

Application Number: F/YR13/0755/F
Minor Dwellings
Parish/Ward: Wimblington Parish Council
Date Received: 4 October 2013
Expiry Date: 29 November 2013
Applicant: Mr & Mrs W King

Proposal: Erection of a 6-bed 3-storey dwelling involving demolition of outbuildings

Location: Land south west of 32 Eastwood End, Wimblington

Site Area: 0.109 ha

Reason before Committee: Due to receipt of 6 letters of support which is at variance to the Officer's recommendation of refusal and call-in by Cllr Jolley as its in the open countryside and it crosses a public footpath/bridleway and there is now a natural stop line to the east of the footpath.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application is a resubmission of a recent refusal for a 6-bed dwelling on this land which is identical to F/YR13/0422/F which Members may recall refusing in August 2013. The application site is located in the open countryside away from the village of Wimblington on the eastern side of the A141.

The key issues relate to:

- Policy considerations
- History of the site
- Design and Layout
- Other considerations

This is a speculative application that has been submitted without any justification for a new dwelling in the open countryside and therefore the proposal is considered to be contrary to Policy H3 of the Local Plan and Policy CS3 of the emerging Fenland Local Plan Core Strategy 2013. The policy states that development outside of any village location will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry etc and will be subject to a restrictive occupancy condition.

Policy CS3, together with other policies, steers most new development to those larger places that offer the best access to services and facilities thereby reducing the need to travel as well as making best use of existing infrastructure and previously developed land in built-up areas. The site is approximately $\frac{2}{3}$ mile away from the service centre of Wimblington on the western side of the A141 Wimblington By-pass.

The site is located within Flood Zone 1, 2 and 3 and it is considered that sequentially there are other available sites which lie entirely in lesser flood zones that the development could be carried out on.

It is Government policy that development in the countryside should be strictly

controlled, in order to conserve its character and natural resources. By identifying the settlement hierarchy and distinguishing between settlements and the countryside, Policy CS3 restricts development in the countryside other than that where a rural location is fully justified.

The proposed development does not form any infill function within a continuous frontage and the proposal encroaches in a southerly direction into the open countryside where the land levels dip and meet the agricultural fields to the east.

There is no justification to support such development and there will be an adverse impact on the character of the countryside by virtue of the location and size of the dwelling which is out of keeping with the scale of the adjoining dwelling to the north.

There is no additional supporting information contained within this resubmission that renders the application acceptable.

Therefore the application is recommended for refusal.

2. HISTORY

F/YR13/0422/F	Erection of a 6-bed 3-storey dwelling involving demolition of outbuildings	Refused 27 August 2013
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F/YR01/0140/O	Erection of a house	Refused 4 April 2001
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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 55: Avoid isolated homes in the countryside unless there are special circumstances.

Paragraph 109: Conserving and enhancing the natural environment.

3.2 Draft Fenland Local Plan Core Strategy:

CS1: Presumption in favour of sustainable development

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS12: Rural Areas Development Policy

CS16: Delivering and Protecting High Quality Environments across the District.

3.3 Fenland District Wide Local Plan:

H3 – Settlement Development Area Boundaries

H16 – Housing in the open countryside

E1 – Conservation of the Rural Environment

E2 – Important Landscape Features/Views

E8 – Proposals for new development.

4. CONSULTATIONS

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

No objection as long as access is via tarmac driveway to No.32.

4.2 ***Local Highway Authority:***

The identified access to the development is via a public by-way, and comprises a standard dropped kerb crossover and grasscrete surfacing where works have been undertaken to facilitate access to an adjacent pumping station.

The remaining unmade length of access to the site within the by-way limits must be made up to a specification to be agreed with the LHA.

Review of accident conditions indicate that there has been one loss of control incident on the bend in the last 3 years (Jan 2011), involving a single motorcycle in damp conditions, resulting in slight injury.

With regard to the siting of the access on a bend in the carriageway, visibility for emerging vehicles meets appropriate standards for the 30mph zone, and forward visibility for a right turning vehicle is similarly adequate in relation to observed vehicle approach speeds.

Accordingly, no objections in principle.

4.3 **Public Rights of Way Team:**

Public byway 10 Wimblington runs along the western boundary of the development site. It does not appear that the public byway will be affected by the proposed development, therefore we have no objections.

We request that if planning permission is granted, the following informatives are included.

* The full width of byway no 10 Wimblington must remain open and unobstructed at all times. Building materials must not be stored on this section of the byway, contractors' vehicles must not be parked on it and (it is an offence under s 137 of the Highways Act 1980 to obstruct a public highway).

* No alteration to byway no 10 Wimblington surface is permitted without our consent (it is an offence to damage the surface of a public byway under s 1 of the Criminal Damage Act 1971

* Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

* The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para 7.1).

4.3 **Middle Level Commissioners:**

Comments are still awaited.

4.4 **Environmental Health (FDC):**

Comments are still awaited.

4.5 **Environment Agency:**

Main source of flooding is associated with watercourses under the jurisdiction of the IDB.

No objection but comments that the FRA does not meet the requirements of the Technical Guidance contained within the NPPF. Gives guidance on the disposal of surface and foul water drainage and pollution prevention.

- 4.6 **County Archaeology:** Records indicate the site lies in an area of high archaeological potential. Therefore considers that the site should be subject to a programme of archaeological investigation.
- 4.7 **Local Residents:** 6 letters of support have been received from local family members and friends.

5. **SITE DESCRIPTION**

- 5.1 The site is rectangular in shape and approximately 0.109 ha in size. The site is overgrown grassland with the remains of a derelict Nissen hut in the centre and an outbuilding located in an overgrown section of the site. To the north of the site is an existing 2-storey dwelling; to the west is a development of 3 houses under construction and to the south and east is the open countryside of Fenland. There is a public byway which runs immediately to the west of the site.

6. **PLANNING ASSESSMENT**

The key considerations are:

- Policy considerations
- Site History
- Design and layout
- Other considerations

Policy Considerations

The application site lies well outside of the built up settlement of Wimblington, the service centre of which is approximately two thirds of a mile from the site across the A141 bypass. The site is located in open countryside with an element of existing development located to the north and west.

The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is further supported by the policies within the Local Plan and Emerging Core Strategy where it is determined that 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.

Policy CS3 of the emerging Core Strategy seeks to support sustainable growth within Fenland. The focus for the majority of growth is in and around the four market towns. Policy CS3, together with other policies, steers most new development to those larger places that offer the best access to services and facilities, both for now and for the foreseeable future. This helps to reduce the need to travel as well as making best use of existing infrastructure and previously developed land in built up areas.

It is Government policy that development in the countryside should be strictly controlled in order to conserve its character and natural resources. By identifying the settlement hierarchy and distinguishing between settlements and the countryside, the policy restricts development in the countryside other than that where a rural location is fully justified.

Policy CS12 of the Core Strategy – September 2013 is also relevant to this application and lists the general good practice criteria for evaluating proposals. The criteria listed in this policy details that the application site should be in or adjacent to the existing developed footprint of a village; would not result in coalescence with neighbouring villages; would not have an adverse impact on the character and appearance of the surrounding countryside; should be in keeping with the shape and form of the settlement; respects natural boundaries; would not result in the loss of high grade agricultural land and would not result in risks or unacceptable nuisances to residents and businesses.

The development proposed does not comply with Policy CS12 as it is not adjacent to the existing developed footprint of Wimblington. It is acknowledged that there have been recent approvals for 3 dwellings in the vicinity which adjoined the Development Area Boundary for Eastwood End (as shown in the Local Plan) and form frontage development that fills a gap between No.30 Eastwood End and No.32.

However, the proposed development now encroaches out in a southerly direction into the open countryside where the land levels dip and meet the agricultural fields to the east.

Site history

In 2001 an outline planning application was refused on the basis that there was no justification for a new dwelling in the open countryside unconnected with agriculture, horticulture or forestry and also that the site was outside the Development Area Boundary.

In August 2013 the same application was refused at Planning Committee and the applicant has lodged an appeal to the Planning Inspectorate. The reasons for refusal are still relevant and there has been no policy changes i.e. the application does not give any sufficient justification for a new house in the open countryside and the dwelling will have an adverse impact on the character of the area by virtue of encroachment into the countryside.

The agent considers that the proposal will not have any additional impact than the 3 recently approved plots to the north west of the site however the LPA maintain that these 3 plots form frontage development along Eastwood End and do not encroach in a southerly direction into the open countryside.

Design and Layout

The dwelling proposed is 3 storey in nature with an overall ridge height of 8.6 metres and provides for 6 bedrooms. The dwelling is approximately one metre higher than No.32 Eastwood End which lies immediately to the north of the site.

The site levels fall away from the site frontage in an eastern direction and the proposal will include the levelling of the site however there is no section through the site to enable the LPA to determine how much the land levels will be increased.

There is a protected Walnut tree in the eastern corner of the site which will need protecting during construction and land levels will have to take into account the presence of this tree.

A double garage together with parking and turning is to be provided at the front of the dwelling.

Access appears to be over the existing byway and the Countryside Team has made comments that no unauthorised vehicular access may be made over the byway.

Other Considerations

Flood Risk

The site is located within Flood Zone 1, 2 and 3 however the application has not been accompanied by a FRA. The LPA considers that sequentially the SFRA has identified that there is other land in lower flood risk areas that are available for development and should be considered before a site that lies within higher flood risk areas.

Public Right of Way

Byway No.10 runs immediately to the west of the site and the Public Rights of Way Team have stated that access to the site must not be over the byway unless the applicant is sure they have lawful authority to do so. The agent is currently trying to establish whether there is a lawful access and this information will be updated to Members at Planning Committee.

Biodiversity

The site is located on the edge of the open countryside and given that there is some landscaping on the site together with existing structures that could support protected species, it is necessary to provide at least a Phase 1 report to establish the presence or otherwise of such species. Such information has not been provided.

8. **CONCLUSION**

- 8.1 The application is a resubmission of a recently refused application for a 6-bed house and the circumstances of that refusal have not changed.

The site is located in open countryside and does not form any infill function or agricultural need and is therefore not supported. The proposal is contrary to Local and National Policies which seek to ensure that all new development is sustainable and that the character of the open countryside is not eroded.

Para 55 of the NPPF states that 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 of work or where development would reuse redundant or disused buildings or are of exceptional quality or innovative nature. Such dwellings should reflect the highest standards in architecture and significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The proposal is not considered to significantly enhance its immediate setting and is not innovative in nature to warrant an approval for the design of the

dwelling proposed.

9. RECOMMENDATION

REFUSE:

- 1. The proposed development, which is located outside the main settlement of Wimblington, will be situated within open countryside which forms the rural character of this area, and has not been supported by sufficient justification for the introduction of a dwelling within an unsustainable location. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55, Policies E1, E2, H3 and H16 of the Fenland District Wide Local Plan 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Proposed Submission February 2013.**

- 2. The proposal will result in new development in the open countryside which will have an adverse impact on the character of the area by virtue of encroachment into the countryside thereby changing the character of the area to its detriment. The proposal is therefore considered to be contrary to Policies E1, E2 and E8 of the Fenland District Wide Local Plan 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Proposed Submission February 2013.**