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**F/YR25/0967/O**

**Applicant: Mr M Missin**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**Land North Of The Chestnuts, Roman Bank, Newton-in-the-isle, Cambridgeshire**

**Erect of 1x self-build/custom build dwelling (outline with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The application seeks outline planning permission, with only access committed, for the erection of 1 x self-build dwelling.
- 1.2. The site is located in an 'Elsewhere' location with no identified need for the dwelling for the essential operation of local, rural enterprise. Therefore, the proposal is in conflict with Policy LP3 of the Fenland Local Plan (2014) and is therefore unacceptable in principle. Whilst there was an approval for a residential dwelling immediately to the south of the site in 2017, this was at a time that the LPA were unable to demonstrate a 5-year housing land supply, and therefore the policies in the Local Plan were considered out of date. There has since been a change in circumstances due to the LPA now being able to demonstrate a 5-year housing land supply. Therefore, the proposal should be determined in accordance with the development plan.
- 1.3. The application is proposed as 'self-build' however given the plentiful supply of such sites in the District it is not considered that this should carry any significant weight. A reason for refusal regarding the associated unilateral undertaking is recommended to allow this matter to be addressed at any appeal.
- 1.4. While there is existing development in the vicinity of the site it is considered that the introduction of further built form would further urbanise this elsewhere location to the detriment of the character and appearance of the area.
- 1.5. The proposal is, however, considered to be acceptable in respect of amenity impact, flood risk and drainage, and highway safety.
- 1.6. It is therefore considered that the proposal is in conflict with local and national planning policy and is therefore recommended for refusal on that basis.

## **2 SITE DESCRIPTION**

- 2.1. The application site is located on Land North of The Chestnuts, Roman Bank, outside the main built form of Newton-in-the-isle.

- 2.2. The site is currently generally undeveloped but has some domestic paraphernalia on it. The site lies within in between existing residential dwellings on each side, with close boarded timber fencing on the northern and southern boundary. The boundary of the site fronting onto Roman Bank currently has heras fencing along it. Further south of the site are some industrial/commercial buildings.
- 2.3. The wider area surrounding the site is generally characterised by undeveloped, agricultural land.
- 2.4. The site lies within Flood Zone 1 and is at very low risk of surface water flooding.
- 2.5. The land immediately south of the site was previously subject to planning permission for a residential dwelling under reference number F/YR17/1167/O and subsequent Reserved Matters F/YR19/0226/RM. The current application site partly overlaps with the original red line boundary.

### 3 PROPOSAL

- 3.1. The application seeks outline planning permission with only access committed for the erection of 1 x self-build dwelling.
- 3.2. An indicative site layout plan has been provided that shows that the site will be accessed via a new access point onto Roman Bank that was previously approved under F/YR19/0226/RM.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

F/YR17/0365/O	Erection of a dwelling (outline application with all matters reserved)	Refused 19.06.17
F/YR17/1167/O	Erection of a dwelling (outline application with all matters reserved)	Grant 26.04.18
F/YR19/0226/RM	Reserved Matters relating to access, appearance, landscaping, layout and scale pursuant to F/YR17/1167/O	Approved 27.09.19

### 5 CONSULTATIONS

#### 5.1. **Newton-in-the-Isle Parish Council – 11.01.26**

No objection

#### 5.2. **CCC Highways – 23.12.25**

No objection subject to conditions securing satisfactory construction of access, although do raise issues regarding on-site manoeuvring and recognise that the visibility is below the standards set in guidance but is acceptable for a single dwelling in this setting.

#### 5.3. **Environmental Health – 28.12.25**

No objection subject to condition relating to construction times

#### 5.4. **CCC Archaeology – 05.01.26**

No objection subject to condition securing scheme of archaeological work

#### 5.5 **National Gas Transmission – 06.01.26**

*Site is outside the High Risk zone and can proceed.*

#### 5.6 **North Level Drainage Board – 08.01.26**

No objection

#### 5.7 **Local Residents/Interested Parties**

A total of 6no. letters of support were received on the application from residents of Newton and Leverington. The following points were raised:

<b>Supporting Comments</b>	<b>Officer Response</b>
Site between existing properties	See 'Principle of development' section
New residents will have a positive impact on local businesses	See 'Principle of development' section
Will have little impact on the open countryside	See 'Character and appearance' section

### **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

### **7 POLICY FRAMEWORK**

#### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

#### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

#### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

#### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Amenity Impact**
- **Flood Risk and Drainage**
- **Parking Provision and Highway Safety**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

9.1. As set out in the 'Site History' section of this report, Outline Planning Permission and subsequent Reserved Matters approval were granted for the erection of a dwelling in 2017 and 2019 respectively, for a dwelling immediately to the south of the application site. This issue will be considered further in the following 'Assessment' section.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The application site is located in a rural and isolated location that is approximately 750m to the settlement of Newton to the North, and 1.4km to the settlement of Leverington to the south.
- 10.2. Whilst the site lies within a cluster of development comprising residential and commercial uses, and is bound immediately to the north and south by residential properties, the rural nature of the site and significant distance to any services and facilities would therefore render the site as lying within an 'Elsewhere' Location, as set out in Policy LP3 of the Fenland Local Plan (2014).
- 10.3. Development in locations identified as 'Elsewhere' will be restricted to that which is essential for the effective operation of local, rural enterprise. The submission detail offers no justification in this respect and rather relies on the previous outline approval that was granted in 2017.
- 10.4. In the absence of any identified need for the dwelling in this location, the proposal would be contrary to Policy LP3 of the Fenland Local Plan (2014) and therefore unacceptable in principle.
- 10.5. In respect of the outline approval granted under F/YR17/1167/O, this came at a

time that the LPA were unable to demonstrate a 5-year housing land supply. In such instances, the relevant local plan policies were considered to be out of date, and development proposals were to be assessed against the overarching objectives of Sustainable Development as set out in Paragraph 8 of the NPPF, with a tilted balance in favour of sustainable development and where the adverse impacts of the development would have to significantly and demonstrably outweigh the benefits of granting permission.

- 10.6. However, given that there has been a material change in policy circumstances, i.e. that the LPA can now demonstrate a 5-year housing land supply (6.06 years as of June 2025), the policies as set out in the Local Plan are considered to be relevant, and the development should therefore be determined in accordance with the development plan.

### Self-Build

- 10.7. In addition, the application comes forward as a 'self-build' dwelling, with the relevant declaration submitted. A draft Unilateral Undertaking has also been submitted.
- 10.8. Policy LP5 of the Local Plan seeks to ensure that housing solutions are provided which meet market expectations, including self-build homes. Under Section 1 of the Self-Build and Custom Housebuilding Act (2015), Local Authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under Sections 2 and 2A of that Act to have regard to this and to give enough suitable development permission to meet the identified demands.
- 10.9. As set out in the Regulations, Part 1 of a register comprises those people and organisations who meet all the eligibility criteria, including the local connection test. Part 2 comprises those people and organisations who meet most, but not necessarily all, the eligibility criteria. The Council has a duty to 'give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area' (i.e. to meet the demand for the number of applicants on Part 1 of their register) within a 3-year period, post the end of the base period.
- 10.10. The permissions granted demonstrate that the demand for self-build and custom housing (as identified by the register) is currently being met in Fenland. Therefore, no weight will be given to the delivery of self/custom build housing at this time.
- 10.11. While the application is accompanied by a suitable Unilateral Undertaking, given the 'in principle' objections to the scheme and other issues identified later within the report it is considered, in line with best practice, that a reason for refusal relating to the non-completion of this undertaking be included. This will have the effect, should any appeal be submitted against a refusal, of allowing the Planning Inspector to consider this issue as part of their determination of the appeal.
- 10.12. As set out in the preceding paragraphs, the principle of development is therefore considered contrary to the policies in the Local Plan, with no material considerations to dictate otherwise, and the development therefore remains unacceptable in principle.

### **Character and Appearance**

- 10.13. Policy LP16 of the Fenland Local Plan, sets out the criteria which proposals are

required to meet, to ensure that high quality environments are provided and protected. Most relevant to the proposal are:

*(d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.*

- 10.14. Further guidance is provided within the Delivering and Protecting High Quality Developments SPD.
- 10.15. The site is located in an area that is generally rural and undeveloped but lies within a small cluster of development comprising of residential and commercial uses and is adjoined immediately on both sides by residential development. Notwithstanding this adjacent development, it is considered that the introduction of a further dwelling on this plot would result in an increase in the built form resulting in the further urbanisation of this elsewhere location to the detriment of the character and appearance of the area.
- 10.16. While an appropriately designed dwelling may be achievable at the Reserved Matters stage, this does not address the 'in-principle' character issues which would arise from the further development of built form in this location.
- 10.17. It is therefore considered that the proposal would result in an adverse character impact, and a suitably designed detail could be provided at Reserved Matters stage. The proposal is therefore not considered to accord with Policy LP16 of the Fenland Local Plan (2014).

### **Amenity Impact**

- 10.18. Policy LP2 of the Fenland Local Plan seeks to promote high levels of residential amenity. Similarly, Policy LP16 seeks to ensure development proposals result in high quality environments.
- 10.19. The application site is sufficient in size that a suitable detailed design could be provided at Reserved Matters stage to afford sufficient private amenity space to the proposed dwelling.
- 10.20. Further, there are sufficient separation distances to the dwellings to the north and south of the site that a detailed design could be provided at Reserved Matters stage to avoid any unacceptable impacts in respect of overlooking and over-dominance.
- 10.21. It is therefore considered that the principle of developing the site for residential purposes in respect of residential amenity provision and impacts is acceptable in accordance with Policy LP16 of the Fenland Local Plan (2014).

### **Flood Risk and Drainage**

- 10.22. The site is located in Flood Zone 1 and is at very low risk of surface water flooding. As such, it is considered that there are no issues to address in respect of flood risk, having regard to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).

### **Parking Provision and Highway Safety**

- 10.23. It is proposed that the development is served via an access point off the public highway of Roman Bank. The proposed access was previously considered and approved under the Reserved Matters application F/YR19/0226/RM.
- 10.24. The Highway Authority have considered the proposal and have raised no objections on Highway Safety grounds, subject to conditions to ensure suitable construction of the access.
- 10.25. The site plan identifies that the access point will be shared with the dwelling immediately to the south of the site, with improvements and widening proposed to allow two-way traffic movements if necessary. The Highway Authority have raised that the visibility is below that set out within the guidance 'Design Manual for Roads and Bridges' produced by National Highways but consider that this is acceptable in this setting.
- 10.26. Two parking spaces are shown to serve the proposed dwelling on the submitted site plan, which is sufficient to accord with the parking standards as set out in Appendix A of the Fenland Local Plan (2014). The Highway Authority do raise a concern over the manoeuvring space associated with these, however layout is not a committed matter and as such this matter could potentially be addressed at Reserved Matters.
- 10.27. It is therefore considered that the proposal will be acceptable in respect of parking provision and highway safety, having regard to Policy LP15 of the Fenland Local Plan (2014) and the NPPF (2024).

### **Biodiversity Net Gain (BNG)**

- 10.28. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.29. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions/ transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

## **11 CONCLUSIONS**

- 11.1 The proposal seeks outline planning permission with only access committed for the erection of 1 x self-build dwelling.
- 11.2 Whilst the area immediately south of the site was previously subject to an approved outline application for a residential dwelling in 2017, this was at a time that the LPA were unable to demonstrate a 5-year housing land supply, and therefore the policies in the Local Plan were considered out of date. There has since been a change in circumstances due to the LPA now being able to demonstrate a 5-year housing land supply. Therefore, the proposal should be determined in accordance with the development plan.
- 11.3 The site is located in an 'Elsewhere' location with no identified need for the dwelling for the essential operation of local, rural enterprise. Therefore, the

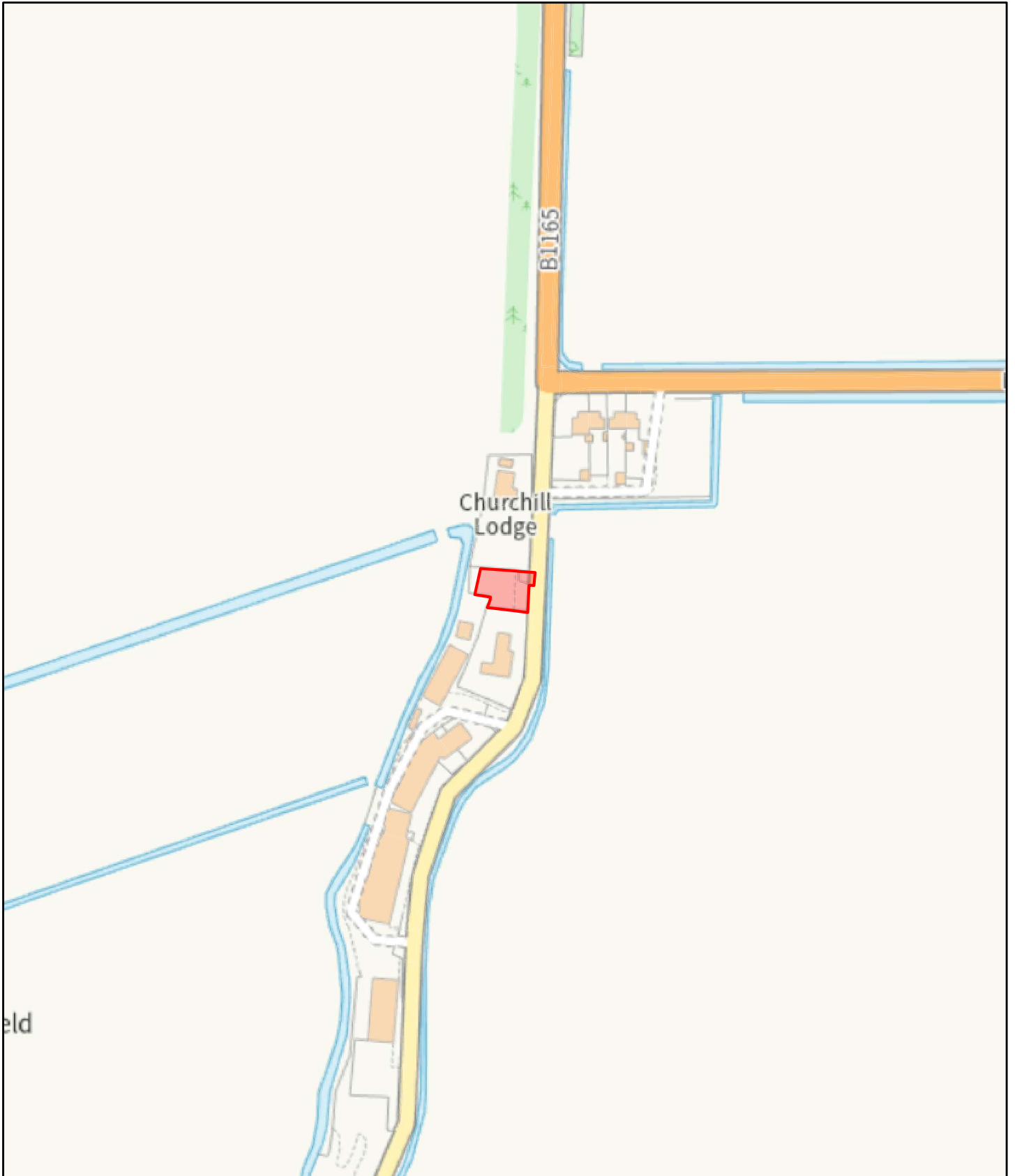
proposal is in conflict with Policy LP3 of the Fenland Local Plan (2014) and is therefore unacceptable in principle.

- 11.4 The development is put forward as being self-build, however the Council can demonstrate a plentiful supply of such sites and as such this issue is considered to carry limited weight.
- 11.5 The proposal is, however, considered to be acceptable in respect of character impact, amenity impact, flood risk and drainage, and highway safety. It would also deliver some social benefits in terms of the contribution to the District's housing supply and economic benefits during the construction period, plus post occupation. However, given the scale of development and its location these are considered to be very limited and would not outweigh the harm identified above.
- 11.6 It is therefore considered that the proposal is in conflict with local and national planning policy and is therefore recommended for refusal on this basis.

## 12 RECOMMENDATION

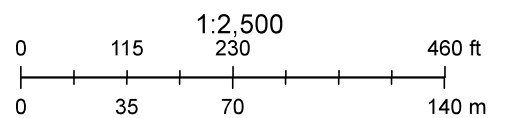
**Refuse;** for the following reasons:

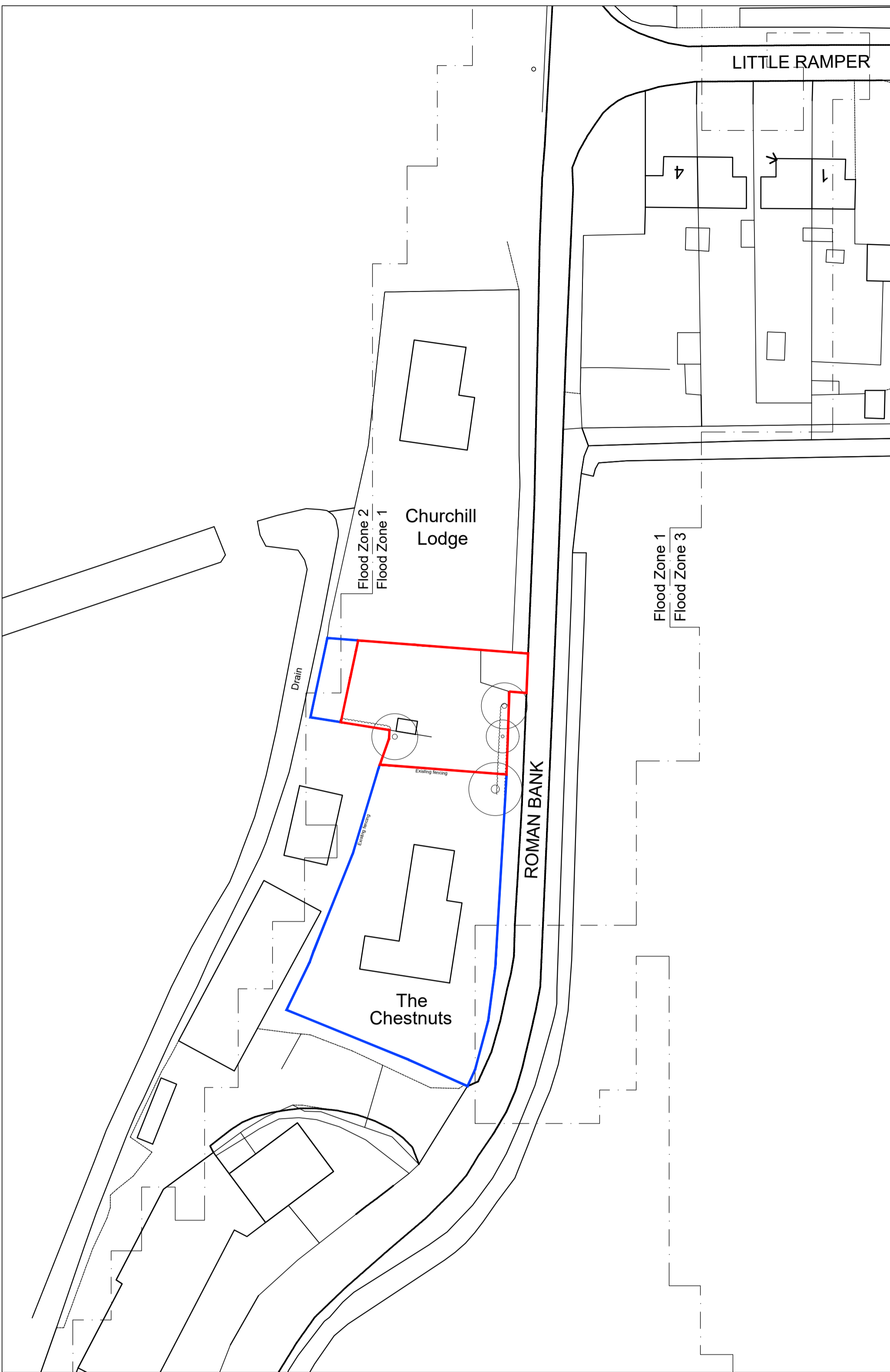
1.	Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the district, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is located outside any defined settlement and is therefore classed as being located in an 'Elsewhere' location as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of an unjustified new residential property, not associated with any of the specified criteria and the proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014.
2.	Policy LP16 of the Fenland Local Plan 2014 requires new development to deliver and protect high quality environments and make a positive contribution to the character of an area. The siting of an additional dwelling in this location would create further built form resulting in the increased urbanisation of this Elsewhere location to the detriment of the character and appearance of the area. If permitted the development would be contrary to the above policy of the Local Plan.
3.	In the absence of a completed legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).



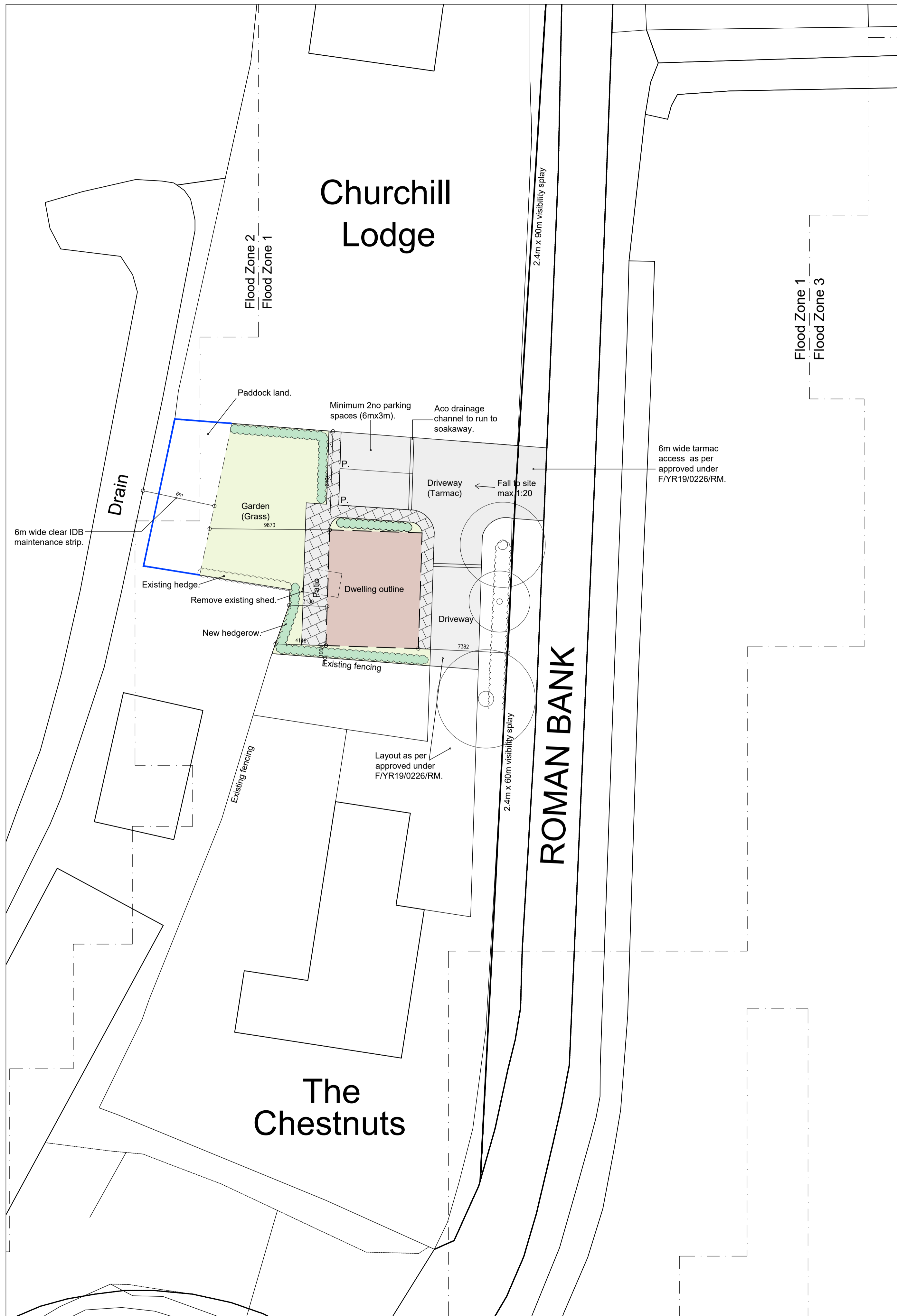
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 Fenland District Boundary

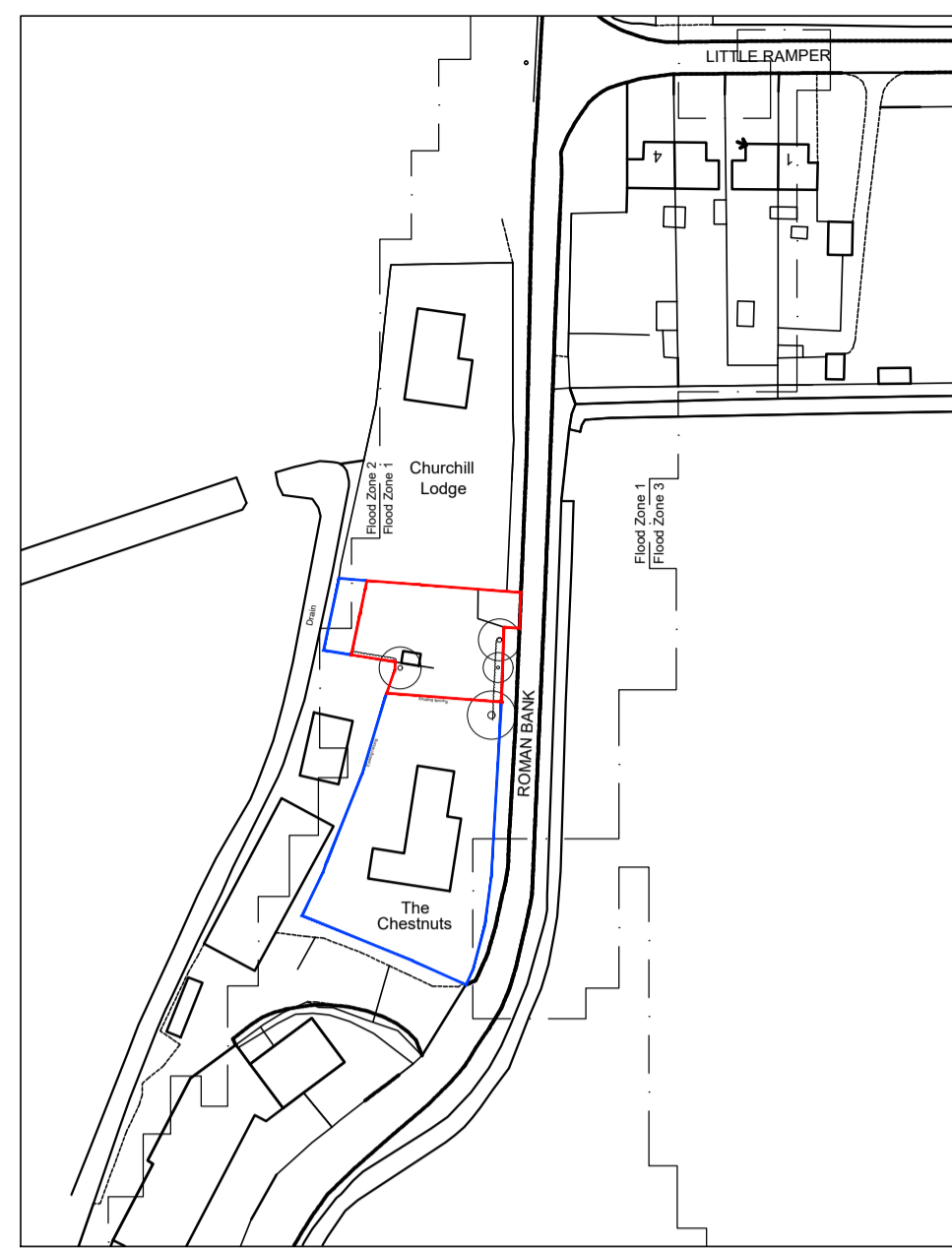




Existing Site Plan 1:500



Indicative layout with proposed access Site Plan 1:200



Location Plan 1:1250

A - REVISIONS



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CLIENT

MR MISSIN

PROJECT

OUTLINE DWELLING

SITE

LAND NORTH OF THE CHESTNUTS  
ROMAN BANK  
NEWTON-IN-THE-ISLE  
PE13 5ER

DRAWING

Existing & Proposed combination drawing

JOB NO.	PAPER SIZE	DATE
6969/PL01A	A1	DEC 2025

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