Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/W0530/W/25/3360199
Oakington Road, Cottenham CB24 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Messrs Marco and Jason Lau against the decision of South Cambridgeshire District Council.
- The application Ref is 24/02654/OUT.
- The development proposed is Construction of 9 custom / self-build homes, provision of access, parking, amenity areas and landscape planting.

Decision

1. The appeal is allowed and planning permission is granted for 9 custom / self-build homes, provision of access, parking, amenity areas and landscape planting at Oakington Road, Cottenham CB24 8AT in accordance with the terms of the application, Ref 24/02654/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. I note that the appeal site includes land outside of the control of the appellant, specifically the highway verge controlled by Cambridge County Council. The appellant has completed certificate B certifying that requisite notice has been served on the owners.

3. The application from which this appeal results was submitted in outline only, with all matters reserved. I have dealt with the appeal on this basis, treating the plans, other than the site location plan showing the extent of the site, as illustrative.

4. With regards reason for refusal 1, the council's statement of case confirms that no harm is identified in respect of the sustainability of the site[1] and otherwise refers to the encroachment of the proposed development into the open countryside and the effect of the appeal scheme on the character and appearance of the area[2]. I have determined the appeal on this basis.

5. Furthermore, as agreed by the parties the application was submitted on 15 July 2024 and as such is not required to provide a 10% biodiversity net gain. The parties have agreed that a condition can adequately ensure compliance with the requirement for the Council's Biodiversity SPD and I have no evidence before me that would lead me to conclude otherwise. The 5th reason for refusal has therefore been withdrawn by the council.

[1] Council's Statement of Case paragraph 3.2
[2] LPA statement of case paragraph 3.3

6. In contrast to the above, the council has raised concern with regards surface water flooding on the site, making reference to newly published maps showing the risk of flooding on the site. The appellant has responded providing additional comments from their Flood Risk consultant and as such I am satisfied that this matter is a relevant issue, and no party would be disadvantaged by my consideration of it when determining the appeal.

Main Issues

7. The main issues are:

   I. The effect of the appeal scheme on the character and appearance of the area, with particular regards to landscape character.

   II. Whether the appeal scheme makes effective use of land with particular regards to policy H/8

   III. Whether the appeal scheme can be satisfactorily accessed from the public highway, with particular regards to trees outside of the appeal site.

   IV. Whether the appeal site is a suitable location for the proposed development with regards flooding.

Reasons

8. The appeal site lies outside of, but immediately adjacent to, the built-up area of the settlement of Cottenham. The existing edge of Cottenham is, in proximity to the appeal site, defined by recently constructed residential properties and a line of trees on Clark Close, together these appear as a clearly defined if abrupt boundary. The trees are tall and narrow, appearing as a prominent feature on the approach into Cottenham along Oakington Road. I note that the Village Design Statement (VDS) for Cottenham identifies the existing tree planting as a distinctive feature of this approach to the settlement.

9. Outside of the settlement, the area is characterised as an open and rural landscape, a patchwork of agricultural fields, trees and hedges. I saw at the site visit that the appeal site, being flat and open in character contributes positively to the character of the wider landscape and also that the existing boundary hedge to the southwest has a significant screening effect of the site on the approach to Cottenham.

10. The appeal scheme would change the appeal site from an open field to 9 residential dwellings, associated paraphernalia and infrastructure. This would lead to the extension of the settlement and thus an encroachment into the countryside.

11. However, I saw at the site visit that the settlement of Cottenham is a significant feature of the character and appearance of the area and the appeal scheme appears as a very modest extension of the settlement. Moreover, the evidence before me suggests that the details of the proposed development, to be approved by the council, would be generally in keeping with the character and appearance of the existing settlement.

12. Furthermore, the landscaping indicated in the evidence before me could replicate the existing tree line and the 9 dwelling scheme is of a lower density than the

adjacent new development that currently forms part of the edge of the settlement, thus allowing a more gradual transition between rural and urban areas.

13. Consequently, I consider that the proposed development, which is of a low density, coupled with an effective landscaping scheme, the details of which are a reserved matter, would create a progressive transition from the existing built-up area of the settlement to the countryside and in this respect would be broadly in keeping with the character and appearance of the area, including the wider landscape character.

14. Nonetheless, I acknowledge that the appeal scheme would change the character and appearance of the appeal site and encroach into the countryside. Thus, I find that the appeal scheme is contrary to policy S7 of the South Cambridgeshire Local Plan (adopted September 2018) (the LP) that seeks to protect the countryside from gradual encroachment.

Housing Density

15. Policy H/8 of the LP seeks housing densities of 40 dwellings per hectare in urban extensions and 30 dwellings per hectare in rural centres. The policy allows flexibility with reference to the local character, scale of the development or other local circumstances.

16. The appeal scheme is on a small site, being approximately 0.9 ha, on the edge of an existing settlement and otherwise surrounded by open countryside and proposes to create 9 dwellings, being approximately 10 dwellings per hectare.

17. The submitted plans show that the lower level of density proposed by the appeal scheme effectively lessens the visual impact of the proposed built development on the surrounding area, effectively blending the urban and rural character and appearance as opposed to the abrupt guillotine between developed and rural environments that I saw elsewhere in Cottenham at my site visit.

18. In addition, policy H/10 of the Local Plan states that all developments of 11 dwellings or more will be required to provide 40% of homes on site to be affordable. Consequently, in accordance with that policy and the provisions of the National Planning Policy Framework, the appeal scheme falls below the threshold above which the provision of affordable housing is required. I have no substantive evidence before me to demonstrate that the quantum of affordable housing of the appeal scheme has been lowered to avoid the provision of affordable housing.

19. For the reasons detailed above I am satisfied that the density of the appeal scheme, albeit presented in outline form only, is justified by the character of the locality and the scale of the site and development proposed. As such, I am satisfied that the appeal scheme makes the best use of land, and I do not consider that the appeal scheme is in conflict with policy H/8 and policy H/10 of the LP.

Access

20. The submitted indicative plans show the appeal scheme being accessed from Oakington Road. At this point there is a wide grass verge between the appeal site and the highway and I saw at the site visit that the verge was predominantly grassed with some trees/bushes.

21. I understand that to facilitate access to the site it may be necessary to remove some of the trees/shrubs in the verge and to maintain the verge to provide the

necessary sight lines. The officers' report questions whether or not this work can be carried out, given that it is on land outside of the appellants ownership.

22. I note that notice has been served on Cambridge County Council as owner of the highway verge. Furthermore, neither the council's arboculturalist nor the local highways authority has objected to the proposed development in this regard.

23. As such I am satisfied there is a reasonable prospect that the access can be created within the time-limit imposed by the permission. Moreover, access is a reserved matter and as such I do not consider it is necessary to impose a negatively worded condition prohibiting the development until satisfactory access has been created.

24. On the basis of the evidence before me I am satisfied that the site can be accessed from the public highway.

Flooding

25. At the time the council determined the application they were satisfied that flooding could be mitigated to a "low and acceptable level" with a condition to require details and subsequent implementation of a surface and foul water drainage strategy.

26. However, the council has now referred to the recently released Flood Risk Maps (dated March 2025) by the Environment Agency and suggests that this updated mapping provides greater detail of the potential surface water flood risk into the future.

27. The appeal site remains in Flood Zone Risk 1 and the potential for surface water flooding was recognised within the appellant's Flood Risk Assessment (FRA). I note that the most recently released maps do not show a notable increase in the extent of the area of the appeal site at risk of surface water flooding and but does add some additional detail regarding potential flood depths and risk in the future.

28. The FRA considered a scenario of a "most extreme event", indicating the same maximum water level at the site, of 10.1m AOD. I note that the finish floor levels of the proposed dwellings are identified in the FRA as being some 300mm above this.

29. The parties have submitted various extracts of the new Flood Risk Maps showing different scenarios with regards depth of potential flooding at future dates. The maps show that the chances of flooding up to 30cm in depth are generally low and negligible.

30. I am therefore satisfied that the recently released the Flood Risk Maps do not significantly alter the flood risk status of the appeal site, that the surface water flood risk is known, was considered by the appellant's submitted FRA and by consultees when the application was determined.

31. As such, I am satisfied that surface and foul water can be adequately dealt with by condition and other details of the reserved matters applications. I find that the appeal site is a suitable location for the proposed development with regards flooding and that there is no conflict with policies CC8 and CC9 of the LP in this regard.

Other Matters

32. 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

33. The council acknowledges[3] that there is a "significant shortfall in the provision of self-build dwellings", with the granting of only 236 plots against a requirement of 497. Moreover, I have no substantive evidence before me of any measures that the council are taking that would deliver the required plots in a reasonable timescale.

34. Therefore, based on this acknowledged shortfall and in the absence of any substantive evidence to the contrary, I find that there is a significant shortfall in the provision of self-build plots. The appeal scheme would provide for 9 self-build plots, a small contribution in the context of the overall requirement but nonetheless meaningful and I therefore afford it significant weight.

35. The appeal site is not located within the Green Belt and as acknowledged by the council, being on the opposite side of the road to and therefore a distance from the Green Belt, the development would not detract from the open setting of the Green Belt.

36. Moreover, Policy NH/8 of the LP seeks to ensure that development on the edge of settlements and surrounded by Green Belt includes "*careful landscaping and design measures of a high quality".* The appellant's submissions suggest that the development would be surrounded by landscaping which would assist in the mitigation of the visual impact of the development and would be the subject of reserved matters. The officer's delegated report seeks that a design code be conditioned to "ensure that a high-quality design is achieved". As such there is no substantive evidence before me to suggest that the development would be anything other than of high quality design and landscaping.

Planning Balance

37. The proposed development would conflict with policy S7 of the LP because development of the existing open field would result in encroachment into the countryside.

38. On the other hand, there is a significant shortfall in the provision of self-build dwellings to meet the legal requirements of the 2015 Act. Additional 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 the area including the landscape character. In the circumstances, the benefit of making up part of the deficit in self- and custom-build plots carries significant weight.

39. On balance, I conclude that the harm arising from the development, in terms of the conflict with policy S7 of the LP, is outweighed by the weight afforded to the provision of self-build dwellings. It follows that planning permission should be granted.

[3] Officer's Delegated report

Conditions

40. I have had regard to the planning conditions that have been suggested by the Council and the comments from the appellant, I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents. I have not included conditions that I consider to refer to details that will be contained within reserved matters submissions or are otherwise covered by the planning obligation or another condition.

41. Furthermore, the appellant has included a completed planning obligation that refers to matters such as the properties being self-build/ custom housing and financial obligations including, provision of new or improvement of existing swimming pools, contributions to indoor and outdoor sport space, open space, green space, household waste receptacles, indoor community space and a monitoring fee. The obligation also refers to the provision of access and pedestrian footpath provision and a design code.

42. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework details that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets the three tests detail in the legislation. I am satisfied from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account as part of my overall conclusion that the appeal should be allowed.

43. I have including conditions relating to reserved matters, the timescales for the submission of those details and the life of the permission to define the permission. For the same reason I have included a condition identifying the site location plan.

44. In the interests of the living conditions of neighbouring residents and the environment I have included a condition requiring the submission of a Construction Method Statement, this condition replaces a number of conditions suggested by the council including construction working hours and wheel washing.

45. In the interests of the living conditions of future residents I have included a condition relating to the provision of broadband facilities. In the interests of the character and appearance of the area and to ensure a development of high design quality I have included a condition requiring the submission of a design code.

46. In the interests of archaeology, I have included conditions relating to the requirement of an archaeological field evaluation.

47. In the interests of the environment, I have included conditions relating to the disposal of surface water, water usage, renewable energy generation, unexpected contamination, external lighting, ecology works and tree protection measures.

Conclusion

48. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

1) Details of the access, appearance, landscaping, layout and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with drawing no 444/101 SITE LOCATION PLAN

5) No dwelling hereby permitted shall be occupied until the means of access for vehicles, pedestrians and cyclists, including the extension of the footpath on the northern side of Oakington Road and an uncontrolled crossing at Clarke Close, has been constructed in accordance with the approved reserved matters details and shall be retained thereafter.

6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors;

   ii) loading and unloading of plant and materials;

   iii) storage of plant and materials used in constructing the development;

   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

   v) wheel washing facilities;

   vi) measures to control the emission of dust and dirt during construction;

   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

   viii) delivery, demolition and construction working hours.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7) No development shall take place until:

   (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and

   (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and,

iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

9) No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority as part of the reserved matters submissions required by condition 1. The approved scheme shall be implemented and thereafter retained in operation.

10) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

11) Prior to the first occupation of any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

12) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

13) Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

14) Prior to commencement development, a scheme of ecological works shall be submitted to and approved in writing by the Local Planning Authority, in general accordance with the Preliminary Ecological Appraisal (397 version 1 by Samsara Ecology, June 2024).

15) Prior to the commencement of any work, all tree protection measures shall be installed in accordance with the submitted Arboricultural Impact Assessment Statement by Andrew Belson dated 28 May 2024. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.

End of Schedule