



Appeal Decision

Site visit made on 15 February 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 1st March 2022

Appeal Ref: APP/W0530/W/21/3282234

Land at St Peters Street, Caxton, Cambridgeshire CB23 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs R and W Grain and Mrs E Reeve against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04704/OUT, dated 16 November 2020, was refused by notice dated 22 July 2021.
 - The development proposed is the erection of up to 9 self-build dwellings and associated garaging.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of up to 9 self-build dwellings and associated garaging on land at St Peters Street, Caxton, Cambridgeshire CB23 3PS, in accordance with the terms of the application, Ref 20/04704/OUT, dated 16 November 2020, subject to the conditions set out in the attached schedule.

Preliminary matters

2. The appeal proposal seeks outline planning permission with all details reserved except for access, which is proposed to be taken from Rosemary Greene Close.
3. A unilateral undertaking has been entered into by the appellants, which is designed to ensure that the proposed dwellings would accord with the definition of self-build and custom-build housing, as contained in the Self-Build and Custom Housebuilding Act 2015. The Council does not dispute that the undertaking would be effective in this respect.
4. An application for costs has been made by the appellants against the Council. That application is the subject of a separate Decision.

Main issues

5. In the light of all the submissions before me, the main issues in the appeal are:
 - whether the proposed development would comply with the relevant planning policies relating to the location of housing development;
 - the effects of the development on the character and appearance of the countryside and surrounding area;
 - and the weight to be given to the need for sites for self-build and custom-build housing in the District.

Reasons for decision

Housing location policies

6. The relevant development plan policies are those of the South Cambridgeshire Local Plan (the SCLP), adopted in September 2018. The overall spatial strategy is set out in Policy S/6. The need for homes and jobs is to be met mainly on the edge of Cambridge, and at new settlements, with limited development in the rural area focussed on designated Rural Centres and Minor Rural Centres. The appeal site is not within or adjacent to any of these locations.
7. SCLP Policies S/8 – S/11 define a settlement hierarchy with four categories of villages. Caxton is designated as an Infill Village, which is the lowest tier of this hierarchy. In these, Policy S/11 restricts the scale of development normally to schemes of no more than two dwellings, which should be within the village framework boundary, and should also form part of an existing built frontage or residential curtilage. Exceptionally, the policy allows schemes of up to eight dwellings, either on brownfield land or where there are overall benefits for the village. In the present case, the appeal site is outside the settlement boundary, and is greenfield land. Although the development is intended to bring a benefit, in boosting the supply of self-build and custom-built housing, that benefit relates to the needs of the District as a whole rather than to the particular village. The appeal scheme therefore does not satisfy any of Policy S/11's relevant criteria.
8. Outside settlement boundaries, Policy S/7 seeks generally to restrict development, either to allocated sites, or to uses that need to be located in the countryside, or where the development is supported by other policies. The appeal site is not allocated for development, and housing is not amongst the types of development which Policy S/7 recognises as needing a countryside location. Whilst other policies recognise the need for self- and custom-build housing, those policies give no direct support for such development in the countryside. The appeal proposal therefore does not meet any of the requirements of Policy S/7.
9. Alongside these policies, Policy T1/2 requires that development is located where it will reduce the need to travel, especially by car, and where it will promote sustainable travel. In this context, Caxton is not wholly without sustainability credentials. Schools, shops, health services and major employment areas are available nearby, at the new settlement of Camborne. All of these facilities are within easy cycling distance, and some are potentially walkable for the more able. Bus connections are available, albeit limited to certain hours of the day. Whilst realistically most journeys to these facilities would doubtless be by car, such trips would be short. Camborne is continuing to develop, and additional facilities are said to be planned, including improved transport links. However, Caxton itself has only a pub, church, village hall and play area. To that extent, the village cannot be counted among the District's most sustainable locations. On balance therefore, the development now proposed would not be compliant with Policy T1/2.
10. Overall therefore, the proposed development would be in conflict with the most relevant development plan policies dealing with the location of new housing, including SCLP Policies S/6, S/7, S/11 and T1/2.

Character and appearance

11. The appeal site comprises an L-shaped parcel of rough grazing land, lying adjacent to the built-up area of Caxton village. On two of its sides it is enclosed by modern housing in Rosemary Greene Close, and on two others by the tree-lined avenue of Caxton Hall and the wooded frontage of St Peters Street. Only on its short south-western boundary, is the site rather weakly enclosed, by a somewhat gappy hedge. In addition, the site also adjoins the defined village framework boundary on two of these sides. In most of these respects therefore, the site is physically well-related to the existing village.
12. On my visit, I saw that there are close-range inward views from a short length of St Peters Street around the junction with Rosemary Greene Close, and additional close views from the public footpath that skirts the site from St Peters Street to Ermine Street. In all these views, the site is seen in the context of the existing housing development, and against a backdrop of mature trees. There appear to be no significant longer or middle-distance views. Development on the site would therefore have a limited impact on the setting of the village, and a negligible impact on the surrounding countryside.
13. Whilst the appeal site adjoins the Caxton Conservation Area, and is close to the curtilage of the listed Caxton Hall, there would be little intervisibility with these heritage assets. Nor would there be any intervisibility with any of the other listed buildings on Ermine Street, including the Post House or the Crown House. The settings of all of these heritage assets would thus be preserved.
14. Although the design and layout of the proposed development are not currently before me, there seems no reason to doubt that it could be arranged and detailed in a way that would be attractive and sensitive to its local context and surroundings. On my visit, I saw another self-build scheme nearby, at Firs Farm, further along St Peters Street, where a very high quality of development has evidently been achieved, and there seems no reason why a similar standard could not be expected at the present appeal site.
15. Overall therefore, I conclude that the proposed development would cause no material harm to the character or appearance of the countryside, or that of the village of Caxton, or of the surrounding area. In this respect, I find no conflict with SCLP Policy NH/2, which seeks to protect the character and distinctiveness of the local landscape, nor with Policy NH/14 which protects the District's historic environment, including heritage assets and their settings. For the same reasons, I consider that the development would be capable of complying with SCLP Policy HQ/1, which requires developments to achieve a high quality of design, contributing positively to their local and wider context, including the urban, rural and landscape context.

Self-build and custom-build housing

16. Under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), and associated secondary legislation, local planning authorities are under a duty to grant a sufficient number of suitable permissions to meet the demand for self- and custom-built housing within their area. This demand is to be 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. Under Section 2 of the same

- Act, authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
17. In the NPPF, paragraph 62 identifies 'people wishing to commission or build their own homes' as a distinct section of the community, for which the size, type and tenure of housing needed should be assessed and reflected in planning policies.
 18. In South Cambridgeshire, on the figures supplied by the Council, the number of applicants joining the local Register, from its inception in April 2016 up to the end of 'base period 3', on 30 October 2018, appears to have totalled 298. To comply with the 2015 Act, suitable permissions should have been granted for 298 serviced self/custom-build plots within three years of that date, i.e. by the end of 'base period 6', on 30 October 2021.
 19. However, on the evidence available, the number of qualifying permissions granted by that date appears to be no more than 152 plots, equating to only 51% of the cumulative requirement. This would therefore represent a shortfall of 146 plots for these first three base periods. In this context, I note the Council's alternative figure, suggesting a shortfall of 121 plots, but no explanation has been given as to how that figure was arrived at. In any event, the Council accepts that the shortfall is significant, and I concur with that assessment.
 20. I appreciate that the information on which all these figures are based is dated 5 August 2021, and thus excludes the final 12 weeks or so of the most recent base period, up to 30 October 2021. But there is no suggestion that any further permissions were granted in that time; and indeed no material change of any kind to the August 2021 position is apparent from the Council's subsequent statement.
 21. Furthermore, if the appellants' reservations regarding possible double-counting, and the lack of legal obligations on some of the included sites, were substantiated, this would clearly undermine that position even further. I note that the Council has not rebutted these comments. But in the circumstances, it is not necessary for me to enquire further into these matters, because even on the Council's own evidence there has clearly been a substantial shortfall against the number of self- and custom-build permissions required up to October 2021. On any basis, the shortfall is so large that any more precise quantification would make little difference to my consideration of this appeal.
 22. Turning to base periods 4-6, which have occurred since October 2018, it appears that, at least up to 5 August 2021, there were a further 513 new entries added to the Self-Build Register. Compared to base periods 1-3, this seems to me to represent a significant increase in the annual rate at which the Register has grown. In addition, the shortfall from the earlier base periods also remains to be fulfilled. Although some time still remains within which the requirements arising from periods 4-6 may be met, it is clear that if the District is to have any chance of meeting its requirements under the 2015 Act, a rapid and substantial acceleration will be needed in the rate of new permissions.
 23. I note that SCLP Policy H/9 includes a provision requiring an element of self/custom build on housing sites of 20 or more dwellings, and on each phase of larger strategic sites. But no information is before me as to the numbers of self and custom building plots that are realistically expected to be achieved

through the operation of this policy, or their timing. I am not aware of any evidence that demonstrates that Policy H/9 alone is capable of delivering the numbers of self-build units needed in the District, within the required timescale.

24. In the light of the evidence before me, it is clear that South Cambridgeshire has a serious and substantial shortfall in provision for self- and custom-build housing. The gap between the demand and supply for suitable plots appears to be increasing. Current policies seem unlikely to prevent that situation from getting worse in the foreseeable future. In these circumstances, the need to increase the supply of self-build opportunities is an important planning consideration which in my view must carry substantial weight.

Other matters

25. I note the comments of local residents, and accompanying photographs, with regard to flooding from the Bourn Brook, and the development's potential to increase the risks to nearby properties. However, I note that a flood risk assessment has been submitted, and that the Drainage Officer is satisfied with this information, subject to conditions. On the evidence before me, I have no clear reason to disagree with the Officer's conclusions on this aspect of the scheme.
26. On my visit, I saw that St Peters Street is quite narrow and winding, with poor forward visibility on some sections. Care is therefore required, by both motorised and non-motorised users. But the existing level of usage is evidently fairly low, and the number of additional movements generated by nine new dwellings would be small. The submitted details show that the proposed site access could safely accommodate the range of vehicles likely to use it. Consequently, I do not consider that the development would be likely to give rise to excessive danger to pedestrians or vehicles, nor would it materially increase the risk of damage to the roadside verges.
27. I note that an appeal for one self-build dwelling on another site at Caxton was dismissed in June 2021. However, the inspector in that case found that the development would result in unacceptable harm to the area's character and appearance. In the present appeal, I do not consider that to be the case, for the reasons already given.
28. The development would give rise to some modest economic benefits, including construction jobs, and on-going support for those local services that are available. These carry some additional minor weight in favour of the proposal.

Planning balance

29. The proposed development would conflict with SCLP Policies S/6, S/7, S/11 and T1/2, due to being located outside the village boundary, and exceeding the indicative size for Infill Villages, and being to some extent car-dependant. In these respects, the scheme would not be an ideal fit with the SCLP's strategy for the location of new housing in the District, and would not accord with the development plan as a whole.
30. But on the other hand, the District is clearly a long way behind in making for provision for self-build and custom-build housing, to meet the legal requirements of the 2015 Act. Additional serviced plots for this type of development are therefore urgently needed. The appeal scheme would provide

nine such plots, on a site which relates reasonably well to the existing settlement, and would cause no material harm to the character or appearance of either the village or the surrounding countryside. In the circumstances, the benefit of making up part of the deficit in self- and custom-build plots carries substantial weight. Some additional weight also attaches to the other economic benefits that I have identified.

31. The SCLP policies in question are relatively recently adopted, and up-to-date, and in other respects there is no dispute that they are generally consistent with relevant national policies in the NPPF. But nevertheless, having regard to the District's record over recent years, it is difficult to see how the serious shortfall in provision for self- and custom-building can be overcome without some relaxation of those same policies.
32. On balance, I conclude that the harm arising from the development, in terms of the conflict with Policies S/6, S/7, S/11 and T1/2, is outweighed by the combined weight of its benefits, to housing provision and to the local economy. It follows that planning permission should be granted.

Reasons for conditions

33. I have considered the suggested conditions, and the parties' comments on them, in the light of the tests in NPPF paragraph 56. Those that I intend to impose are set out in the attached schedule. Where appropriate, I have edited these in the interests of clarity and precision, and to avoid undue prescriptiveness. Given the nature of the proposed development, it is necessary that in some cases the conditions should be capable of being discharged separately on a plot-by-plot basis, and I have adjusted the wording to allow for this.
34. Conditions Nos 1 and 2 reflect the standard requirements as to reserved matters and the timescales for submission and commencement. I have amended Condition 1 to enable site infrastructure works to be carried out in advance of dwelling construction. In the light of this, I see no reason to vary the standard time periods in Condition 2.
35. Condition 3, placing limits on the hours of construction work and related activities, is necessary to protect the living conditions of neighbouring residents.
36. Condition 4, relating to foul and surface water drainage, is needed to minimise any risk of flooding. However, the list of requirements in the suggested draft version is over-prescriptive and unnecessary, as the Council will have the power to refuse details which they consider to be inadequate, or insufficiently justified. I have therefore amended the condition accordingly.
37. Condition 5, relating to the new roadways and footways within the development, is required to ensure a satisfactory standard of development, but is amended to exclude unnecessary detail.
38. Conditions 6 and 7, seeking Ecological Management Plans both for the construction phase and afterwards, are necessary to protect wildlife and biodiversity. However, the level of detail in each has been reduced, to ensure that their requirements are proportionate to the scale of development and the ecological value of the site.

39. Condition 8 regarding the protection of existing trees and hedges, is needed to give adequate protection to existing landscape features. Condition 9, relating to landscaping, is needed to ensure a high quality of development. However, it is unnecessary for Condition 9 to duplicate any of the requirements of Condition 1, and I have therefore deleted this part of the suggested condition. Condition 10, relating to archaeology, is necessary to ensure that any archaeological significance is properly investigated and recorded.
40. Condition 11, with regard to provision for broadband services, is necessary for compliance with SCLP Policy T1/10. Conditions 12 and 13, relating to renewable and low carbon energy, and to water efficiency, are likewise needed for compliance with SCLP Policies CC/3 and CC/4 respectively. These latter requirements cannot be made part of the reserved matters, as suggested by the appellants, because the scope of those matters is prescribed by law; these conditions are therefore free-standing.
41. A condition requiring adherence to the SCLP's space standards is not necessary, because the internal layout of the dwellings will form part of the reserved matters, and it will be open to the Council to judge the submitted details against SCLP policies at that time. A condition requiring compliance with SCLP Policy H/9, with regard to housing mix, is not justified, because that policy allows for developments of 9 dwellings or fewer to be considered as an exception, subject to local circumstances.

Conclusion

42. For the reasons explained above, I have concluded that that although the proposed development would involve some conflict with Policies S/6, S/7, S/11 and T1/2, that harm is outweighed, by the benefits of providing self-build or custom-build housing, to meet a recognised need, as well as the benefits to the local economy.
43. I have taken account of all the other matters raised, but none alters or outweighs this conclusion. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) No works shall be commenced on any dwelling or other part of the development until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for the relevant dwelling plot, or for the communal areas of the site, have been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the details thus approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development shall be commenced not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) During the construction period, no machinery or plant shall be operated, no works audible at the site boundary shall be carried out, and no construction-related deliveries shall be taken at or despatched from the site, at any time except between the following hours:
Mondays to Fridays 08.00 – 18.00
Saturdays 08.00 – 13.00
- 4) No development shall take place until a scheme for the disposal of foul and surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall include details of how the foul and surface water systems are to be managed and maintained throughout the life of the development. Thereafter, no dwelling shall be occupied until the foul and surface water drainage infrastructure to serve that dwelling has been installed and brought into operation.
- 5) No dwelling shall be occupied until details of the arrangements for the future management and maintenance of the internal estate roads, footways and any other communal areas have been submitted to the local planning authority and approved in writing. Thereafter, the roads footways and communal areas shall be managed and maintained in accordance with these approved details, either until adopted by the Highway Authority, or for the life of the development.
- 6) No development, site clearance or site preparation shall be commenced until a Construction Ecological Management Plan (CEMP) has been submitted to the local planning authority and approved in writing. The CEMP shall include details of any ecologically sensitive features or species present on the site, and proposed measures to mitigate the impacts of the development on those features and species during construction. Thereafter, the development shall be carried out in accordance with the approved CEMP.
- 7) No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to the local planning authority and approved in writing. The LEMP shall include details of existing and proposed ecological features, and proposals for their future management. Thereafter, these ecological features shall be managed in accordance with the approved LEMP for the life of the development.
- 8) No development, site clearance, site preparation or site investigation works shall be commenced until a tree and hedgerow protection scheme has been

submitted to the local planning authority and approved in writing. The scheme shall include details of measures for the protection of the existing trees and hedgerows on and adjoining the site during the course of the development. These measures shall be implemented in accordance with the details thus approved. Where the approved details require the installation of protective fencing or ground protection, these shall be put in place before any development takes place, and before any equipment, machinery or materials are brought on to the site; and shall be retained until these have been removed from the site, following the completion of the relevant dwelling or part of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

- 9) The landscaping details to be submitted and approved for each dwelling or part of the development, under Condition 1 above, shall include details of the proposed timing for the implementation of those approved works. Thereafter, the landscaping works shall be carried out in accordance with the programmes and other details thus approved. If, within a period of five years from the date of planting, any tree or plant dies, or becomes seriously damaged or diseased, or is removed or lost for any reason, it shall be replaced in the next planting season with another of the same size and species.
- 10) No development, site preparation or site clearance works shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 11) No dwelling shall be occupied until it has been made capable of accommodating fibre-optic, high-speed broadband cabling, in accordance with the guidance note 'Data Ducting Infrastructure for New Homes' published by MHCLG in 2008, or any successor document published by HM Government prior to the commencement of development.
- 12) All dwellings within the scheme shall be designed to achieve a 10% reduction in carbon emissions, compared to a baseline figure to be calculated by reference to the Building Regulations, through the use of on-site renewable energy and/or low carbon technologies. No dwelling shall be occupied until the necessary measures to achieve such a reduction have been installed and brought into operation, in accordance with an Energy Statement for that dwelling which shall have been submitted to the local planning authority and approved in writing. Thereafter, these energy reduction measures shall be retained and maintained, in accordance with the manufacturer's specification, unless otherwise approved by the local planning authority.
- 13) All dwellings within the scheme shall be designed and constructed to incorporate water saving fittings and systems, so as to be capable of achieving a minimum water efficiency standard equivalent to 110 litres per person per day. No dwelling shall be occupied until a Water Efficiency Statement for that dwelling has been submitted to the local planning authority and approved in writing, confirming that this standard has been met. Thereafter, the required water saving fittings and systems shall be retained and maintained, in accordance with the manufacturer's specification, unless otherwise approved by the local planning authority.