

F/YR12/0290/O

16 April 2012

Applicant : Mr A Kitching, MA  
Bunting Ltd

Agent : Miss A Grainger, Peter Humphrey  
Associates Ltd.

Land South of Tyrell, Mill Lane, Leverington

Erection of a single-storey dwelling

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This proposal is before the Planning Committee due to it being called in by Councillor M. Humphrey to ensure compliance with development plan policy.

This application is a minor application.

Site Area: 0.07ha

### 1. SITE DESCRIPTION

This application seeks outline planning permission with all matters reserved for the erection of a single-storey dwelling, on land on the west side of Mill Lane and located to the south of Tyrell, which is an existing bungalow. The Mill Lane Avaries and Pet Centre premises, is located in a separate building immediately to the north of Tyrell.

The southern boundary of the site adjoins a terrace of 4 single-storey cottages (1 to 4 Mill Road). A ditch runs along the site frontage and the majority of the site is fairly overgrown, with the remains of a former orchard located on part of the site.

The site is located in the open countryside and is roughly equidistant between the villages of Wisbech St Mary and Gorefield – approximately 1.5km from Wisbech St Mary and 2.0 km from Gorefield.

The area is characterised by low rise bungalows in the immediate vicinity of the site and a range of house styles from different ages, surrounded by a wider range of farm units of differing sizes.

### 2. HISTORY

Of relevance to this proposal is:

F/YR10/1250/O - Erection of a dwelling – Refused 6th February 2012

### 3. CONSULTATIONS

**Parish Council:**

Awaited.

**Local Highway Authority (CCC)**

No objection. Recommend a number of highway conditions relating to satisfactory parking and turning.

**Environment Agency**

The site is located partly in Flood Zone 2 – formal comments awaited.

**Middle Level Commissioners**

Awaited.

**Local Residents/Interested Parties:**

Two letters of objection raising the following concerns:

- Application not in accordance with the Development Plan for this location – if allowed would set precedent for the future
- Even if Pet Centre has been allowed to expand, a questionable decision made in the past is no justification for making another one now
- If the spraying of chemicals on the adjoining orchard is incompatible with products sold in the pet centre, I would hope that these are not harmful to people in adjoining bungalows. There are other orchards on Mill Lane and it is hoped that the chemicals used to spray are safe for other residences and pedestrians walking on the lane.
- Would erode character of the area

**4. POLICY FRAMEWORK**

**FDWLP Policy**

- |     |   |
|-----|---|
| H3  | - Proposal for housing development is not normally permitted outside of the Development Area Boundaries of villages.  |
| H16 | - This permits new dwellings to be built in the open countryside, only where they are required for the efficient management of local agriculture, horticulture and forestry   |
| E8  | - Proposals for new development should: <ul style="list-style-type: none"><li>- allow for protection of site features;</li><li>- be of a design compatible with its surroundings;</li><li>- have regard to amenities of adjoining properties;</li><li>- provide adequate access, parking etc.</li></ul> |
| TR3 | - Proposed developments will normally be required to provide adequate car parking in accordance with Council's approved parking standards.  |

## East of England Plan

ENV7 - Quality in the Built Environment

## Emerging LDF Core Strategy (Draft Consultation) – July 2011

CS1 - *Spatial Strategy, The Settlement Hierarchy and the Countryside.*

This policy sets out the most appropriate locations for new development in Fenland, using a hierarchy – market towns, growth village, limited growth villages and small villages. Development elsewhere (i.e. such as the rural countryside) will be restricted to that which is essential to the effective operation of local agriculture, horticulture and forestry.

CS10 - *Rural Areas Development Policy.*

This sets criteria for the consideration of new housing development in rural areas. New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. The criteria for areas outside of rural settlements only relates to the re-use/conversion of rural buildings for residential use or the replacement of an existing dwelling.

CS14 - *Delivering and Protecting High Quality Environments across the District.*

This policy seeks to deliver and protect high quality environments across the district, within all new development proposals. It includes criteria relating to; the protection of natural features on the site, the need for new development to make a positive contribution to the local distinctiveness and character of the area, is of a scale that is in keeping with the shape and form of the settlement pattern and does not adversely impact on the amenities of neighbouring properties.

## National Planning Policy Framework (2012)

Paras and 11

2 - Planning law requires that applications for planning permission must be determined in accordance

with the development plan unless material considerations indicate otherwise.

Para 14 - Presumption in favour of sustainable development

## 5. ASSESSMENT

### ***Nature of Application***

Planning permission was refused in February 2002 (F/YR01/1250/O) for a dwelling on this land, for the following reasons:

- 1. The proposal is contrary to Policy H3 of the Fenland District Wide Local Plan 1993 in that it would result in housing development outside of the development boundary.*
- 2. The proposal is contrary to Policy H15 of the Fenland District Wide Local Plan in that it would result in a form of residential development inappropriate to the site within a small housing group in the open countryside.*
- 3. The proposed development is contrary to Supplementary Planning Guidance 'Infill Housing in the Countryside' March 1999 and Policy H15 of the Interim Statement of Proposed Changes 2001 as the built-up frontage within which the development is proposed contains less than 6 dwellings and it will result in an unacceptable change to the character of the area.*

Permission is now sought for the construction of a single-storey bungalow on this site, which lines up with the frontages of the adjoining dwellings. An indicative site layout has been submitted to demonstrate how the site could be developed. It shows an overall building footprint measuring 14m x 8.5m and suggested building design with a height of 2.2m to the eaves and 5.2m to the ridge. A new access is shown directly from Mill Lane, leading to a turning area and 3 parking spaces on the site frontage.

The site lies within Flood Zone 2 and is accompanied by a Flood Risk Assessment.

The application is considered to raise the following key issues;

- Principle of Development and Policy Implications
- Design & Appearance and Impact on Amenity
- Access and Parking

### ***Principle of Development and Policy Implications.***

The site is located in the countryside within a small isolated ribbon of rural housing on the west side of Mill Lane, measuring approximately 0.07 ha.

The previous application was refused on the grounds that it was contrary to the criteria set out in Policies H3 and H15 of the Fenland Local Plan (1993). Policy H3 remains in force for the time being as it has the status of a 'saved policy', although Policy H15 was not saved when the direction was issued by the Government Office for the East of England in 2007.

Policy H3 of the Local Plan indicates that housing development would not normally be permitted outside defined DABs. This policy broadly accords with national policy in the National Planning Policy Framework (NPPF), which indicates that planning authorities should strictly control new house building in the countryside away from established settlements.

Accordingly, when applying the Local Plan as it stands, the principle of an additional dwelling here would be contrary to the strict interpretation of Policy H3 and to national planning policy. The only exception to this would be if the dwelling was required for the efficient management of a local agriculture or horticulture business in the locality.

Emerging local and national planning policy (as set out in the draft Core Strategy Policies CS1 and CS10 and the recently published NPPF), does indicate that some flexibility may now be possible in certain locations. This is to allow some new housing development in the countryside in sustainable locations, such as on the edge of market towns, growth villages, limited growth villages and small villages. The site lies within the open countryside, some distance from the nearest village, and thus is not considered to be a sustainable location. The proposal would, therefore, fail to comply with guidance set out in emerging Core Strategy Policies CS1 and CS10.

An important thread in the NPPF relates to the need for the planning system to achieve sustainable development, and the need to consider the economic, social and environmental role in new development proposals. In this instance, the economic role to provide a strong and competitive economy by providing sufficient land for new housing has to be balanced against the environmental role, which contributes to protecting and enhancing our natural, built and historic environment, which in this case is the countryside.

The NPPF also recognises the intrinsic character and beauty of the countryside and the need to support thriving rural communities. It states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place or work in the countryside.

In this instance the only justification that has been provided by the applicant relates to the juxtaposition of the pet centre retail complex located to the north of Tyrell, to the surrounding orchard land. The applicant claims that the presence of the pet centre has a detrimental effect on the agricultural operations to maintain the adjoining orchard land, and in particular the need to regularly spray the trees to maintain the quality of the fruit. The chemicals used for spraying are not compatible with the items for sale in the pet centre (and compensation for damage to products has been made by the owner of the pet centre). The use of the land for an orchard is, therefore, claimed to be incompatible with the adjoining pet centre.

As it is not financially viable to grub up the whole of the orchard to replace it with an alternative agricultural product – the applicant is not a general farmer in any event. Using the site for residential purposes would, therefore, appear to be alternative justifiable alternative, particularly as it would infill an existing gap

between residential dwellings.

Whilst the alleged difficulties being experienced by the applicant in maintaining the orchard is noted, these problems relate to issues that are common in many rural areas where crops are sprayed and some over-spraying of adjoining land occurs. The field in which the orchard sits is fairly large. If an appropriate spraying regime cannot be implemented in the vicinity of the pet centre as well as the adjoining residential dwellings, then a safety margin close to the boundary could be maintained where spraying is avoided, or careful hand-spraying is carried out, to avoid the over-spraying of adjoining properties. This could then potentially allow the vast majority of the field to be continued to be used in its current use.

The proposal would be unconnected with the efficient management of a local agriculture or horticulture business in the locality, as instead it appears from the supporting information provided that the orchard use would cease to operate as a business and no other uses of the land are proposed.

It is, therefore, considered that no real functional case has been made to allow a new residential property in the countryside, as required by guidance in Local Plan Policy H16, emerging Core Strategy Policy CS10 as well as guidance in the National Planning Policy Framework. As highlighted earlier in this report the site also does not meet the sustainability aims of the NPPF.

### ***Design & Appearance & Impact on Amenity.***

#### **Character and Appearance.**

##### **(a) Countryside.**

The site has a particularly rural setting, with sporadic development in the form of the ribbon development located on the west side of Mill Lane and other isolated rural buildings around the locality.

The site provides a small gap between existing development, which has an element of landscape character created by the overgrown fruit trees. This would be lost by the development and replaced by additional built form, with a very wide frontage of around 14m, which would significantly infill the gap between existing dwellings. Although not large, these gaps do help to define the sporadic development form in the area and also helps to soften its appearance when viewed along Mill Lane in either direction.

##### **(b) Impact on Amenities of Adjoining Properties.**

The proposed positioning of the new dwelling shown on the indicative layout is not considered to have any impact on the amenities of adjoining dwellings on either side of the site.

### ***Access and Parking.***

Cambridgeshire CC Highways raise no concerns about this proposal. The indicative site layout shows adequate parking and turning facilities located within the development site.

### ***Conclusion***

For the above reasons, it is considered that insufficient justification has been provided by the applicant to support the functional need for an additional dwelling in this rural countryside location and is also contrary to the aims of the NPPF in

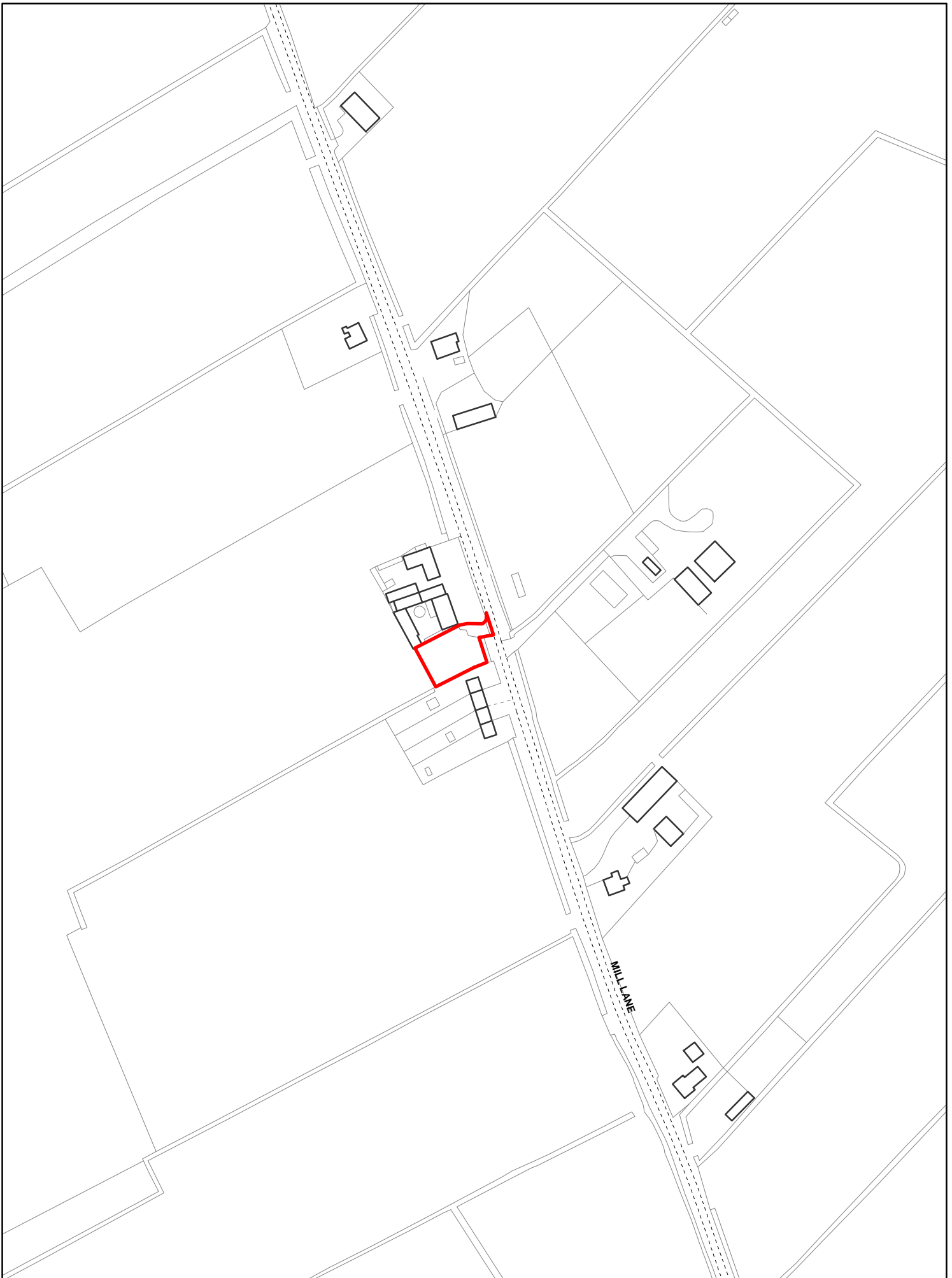
terms of sustainability.

The proposal is, therefore, considered to be contrary to guidance set out in Policies H3 and H16 in the Fenland Local Plan (2003) and emerging Core Strategy Policies CS1 and CS10 as well as the National Planning Policy Framework, which seeks to prevent inappropriate development in the open countryside

## **6. RECOMMENDATION**

**REFUSE for the following reason:**

- 1. It is considered that insufficient justification has been provided by the applicant to support the functional need for an additional dwelling in this rural countryside location. The proposal is, therefore, considered to be contrary to guidance set out in Policies H3 and H16 in the Fenland Local Plan (2003) and emerging Core Strategy Policies CS1 and CS10, as well as the National Planning Policy Framework, which seeks to prevent inappropriate development in the open countryside and in unsustainable locations.**



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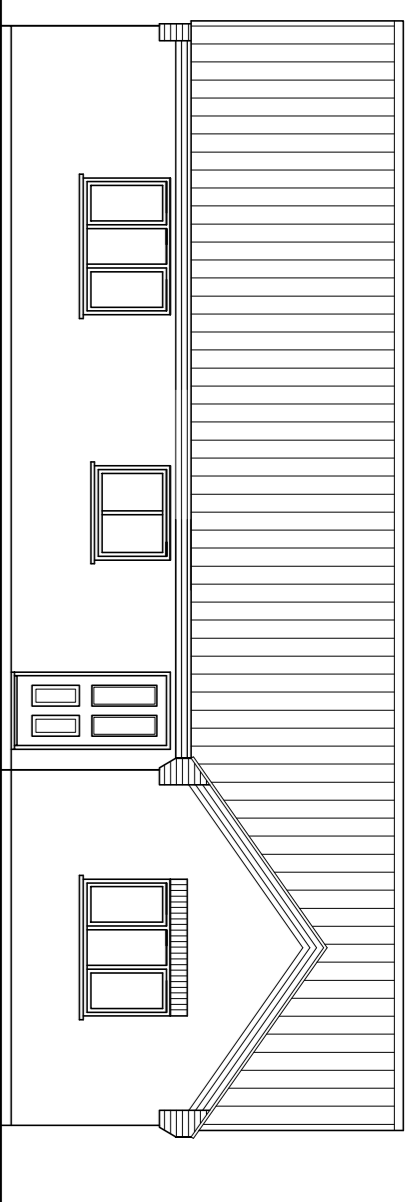
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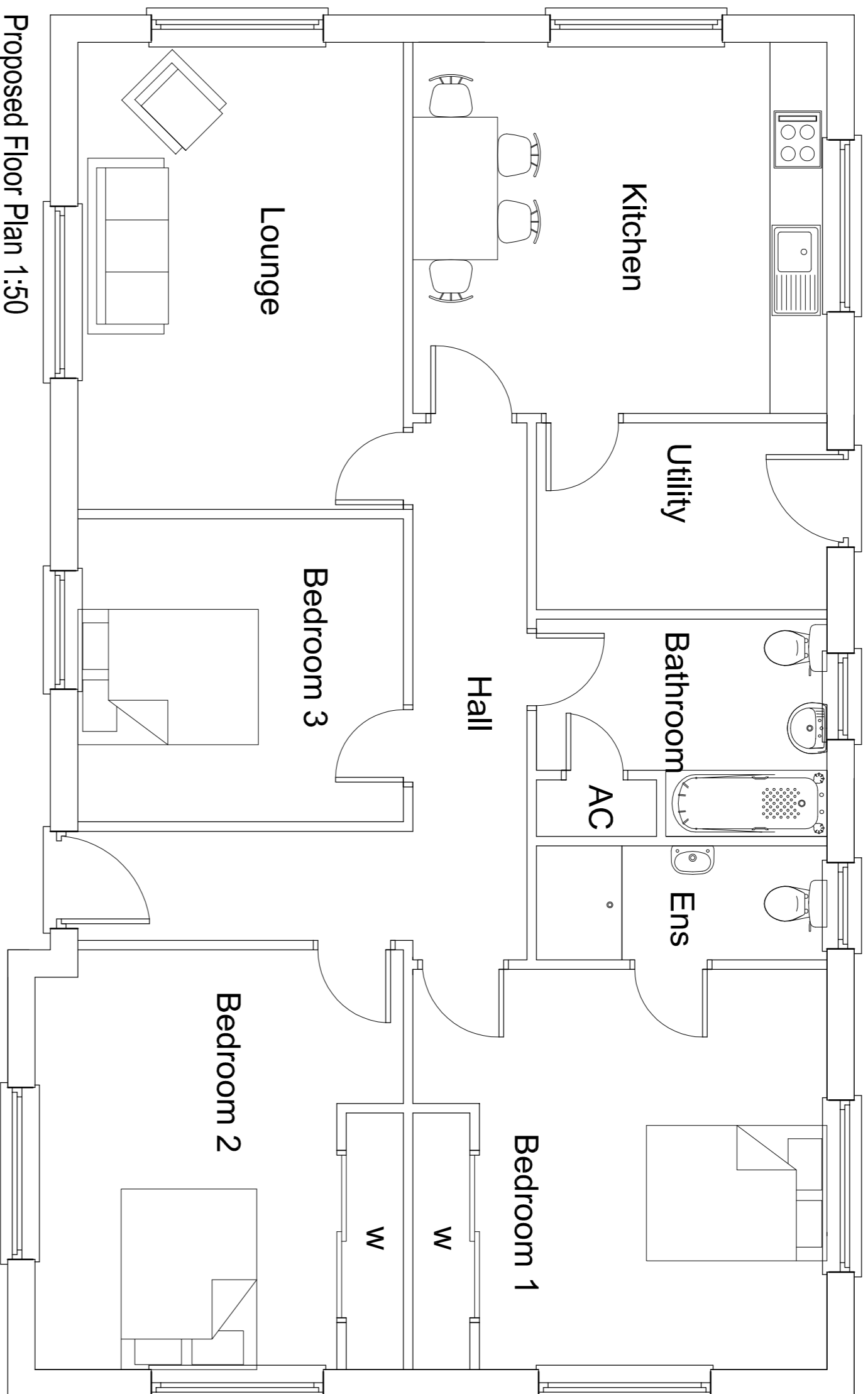
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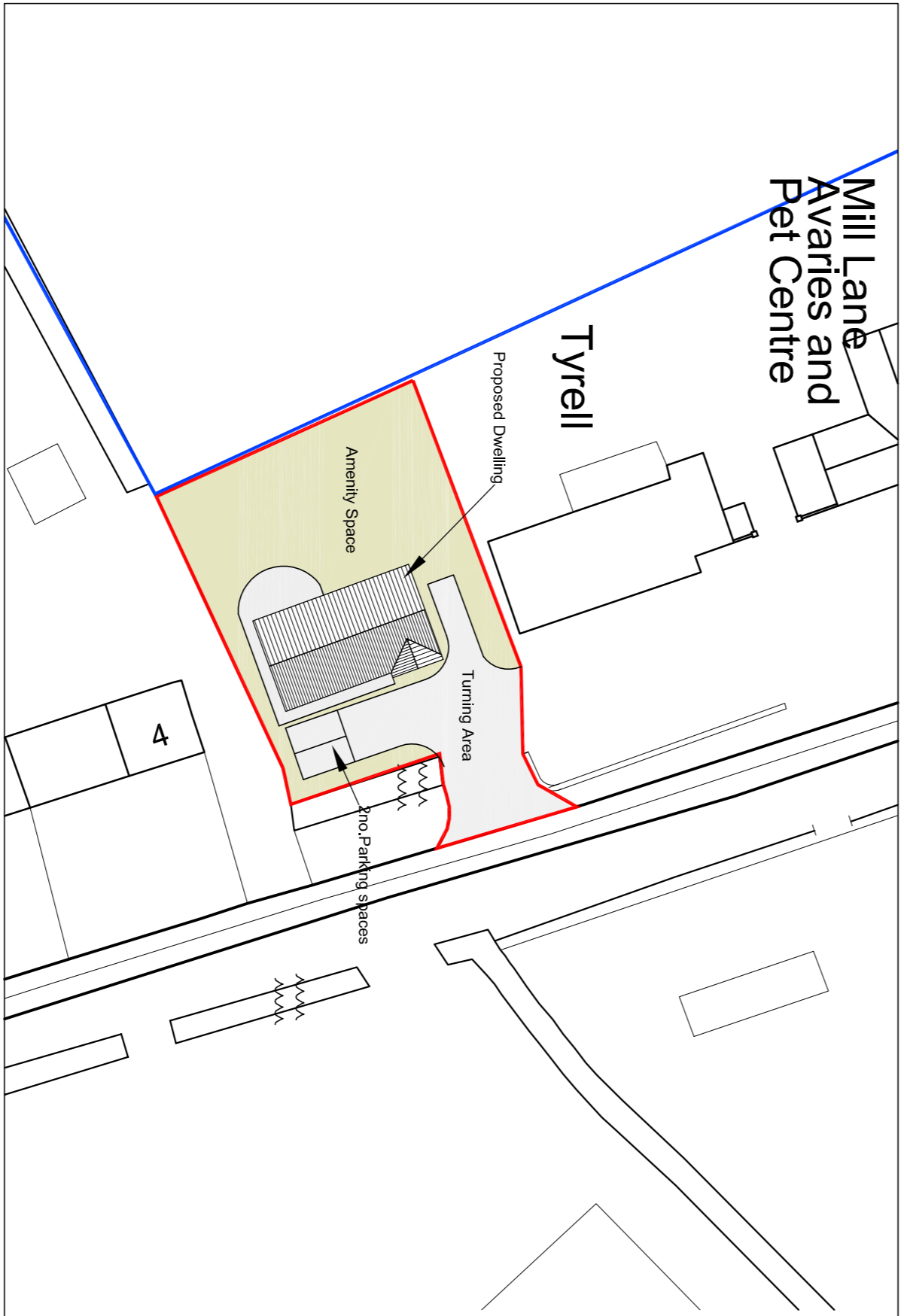




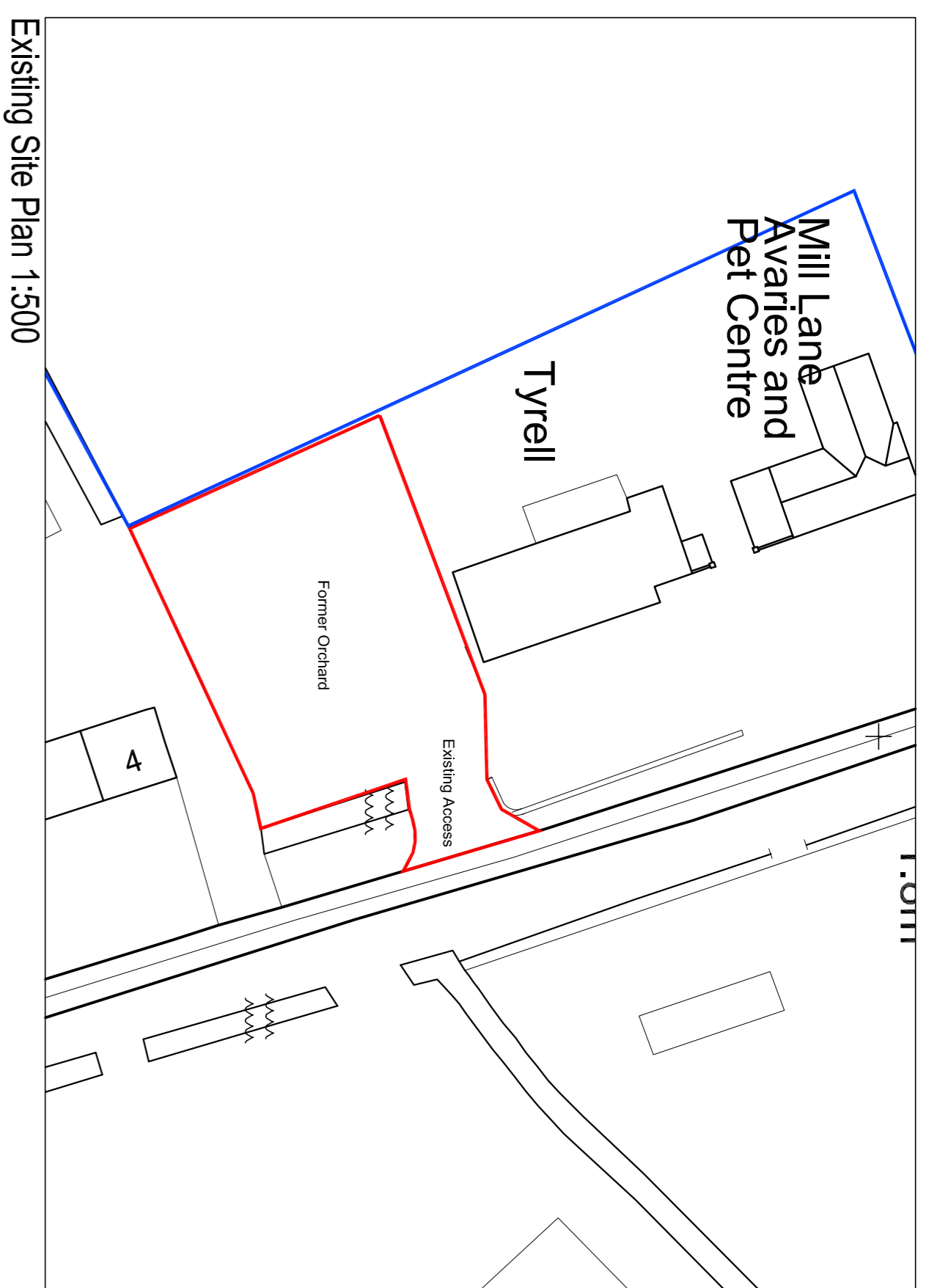
Proposed Front Elevation 1:100



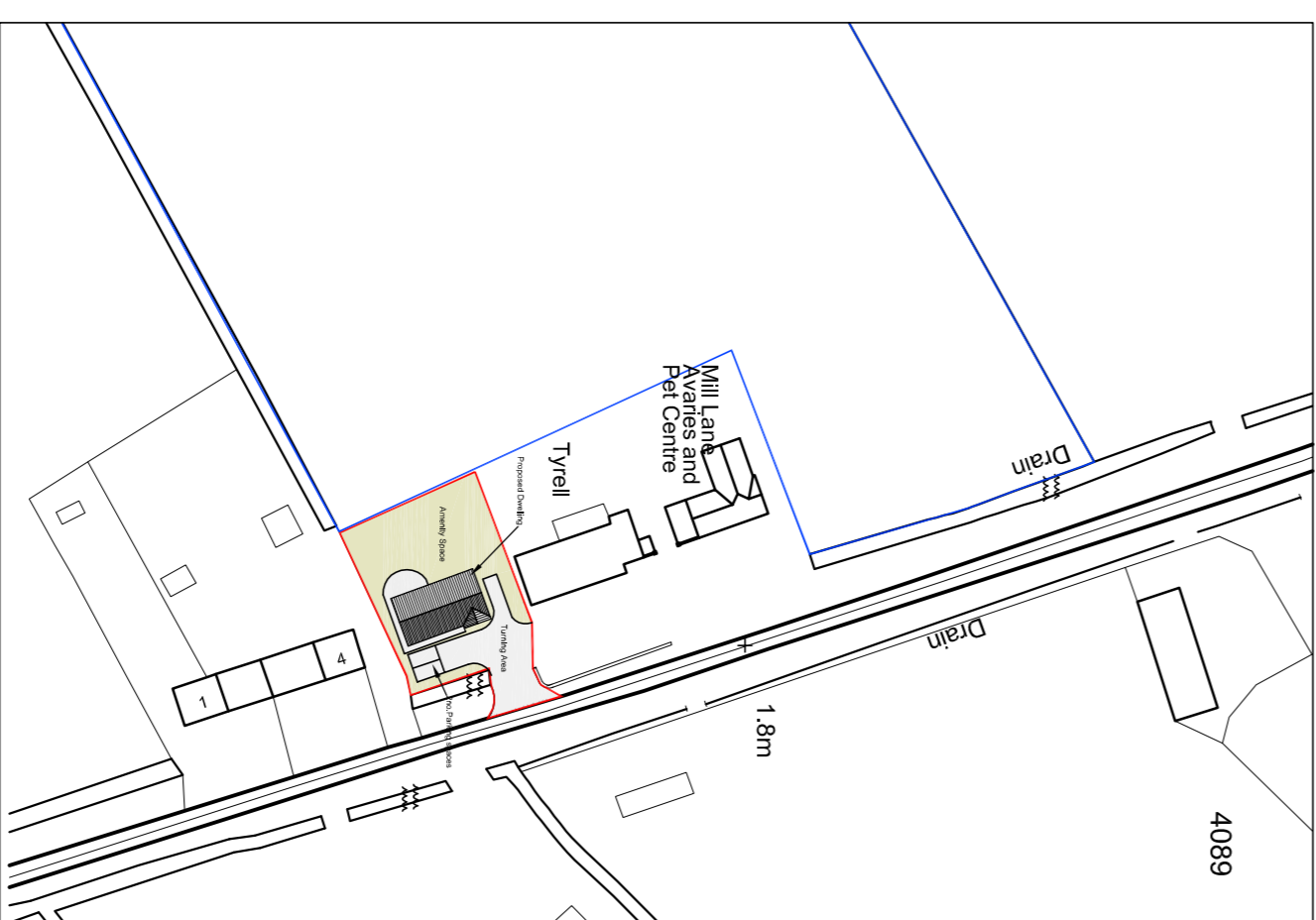
Proposed Floor Plan 1:50



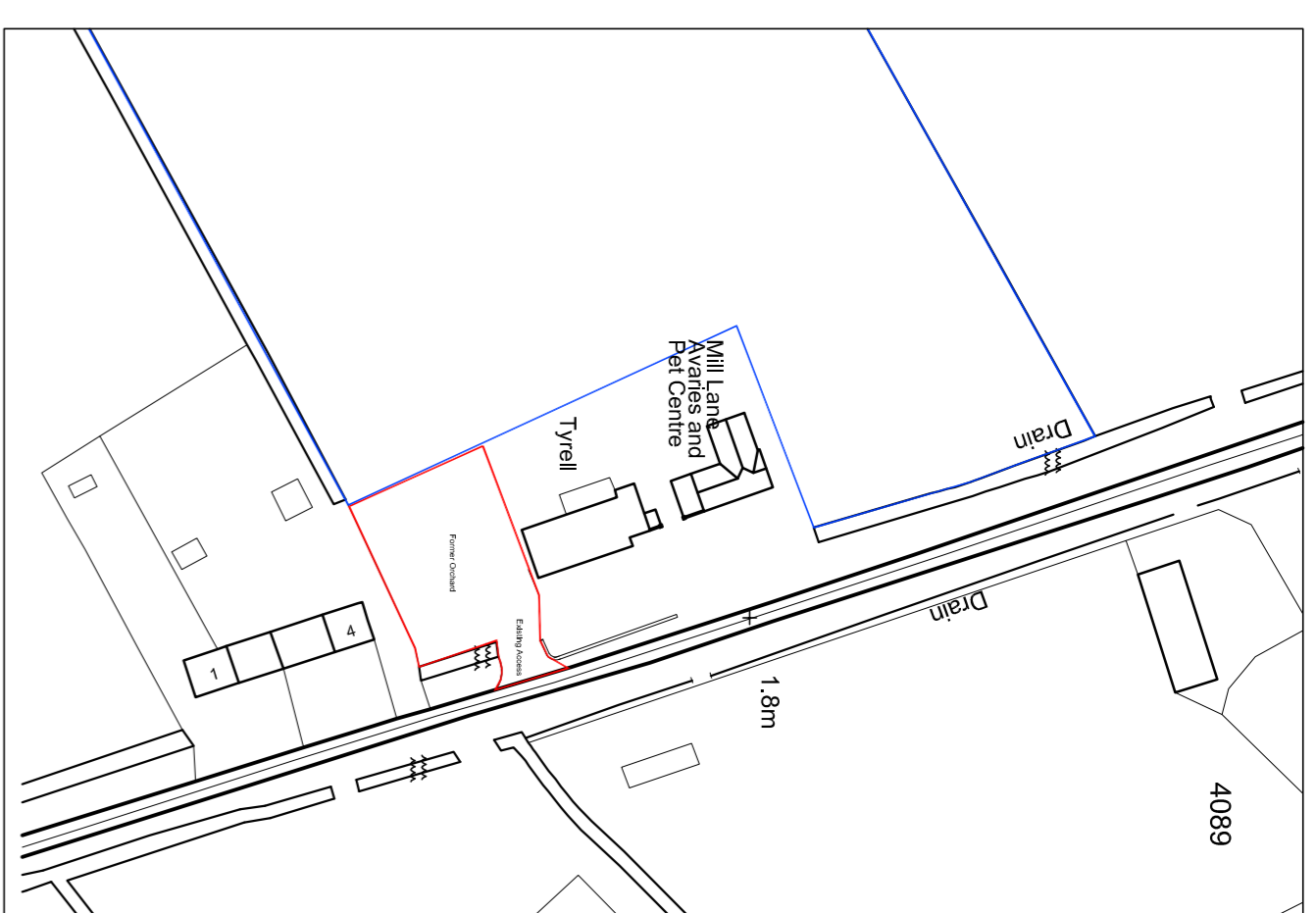
Proposed Site Plan 1:500



Existing Site Plan 1:500



Proposed Location Plan 1:1250



Existing Location Plan 1:1250



**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
PROPOSED OUTLINE FOR 1NO DWELLING  
LAND SOUTH OF TYRELL  
MILL LANE  
LEVERINGTON COMMON  
WISBECH  
CAMBS

CLIENT  
MR A KITCHING

DATE JAN 2012 SCALE AS SHOWN JOB No. 4280/PL01

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**Peter Humphrey Associates**  
ARCHITECTURAL DESIGN AND BUILDING  
TELEPHONE 01945 466 966  
FAX 01945 466 433  
EMAIL: phs\_jk@btconnect.com  
31 GARDENERS WISBECH CAMBS PE33 9BB  
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