

Application Number: F/YR13/0382/F

Minor

Parish/Ward: Leverington/Roman Bank

Date Received: 29 May 2013

Expiry Date: 24 July 2013

Applicant: Mr C Crowson

Agent: Mr R Swann, Swann Edwards Architecture

Proposal: Erection of a 2-storey 4 bed dwelling with integral garage.

Location: Land south of Rocksworth, Roman Bank, Leverington

Site Area/Density: 0.1ha / 1 dph

Reason before Committee: This application is before committee due to the level of support received.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission to erect a 2-storey, 4- bed detached house on an open parcel of land located on the east side of Roman Bank. The site lies between two existing properties, within an isolated group of 6 properties in the open countryside, approximately 1.0km from Leverington village.

Members will recall a previous application for residential development which was refused on this site by the October 2012 Planning Committee. The application was refused due to the sites location beyond the established settlement and for highway safety reasons. The highway issues have now been resolved however the site remains in an unsustainable location.

The site is located outside the built-up limits of Leverington. Under criteria contained in Policy H3 in the Fenland District Wide Local Plan (1993) the principle of development in such locations is normally unacceptable. Policy H16 restricts development in the open countryside unless associated with agriculture, horticulture or forestry. Policy CS1 continues the policy approach set out in Policy H3 and seeks to restrict development that falls outside of the above locations, unless it is demonstrably essential to the effective operation of the above rural uses.

Policy CS12 requires applicants for proposals that are located in areas away from the market towns and villages identified in Policy CS1, to provide supporting evidence to explain the functional need for the dwelling. No evidence has been provided by the applicant, which could allow a consideration of this proposal against the criteria contained in Policy CS12. The proposal therefore fails to comply with this policy and would result in the introduction of a new dwelling in an unsustainable location in the countryside.

Consequently the proposal is in conflict with contrary to Policies H3, H16 and E8 of the Fenland District Wide Local Plan and Policies CS1 and CS16 of the emerging Fenland Core Strategy – Submission Version (September 2013).

2. HISTORY

F/YR12/0579/F Erection of a 2-storey 4-bed dwelling with integral garage
Refused 22.10.2012

F/99/0371/O Erection of 1 x 3-bed bungalow
Refused 10.11.1999

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications 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 100: Inappropriate development in areas at risk of flooding should be avoided.

3.2 Draft Fenland Core Strategy:

CS1: A Presumption in Favour of Sustainable Development

CS3: Spatial Strategy and Settlement Hierachy

CS12: Rural Areas Development Policy

CS14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

CS16: Delivering High Quality Environments

3.3 Fenland District Wide Local Plan:

E8: Landscape and amenity protection

H3: Development Area Boundary/Protection of Character and Amenity/Highway Safety

H16: Agricultural dwellings

4. CONSULTATIONS

4.1 **Parish Council:** No objections.

4.2 **North Level Drainage Board:** Not received during consultation period.

4.3 **FDC Environmental Protection Officer:** No objections.

- 4.4 **CCC Highways:** It has been demonstrated that adequate visibility can be achieved. Requests conditions relating to closure of existing access, provision of gates, construction of access, access drainage measures, provision and retention of parking spaces, provision of temporary facilities and provision of visibility splays.
- 4.9 **Neighbours:** 1 letter of objection received, concerns as follows:
- visibility and highway safety
- loss of agricultural land
- encroachment into rural area
- impact on wildlife
- 6 letters of support received, comments as follows:
- improvement of an eyesore
- the investment in the area is positive
- contribution to improving the look of the area
- not out of keeping
- no objections
- the design is attractive
- the dwelling is in keeping with the rural location
- the dwelling is sympathetic to the surrounding buildings

5. **SITE DESCRIPTION**

- 5.1 The application site comprises an open parcel of land located on the east side of Roman Bank. The site lies between two existing properties, within an isolated group of 6 properties in the open countryside, approximately 1.0km from Leverington village.

The site is currently vacant and was previously used as an orchard, although the trees have recently been felled. There is an existing access into the site off Roman Bank. There is a 1.8m high close boarded fence along the southern site boundary. The northern site boundary is marked by a 1.0m high post and rail fence. The rear boundary is open.

The site is fairly level and is approximately 0.4m lower than the level of the carriageway on Roman Bank.

The site lies within Flood Zone 1.

Roman Bank is classified as a Class C highway.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Policy implications
 - History

- Character and density
- Amenity

(a) Policy implications

The site is located outside of any established settlement. Under criteria contained in Policy H3 in the Fenland District Wide Local Plan (1993) the principle of development in such locations is normally unacceptable. Policy H16 restricts development in the open countryside unless associated with agriculture, horticulture or forestry

The emerging Fenland Core Strategy – Submission Version (September 2013), seeks to concentrate new housing development in the most sustainable locations principally in the main market towns, to a lesser extent in the growth villages and very limited amounts in either Limited Growth Villages or Small Villages. Policy CS1 continues the policy approach set out in Policy H3 and seeks to restrict development that falls outside of the above locations, unless it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation etc.

Policy CS12 requires applicants for proposals that are located in areas away from the market towns and villages identified in Policy CS1, to provide supporting evidence to explain the existing functional need for the dwelling, (including details of the number of workers who will live in the dwelling, the length of time in operation and the viability of the enterprise, and the availability of other suitable accommodation in the area to house the worker(s).

No evidence has been provided by the applicant, which could allow a consideration of this proposal against the criteria contained in Policy CS12. The proposal therefore fails to comply with this policy and would result in the introduction of a new dwelling in an unsustainable location in the countryside.

The proposal is therefore considered to be unacceptable in terms of its location and thus contrary to Policies H3, H16, CS1 and CS12.

(b) History

Planning permission was previously refused for 1 x 3-bed bungalow on the same site in November 1999 (F/99/0371/O) on the grounds that was contrary to Policies H3 and H15 of the Fenland Local Plan; in that it would result in development in the countryside that was not considered essential to local agriculture, would result in housing development outside of a development area boundary, and would result in a form of residential development which was inappropriate to the site within a small housing group in the open countryside. This decision was upheld at appeal in September 2000 (APP/D0515/A/00/1042282).

Members will recall considering a planning application for the erection of a dwelling on this site at the October 2012 planning committee. It was resolved to refuse the application for the following reasons:

1. The proposed development is located in an unsustainable location in the open countryside where residential development is not normally supported unless justified. Development in this location would also harm the distinctive character of the locality as a result of the introduction of another element of built form in what is generally a loose knit collection of buildings in the open countryside, and would thus begin to change the fairly open and fragmented nature of development in the

immediate vicinity.

The proposal is therefore considered to be contrary to Policies H3, H16 and E8 of the Fenland District Wide Local Plan and Policies CS1, CS10 and CS14 of the draft Fenland Core Strategy (July 2012).

2. The proposed development would also be detrimental to highway safety on the grounds that inadequate visibility is available each side of the vehicular access from the site to Roman Bank.

The proposal is therefore contrary to Policy H3, of the Fenland District Wide Local Plan and Policy CS13 of the draft Fenland Core Strategy (July 2012).

As per comments received from CCC Highways, the visibility issue has now been overcome however in view of the location of the site, refusal reason 1 still remains.

(c) Character and Density

The site lies within an isolated group of 6 properties in the open countryside. The overall design and appearance of the proposed house is considered to be acceptable in this location. However, it would result in the introduction of another element of built form in what is generally a loose knit collection of buildings in the open countryside. It would thus begin to change the fairly open and fragmented nature of development in the immediate vicinity, causing serious harm to the character and appearance of the locality - an issue that was identified by the Inspector in the 2000 appeal decision.

The proposal is therefore considered to be harmful to the character and appearance of the locality and thus contrary to Policies H3, E8 & CS16.

(d) Amenity

The proposed dwelling is sited in the centre of the plot and reasonably spaced between it and adjoining dwellings to the north and south. The only first floor windows facing northwards (above the garage projection) are positioned 12m from the site boundary. This distance is considered adequate to avoid loss of privacy to the garden area of the property immediately to the north. There are no windows in the first floor of the elevation facing south.

7. **CONCLUSION**

- 7.1 This site remains in an appropriate location for residential development being in the open countryside and some distance from the nearest sustainable settlement (Leverington Village). In addition, it would result in the introduction of another element of built form in what is generally a loose knit collection of buildings in the open countryside. It would thus begin to change the fairly open and fragmented nature of development in the immediate vicinity, causing serious harm to the character and appearance of the locality. Consequently the proposal is in conflict with Policies H3, H16 and E8 of the Fenland District Wide Development Plan and Policies CS1 and CS16 of the emerging Fenland Core Strategy – Submission Version (September 2013).

8. **RECOMMENDATION**

Refuse

1. **The proposed development is located in an unsustainable location in the open countryside where residential development is not normally supported unless justified. Development in this location would also harm the distinctive character of the locality as a result of the introduction of another element of built form in what is generally a loose knit collection of buildings in the open countryside, and would thus begin to change the fairly open and fragmented nature of development in the immediate vicinity. The proposal is therefore considered to be contrary to Policies H3, H16 and E8 of the Fenland District Wide Local Plan and Policies CS1, CS12 and CS16 of the draft Fenland Core Strategy (July 2012).**

9. **UPDATE**

Members will recall this application being heard at the September 2013 Planning Committee where it was resolved to refuse the application. It has since become apparent that the location slide shown at the committee meeting showed the relationship of the site to the main settlement as being incorrect and placed the site further from the built up area. It is therefore considered prudent to return the scheme to committee to ensure that the decision is sufficiently robust and transparent. In addition it will provide an opportunity for Members to visit the site and to view the correct position of the proposal in relation to the main settlement. The recommendation of the application however remains one of refusal for the reasons outlined in main body of the report.

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