



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Amy Jacklin
Clerk to Lt Thetford Parish Council

By email only

1st September 2023

Dear Amy,

Thank you for your email regarding the planning permissions at Russel Drive in Lt Thetford. I have investigated the matter and have the following comments to offer.

Your email posed several specific questions which I will answer in turn, however, I will try to address some of the general comments made in the email first.

Your comments make reference to the ECDC Self Build SPD. It is worth noting that the adoption of that SPD post-dates the outline permission decision by a year and therefore the outline permission would not have had regard of it.

Your comments also refer to Plot Passports. These were documents submitted with the outline application and I understand they were important in your consideration of the proposals. However, these documents were not included as approved plans on the outline permission nor did they form part of a condition (e.g. requiring Reserved Matters applications to comply with the passports) on that permission. This has limited the weight we can give to the passport documents in the determination of the reserved matters applications for individual plots. I appreciate this will be a frustration as you obviously gave them weight in your consideration. Usually, if they were considered a key document I would expect them to be referred to as approved documents and a condition applied requiring future reserved matters come forward in accordance with them. As the officer report for the outline permission makes no significant reference to the passports, I cannot be sure whether they were deliberately omitted from the approved plans or whether this was an oversight. It does appear to me that the individual development of plots has been informed by the plot passports and that development of plots has generally followed those documents, albeit, as I say, I do understand the frustration that this was not mandated by the outline permission and that it may have resulted in issues regarding matters such as boundary treatments where expectations regarding design and layout may not have been met.

Your comments suggest that self-build developments are dealt with via a lighter touch. I agree to the extent that self-build development may be expected to have a more varied design amongst plots and there is potentially a greater acceptance of a divergence of design styles across plots than would be expected when compared to a non-self-build application. However, self-build applications are still expected to demonstrate a high quality of design and to address all necessary detailed matters as any other application must.

Concern has also been expressed regarding the approach taken to the development of the site, in particular the view that it appears that houses are not being built by the people who will live in them and in some cases are being put on the open market as soon as they are completed. This

is not what I would expect for self-build and custom build dwellings which are defined within the National Planning Policy Framework as “*housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing.*” However, in this case, while the description of development includes reference to the self/custom build dwellings, there is no condition on the application nor is it subject to a legal obligation which requires the dwellings to be self-build. As such, my informal view is that this Council would be hard-pushed to require that development be carried out in accordance with the requirements for self-build as set out in the NPPF and defined in law in the *Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)*. Again, my view is that this is the result of an error when the outline permission was determined (not making the self-build aspect a requirement via condition or legal obligation. It is possible that, given the previous permission on the site that was extant at the time of consideration, the officer felt that the self-build aspect could not be required, however their report does read as though there was an anticipation that the scheme would be self/custom built.

In respect of your detailed questions:

1. What is the ECDC planning policy on the information in Plot Passports, especially as they are referenced as an important document in the SPD?
 - A. The SPD makes reference to Plot Passports and the Council's position would be as stated within the SPD – that it “*welcomes the provision of Plot Passports, provided they conform to the consents given to those particular plots, the Design Guide SPD and do not unduly restrict the delivery of self or custom housebuilding on them.*” Used properly they appear to be a useful tool to set expectations regarding what can be delivered on plots, so that purchasers are aware of any restrictions or requirements for design prior to purchasing. I do not believe they are mandatory however, and developments for self-build housing would not necessarily be required to provide them.
2. If documentation and information listed under the planning application is NOT to be taken into account in the decision, can that not be identified as such?
 - A. Applications are often accompanied by a wealth of information and officers have to decide during the determination process which elements of that information they believe are key to the determination of the application and should be required by condition. It would be difficult for this Council to say at the point of consultation which documents should be given the greatest weight in the PC's consideration of the information. I would suggest that going forward, if the PC considers a particular aspect of element of the application critical to its recommendation, it should reference that in its consultation response to ensure that Planning Officers are aware of that and can weigh that in their decision.
3. What is the position regarding Permitted Development Rights for the individual properties and how can this be understood by the PC?
 - A. Any restrictions on permitted development rights for the plots would be applied via conditions on the individual reserved matters for the plots.
4. In a normal development that is being undertaken by a developer going through the Planning in Principle to final Planning Permission, it is usually relatively easy to see how those processes are connected. It appears that in Self Build developments this connection is very difficult to identify making it almost impossible for local oversight to take place. Is that a correct reading of the situation and, if so, what can be done to rectify that issue?

- A. With any application process that is split into outline and reserved matters stages, there is some level of uncertainty with what will come forward in the detailed design at the reserved matters stage. I am not convinced the process is significantly different where self-build units are involved. I appreciate in this case, the issue of the Plot Passports has, however, caused confusion and, as well as my suggestion in the answer to 2 (above), it may be that officers could be clearer in their communication with PC's regarding plot passports in the future.
5. When considering initial applications for Planning in Principle for Self Build development, what safeguards do ECDC Planning have that their policy is being adhered to and, in the event that the policy is being ignored, what sanctions are or could be put in place other than the requirement to pay CIL money - a developer would just add this to the price of the property being asked.
- A. I believe this will be clarified by my comments on self-build in the general section of this letter. Where self-build dwellings are appropriately secured on the planning permission via a legal agreement, the genuine provision of self-build units could be enforced under the terms of that agreement.
6. A more general question relates to the specific Conditions that are attached to Planning Permissions. When concerns are raised by the PC that these have not been followed the answer from Planning is that this is the responsibility of Building Control or Enforcement. When they are spoken to, they either do not have the resources to look into these things or nothing can be done until a development is completed eg entrance gates, exterior walls or retaining trees / hedgerows are either being built or pulled out and burnt. What is the value of such Conditions is there is no sanction for them being breached?
- A. Noncompliance with planning conditions are a breach of planning control and these are investigated by the Council's Planning Enforcement Team. The Team will investigate any situation where a material breach of condition has been alleged. Based on what they find, a decision will be made as to how to rectify the breach, if that is possible. In some circumstances, Enforcement Notices will be served and prosecutions can result, however any enforcement action has to be taken in the public interest. It is the case, however, that a breach does need to have occurred, or at least be alleged to have occurred, for action to be taken.

I hope this provides sufficient information to answer your questions and addresses your concerns. Please do get in touch with me should you require anything further.

Kind regards,

Dan Smith
Planning Team Leader

East Cambridgeshire District Council