets of clustered built form that create a noticeably stronger sense of enclosure and urban influence. In my judgment, the two sides of Station Road do not share a consistent character or pattern of development and it would therefore be inappropriate to rely on the development present on the opposite side of Station Road as justification for further encroachment into the more open and transitional countryside character that defines the side of the road where the appeal site is located.

16. The appeal site is predominantly comprised of overgrown grassland and scrub with some occasional trees which creates a significant sense of verdant openness. It adjoins a public footpath along one of its edges, and to the opposite side it adjoins and wraps partly around the dwelling and rear garden of No.110. Notwithstanding its proximity to the built form of No.110, I consider that the appeal site sits comfortably within the immediate rural context and it makes a significant positive contribution to the rural character and appearance of the area.
17. Although I observed at the visit an area of hardstanding was present towards the rear of the appeal site, in terms of whether the appeal site can be considered to be previously developed land (brownfield), I saw that the hardstanding was very limited in size and the extent of its coverage of the appeal site was minimal. The presence of this hardstanding does not change the overall impression of the site as a verdant and spacious parcel of rural land which, notwithstanding the presence of the adjoining dwelling, it is compatible with and reads as part of the surrounding rural landscape. The very limited hardstanding is insufficient to characterise the site as brownfield and is a matter to which I attach very limited weight.
18. As the application before me seeks only permission in principle at this stage, notwithstanding the submitted plans, the layout and detail of the proposed development is not before me. However, from my observations at the site visit, it was evident that the development, whether that be a single dwelling or any other number of dwellings up to a maximum of five, and wherever sited within the appeal site would unacceptably harm the prevailing spacious verdant character of the area and I afford significant weight to that harm.
19. The harm caused to the detriment of the appeal site's countryside surroundings is likely to be visible from nearby public vantage points, even if existing vegetation were to be largely retained or additional landscaping were to be provided. This would likely include views from Station Road and from the public footpath to the side of the site. Whilst the appellant suggests that the site benefits from extensive mature perimeter hedging, it was evident through my observations at the site visit, particularly walking along the adjacent footpath, that there were numerous views into the site through and over existing vegetation and the gated access. Furthermore, any screening effect of vegetation is likely to be lessened during the winter months when the extent of foliage is likely to be reduced.

20. My attention has been drawn to a previous appeal decision³ whereby development outside of the defined development boundary was considered. I note that in that instance the Inspector was of the view that the intention of a policy can be relevant to the implementation of that policy and I do not disagree with that position. However, the previous appeal scheme was deemed to read as part of the village and the relationship of surrounding built form and their curtilages along a number of the sites edges is materially different to the appeal scheme before me. I therefore afford limited weight to the previous appeal decision in the determination of the appeal.
21. I also appreciate that there have been a number of instances whereby development has been granted planning permission outside of the development boundary for Over, including some 44 residential units on land to the rear of Nos 30 and 32 New Road (Site 26)⁴. However, whilst that development was found to encroach into the open land which extends into the village thus reducing its semi-rural nature, the resultant harm to the character and appearance of the area was deemed to be limited as public views of the housing would be restricted by existing screening and the enclosure of the site. However, since the site-specific circumstances of the previous appeal decision are not directly analogous to the appeal scheme before me, a comparison is of limited relevance in this instance.
22. Accordingly, I conclude that the appeal site is not suitable for residential development having regard to the location of the development which would lead to encroachment of residential development within the countryside to the detriment of rural character of the site and nearby area. Thus, there would be conflict with SCLP Policies S/7, HQ/1 and NH/2 having regard to the settlement strategy and insofar as these policies require development to preserve or enhance the character of the rural area and respond to its context in the wider landscape, and ensure the countryside is protected from gradual encroachment on the edges of villages. In addition, the development is contrary to guidance of the Over Village Design Guide which seeks, among other things, to avoid continuous development along Station Road which would interrupt the landscape connection to the west, requires development to maintain and enhance valued landscape characteristics and create or preserve significant open green spaces with a rural character.

Amount of Development

23. Policy H/8 of the SCLP requires, among other things, that housing developments including rural exception sites, shall make efficient use of land by achieving an average net density of 30 dwellings per hectare (dph) in Rural Centres, Minor Rural Centre Villages and Group Villages. An average net density of 40dph is required for urban extensions to Cambridge and in new settlements.
24. Given that the appeal site measures in the region of 0.5 hectares, taking the appellant's measurement from the application form, which has not been disputed by the Council, the provision of a maximum of 5 dwellings would equate to a density of some 10dph, which would fall considerably short of the 30dph required for housing development in Group villages, which the Council considers would represent an inefficient use of the land. The provision of dwellings of less than 5 in number would further decrease the average net density of dwellings on the site. This would result in a low density of development, irrespective of whether the

³ Appeal Decision Ref: APP/V0510/W/20/3249240

⁴ Appeal Decision Ref: APP/W0530/W/20/3264242

minimum or maximum number of dwellings were constructed, or any other number in between.

25. The appellant has drawn my attention to the wording of the policy, and in particular, that the requirement to provide 30dph applies to housing development *'in Rural Centres, Minor Rural Centre villages and Group villages'* (my underlining for emphasis). The appellant stipulates that given the appeal site's location outside of the village envelope it is not therefore *'in'* a Group village and thus the requirement to provide 30dph does not apply. The policy does not stipulate a minimum density level for areas that fall outside of the designations mentioned above, albeit the Council accepts that in locations outside of villages, densities are generally lower than in village centres and I note that Policy H/8 recognises that the net density on a site may vary from the above where justified by the character of the locality, the scale of the development, or other local circumstances.
26. I am mindful that, as the appellant advises, the number of units to be delivered and the extent of the land to be used within the scope of the permission in principle application, could be less than the maximum of 5 dwellings and it could entail using significantly less area of the appeal site which would have the effect of increasing the density of development. It is of course possible that only one unit would be delivered on the site or that all five dwellings could be developed but using only a smaller part of the current appeal site. To this extent, it is possible that the final density figure of the scheme may change.
27. In addition, Policy H/8 of the SCLP is permissive of lower density housing where it is justified by the character of the locality, the scale of the development, or other local circumstances. In this instance, residential development in the appeal site's immediate vicinity is limited and those dwellings that are present are generally set in large plots such that the density of development is much less dense in this location in comparison to areas within the village envelope. Thus, given the rural nature of the surrounding area and the scale of surrounding plots, a lower density could be justified in this instance. The precise nature of the proposed development would be assessed at the technical details stage, including whether the scheme would deliver policy objectives such as the provision of affordable housing (as required by SCLP Policy H/10) and the mix of dwellings.
28. Insofar as I am able to assess this matter at the permission in principle stage, I consider that the density of the proposed development could be appropriate having regard to the rural character of the appeal site's immediate surroundings. The appeal scheme could represent an appropriate amount of development and an efficient use of land such that I therefore find no conflict with Policy H/8 of the SCLP insofar as it seeks to achieve the right density of development for a location which is important to the character of a place and local quality of life. I also find no conflict with the provisions of Paragraph 129 of the National Planning Policy Framework which seeks to ensure that development makes efficient use of land while taking into account, among other things, the identified need for different types of housing and the desirability of maintaining an area's prevailing character and setting.
29. The Council's reason for refusal also cites conflict with SCLP Policies S/7 and S/10. However, Policies S/7 and S/10 are the Council's spatial strategies which seek to direct new development to locations set within development frameworks, and in the case of Policy S/7 this also provides for development outside of

development frameworks which needs to be located in the countryside. Since these policies are concerned with the Council's spatial strategy rather than the density of developments, I consider these policies are not determinative to this main issue.

Land Use

30. The Framework requires planning policies and decisions to contribute to and enhance the natural and local environment by, among other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (BMV)⁵. The Framework defines BMV as land within grades 1, 2 and 3a of the Agricultural Land Classification. SCLP Policy NH/3 has similar aims to the Framework in that it seeks to prevent development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land. It is the Council's case that the appeal site is Grade 2 and Grade 3a agricultural land, however, this is contested by the appellant.
31. The appellant points to inaccuracies with using the Magic Map to accurately identify landscape classifications of a specific site and the absence of any differentiation between grades 3a and 3b land, the latter of which I accept is not a category which falls within the Framework's definition of BMV or which is a grade of land which SCLP Policy NH/3 seeks to safeguard. I note that the core of Over village is considered as Grade 2 agricultural land despite comprising built form that has relatively little potential for a return to agricultural use. The mapped data is therefore only indicative of, rather than definitive evidence of the actual agricultural land classification of a site. A site-specific assessment is therefore necessary.
32. At the visit, I observed the appeal site to be an extensive area of rough grassland and scrub with occasional trees scattered throughout the site and along its edges. It was not in active agricultural use. A number of aerial images have been submitted by the appellant which are stated to show the site as overgrown and not having been used for agricultural purposes for many years. Evidence of an interested party supports the point that agricultural use of the site has not historically been undertaken. The Council alleges that the appeal site has been actively managed in the past and their submitted image shows, at one point in time, the appeal site to have been mostly cleared of vegetation and of a similar appearance and colour to adjacent farmland to the north. In any event, the submitted imagery of the parties is indicative of the historic and current management of the land rather than demonstrating that the appeal site is unsuitable for use as agricultural land.
33. Whilst the appeal site is currently rough grassland and scrub rather than productive farmland and is not currently in a state that could be farmed without some input and improvement, the existing wide gated entrance at the front of the site would enable access by large modern farming vehicles from the highway. Furthermore, notwithstanding that the site is overgrown and has a public right of way running alongside one of its edges, it appeared from my observation at the site visit that there is no continuous boundary hedgerow which would preclude the appeal site from being farmed along with neighbouring parcels of land.

⁵ National Planning Policy Framework December 2024

34. The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland based upon defined criteria. Little detailed evidence nor site survey information has been submitted to demonstrate reasoning as to why the appeal site should not be considered as agricultural land or that it should be considered as Grade 3b, moderate quality agricultural land, which is not BMV land that is protected from irreversible loss in accordance with SCLP Policy NH/3 and the Framework.
35. Whilst LP Policy NH/3 seeks to prevent development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land, it also recognises that the loss of agricultural land may be acceptable in instances where the land is specifically allocated for development within the Local Plan or, where sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
36. The land is not allocated for development within the Local Plan. However, as set out above, the location is one which is relatively sustainable with a reasonable degree of access to the modest facilities of the village by foot and there is access to sustainable transport options to Cambridge and the wider area. In respect of the sustainability considerations applicable to the appeal scheme the proposed development would introduce up to five dwellings which would contribute towards the supply of housing within the district. The appellant also suggests that some or all of the units could be delivered as self-build or custom-build units (SBCH).
37. There is government and national planning policy support for SBCH and the provision of more homes generally. The Self Build and Custom Housebuilding Act 2015 requires a local planning authority to keep a register of those interested in acquiring serviced plots for SBCH in its area, which it must then have regard to in carrying out its planning functions. The Planning Practice Guidance sets out that SBCH demand is to be measured by the register with the relevant authority having a duty to grant permission within three years to sufficient suitable serviced plots for SBCH, to meet the number of entries on the Register for a given base period. It is the appellant's case that there is significant demand for, and a shortfall, in providing SBCH units within the district, which is not disputed by the Council. The Council advise that the current shortfall stands in the region of 267 units and I note from the appellant's submitted '*Table 1: Greater Cambridge Self-Build Housing Register*' shows the extent of historic under-delivery of SBCH units.
38. Under section 2A of the Self Build and Custom Housebuilding Act 2015, the Council has a duty to grant a sufficient number of suitable development permissions to meet the demand for self-build and custom housebuilding within their area. On the evidence before me, there is a significant shortfall and historic unmet need in the provision of SBCH units. The provision of up to five self-build or custom-build plots, which would be capable of being secured at the technical details consent stage, would assist the Council in meeting its legal requirement to meet this need. However, notwithstanding this, even if it were to be the case that all five units were delivered as SBCH, I consider that given the limited scale of the development, the sustainability considerations and the need for the development are insufficient to override the need to protect the agricultural value of the land.
39. In terms of other local needs, whilst the appellant has suggested they may look at the provision of bungalows, or accommodation to meet the needs of small families or couples, the appellant suggests that these matters would be explored as part of

a pre-application discussion process and thus there is little detailed evidence for me to take into account when reaching a decision on local need.

40. Taking account of the above, in my judgment I take the view that the sustainability considerations and the need for the development do not override the need to protect the agricultural value of the land. The appeal scheme would therefore conflict with SCLP Policy NH/3 insofar as it seeks to protect the agricultural value of the land and avoid the irreversible loss of grades 2 and 3a agricultural land.

Other Matters

41. Reference has been made by the parties to the provision of new public amenity space, biodiversity and ecology which are matters which could form part of a subsequent technical details consent application and the appellant points out, quite rightly, that a refusal of an application for permission in principle on the basis that a specific design or public benefits elements cannot be guaranteed is a misrepresentation of the role and function of the permission in principle process and purpose.
42. In support of the appeal, the appellant has submitted a recent permission in principle decision for an appeal site on the opposite side of Station Road⁶. Whilst I have had regard to this matter, for the reasons explained above, there are material differences in the character and appearance of each side of Station Road which justify a different consideration of the appeal scheme before me. In addition, in respect of the loss of BMV land, I note that the shape, size and adjacent land uses provided overriding justification for the loss of agricultural land. From consideration of the submitted plan it appears that the application site in that instance was more limited in size and partly infills a gap between two dwellings, thus adjoining the boundaries of a number of properties, which differs to the appeal scheme before me. A comparison is therefore of limited relevance in this instance.
43. My attention has also been drawn to a scheme of development on land adjacent to 66 Station Road. However, since the appeal site adjoins existing development at the edge of the village, there are material differences between this site and the appeal site and the planning balance to be applied.

Planning Balance

44. The appeal site occupies a relatively sustainable location which attracts moderate weight in the planning balance. I note that Cambridge has been identified as a major growth centre and government strategy is to pursue growth across the Oxford to Cambridge Growth Corridor and the development would make a contribution of up to five dwellings towards the supply of housing which would support the government's aims of boosting housing supply. In addition, the appeal scheme would make provision for up to five self and custom build units of housing within the District where it is accepted that there is historic un-met need for such type of development. The provision of housing and SBCH are matters which attract significant weight. However, the benefits of the development are tempered by the modest scale of the scheme. There would be some modest social and economic benefits arising from the construction of the dwellings and the longer contribution by occupants of the proposed dwellings to the local area which would support the vibrancy and vitality of Over.

⁶ Planning Reference: 25/03514/PIP

45. I have concluded that the density of the development would not be inappropriate for its rural location and thus having regard to the amount of development proposed the appeal scheme could accord with SCLP Policy H/8. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
46. However, I consider that, by reason of the location of the development and the proposed land use there would be conflict with SCLP Policies S/7, HQ/1, NH/2 and NH/3 having regard to the spatial strategy for the District, the harm that would be caused to the rural character of the countryside and the surrounding area and the resultant irreversible loss of best and most versatile agricultural land. These are matters to which I attach significant weight in the planning balance.
47. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
48. The appellant argues that the Council are unable to demonstrate an adequate five-year housing land supply and thus Paragraph 11(d) of the Framework is engaged. This means that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The Council disputes this matter. However, even if I were minded to accept the appellant's view regarding the accuracy and deliverability of sites such that a number of sites are not to be considered as truly deliverable having regard to the definition asserted by National Planning Policy Guidance and thus an adequate supply of housing land could not be demonstrated, I nonetheless consider that the harm arising from the proposed development, as outlined above, would significantly and demonstrably outweigh the totality of the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.
49. Consequently, I find that the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the scheme.
50. Overall, the proposal conflicts with the development plan and the Framework and material considerations do not indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

51. For the reasons given above, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR