

Application Number: F/YR13/0110/F
 Minor
 Parish/Ward: Benwick, Coates and Eastrea
 Date Received: 15 February 2013
 Expiry Date: 12 April 2013
 Applicant: Mr R Warren
 Agent: Mr D Upton, Peter Humphrey Associates

Proposal: Erection of a 2-storey 3-bed dwelling
 Location: Drakes Farm, Kings Delph Drove, Whittlesey

Site Area/Density: 0.59ha

Reason before Committee: At the request of Cllr Swan as he believes that the development will enhance the site due to the improved standard of housing provided, the dwelling will be more in-keeping with the rural location, it will increase security, and the use is encouraged by the Core Strategy.

1. EXECUTIVE SUMMARY/RECOMMENDATION

The application is a re-submission of 2 previous schemes both of which have been refused, and the former of which was also refused by the Planning Inspectorate at appeal. As per the previous submissions, the proposal lacks bona fide justification or evidence to demonstrate the essential requirement for a worker to live in close proximity to a neighbouring business. Nothing has been received to overcome the previous refusals and the proposal therefore remains an unjustified dwelling within the open countryside. It is therefore recommended that planning permission is refused.

2. HISTORY

Of relevance to this proposal is:

2.1	F/YR12/0277/F	Erection of a 2-storey 3-bed dwelling involving the formation of a new access	Refused – 01.06.2012
	F/YR11/0214/F	Erection of a 3-bed dwelling involving the formation of a new access	Refused - 05.05.2011, appeal dismissed 12.12.2011
	F/YR08/0400/CERTLU	Certificate of Lawful Use (existing) siting of a mobile home	Issued – 23.05.2008
	F/YR07/0977/F	Erection of storage building involving demolition of existing Nissan huts	Granted – 14.12.2007

F/YR07/0885/F	Change of use of land to outside storage area for existing landscape business	Granted – 14.12.2007
F/YR07/0800/F	Removal of Condition 03 of planning permission F/YR04/3313/F (Change of use of redundant farm buildings to light industry for use as landscape contractors yard) relating to access road via Cambers Drove only	Granted – 14.12.2007
F/YR04/3313/F	Change of Use of redundant farm buildings to light industry for use as landscape contractors yard	Granted – 21.06.2004

3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 55: 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.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

3.2 **Draft Fenland Core Strategy:**

CS1: A Presumption in Favour of Sustainable Development

CS3: Spatial Strategy, the Settlement Hierarchy and the Countryside

CS12: Rural Areas Development Policy

CS15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering and Protecting High Quality Environments

3.3 **Fenland District Wide Local Plan:**

E8: Landscape and amenity protection

H3: Settlement Area Boundaries

H16: Agricultural Dwellings

4. CONSULTATIONS

- | | | |
|-----|---|---|
| 4.1 | <i>Parish/Town Council:</i> | Recommend approval providing a condition is placed on the application that the proposal is built as a work place home only. |
| 4.2 | <i>Ramblers:</i> | Not received at time of report |
| 4.3 | <i>CCC Countryside Access:</i> | Not received at time of report |
| 4.4 | <i>Middle Level Commissioners:</i> | Not received at time of report |
| 4.5 | <i>CCC Highways:</i> | Not received at time of report |
| 4.6 | <i>FDC Scientific Officer:</i> | Contaminated land condition is required |
| 4.7 | <i>Neighbours:</i> | None received |

5. SITE DESCRIPTION

- 5.1 The site is located outside of the established settlement of Whittlesey, within the open countryside. The site is positioned to the south of Kings Delph Drove on the western side of an access track. The site adjoins an existing landscape contractors yard.

6. PLANNING ASSESSMENT

- 6.1 The key considerations for this application are:
- Principle and policy implications
 - History
 - Design, layout and residential amenities
 - Other matters

(a) Principle and policy implications

The site lies outside of any established settlement and therefore countryside housing policies apply. The Design and Access Statement stipulates that the proposal is for a new dwelling to replace the existing mobile home on site. Although this has been noted, since the mobile home lies outside of the application site, the proposal cannot be considered as a replacement dwelling. In any case, H18 of the Local Plan and CS12 of the emerging Core Strategy states that replacement dwellings may be acceptable providing the original dwelling is not a temporary or mobile structure ie a caravan.

The Design and Access Statement also states that the proposal is for an occupational dwelling to be used for the essential functioning of the adjoining business. Both CS12 of the emerging Core Strategy and section 06 of the National Planning Policy Statement stipulate that new dwellings within the open countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at their place of work in the countryside. CS12 details the requirements for such a submission which include evidence to demonstrate the following:

- A) the existing functional need for the dwelling
- B) the number of part time and full time workers to live in the dwelling
- C) the length of time the activity has been established
- D) the financial viability of the enterprise

- E) the availability of other suitable accommodation on the site or in the area
- F) how the proposed size of the dwelling relates to the viability of the enterprise

Despite these clear requirements which are set out in the emerging Core Strategy, the only evidence provided in support of the application is a letter from the applicants accountants which states that the business employs in excess of 10 workers, that living near the business will help its efficient running, and that the application is in a position to afford to build a dwelling house. Unfortunately no other evidence has been provided and as such the requirements of the policy have not been met. Specific details of the business have not been outlined within the application submission however from the Design and Access Statement and following a site visit it is apparent that the business is a landscaping contractors which involves large vehicles and machinery for laying out hard and soft landscaping and for making outdoor furniture. Part of the Design and Access Statement indicates that there is a functional need for the dwelling for security reasons however it is widely accepted in planning case law that this is not reason enough to allow a new dwelling within the open countryside. Issues relating to security will be discussed in more detail in the History section of this report.

(b) History

In 2011 an application for the erection of a 3-bed dwelling was refused on this site. The proposal was refused as it did not comply with replacement dwelling policy (in that the existing dwelling is a temporary structure which is located outside of the application site) and that the new dwelling had no justification. The decision notice was subsequently appealed and later in 2011 the Planning Inspector dismissed the appeal citing that the main issue was the effect the proposal would have on the character and appearance of the area.

The Inspector noted that the existing mobile home, which is single-storey, is located close to the front of Drakes Farm and Kings Delph Drove and is enclosed on three sides by taller buildings which are used in association with the applicants business. The front boundary is an earth bund planted with several established leylandii. The result is that the mobile home is set amidst the cluster of existing buildings, is largely hidden from view and has no material adverse effect on the character and appearance of the surrounding countryside.

The Inspector went on to note that the site for the new dwelling is, in contrast, located away from the cluster of buildings amidst an area of open storage. The 2-storey height of the dwelling and location would visibly add to built development in the landscape. The Inspector concluded that this would have a serious adverse effect on the distinctive character and appearance of the area which would outweigh other considerations.

With regards to security, the Inspector noted that the site is secure and there were no submitted details of break-ins that would indicate a significant theft problem. It was also concluded that if deliveries would not occur during normal working hours there was no good reason that access could not be provided by someone given modern communications.

It is important to note that the site has not changed, the scale of the proposal has not changed and that no additional information has been provided. As such this earlier history remains wholly applicable to the current application and therefore Officers are unable to make a recommendation contrary to the appeal decision.

(c) Design, layout and residential amenities

The proposal is for a 2-storey barn conversion style dwelling. Although this is acceptable in principle, the contradictory domestic features including the chimney and cat slide dormer windows result in an unconventional appearance which would not be typically expected in this countryside location. As per the issues raised by the Planning Inspectorate, Officers also have concerns with regard to the position of the proposal in relation to the existing buildings as it is completely detached from the existing cluster of buildings, thereby having a detrimental impact on the open countryside.

(d) Other Matters

The comments received from Whittlesey Town Council have been noted however as there is nothing within the submission to prove that a 'work place home' is required for the functioning of the business, it is considered that a condition to this effect would be insufficient to overcome the fundamental issues with this proposal.

7. CONCLUSION

- 7.1 Due to the lack of supporting evidence within the submission, the proposal fails to be considered as an occupational dwelling required for the essential functioning of the neighbouring business. It is noted that there is an existing mobile home within the business unit however this falls outside of the application site and therefore the proposal cannot be considered as a replacement of the mobile home. Applications for a new dwelling on this site have been refused twice, due to lack of justification, the former of which was also refused by the Planning Inspectorate at appeal. It is important to note that the current submission provides no more justification or evidence for the need for a dwelling in this location than the previous refusals. With this in mind, and given the similarities between the applications and the recent appeal decision, it is considered that there remains insufficient justification to allow this dwelling within the open countryside. It is therefore recommended that planning permission is refused.

8. RECOMMENDATION

Refuse

1. **The proposal would result in unsustainable development by virtue of the sites location and would result in development within the open countryside which has failed to evidence sufficient justification to warrant the introduction of a dwelling outside of the main settlement, contrary to H3 and H16 of the Fenland District Wide Local Plan, CS1 and CS12 of the emerging Fenland Local Plan Core Strategy (Proposed submission February 2013) and section 06 of the National Planning Policy Framework.**

9. UPDATE

- 9.1 Members will recall this application being heard at the 03 April 2013 Planning Committee where it was resolved to defer the decision to 'enable the applicant to provide further information and evidence of the viability of the business in a report'. A justification has been provided and the Agent has submitted an executive summary which he wishes to be reported to Members. The summary, as submitted by the Agent, is as follows:

'This application seeks detailed planning consent for effectively a workplace home. The site currently has a residential consent by way of a Certificate of Lawfulness F/YR08/0400/CERTLU, granted in 2008, together with a change of use from farm to Landscape contractors yard, F/YR04/3133/F. Two further consents were granted for outside storage and for new storage buildings. F/YR07/0855/F, F/YR07/0997/F. This clearly shows the acceptance of uses already for this site.

The application was deferred at the April meeting for a bona fide business appraisal. This has now been submitted which confirms the functional need for the dwelling, confirms numbers of staff to live in the dwelling (2). Confirms length of time activity has been established, 2004.

From the dates of previous approvals it is clear that this business has developed over the years and has become well established, operating from this base. Confidential financial details have now been submitted to the Council which clearly shows the viability of the business. The appraisal shows the isolated nature of the business together with other properties which are available in the locality. The size of the business has been proven to which the house has been matched to suit.

There is clearly security issues with this established site, while Mr Warren has tried to address these issues via the use of modern technology it has not worked or been effective, hence the essential need to live on site.

Members will recall that the decision for Planning Consent for this site was deferred to enable the Agent to provide a robust business appraisal. We feel this has now been done, hence the application should now be supported.'

The business appraisal has been noted and whilst it establishes that the business is profitable and could satisfy the financial need for a dwelling on site, the primary concern remains the functional need for a dwelling.

Section 06 of the NPPF stipulates that housing in the open countryside should be avoided unless there are special circumstances such as the 'essential need for a rural worker to live permanently at or near their place of work'.

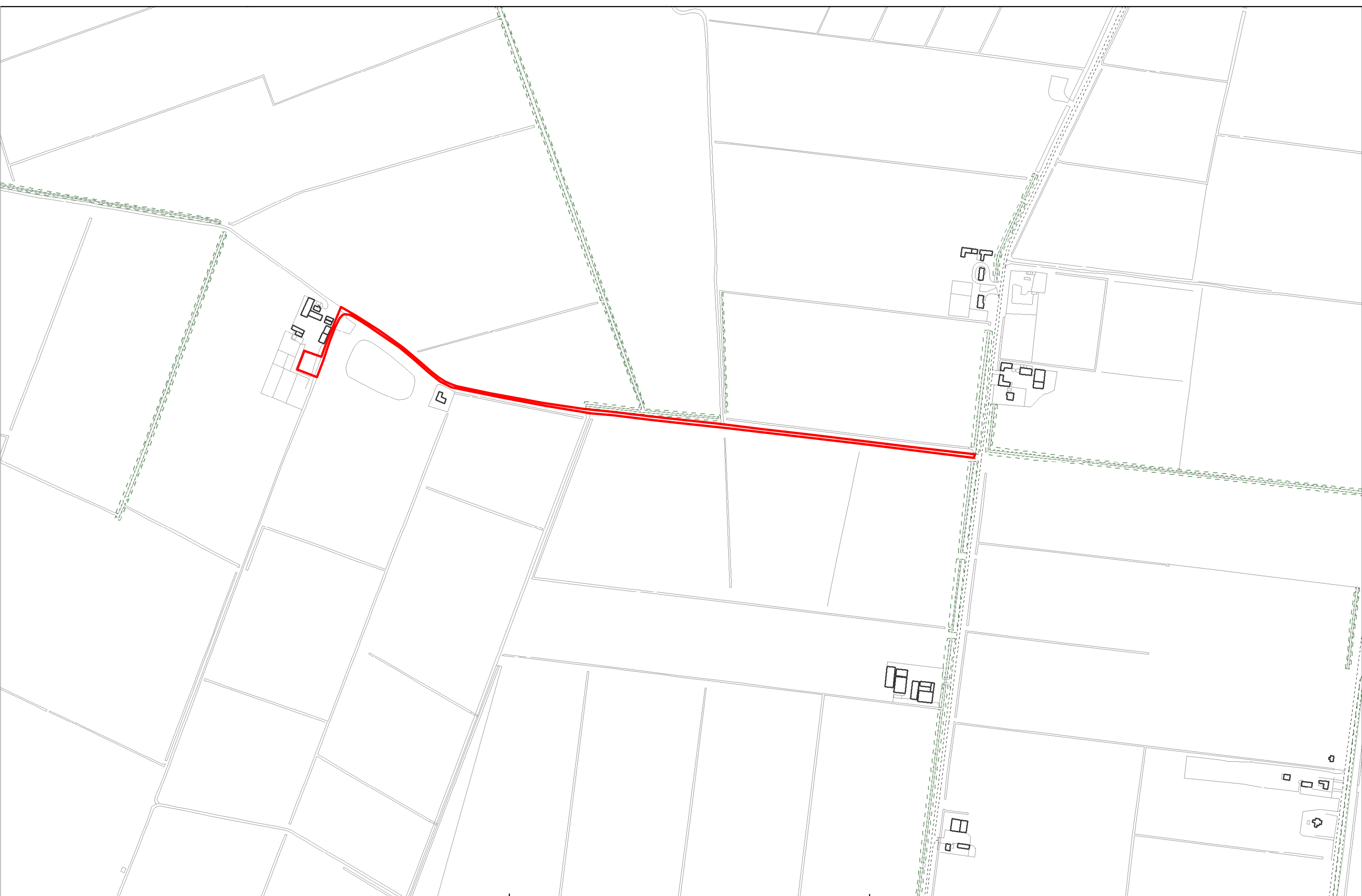
The justification provided to address this focuses on 'security' however the submission clearly states that the site is currently protected by an extensive CCTV and alarm system and it acknowledges that these systems can be monitored remotely. In addition it states that there would be a reasonable response time for security call-outs from the closest police station in Whittlesey and that the mobile home which is currently within the complex has increased security. No evidence to suggest breaches of security has been provided within the submission which would imply that security is not a significant issue with the proper functioning of the business.

It is important to note the recent Planning Inspectors decision relating to a new dwelling on this site which clearly states 'the site is secure and there are no details of break-ins that would point to a significant problem with theft. I therefore attach little weight to these considerations'. Given the relevance of this appeal decision, and with it being only 18months old, this statement is considered significant and materials and should be afforded appropriate. Officers therefore maintain that, despite there being a lack of evidence to demonstrate issues of crime, in itself security is insufficient to allow for a new dwelling in the open countryside.

10. Recommendation

REFUSE

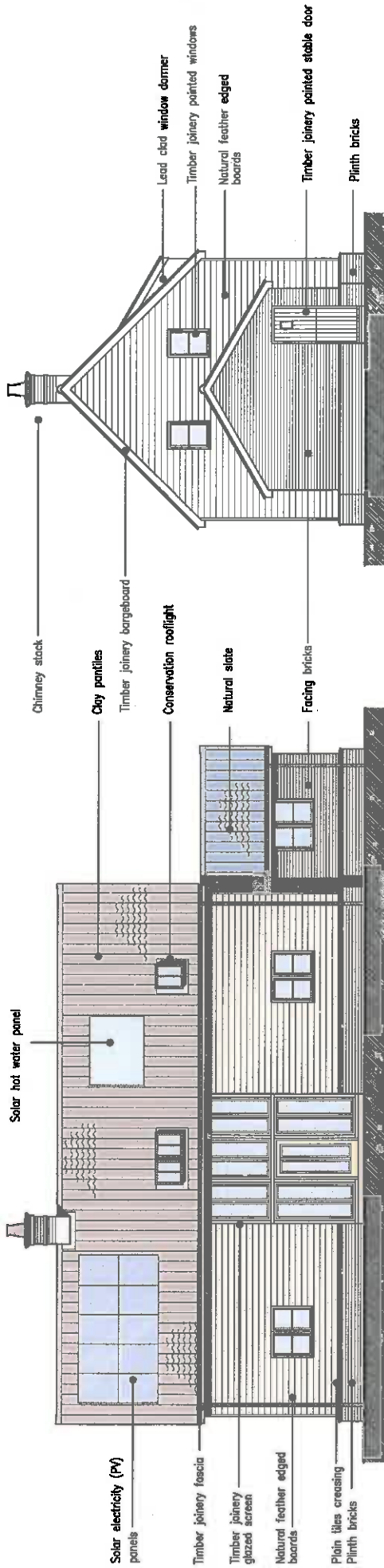
- 10.1 The proposal would result in unsustainable development by virtue of the sites location and would result in development within the open countryside which has failed to evidence sufficient justification to warrant the introduction of a dwelling outside of the main settlement, contrary to H3 and H16 of the Fenland District Wide Local Plan, CS1 and CS12 of the emerging Fenland Local Plan Core Strategy (Proposed submission February 2013) and section 06 of the National Planning Policy Framework.**



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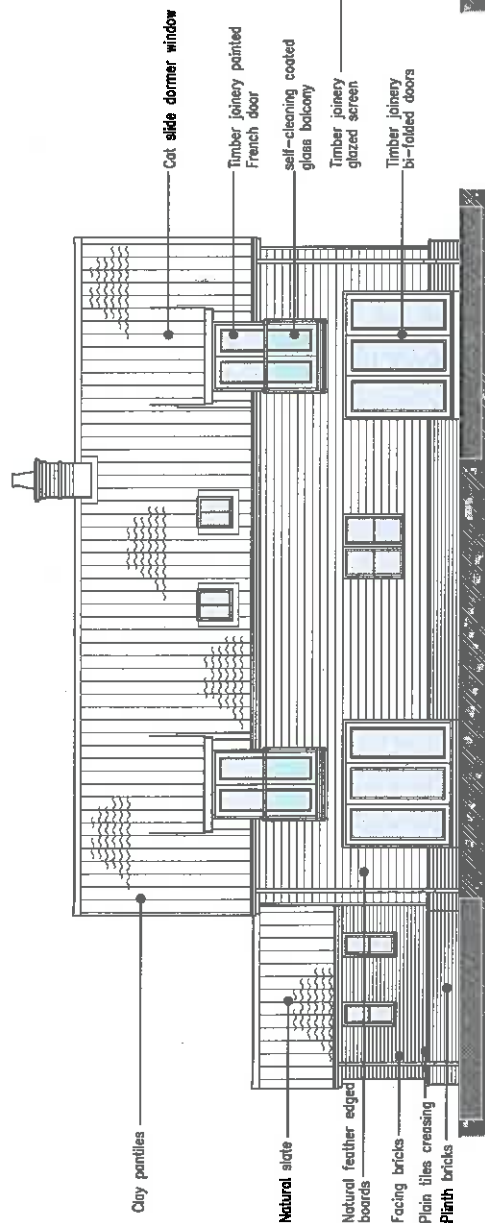
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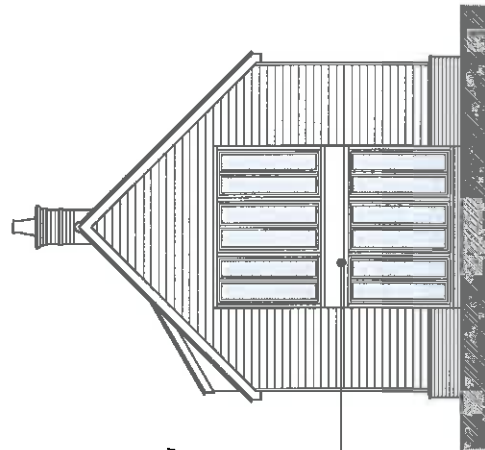


Front Elevation (South-East) 1:100 @ A3

Side Elevation (North-East) 1:100



Rear Elevation (North-West) 1:100



Side Elevation (South-West) 1:100

HOR. SCALE IN METERS
1:100



Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
PROJECT

Proposed Barn Style Dwelling
Drakes Farm
Beales's Grove
Whittlesley

CLIENT
Mr. R. Warren
DRAWING TITLE
Proposed Elevations

DATE: January 2015 SCALE: AS SHOWN JOB No. 4911-P03

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