

**Application Number: F/YR12/0981/F**  
**Minor**  
**Parish/Ward: Benwick**  
**Date Received: 17 December 2012**  
**Expiry Date: 11 February 2012**  
**Applicant: Mr & Mrs Rushbrook**  
**Agent: Mr C S Hodson, Hodsons**

**Proposal: Erection of a 2-storey 4-bed dwelling with solar roof panels and detached triple garage**  
**Location: Land North West of 6-7 Nene Parade, Benwick**

**Site Area: 0.236 ha**

**Reason before Committee: This application is before the Planning Committee as a result of being called in by Councillor Butcher. The reason for the call-in is that although the house is outside the DAB it is on the site of former cottages.**

**1. EXECUTIVE SUMMARY/RECOMMENDATION**

The site is located beyond the established settlement of Benwick in an area which is characterised as open countryside. Given the position of the site, away from the village hub, the proposal does not comply with the local or national Development Strategy for the area nor does it contribute to the vitality or sustainability of the community or the locality in general.

The applicant has submitted a 1926 OS map which shows the outline of buildings on the site and photographs of footings which may relate to a former cottage on the site, however, the use has clearly been abandoned.

The application fails to adhere to sustainability principles and would represent an incongruous feature within the countryside, contrary to policies contained within the Development Plan. It is, therefore, recommended that planning permission is refused.

**2. HISTORY**

Of relevance to this proposal is:

F/YR12/0697/F	Erection of a 2-storey 5-bed dwelling with solar roof panels and detached triple garage	Withdrawn
F/1446/88/O	Residential development (0.2ha)	Refused 17/02/89 Appeal Dismissed

**3. PLANNING POLICIES**

**3.1 National Planning Policy Framework (NPPF):**

Paragraphs 2 and 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraphs 14: Presumption in favour of sustainable development

Core planning principles, paragraph 17: Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

Delivering a wide choice of high quality homes. Paragraph 55: to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live nearby or it is of an exceptional quality.

Conserving and enhancing the natural environment, paragraph 109: The planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains where possible.

### 3.2 **Draft Fenland Core Strategy:**

CS1: Spatial Strategy, The Settlement Hierarchy and the Countryside

CS2: Growth and housing

CS10: Rural Areas Development Policy

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. Any proposal will need to satisfy policies CS1 and CS2 as well as specific criteria:

- Site is in or adjacent to the existing developed footprint of the village
- Would not result in coalescence with neighbouring villages;
- Not have an adverse impact on the character and appearance of surrounding countryside and farmland;
- Proposal is of a scale in keeping with the shape and form of the settlement
- The proposal will not adversely harm the settlements character and appearance
- Site retains and respects natural boundaries
- Not result in the loss of high grade agricultural land
- Not put people or property in danger from known risks and would not result in unacceptable nuisances to residents and businesses.

CS12: Responding to climate change and managing the risk of flooding in Fenland.

Development in Flood Zones 2 and 3 will only be permitted following:

- The successful completion of a sequential test;
- An exception test (if necessary);
- The suitable demonstration of meeting an identified need;  
Through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management measures and a positive approach to reducing flood risk overall.

CS14: Delivering and Protecting High Quality Environments across the District.

### 3.4 **Fenland District Wide Local Plan:**

E8: Proposals for new development should:

respect the scale, style and character of the surrounding development;

allow for protection of site features;

provide adequate access.

H3: To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other plan policies.

H16: Outside the DAB new dwellings must be justified as required for

agricultural, horticultural or forestry operations.

E1: To resist development likely to detract from the Fenland landscape.

#### 4. CONSULTATIONS

##### 4.1 ***Parish/Town Council:***

The Parish Council objects on the basis that this application is well outside the development boundary of the village as outlined in the Fenland Wide Plan for Benwick.

Historically planning has been declined on this basis previously on several occasions.

They further add:

The Parish Council was informed that there would be no building on the north side of the river which is deemed as an 'area of natural beauty'.

##### 4.2 ***Environment Agency:***

Main risk of flooding is associated with watercourses under the jurisdiction of the IDB and they make no comment on the submitted FRA. The IDB should be consulted on the FRA and with regard to surface water drainage proposals.

Considers that planning permission should only be granted if planning conditions are imposed relating to foul water drainage and the works agreed prior to the commencement of development.

##### 4.3 ***FDC Environmental Protection:***

Requests unsuspected contamination condition be attached.

##### 4.4 ***Middle Level Commissioners:***

No comments received.

##### 4.5 ***CCC Rights of Way***

No objections but requests an informative relating to the public footpath remaining open and unobstructed at all times.

##### 4.6 ***CCC Highways***

Conditions required relating to the following:

- The means of access must be located to pair with the existing access to the adjoining land to the south.
- Vehicular access set out and constructed to CCC specification.
- Sufficient space for parking and turning to be provided.

- Temporary facilities for loading and unloading to be provided clear of the public highway.
- A visibility splay to the west must be provided with minimum dimensions of 2.4 m measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway from the centre line of the proposed access and maintained free from any obstruction over 600mm above the level of the highway carriageway.
- Adequate drainage measures to prevent surface water run-off on to the highway must be submitted and approved prior to commencement.

4.7 **Police Architectural Liaison Officer:** There is no delineated defensible space to the dwelling from the rear of the public footpath and suggest suitable fencing beyond the 6 m maintenance zone for MLC.

4.8 **Neighbours:** 1 letter of support for the dwelling noting it is in the green belt but consideration given to former cottages on the site.

## 5. SITE DESCRIPTION

5.1 The site is located to the south west of the B1093, Whittlesey Road and borders the River Nene. Nene Parade, which is a footpath, runs alongside the site. The site lies well beyond the established settlement of Benwick and the current use appears to be amenity land in association with number 6 Nene Parade. The proposed access makes use of an existing gate into a paddock from the driveway of number 6; however, a new driveway would require constructing across the paddock.

There is a house immediately to the east of the site, but development is by no means continuous within the vicinity and the character of the site and immediate surroundings is undoubtedly of sporadic rural development in mainly open countryside.

## 6. PLANNING ASSESSMENT

6.1 The key considerations for this application are:

- Principle and policy implications
- Design and layout
- Flood Risk
- Other matters.



(a) Principle and policy implications

The site is located outside of the village core, approximately 500m from the edge of the established settlement. The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is the general thrust of policies contained within the Local Plan and Core Strategy where new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside.

The policies of the Local Plan require consideration as the application site lies beyond the village core where new development should be resisted (H3) unless justified. In terms of emerging policy the general good practice criteria set out in Policy CS10 of the Draft Core Strategy should be observed. This document is emerging policy, therefore, only limited weight can be attached to the policy at this time. However, it is important to note the direction of travel of the emerging Core Strategy and its conformity to the policies of the NPPF in terms of the approach to rural housing and the requirement for sustainable development which is sensitive to the defining characteristics of the local area.

The site lies outside the established settlement so the proposal is contrary in principle to Policy H3 of the Local Plan and the thrust of the NPPF which seeks to promote sustainable development. Benwick is a village which has been identified as capable only of accommodating development of a very limited nature relating to the infilling of a single dwelling or group of no more than three dwellings (Policy CS1). In addition the village lacks a number of facilities which would be associated with a more sustainable location where growth can be encouraged to support continued sustainability. The proposal, therefore, fails on its inability to promote sustainable development due to the location of the site. Policy CS1 stipulates that development outside established settlements may be supported where it can be demonstrated that they are essential to the effective operation of local agriculture, horticulture, or forestry. Since no such justification has been provided, the proposal remains contrary to this policy and the principles set out in the NPPF.

(b) Design and layout

The proposal is for a detached 4-bed dwelling with a detached triple garage.

The design and access statement sets out the design philosophy of the development by describing the proposed house as a combination of the vernacular with a traditional slate roof, machine made bricks and modern design influences to windows and doors. It also states that the proposal sits over top of the site of former cottages.

The outline of brick footings can be seen on the site, however, the doctrine of abandonment would suggest that any previous residential use has long since ceased. In deciding whether the use has been abandoned it is necessary to take into account the physical condition of the building; the period of non use; whether there has been an intervening use and the evidence regarding the owner's intention. It is generally recognised that these tests relate to the view that would be taken by "a reasonable man with knowledge of all the relevant circumstances". As a result the presence of footings on the site cannot be afforded significant weight in the determination of the application.

It is considered that the scale, design and layout of the proposal, when read in the context of the location of the site fails to preserve the character of the countryside and is contrary to the aspirations of the current and emerging development plan, whilst also failing to achieve a sustainable form of development as advocated through the policies of the NPPF.

(c) Flood Risk

The site is located within Flood Zone 3 (High Risk) and flood risk is a material consideration as set out in the NPPF with paragraphs 100-104 relevant. In essence the NPPF states that the sequential approach needs to be followed to ensure that areas of lower risk of flooding are developed before those at a higher risk. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (para. 10).

(d) Other matters

One letter of support has been received in respect of the proposal. The comments relate to the former cottages on the site. However, as mentioned above the existence of former footings is not sufficient justification to allow new dwellings in unsustainable locations whilst there are other more sustainable sites capable of being developed. A new dwelling in this location unrelated to a justifiable agricultural need cannot be supported by the NPPF or the Local Plan. The site is isolated and does not relate well or round off the existing built form of the village. Therefore, the proposal would result in an unjustified development within the open countryside, which fails to adhere to sustainability principles and gives no particular design consideration to the specific site characteristics or the qualities of the area.

## 7. CONCLUSION

- 7.1 The site is located beyond the established settlement of Benwick in an area which is characterised as open countryside with sporadic residential development. The development does not adjoin the established built settlement, does not comply with the Development Strategy for the area or contribute to the sustainability or vitality of the community. The proposal, therefore, fails on sustainability grounds and is contrary to the National Planning Policy Framework. The development is, therefore, contrary to E1 and E8 of the Fenland District Wide Local Plan and the principles contained within the National Planning Policy Framework.

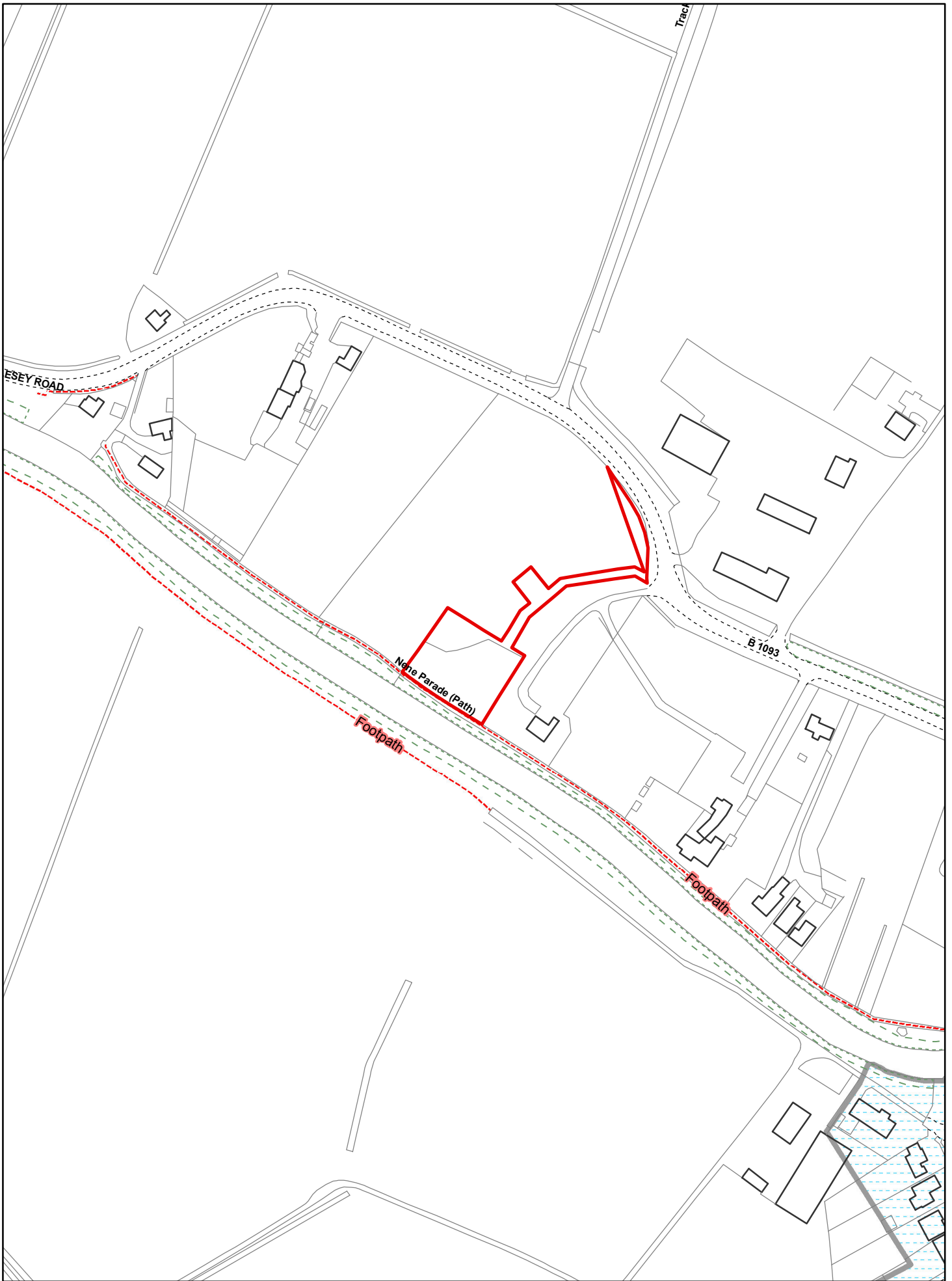
The development site is located within Flood Zone 3 and is contrary to advice set out in the NPPF and Policy CS12 of the emerging Core Strategy which seeks to direct all development to lesser flood risk areas.

It is considered that the proposal would result in a development which is not sustainable and would be harmful to the character and appearance of the surrounding area. It is, therefore, recommended that planning permission is refused.

**8. RECOMMENDATION**

**Refuse**

- 1. The proposal is positioned outside the core settlement and fails to represent sustainable development, contrary to H3 of the Fenland District Wide Local Plan and the general principles of the National Planning Policy Framework.**
- 2. The proposal would represent unjustified development within the open countryside, contrary to CS1 of the Fenland Communities Development Plan, and Section 6 of the National Planning Policy Framework.**
- 3. The application site lies within Flood Zone 3 and does not accord with advice contained within Policy CS12 of the emerging Core Strategy and the National Planning Policy Framework in that it has not been demonstrated that there are no other sites available in a lesser flood zone for developing and there is no wider community value to support the proposal.**



Created on: 02/01/2013

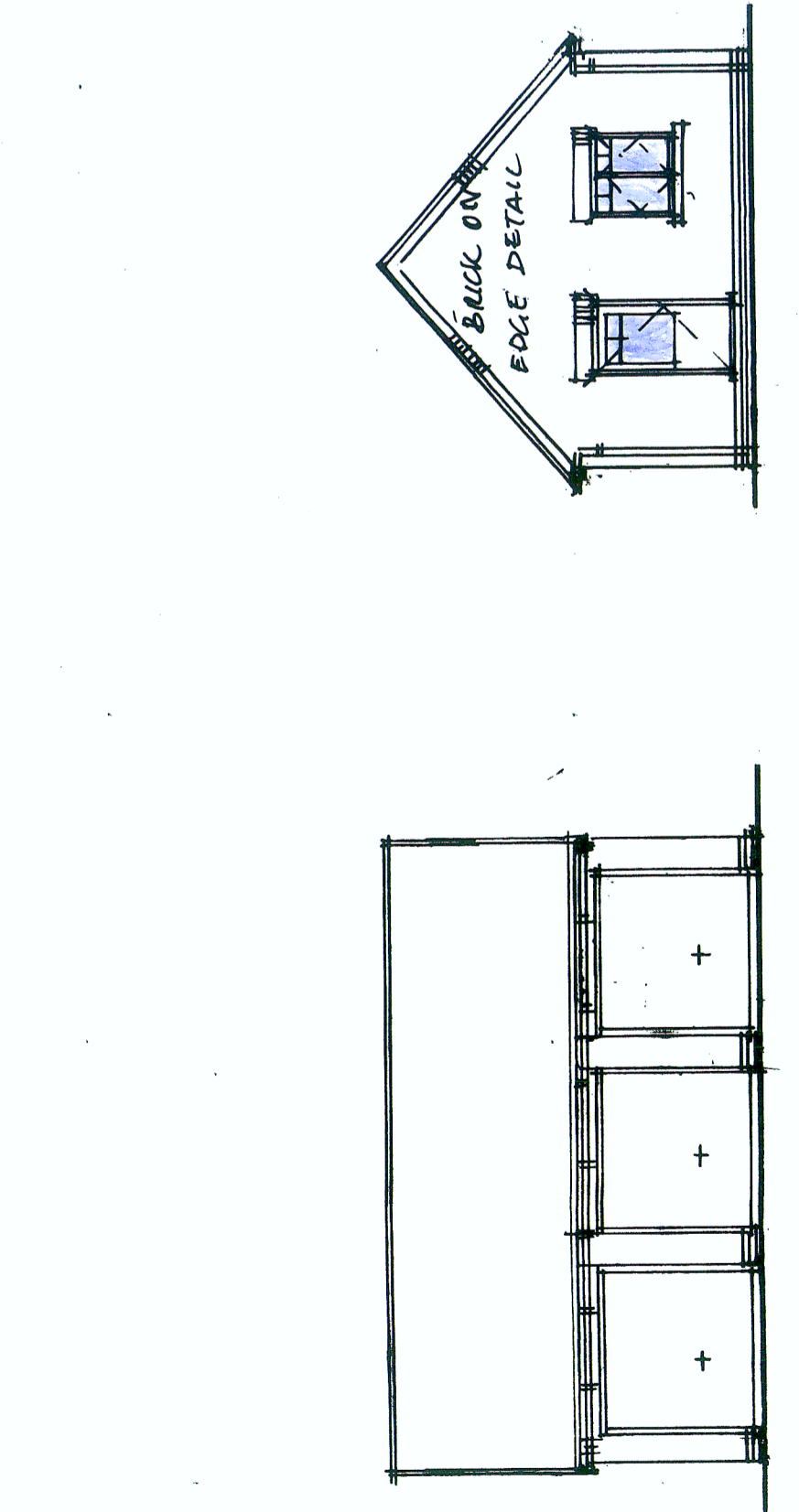
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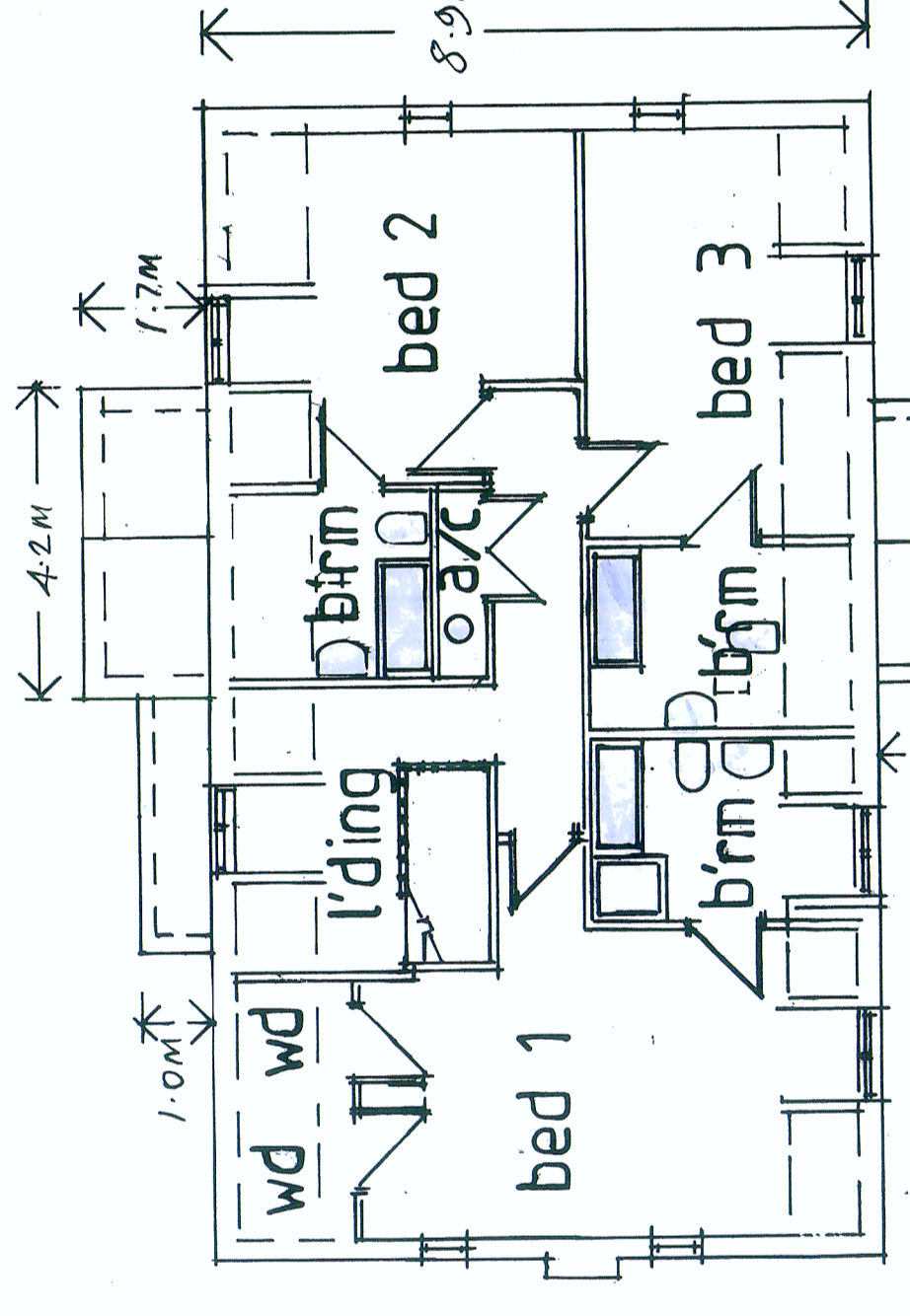
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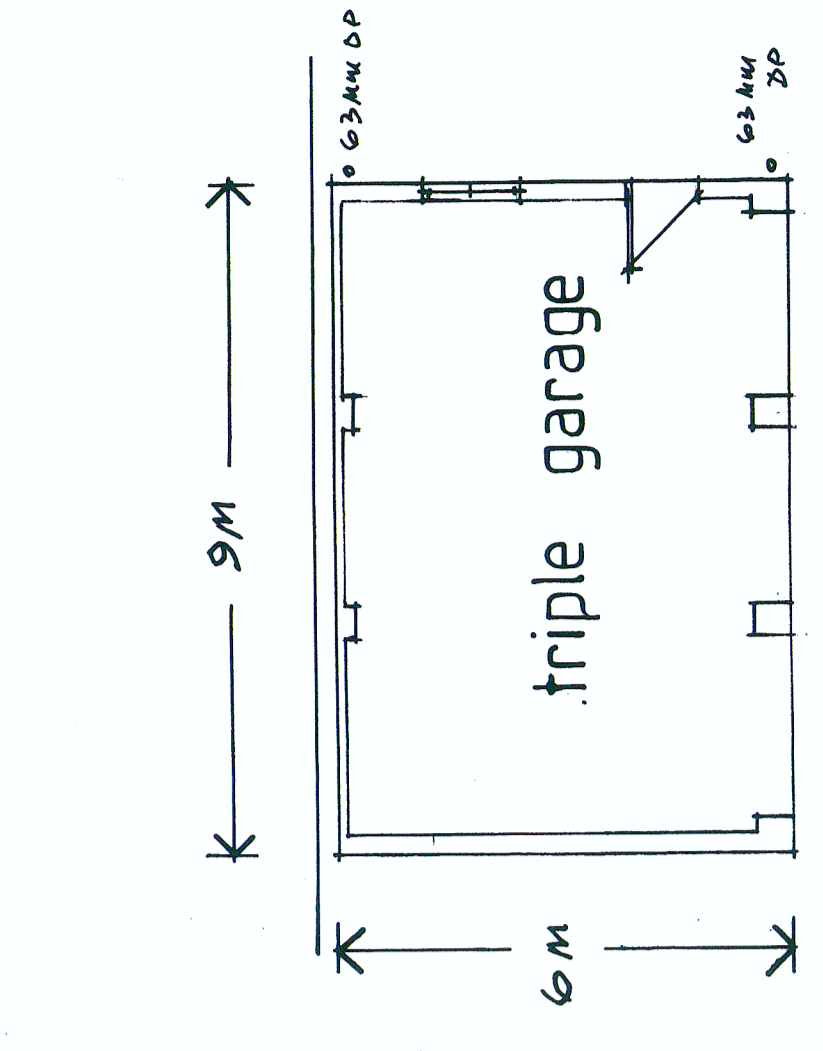




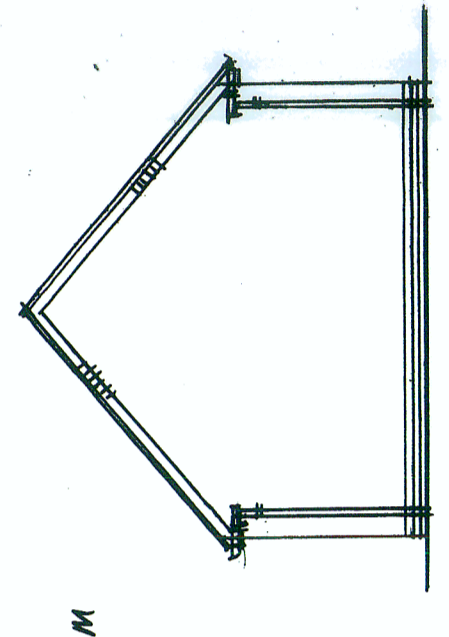
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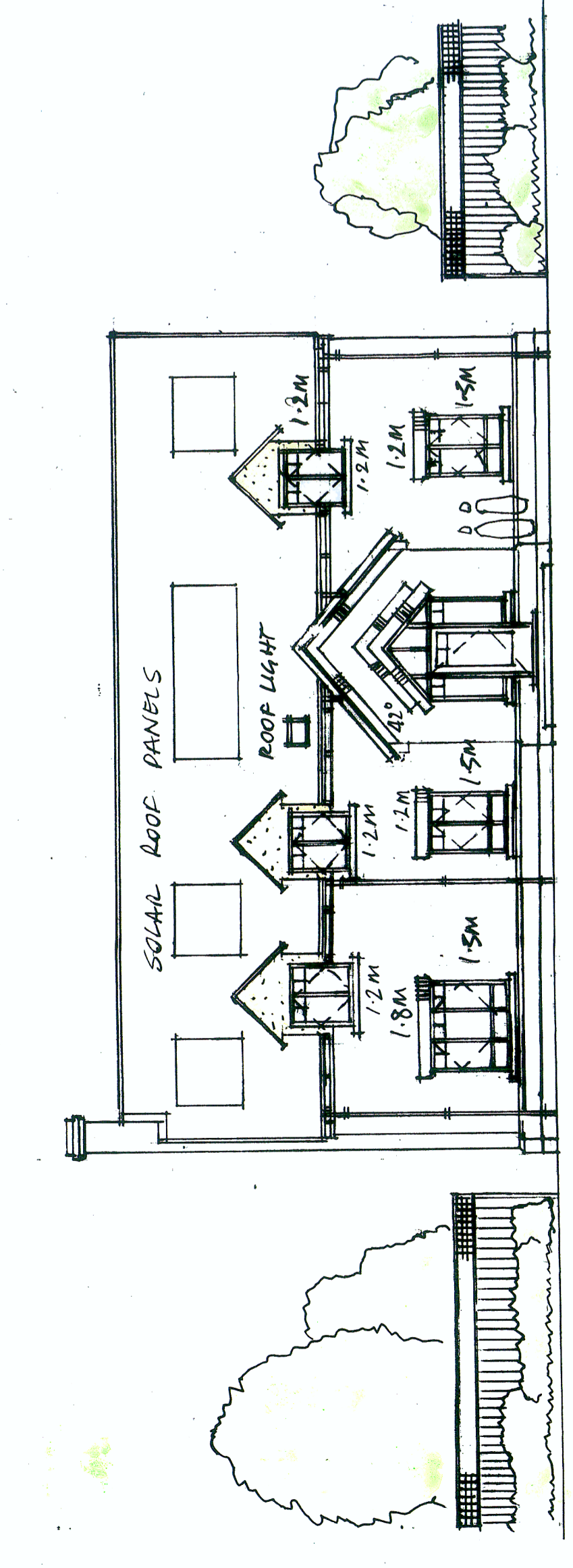
First floor plan 1:100



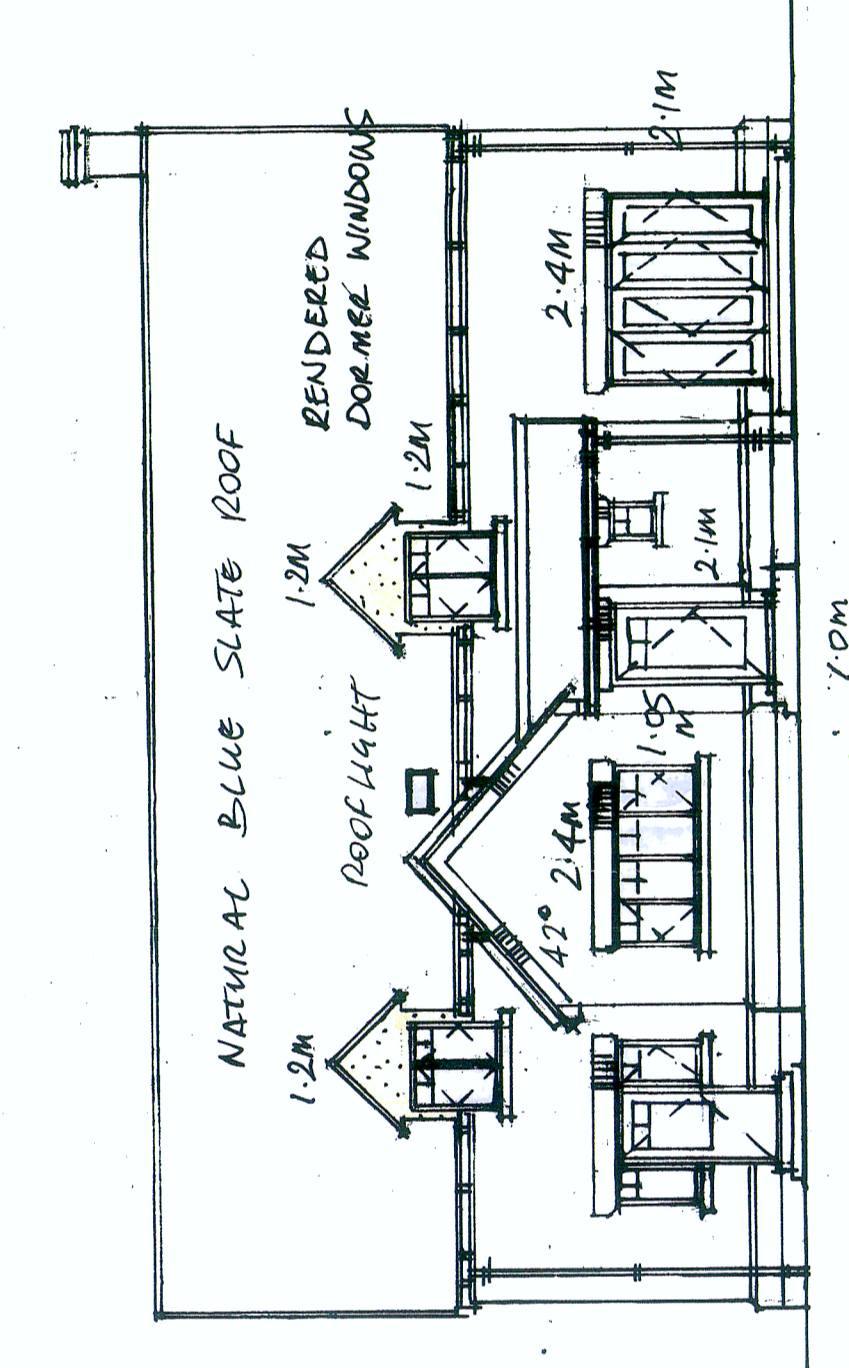
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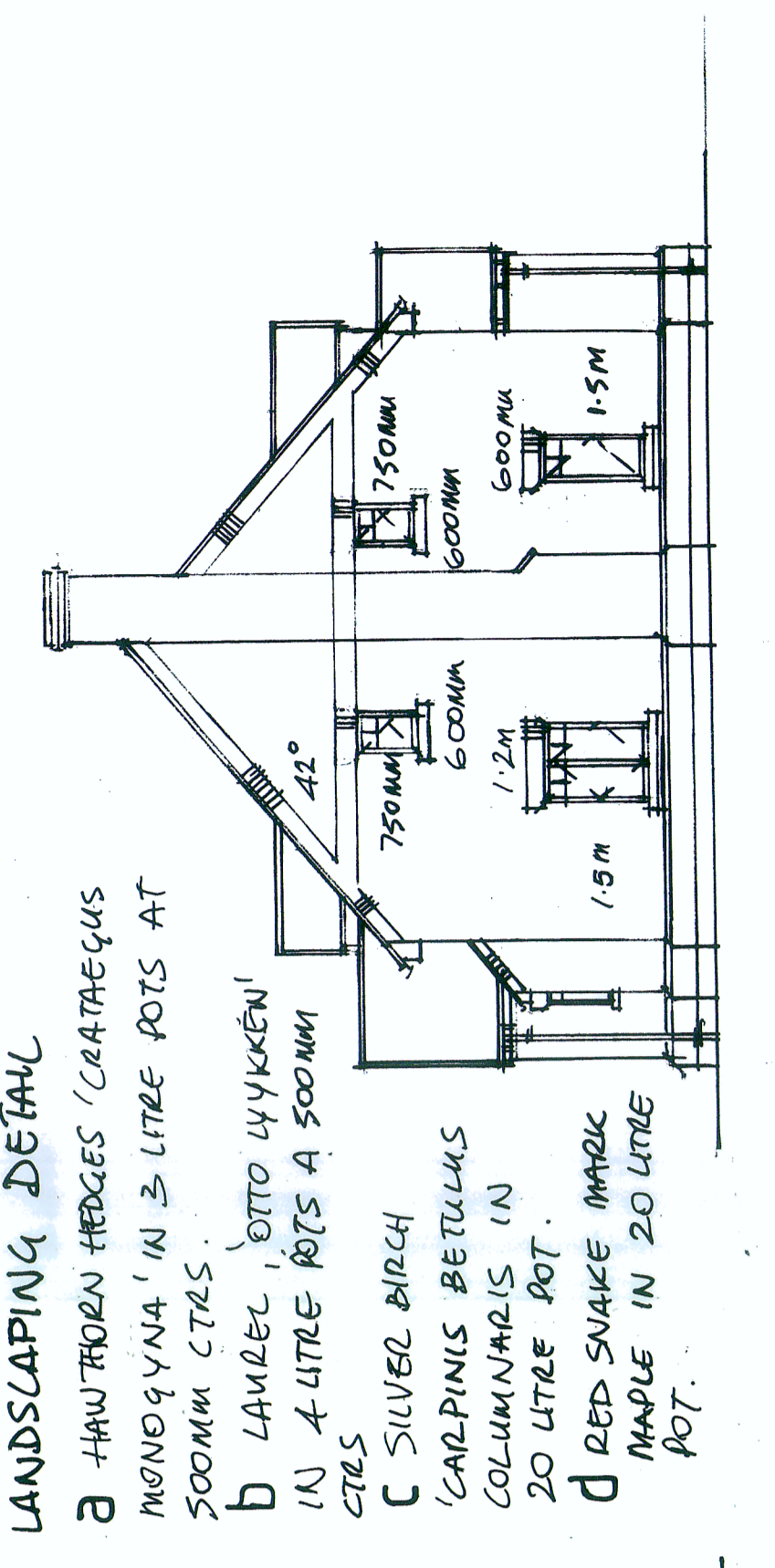
South elevation 1:100



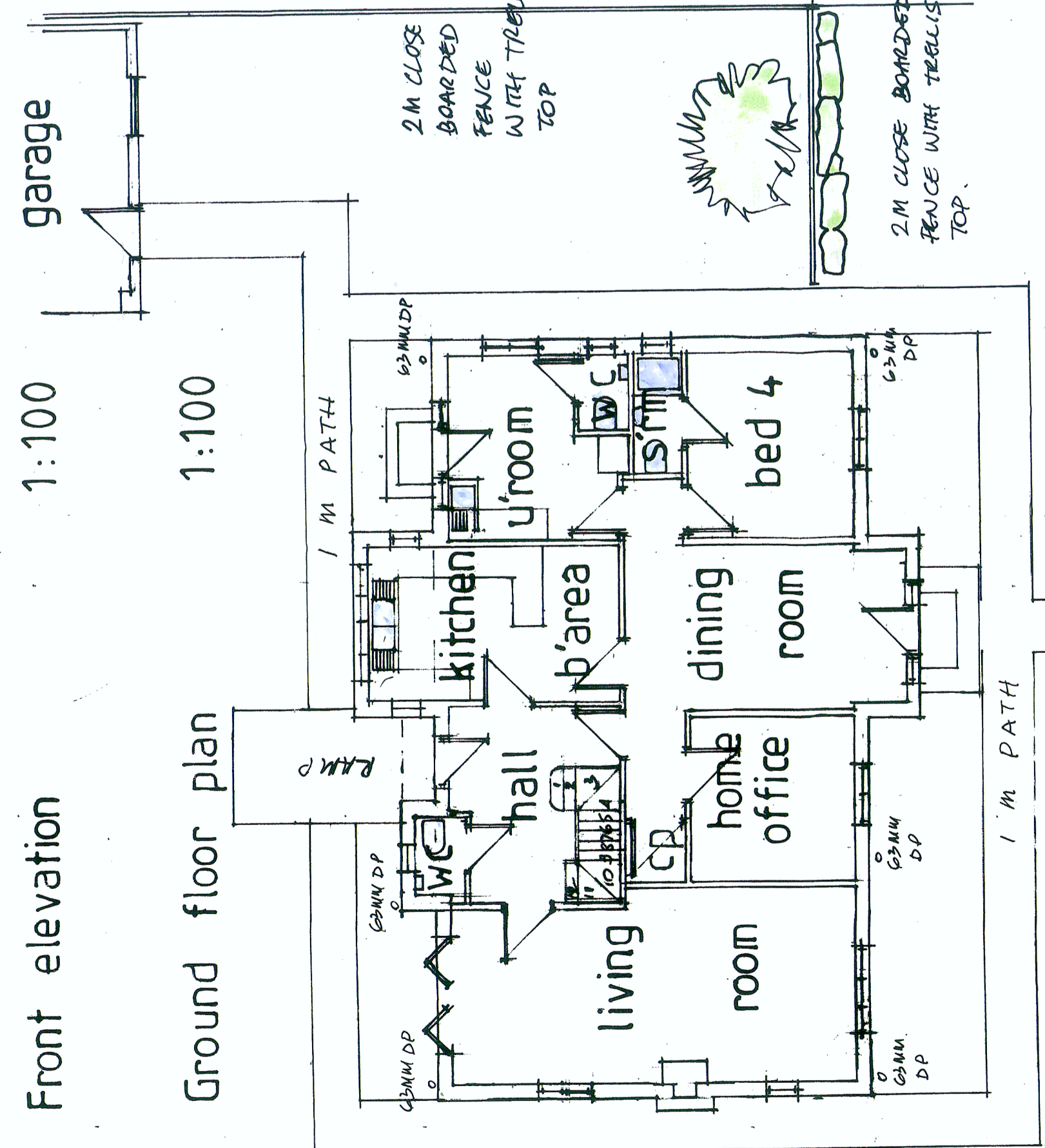
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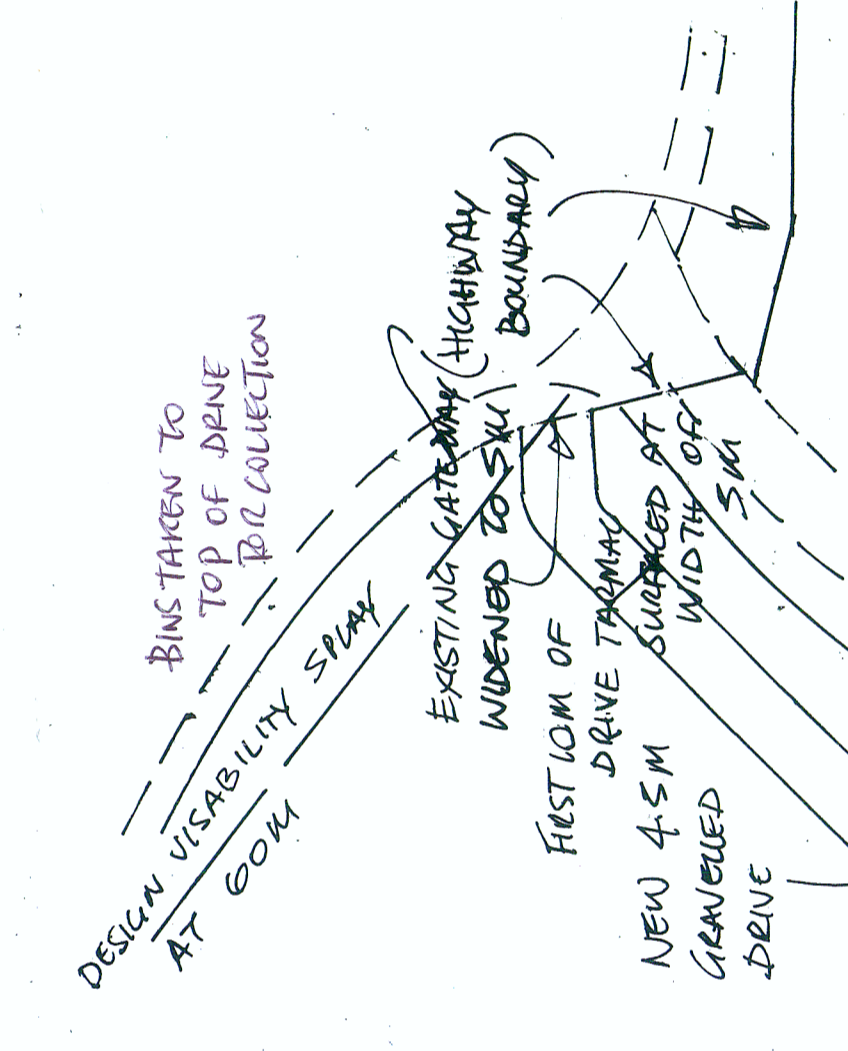
Rear elevation 1:100



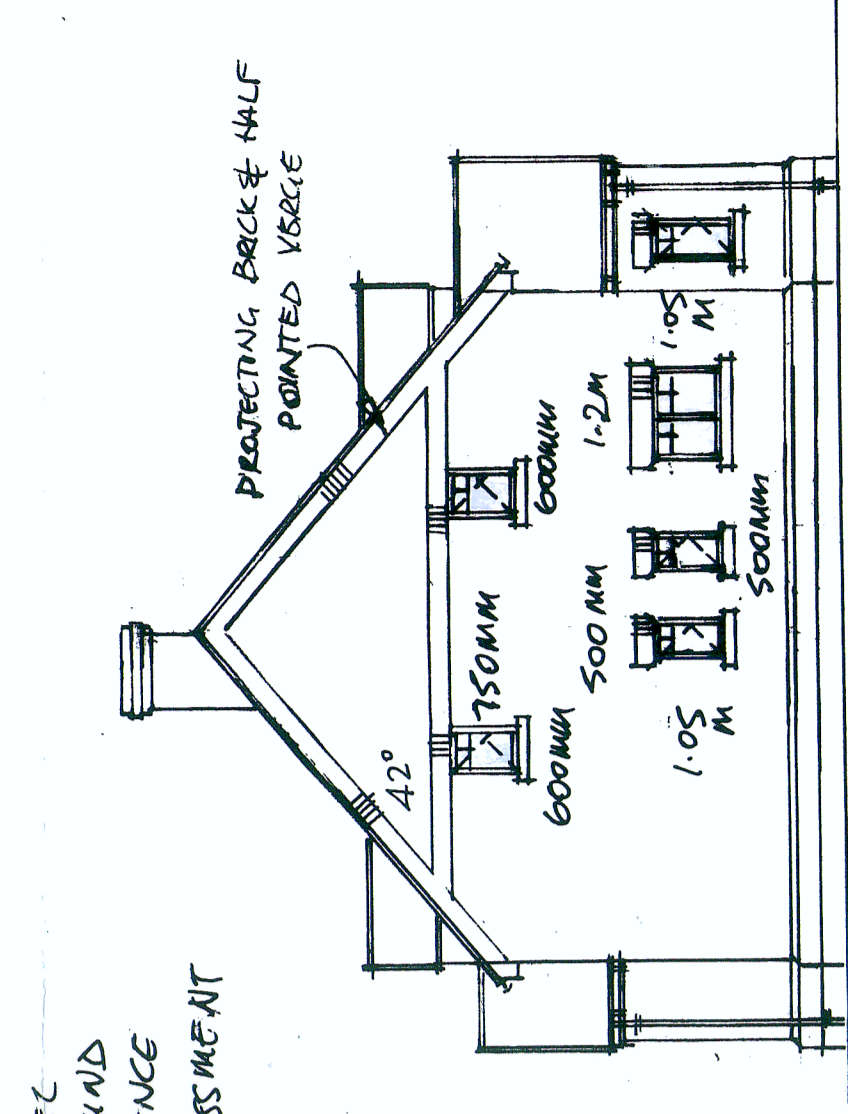
West elevation 1:100



Ground floor plan 1:100

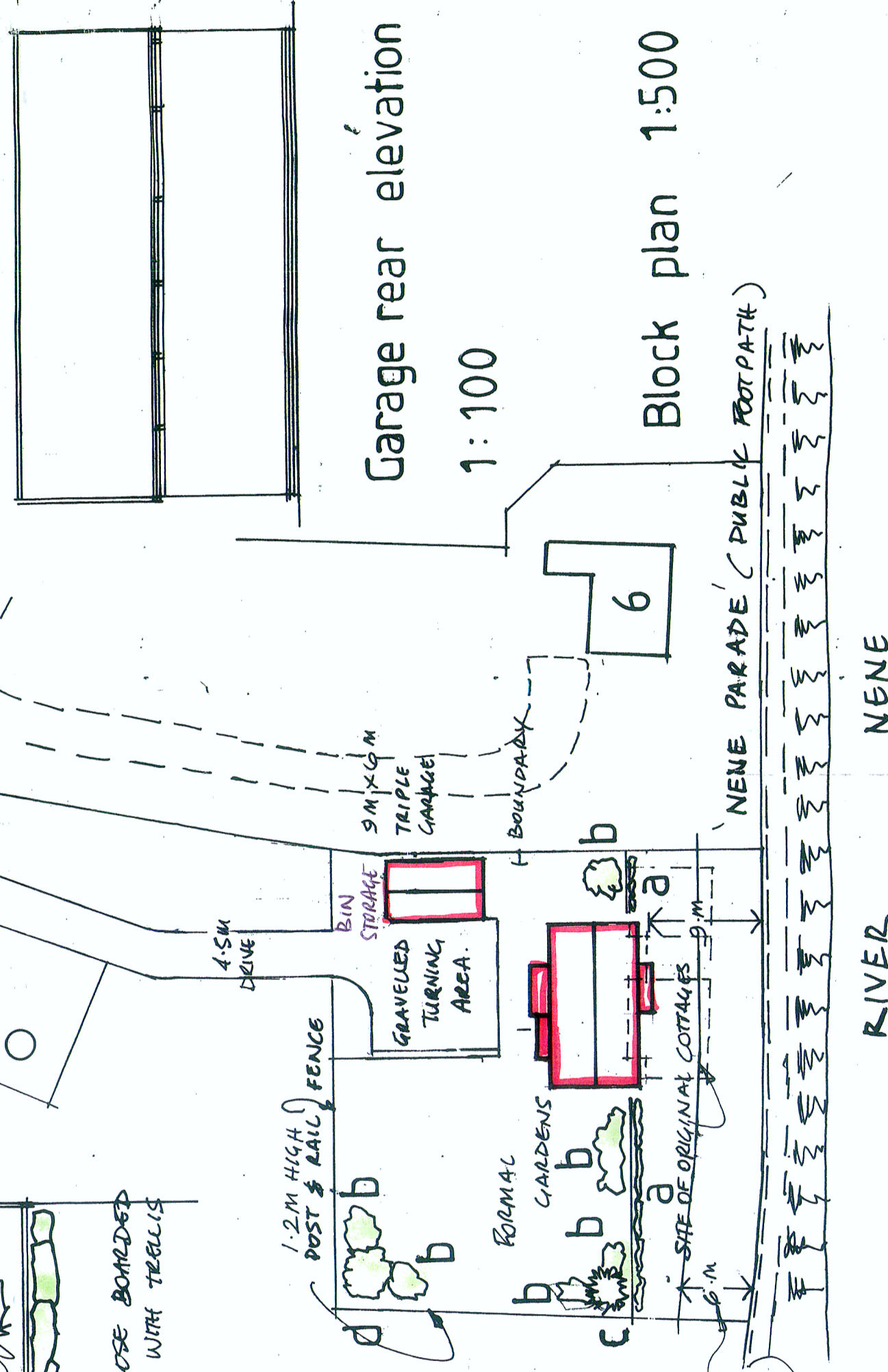
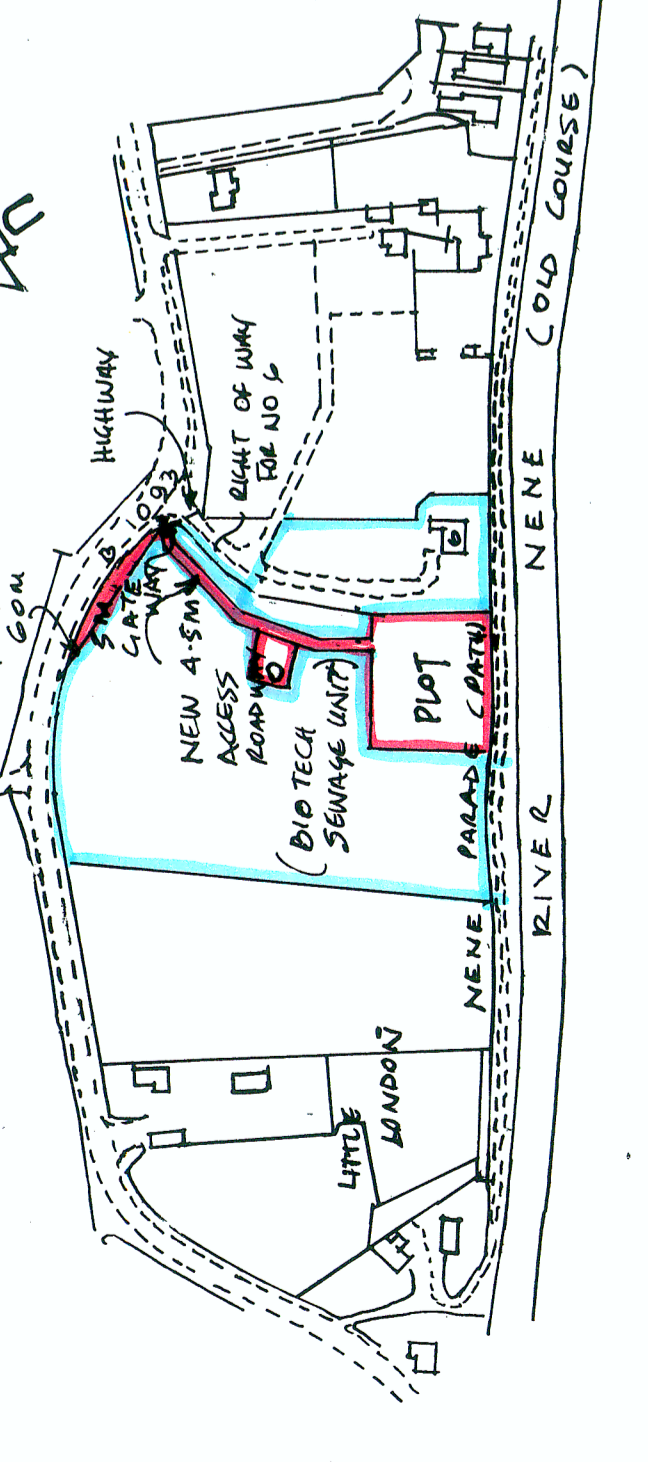


Rear elevation 1:100



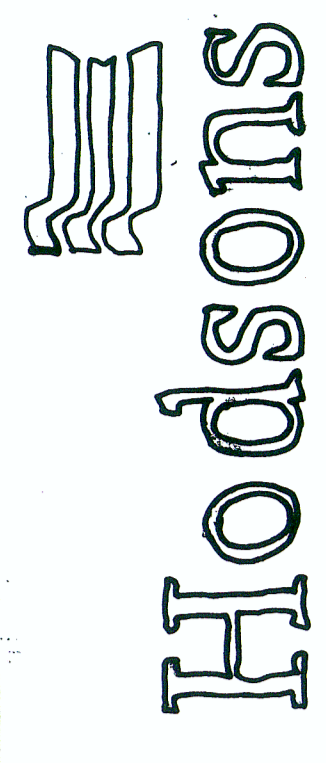
East elevation 1:100

Location plan 1:2500

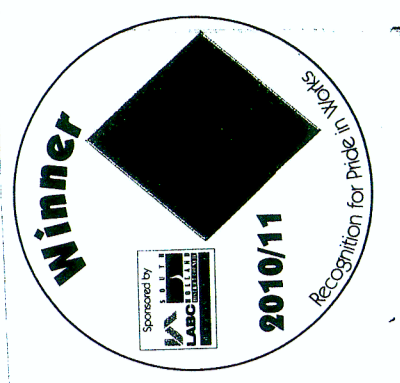


Garage rear elevation 1:100

Block plan 1:500



Hodsons  
Chartered Surveyors,  
Market Street,  
Whittlesey,  
Peterborough.  
01733 203064



File no : 7853 / P

Project : New dwelling  
and triple garage  
north of 6 Nene Parade,  
Benwick, Cambs.