

Application Number: F/YR13/0823/F

Minor Dwellings

Parish/Ward: Wimblington Parish Council/Wimblington Ward

Date Received: 4 November 2013

Expiry Date: 30 December 2013

Applicant: Mrs J Jones

Proposal: Erection of a 2-storey 3-bed dwelling and detached double garage

Location: Maddison Lodge Caravan, Horsemoor Road, Wimblington

Site Area: 0.19 ha

Reason before Committee: The proposal is before the Planning Committee at the request of Cllr Connor due to site history and personal circumstances of the applicant

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of a 2-storey chalet bungalow with detached garage on land at Horsemoor Road, Wimblington. 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

The reason for the application relates to the personal needs of the applicant and consideration has to be given to the need and justification for this dwelling in the open countryside together with its impact on the character and appearance of the area.

Confidential personal information has been submitted in support of the dwelling, and whilst the Local Planning Authority can empathise with the applicant's needs there is no policy support, either Nationally or Locally to support a development in the countryside unconnected with agriculture, horticulture or forestry. The personal need carries insufficient weight to override policy considerations.

Without an appropriate justification, the proposal for a new dwelling in the open countryside is 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.

Therefore the application is recommended for refusal.

2. HISTORY

F/YR13/0470/F	Erection of 2-storey 3-bed dwelling and detached double car hovel	Withdrawn 16 August 2013
F/YR08/0783/CER	Certificate of Lawful Use (Existing): Use of land for the stationing of a residential caravan relating to Condition 01 of planning permission F/92/0737/F	Refuse to issue Certificate of Lawful Use – 14 October 2008
F/YR08/0005/CER	Certificate of Lawful Use (Existing): Use of land for the stationing of a residential caravan	Refuse to issue Certificate of Lawful Use – 2 July 2008
F/YR06/0059/CER	Certificate of Lawful Use (Existing): Use of land for the stationing of a mobile home	Refuse to issue Certificate of Lawful Use – 3 July 2006
F/YR02/0945/F	Erection of timber shed	Granted 24 September 2002
F/92/0737/F	Use of land for the stationing of a residential caravan and erection of 20 pigsties including weaner pen, 2 stable blocks, 1 feed store and the construction of a boundary fence	Granted 3 June 1993

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 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

4. CONSULTATIONS

- 4.1 **Parish/Town Council:** No objection.
- 4.2 **Local Highway Authority:** The approach roads to the site are generally single vehicle width, with limited passing places, non-existent pedestrian provision, street lighting etc. Further, the site is remote from local services, education, shopping, employment, and has no practical access to public transport; the development is therefore likely to be wholly reliant on the use of the private car.
- Accordingly, in determining the application, your Council should be mindful of the adequacy of the local infrastructure to cater for additional general needs development, and the suitability of the location development in terms of sustainability credentials.
- 4.3 **Middle Level Commissioners:** Will be commenting on the application.
- 4.4 **Environmental Health (FDC):** The Environmental Protection Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality.
- It is noted that the applicants are proposing a domestic scale wind turbine. Although much smaller than a commercial turbine, no specifications have been provided to demonstrate that noise will not be an issue to neighbouring dwellings.
- 4.5 **Environment Agency:** The site is located within Flood Zone 2/3 and considers that the FRA submitted is acceptable for the proposed development. However the main source of flood risk at this site is associated with watercourses under the jurisdiction of the IDB.
- Recommends that emergency planning and rescue implications of new development in flood areas should be considered.

Makes advisory comments relating to foul water disposal and the use of private sewage treatment plants.

4.6 ***Natural England:***

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

4.6 ***Local Residents:***

No comments received at time of report writing.

5. **SITE DESCRIPTION**

5.1 The site is rectangular in shape and approximately 0.19 ha in size. The site is overgrown with the remains of a derelict shed in one corner. The site is partially enclosed with some close boarded fencing and there is a set of iron gates possibly where the former access into the site was located. The site lies within Flood Zone 2/3.

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 one mile from the site. The site is located in open countryside with very sporadic development which includes a residential dwelling to the east and an equestrian centre to the north. There are no areas in the locality which could be considered as continuous built up frontages.

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 criterion 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 fully comply with Policy CS12 as it is not adjacent to the existing developed footprint of Wimblington village and it is considered that further development in the open countryside will have an adverse impact on the character of the locality. In addition it is considered that the site is not in a sustainable location and the occupiers of the dwelling would have to rely on the use of a private motor car due to the absence of public transport and the lack of footpaths and street lighting.

Confidential personal information has been submitted to support the proposal however whilst the information provided may be a material planning consideration it is considered that this is not a sufficient justification for an isolated dwelling within the open countryside and is therefore contrary to policy. This is due to the limited weight that can be afforded to this evidence. No other planning related justification has been provided to indicate that this development is essential in terms of the effective management of a local rural enterprise, as required by adopted and emerging policies.

Site history

In 1993 permission was given for the temporary stationing of a mobile home in conjunction with a piggery for a period of 3 years. The permission was also personal to the applicant. No renewal for the mobile following the 3 years was submitted.

In 2006 a Certificate of Lawful Use for the stationing of a mobile home was applied for but refused as insufficient evidence was submitted to prove that a mobile has been continually occupied for at least 10 years.

There is no evidence of a mobile home on the site and the site is overgrown and unkempt.

The adjoining dwelling known as Long Acre Lodge was approved in 1996 as an agricultural dwelling with an agricultural occupancy condition attached.

Design and Layout

The 3-bed dwelling proposed is 2-storey in nature with an overall ridge height of 7.5 metres. A double garage is proposed to be sited to the side and rear of the dwelling. Materials will be red brick with red pantiles and brown upvc casement windows. The height of the dwelling is not commensurate with the modest bungalow to the east of the site.

Other Considerations

Flood Risk

The site is located within Flood Zone 2/3 and a FRA has been provided and accepted by the Environment Agency. However in line with the Council's emerging Core Strategy, Policy CS14, requires the completion of a sequential test and exception test, if necessary, together with the suitable demonstration of meeting an identified housing need.

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 Flood Zone 3.

Personal Need

A confidential personal statement has been provided as justification for the new dwelling. This personal need is acknowledged and the LPA empathises with the applicant, however personal need is not contained within any National or Local Planning Policies and without a bona fide justification the proposal cannot be supported.

7. CONCLUSION

- 7.1 The application seeks full planning permission for the erection of a 3-bed house at Horsemoor Road, Wimblington, and contains a personal needs justification in support thereof.

Whilst the personal needs of the applicant have been considered, without the support of a rural based justification, the proposal is contrary to both National and Local Policies. Therefore the proposal is recommended for refusal for the reasons listed below.

8. 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 isolated and 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 and Policies CS12 and CS16 of the Draft Core Strategy July 2012.**

2. **The site is located within Flood Zone 3. The proposal is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites around March which have a lower probability of flooding.**

The proposal is therefore contrary to Policy CS14 of the emerging Fenland Local Plan Core Strategy February 2013.