

Application Number: F/YR14/0335/F
Minor Dwellings
Parish/Ward: Wimblington Parish Council
Date Received: 16 April 2014
Expiry Date: 11 June 2014
Applicant: Mrs J Jones
Agent: Mr C Walford, Peter Humphrey Associates Ltd

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 as he feels that the proposal should be considered under Policy LP12 (criteria d); he also notes that the personal circumstances of the applicant should be given due consideration

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of a 2-storey dwelling 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 LP3 of the Fenland Local Plan. 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.

A recent appeal decision within the Eastwood End area, approximately 0.9 km from the site resulted in a dismissal of the appeal based on the development of a dwelling in this area being unsustainable and the fact that it would not enhance or maintain the vitality of rural communities as set out in the NPPF. Having regard to what the NPPF says about the delivery of rural housing and the importance of the countryside, the proposal would not constitute sustainable development in this regard.

Therefore the application is recommended for refusal.

2. HISTORY

F/YR13/0823/F	Erection of 2-storey 3-bed dwelling with detached double car hovel and 5.4 metre high (hub height) domestic wind turbine.	Refused 19 December 2013
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 Fenland Local Plan:

LP1: Presumption in favour of sustainable development

LP3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

LP12: Rural Areas Development Policy

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP16: Delivering and Protecting High Quality Environments across the District.

4. CONSULTATIONS

4.1 *Parish/Town Council:*

No objection.

4.2 *Local Highway Authority:*

A consultation response has yet to be received in respect of the current submission however on the earlier scheme the LHA commented as follows:

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:*

No response received at time of report writing.

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:** Refers back to comments on the 2013 application, i.e. 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:

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

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 then 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.

This proposal represents an almost identical resubmission (minor changes to palette of materials and limited further information regarding personal justification) to that refused in 2013 by the Planning Committee on 11th December 2013. The refusal recommendation was supported by Members as the site was located outside the main settlement of Wimblington, situated within the open countryside and insufficient justification for the introduction of a dwelling within an isolated and unsustainable location had been provided. In addition the site is located within Flood Zones 2 and 3 and had failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites around the district which have a lower probability of flooding.

Whilst the Local planning framework has changed post this decision with the deletion of the FDWLP and the formal adoption of the FLP this does not alter the key material considerations of the scheme. Indeed since the December decision the relevant policy has been tested via appeal. Particularly pertinent is a recent appeal decision at Eastwood End, a location which is again separated from the main settlement of Wimblington by the A141 and is only some 0.924 km as the crow flies from the site currently under consideration.

The Inspector in determining this appeal clearly highlighted that:

'Eastwood End does not amount to a sustainable community with any significant services and other than via use of a private motor vehicles, it has relatively poor access to services and facilities elsewhere'. The Inspector went on to note that 'the development would not enhance or maintain the vitality of rural communities in terms required by the framework'.

The character of the area was also deemed to be open and rural in nature and it is asserted that the characteristics of this site are similar and as such the proposed development would detract from the open character of the Fenland landscape, thereby having a 'harmful effect on the character and appearance of the surrounding area' as in the appeal scenario.

Again there were personal circumstances put forward by the appellant to support the proposal. Whilst the Inspector had some sympathy with these when balancing the harm that would accrue as a result of the permanent development he gave these personal considerations little weight.

Policy Considerations

As indicated above 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 Fenland Local Plan 2014 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 LP3 of the Fenland Local Plan seeks to support sustainable growth within Fenland. The focus for the majority of growth is in and around the four market towns. Policy LP3, 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 LP12 of the Fenland Local Plan 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 LP12 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.

Again 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.

Limited additional information has been submitted regarding the potential income which may be generated by the intended agricultural activities that form part of the proposal, i.e. arable and livestock, together with the neutral heat and electricity costs achieved through solar power.

However this is a summary provided by the agent and would not constitute a robust business plan evidencing that the development is essential in terms of the effective management of a local rural enterprise, as required by adopted and emerging policies.

Policy LP14 steers new development to areas of the lowest possible flood risk, i.e. Flood Zone 1. The site is located within Flood Zone 2 and 3 and therefore the site would only be acceptable upon the successful completion of a sequential test having regard to actual and residual flood risk; an exception test if necessary and suitable demonstration of meeting an identified need.

A FRA has been submitted with the application and concludes that if approval is granted then the dwelling needs to have a raised finished floor level of 300mm above existing land and road level with safe refuge at first floor level.

Although the EA has no objection to the proposal in light of the submitted FRA it clear that the guidance contained within the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The LPA consider that there is no valid justification to develop this parcel of land for a dwelling and that there are other suitable sites in areas of lower flood risk that could be utilised for one new dwelling. It is considered that this one dwelling does not provide any wider sustainability benefits to the community that outweigh flood risk and therefore cannot be supported.

Design and Layout

The 3-bed dwelling proposed is 2-storey in nature with an overall ridge height of 7.5 metres. A double open fronted garage is proposed to be sited to the side and rear of the dwelling. Materials will be white stucco render with smooth grey pantiles and grey casement windows. The height of the proposed dwelling is shown at 7.5 metres above ground level and taking the minimum increase in ground level of 300mm will result in an overall ridge height of nearly 8 metres. This is not commensurate with the modest bungalow to the east of the site and will be visually intrusive in the landscape.

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 with regards to tidal and designated main river flood risk sources only. The EA consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board. However in line with the Council's Local Plan Policy LP14, a sequential test and exception test should be completed, 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 the personal needs of the applicant does not overcome the policy considerations contained within National and Local Planning Policies and the proposal cannot be supported.

8. CONCLUSION

- 8.1 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.

The site is located away from the settlement of Wimblington in the open countryside and is not considered to be a sustainable location contrary to policies within the NPPF and the Local Plan.

The site is located within Flood Zone 2 and 3 and the erection of one dwelling does not have a wider community benefit that could outweigh flood risk on this site.

A recent appeal decision (APP/D0515/A/13/2206869) for a new dwelling within Eastwood End, which is approximately 0.9 km from the site, was dismissed on grounds that the site is not in a sustainable location and the effect that a new dwelling would have on the character and appearance of the area.

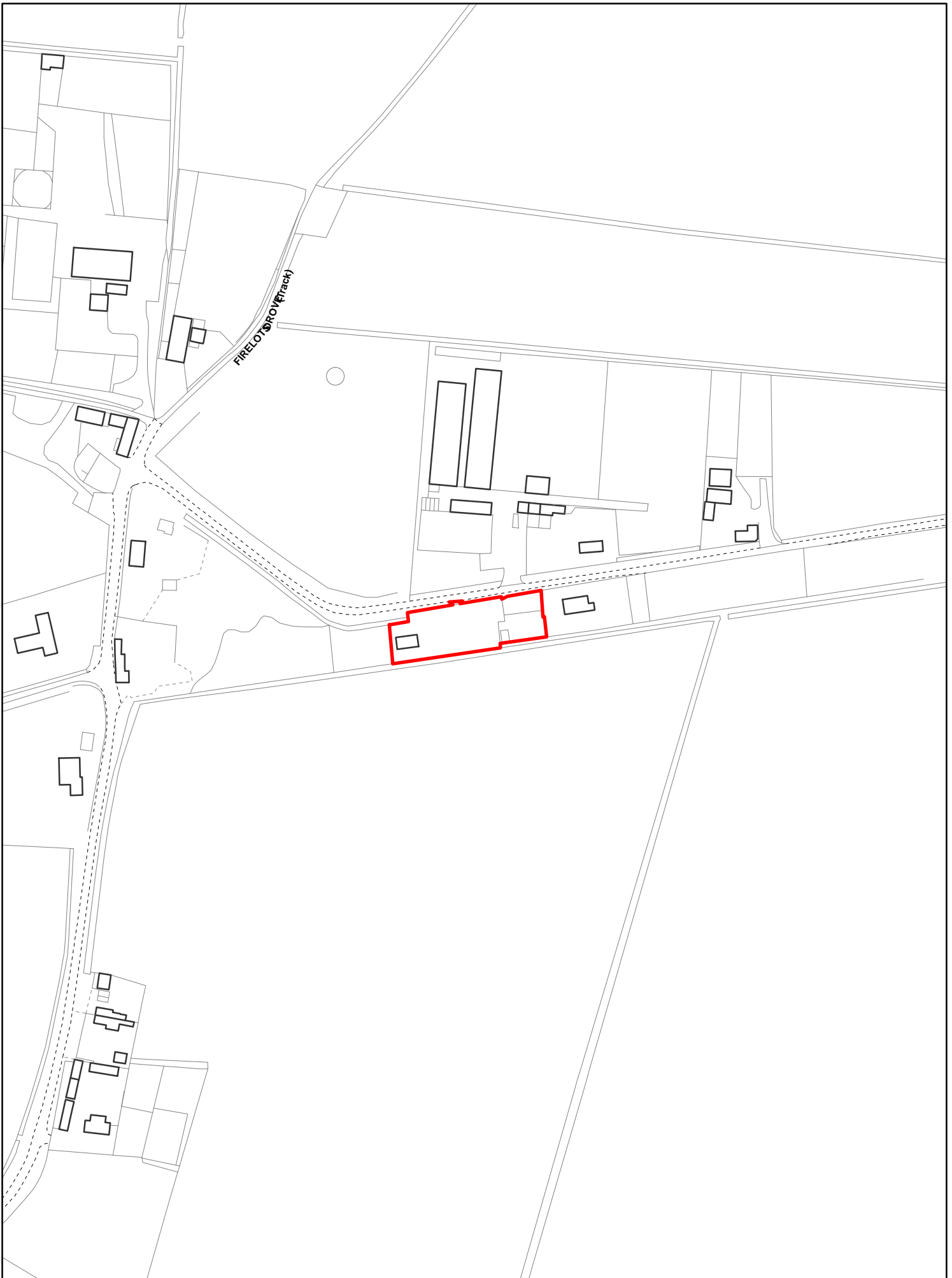
Whilst the personal needs of the applicant have been considered, without the support of a rural based justification, the proposal is contrary to both National and Local Policies. Therefore the proposal is recommended for refusal for the reasons listed below.

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 isolated and unsustainable location. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55 and Policies LP3, LP12 and LP16 of the Fenland Local Plan 2014.**
- 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 Fenland which have a lower probability of flooding.**

The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan 2014.



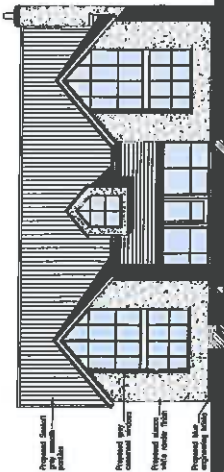
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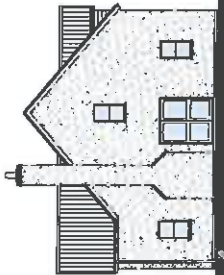
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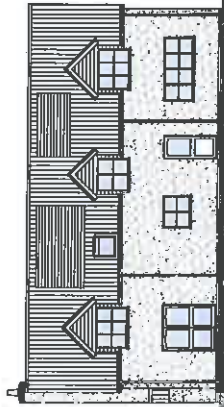




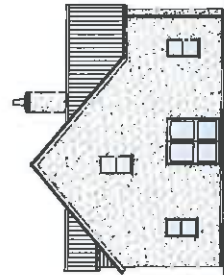
Proposed Front Elevation 1:100



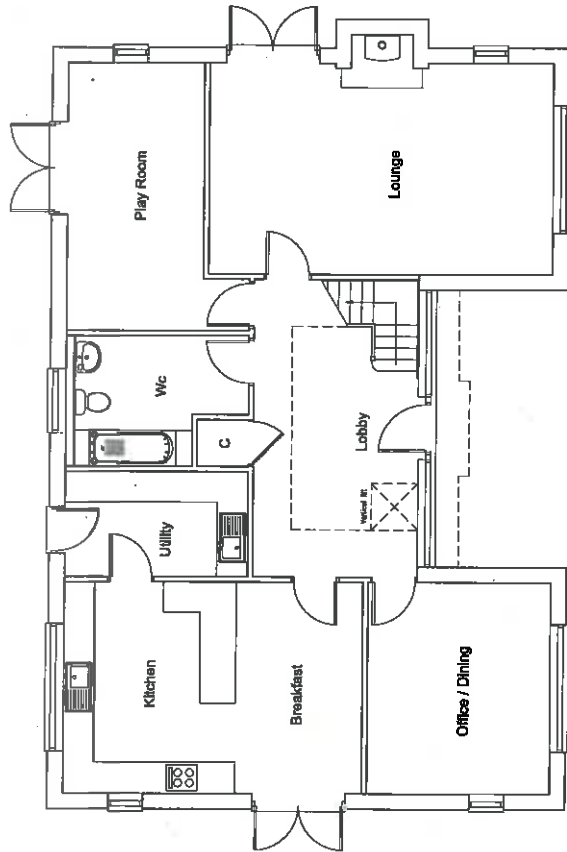
Proposed Side Elevation 1:100



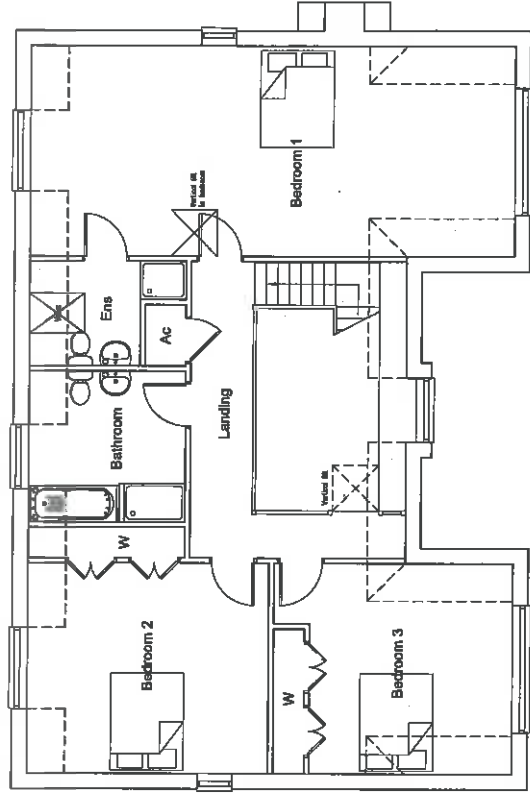
Proposed Rear Elevation 1:100



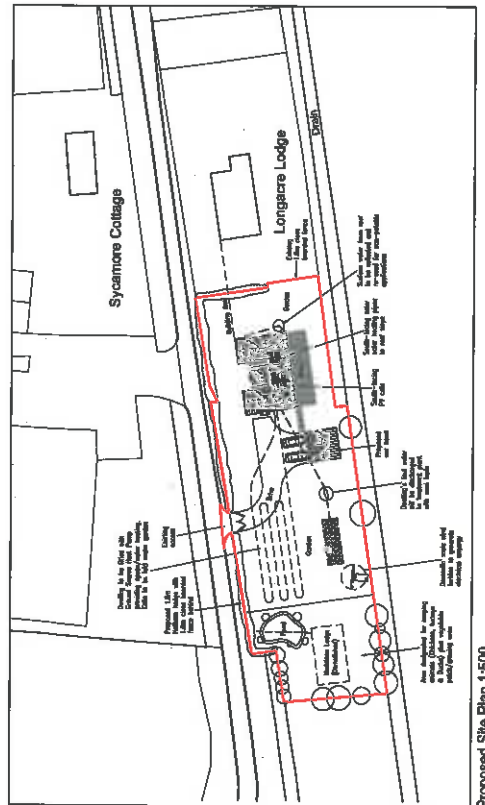
Proposed Site Elevation 1:100



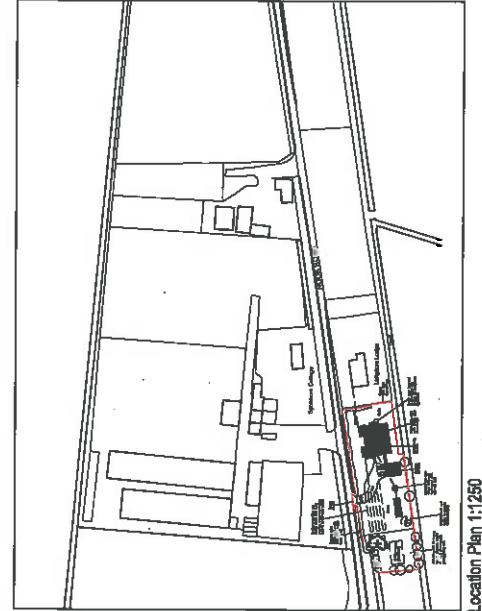
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Site Plan 1:500



Location Plan 1:1250



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED CHALET BUNGALOW
LAND ADJ. LONGACRE LODGE
HOOK ROAD
WIMBINGTON
MARCH
PE16 0LL

CLIENT
Mrs J Jones

DATE: April 2014 SCALE: As Shown REF: 4949/01C

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ARCHITECTURAL DESIGN AND BUILDING
15, MILLERS LANE, WIMBINGTON, MARCH, PE16 0LL
TEL: 01455 888888
WWW.PETERHUMPHREYASSOCIATES.CO.UK

PROPOSED SCHEME

Architectural Design and Building Ltd.

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