

F/YR17/0818/F

Applicant: Mr Phil Purse

Agent : Mr T Feary
Trevor Feary Ltd

Land North Of Meadowcroft, Silt Road, March, Cambridgeshire

Erection of a 5.6 metre high building for the garaging/parking of applicant's vehicles and storage of hay/straw/tack; retention and extension of existing hardstanding (including change of use of part paddock to additional residential curtilage); erection 1.5 metre high (max) fencing to enclose retained and extended paddocks (including change of use of former residential curtilage to paddocks)

Reason for Committee: Called in by Councillor Count who supports the proposal and as more than 6 letters have been in support of the application contrary to the recommendation.

1 EXECUTIVE SUMMARY

This application is for an 18.2m by 9.1metre portal frame building located away from the suburban edge of March in a countryside location. The applicant confirms that the building is not a domestic building but is a garage/barn for the accommodation of large machinery and some building materials in association with the applicant's groundworks business, and for the storage of feed and tack for the applicant's horses. It is acknowledged that staff may visit but only on an occasional basis.

The site is considered to be an 'Elsewhere' location as identified under Fenland Local Plan Policy LP3. The Applicant's proposal does not constitute an 'agricultural' operation or any of those identified within LP3.

The proposed building due to scale and appearance and the associated use of storage of commercial vehicles is considered likely to result in an urbanising impact considered to be out of character with the tranquil character of the open countryside contrary to adopted policy LP16.

The proposed development would likely result in harm to the amenity of neighbours by reason of disturbance from the movements of large vehicles accessing and egressing the site and visits from any employees accessing the site. It is therefore considered contrary to policy LP16(e) in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.

2 SITE DESCRIPTION

- 2.1 This site is a 0.4 hectare site to the east of Silt Road alongside the embankment of the railway line. It was formerly a lawned area with domestic scale sheds which appear to have had a small scale activity resulting in minimal impact for neighbours or the character of the area (as visible on Google Maps). The site includes the bungalow to the south (Meadowcroft) within the red line, but excludes the existing caravan on the north-western corner of the site.
- 2.2 The site is accessed off Silt Road which currently has a gated railway crossing to the north, although Network Rail has possible intention to close the crossing. Access to the south is from Upwell Road (0.4 miles). The country lane is less than 3 metres wide with wide grass verges. It does not include passing places, apart from the access to the two bungalows near the application site. There is insufficient space for two cars to pass on the existing country lane.
- 2.3 The applicant has previously laid down loose hard aggregate on the site and moved topsoil and installed a mobile home to the north of the site (not part of this application) without planning permission.

3 PROPOSAL

- 3.1 The application submitted is conflicting in the details regarding the proposal. The application forms describe the building as 'for the garaging of the applicant's vehicles and for the storage of hay/straw/tack' However the forms also confirm the creation of 'Non-residential floorspace' detailed as 'Garage/ barn' of 155m² area. Nevertheless the applicant's Planning Statement considers that the building would have been permitted development if it were lower in height, implying this to be a residential building incidental to the residential use.
- 3.2 The statement confirms that the building will accommodate the applicant's commercial vehicles. It verifies that the applicant's groundworks business operates the following vehicles:
- A JCB,
 - A 7½ ton lorry,
 - 2 dumper trucks,
 - A mini digger,
 - Rollers both driven and hand operated,
 - A trailer and various hand tools.
- The statement also refers to the storage of drainage materials unused on site awaiting delivery to landfill sites. The application contends that the proposal is a low key activity of a 'domestic' nature.
- 3.3 The statement confirms that the proposal should generally not have visitors but later confirms that parking is for the applicant's member of staff. It further states that repair and maintenance work is carried out at the construction site, i.e not within the application area, then in

contradiction refers to 'it cannot be ruled out that some light maintenance could be carried out at the site'. It also states that the applicant intends to secure the 7½ ton lorry in the proposed building and that the applicant usually travels to and from work in the lorry, confirming regular use at the site.

- 3.4 The large garage building will be positioned parallel to the railway embankment, approximately 13 metres south-west of the position proposed in the F/YR17/0060/F scheme which similarly abutted the embankment. The site access is close to the point of access of the neighbouring bungalow (Medway Cottage) to the west. The hard-surfacing area gives a length of approximately 30 metres in front of the building. This could accommodate the movement of large vehicles and accommodate any visitors.
- 3.5 The portal framed building is 9.1 by 18.2 metres to an eaves height of 4.3metres with a ridge height of 5.6 metres. It comprises concrete walls (1.6 metres high) with green cladding and cement fibre roof sheeting with roof-lights. It includes metal shutter doors 4.2 metres wide. This scheme positions the doorway to the south-western elevation facing the bungalow. The separated section of the building (accessed within the paddock area, has only a single entrance door approximately 0.9metres wide considered unlikely to give easy access for storing large hay bales or large items of Tack.
- 3.6 This proposal retains some of the gravel or hard-standing area, but seeks to change areas to paddock land thereby reducing an element of the existing hardstanding. It includes a large amount of ranch style timber fencing to separate the garage from the paddock areas. No details are provided of replacement surfacing.
- 3.7 The planning statement refers to the access to the site having previously been 5 metres wide, then widened to 11 metres with the removal of trees and hedges, but now is proposed to be narrowed to 6 metres wide with an inset gate of only 4 metres in width.
- 3.8 Full plans and associated documents for this application are available at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OV6ODKHE01U00>

4 SITE PLANNING HISTORY

F/YR17/0060/F	Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)	Refused	28/04/17
F/YR16/0863/F	Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)	Refused	04/02/16

4.1 Application Ref F/YR17/0060/F was also by Planning Committee for the following reasons:

- 1 *Policy LP1 of the Fenland Local Plan promotes a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's groundworks business does not constitute an 'agricultural' operation or any of those identified within LP3. Policy LP2 seeks to create opportunities for employment in accessible locations, however the site is not considered to be easily accessible located off a narrow country lane in the open countryside. Policy LP6 seeks to encourage employment opportunities and economic growth and lists 9 criteria for business proposals to be assessed against. These assessment criteria consist of: The Council's spatial strategy availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. It is therefore considered that the proposed development would conflict with the thrust of the NPPF and Policies LP1, LP2, LP3, LP6 of the Fenland Local Plan 2014. It would cause material harm to the interests of sustainable development and therefore the development is not acceptable.*
- 2 *The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed light industrial unit and associated use*

will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to adopted policy LP2 and LP16(d) in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area.

- 3 *The proposed development would likely result in harm to the amenity of neighbours by reason of disturbance from large vehicles and visits from employees accessing the site. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate for vehicles to serve an industrial unit of this size. It is therefore considered contrary to policy LP2 and LP16(e) in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.*

5 CONSULTATIONS

5.1 March Town Council March Town Council does not object.

5.2 Network Rail

Network Rail has not commented but previously highlighted safety whilst using the Rail Crossings. It does not encourage the use of crossings and observe that the applicant must be aware of the Rail user crossing which is still a part of the network. The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.
- Network rail previously requested informatives be added regarding future maintenance.

5.3 FDC Environmental Health has no objection.

5.4 CCC Highways previously highlighted that with a business proposal possible provision of passing bays and clarification that large vehicles could turn in and out of Silt Road from Upwell Road. Comments regarding the altered access are awaited and Members will be updated.

Local Residents/Interested Parties

- 5.5 Seven letters of support received from businesses and residents in and around March. They highlight their support for the applicant's groundworks business, considering the building will cause no harm and that the site is close to March, and represent good use of underused land and will benefit the economy, "*allowing the applicant to grow his business*".
- 5.6 Councillor Rob Skoulding supports the application considering the proposal supports local businesses and would enable the business to stay in the area.
- 5.7 Councillor Steve Count considers the following, in summary:
This application now gives a clear description of the use. The Councillor knows of the applicant having used his services in the past and has an understanding of the Groundworks business. He does not consider the proposal constitutes a light industrial use, and that "as the only time the business makes money is when the machinery is on site, and therefore it makes good business sense to spend as little time driving vehicles to and from work". The Councillor also does not consider the site to be in open countryside or quiet, pointing to the proximity to the railway and to the presence of farms and some other houses in the area. He considers that granting permission for this building would not set a precedent for buildings elsewhere.
- 5.8 An objection has been received from the neighbour who owns the one house in close proximity to the site (Medway Cottage). He considers the application has not materially changed and reaffirms his previous concerns as follows:
- The development will destroy the tranquil setting of the countryside;
 - It will result in harm to the drainage of the area due to additional run-off;
 - Silt Road is unsuitable for commercial vehicles being less than 3 metres wide and there are no passing facilities;
 - The junction is unsuitable with Upwell Road;
 - Access from the north across the gated crossing would be unsuitable;
 - The scale of the site proposed would enable for significant similar use in the future;
 - Groundworks contractors may require repair/servicing facilities, which are often worked on outside construction hours. This could lead to detriment to neighbouring amenity.
 - The access point is directly opposite that of Medway Cottage and will lead to unacceptable intimidating impact from commercial vehicle movements.
- 5.9 His additional concerns to this third application include the following:

- The application form states that no agricultural land will be lost which is incorrect. The proposed building and hardstanding removes approximately 40% of it. The Google aerial view contained with the application clearly indicates this.
- The existing access to Silt Road was not a vehicular opening, two gates within the fence/hedge boundary. The road and verge is so narrow, with deep dyke opposite, it was impossible to turn a vehicle. It's was only ever used for pedestrian or animal access. Again the Google view show this, and no track in the pasture inside the gate
- The proposed site plan is inadequate to show what is proposed. I cannot determine the site boundary, the paddock areas, the hardstanding areas, the areas deemed to be residential land being swapped for non-residential. Should the application site boundary include both the entire applicants land and garden if he is proposing land classes being changed?
- The need for 1/3 of the proposed building being required for horse feed and equipment is surprising as the applicant does not have adequate grazing land. The rule of thumb standard is 1 horse 1 acre. The proposed paddocks would be insufficient. The suggestion that the proposed building could be considered as Permitted development as it was a garage for vehicles and a store for horse feed is considered beyond belief, it is bigger and taller than Meadow Croft. Even if moved to behind the house it would be seen from Silt Road and from the other side of the railway embankment.

5.10 In conclusion he considers the site has been in a deplorable state for a year and should be reinstated to its original state without further delay as the applicant has not appealed the refusal.

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Identifies core principles which recognise the intrinsic character and beauty of the countryside.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.
Paragraph 109: Minimising impacts on biodiversity

7.2 National Planning Policy Guidance (NPPG)

Determining a planning application
Flood Risk and Coastal Change

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism Community Facilities and Retail
LP12- Rural Area Development Policy
LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland
LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

7.4 March Neighbourhood Plan

The vision of the Neighbourhood Plan is to improve the quality of life for people who live and work in March. Its aims includes 'That the quality of the built and natural environment is improved.'

8 KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Health & Well Being and Impact upon Amenity**
- **Economic Growth**
- **Highway Safety**
- **Flood Risk**
- **Biodiversity**

9 ASSESSMENT

Principle of Development

- 9.1 This site is considered to be in open countryside. Although it may be located close to the edge of March 'as the crow flies', it is however not considered to be easily accessible due to the constraints of Silt Road and the gated railway crossing. The appearance and narrowness of Silt Road is in keeping with the status of a countryside location and as such is considered to be an 'Elsewhere Location' in the Settlement hierarchy (Policy LP3) of the adopted Fenland Local Plan.

- 9.2 For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's proposal does not constitute an 'agricultural' operation or any of those identified within LP3 as above.
- 9.3 The applicant refers to 1/3rd of the building being used for horse related activities. However no current evidence of equine activity exists and has, to date, not featured within any application.
- 9.4 The NPPF recognises the intrinsic character and beauty of the countryside and seeks to support thriving communities within it. The key consideration is whether the type and scale of the proposal undermines the key objectives of LP2 and LP16, and whether the use is appropriate to the site and its locality.

Character of the Area

- 9.5 One of the 12 core planning principle contained within the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. At a local level Policy LP16 of the adopted Fenland Local Plan seeks to deliver and protect high quality environment across the district. Development should only be permitted if it meets the following criteria (amongst other things)
- (d) makes a positive contribution to local distinctiveness and the character of the area, enhances its local setting, responds to and improves the character of the local built environment. Provides resilience to climate change, reinforces local identity and does not adversely impact either in design or scale terms on the street scene, or the landscape character of the surrounding area.
- 9.6 It is also an aim of the March Neighbourhood Plan that the quality of the built and natural environment is improved.
- 9.7 Generally Silt Road is considered to be characterised as a relatively tranquil country lane, even taking account of the proximity to the railway line. By way of a comparison, photographs of the site before this development (some included in support of the application) indicates a very green site with what appears a tranquil location. The two houses therefore enjoyed a peaceful level of amenity. The site was previously used for purposes in keeping with the rural area. Silt Road itself being such a narrow route contributes to the retention of its tranquil status by limiting access to large vehicles. As can be seen the development has removed trees and established a vehicular access, a mobile home (excluded from this application) and a large gravel hardstanding area resulting in a harsh appearance more in keeping with an industrial character. This proposal seeks to slightly reduce the gravel hardstanding, however the addition of a building of such scale and appearance, larger than the bungalow itself, with a concrete wall and concrete fibre roofing (albeit clad in green) will result in a harsh urban environment.

- 9.8 Reference is made to the proposal being similar to buildings of agricultural character. However such buildings by definition relate to agricultural operations considered acceptable in the countryside which accords with Policy LP3 and are often a necessary requirement of modern farming. However, this proposal is not an agricultural use, and therefore not necessary for activities appropriate to the countryside.
- 9.9 The applicant confirms that the building is needed in this form to enable the large vehicles to access requiring such a height clearance. However the resulting building, larger than the dwelling it relates to and alien in domestic character and design, is not considered appropriate to a domestic setting
- 9.10 It is considered that the proposal will result in an urbanising impact upon this part of the open countryside. The proposed building by reason of height, scale and appearance will be an alien feature to the character of the area and therefore contrary to Policy LP16 (d) and the aims of the March Neighbourhood Plan.

Health & Well Being and Impact upon Amenity

- 9.11 Policy LP2 seeks to achieve the highest attainable standard of health requiring development proposals to, amongst other things, promote high levels of residential amenity, create opportunities for employment in accessible locations and avoid adverse impacts. Policy LP16 seeks to deliver and protect High Quality Environments in Fenland, in particular considering local character of the area, and that development does not adversely impact in design or scale, or on the amenity of neighbouring users such as noise or disturbance.
- 9.12 The applicant seeks to accommodate commercial vehicles. Such equipment would not normally be located within a building incidental to a residential property. The movement and storage of such machinery is considered likely to result in disturbance to what, apart from occasional train movements, is a tranquil location. It is noted that support for the development comes from properties some distance from the site, whereas the one nearby neighbour strongly objects. It therefore questions whether occupiers of residential properties would reasonably expect and welcome the parking and storing of commercial vehicles or machinery adjacent to their own property.
- 9.13 The unsuitable and impassable nature of this quiet country lane for larger vehicles to access the site and together with possible disturbance from activities within the site of such large scale will lead to a detrimental impact on the amenity of the occupiers of Medway Cottage. The cumulative impact of these adverse factors is considered to be contrary to Policy LP2 and LP16(e) and the vision of the March Neighbourhood Plan..

Economic growth

- 9.14 The development could provide a degree of local employment during construction which would support the continued sustainability and economic growth of March. Whilst Economic Development is of utmost importance to the Council, it should not result in inappropriate development being located on the open countryside in isolated unsustainable positions. It is noted that the letters of support for the proposal refer to the benefit to local business provided by the proposal. However the proposal is not a business use, in that the application seeks to argue that it does not fall within a 'B' Business use Class. It is therefore difficult to demonstrate economic development benefit would occur from the development.

Highway Safety

- 9.15 It is unknown as to whether there is capacity at the junction with Upwell Road for larger vehicles to access safely although it is considered likely that the carriageway could be widened in practice. However the Local Planning Authority does not wish to endorse widening or the implementation of a number of passing places due to the country lane character of Silt Road. Therefore although no evidence of harm to highway safety has been identified, nevertheless the impact of the development on the use of the highway and the resulting harm on the character of the countryside is considered elsewhere in this report.

Flood Risk

- 9.16 The site is within Flood Risk Zone 3. The application is now for a garage/barn to be used in connection with a residential curtilage. No flood risk assessment has been included. The applicant refers to the building being a 'domestic outbuilding' notwithstanding the 'non-residential' data on the forms, and states that the building will not be occupied. If permitted this position would need to be conditionally safeguarded and then, as a building which could not be occupied as a dwelling it would be of minimal risk should the property be flooded. Therefore whilst it is not accepted that the sequential test is passed, in this instance it is not considered a reason on which to refuse the application.

Biodiversity

- 9.17 Previously a survey was undertaken identifying bats, small numbers of reptiles and other wildlife/fauna on the site. The Peterborough Ecologist accepted that the survey and request proposed mitigation measures be conditionally safeguarded. The applicant is also proposing a Bat and Owl box, which if permitted could be conditionally required. The proposal can therefore be considered to comply with Local Plan Policy LP19.

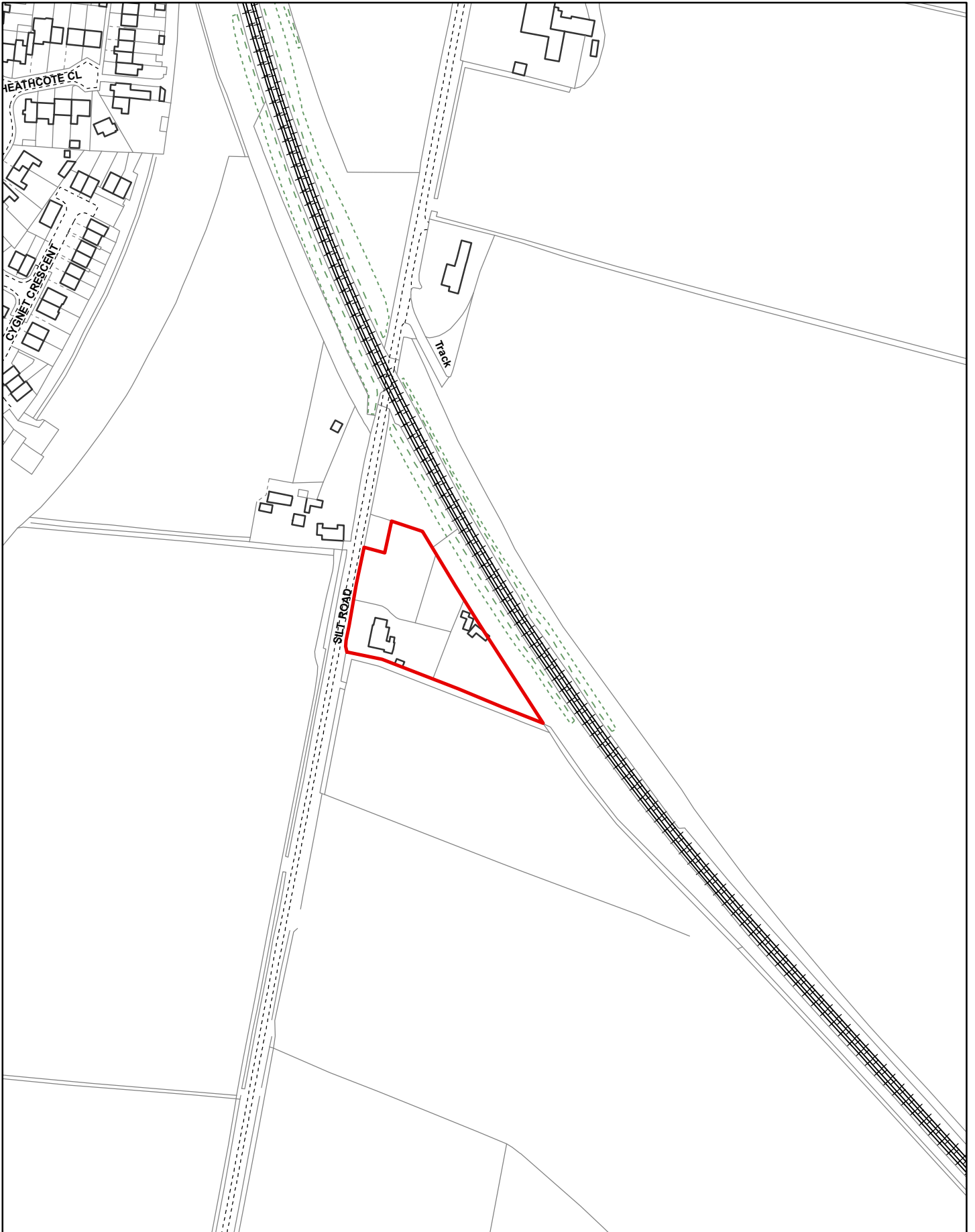
10 CONCLUSIONS

- 10.1 The proposal is a re-packaging of the previously refused applications, but is substantially the same proposal. It seeks to argue that it is entirely appropriate in a residential curtilage. However, the issue is whether the storage of large commercial vehicles as detailed in the application, which themselves require a building of substantial scale and industrial in nature, should reasonably operate from a residential property. The proposed development is considered an alien urban feature in a tranquil rural setting. Also it is considered that if planning permission were to be granted the operation of a site of this scale has potential to result in significant disturbance to the amenity of the occupier of the nearby Medway Cottage and of the use of this quiet county lane.

11 RECOMMENDATION

REFUSE for the following reasons:

- 1 The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed building by reason of scale and appearance and associated activity, will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to adopted policy LP2 and LP16(d) of the Fenland Local Plan (2014) in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area. The proposal is also considered contrary to the aims of The March Neighbourhood Plan in that the proposal fails to improve the quality of the built and natural environment, and the aims and objectives of the National Planning Policy Framework
- 2 The proposed development would likely result in harm to the amenity of neighbouring occupiers by reason of disturbance from large commercial vehicles and visits from employees accessing the site. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate to serve commercial vehicles. It is therefore considered contrary to policy LP2 and LP16(e) of the Fenland Local Plan (2014), and the vision of The March Neighbourhood Plan in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.



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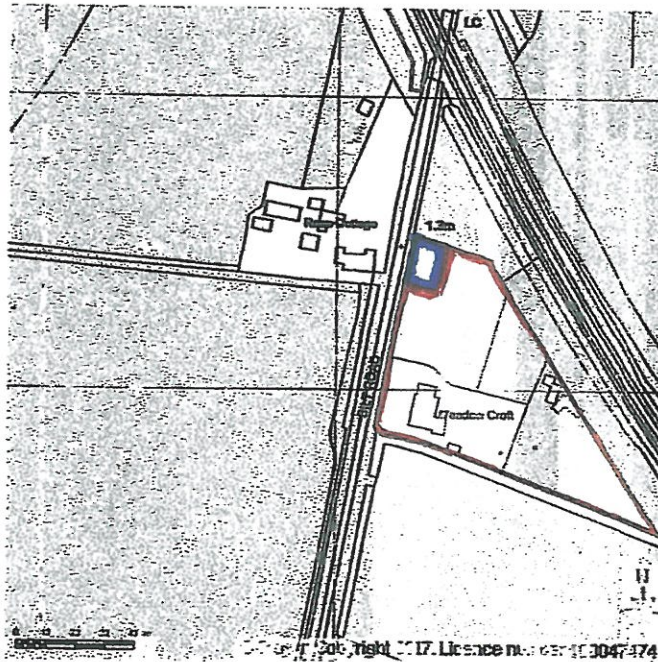
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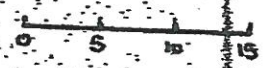
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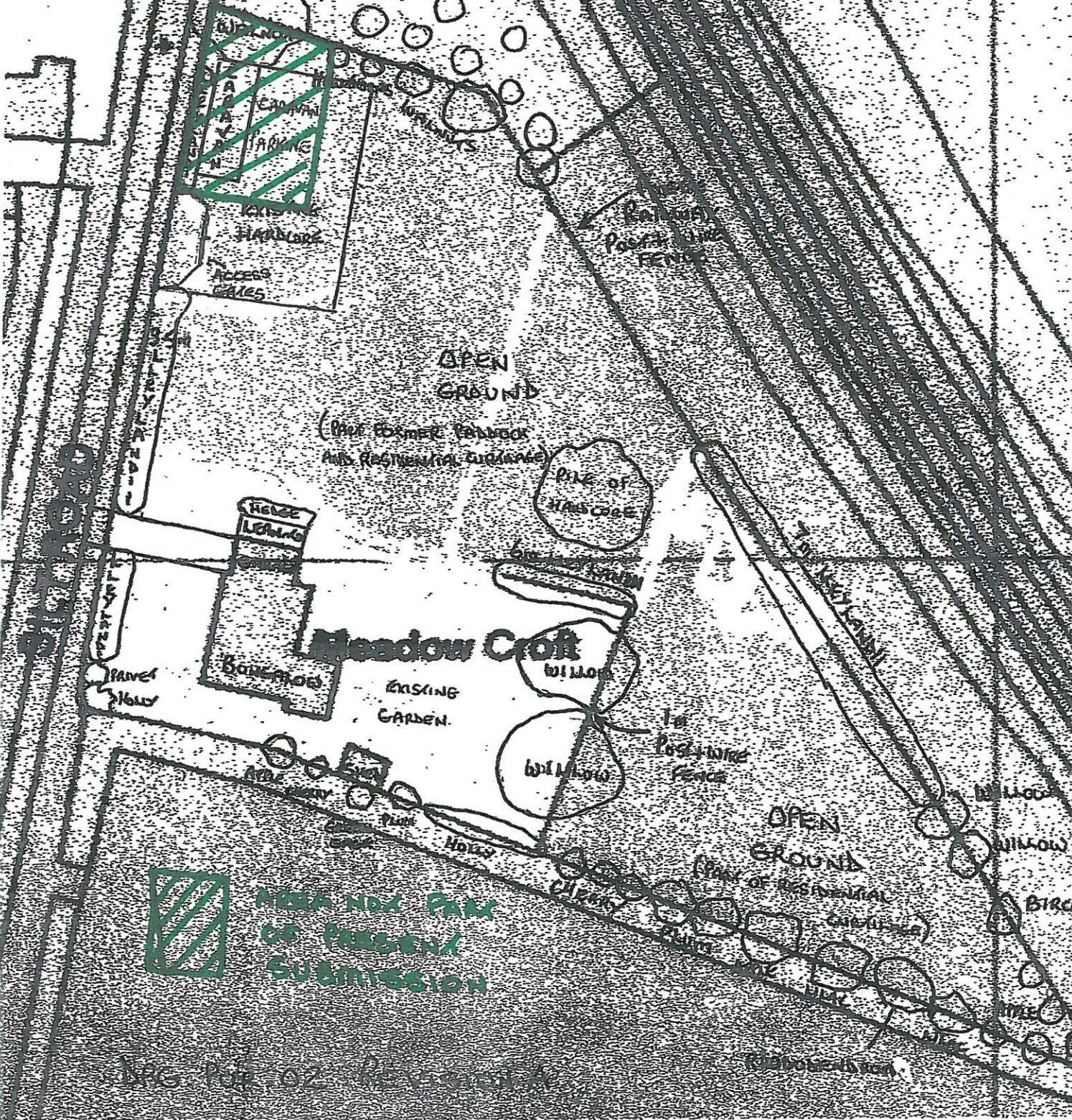
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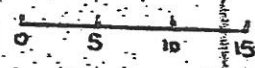
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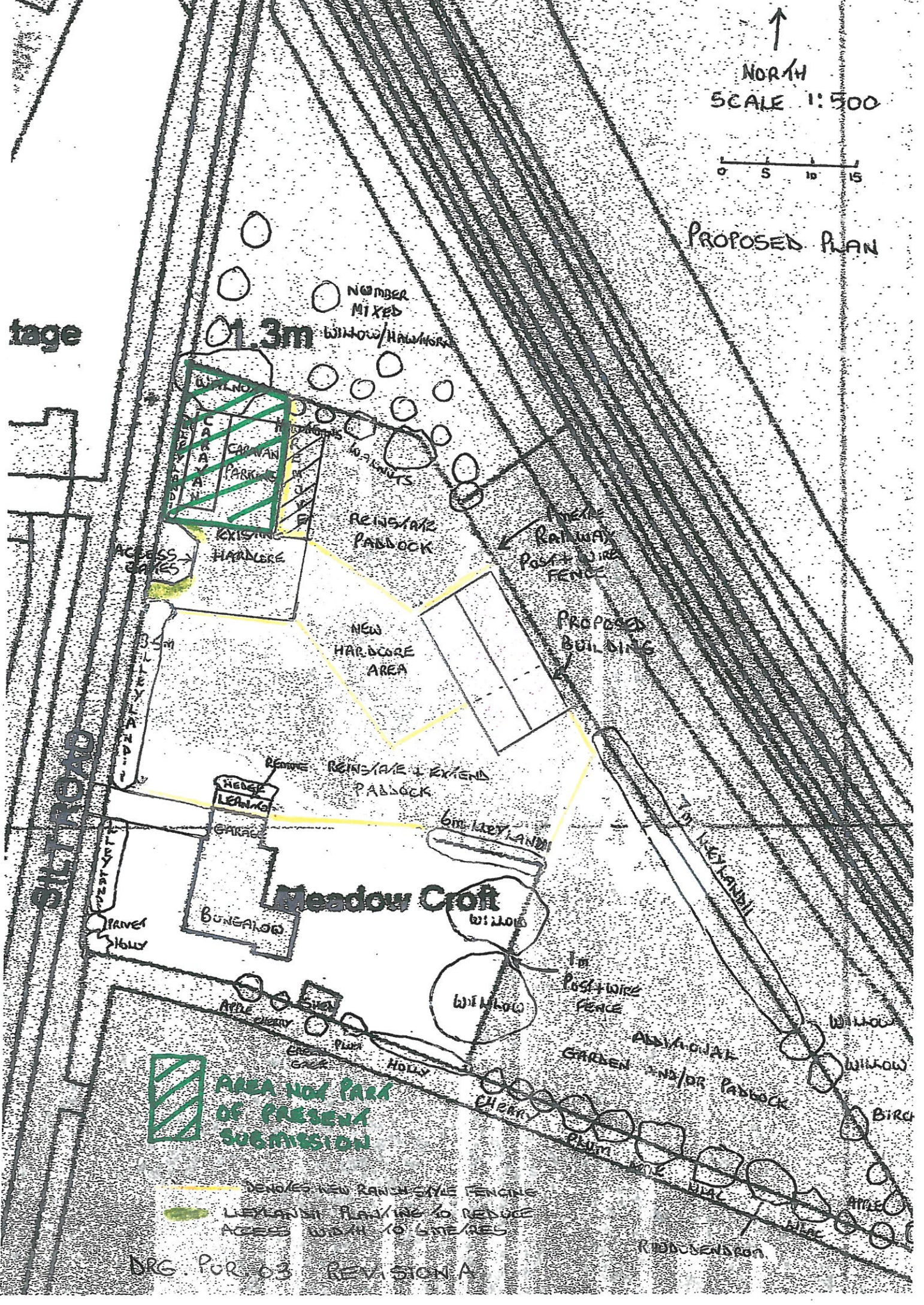
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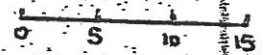
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 — DENOTES PLANNING TO REDUCE ACCESS WIDTH TO GATE/RES

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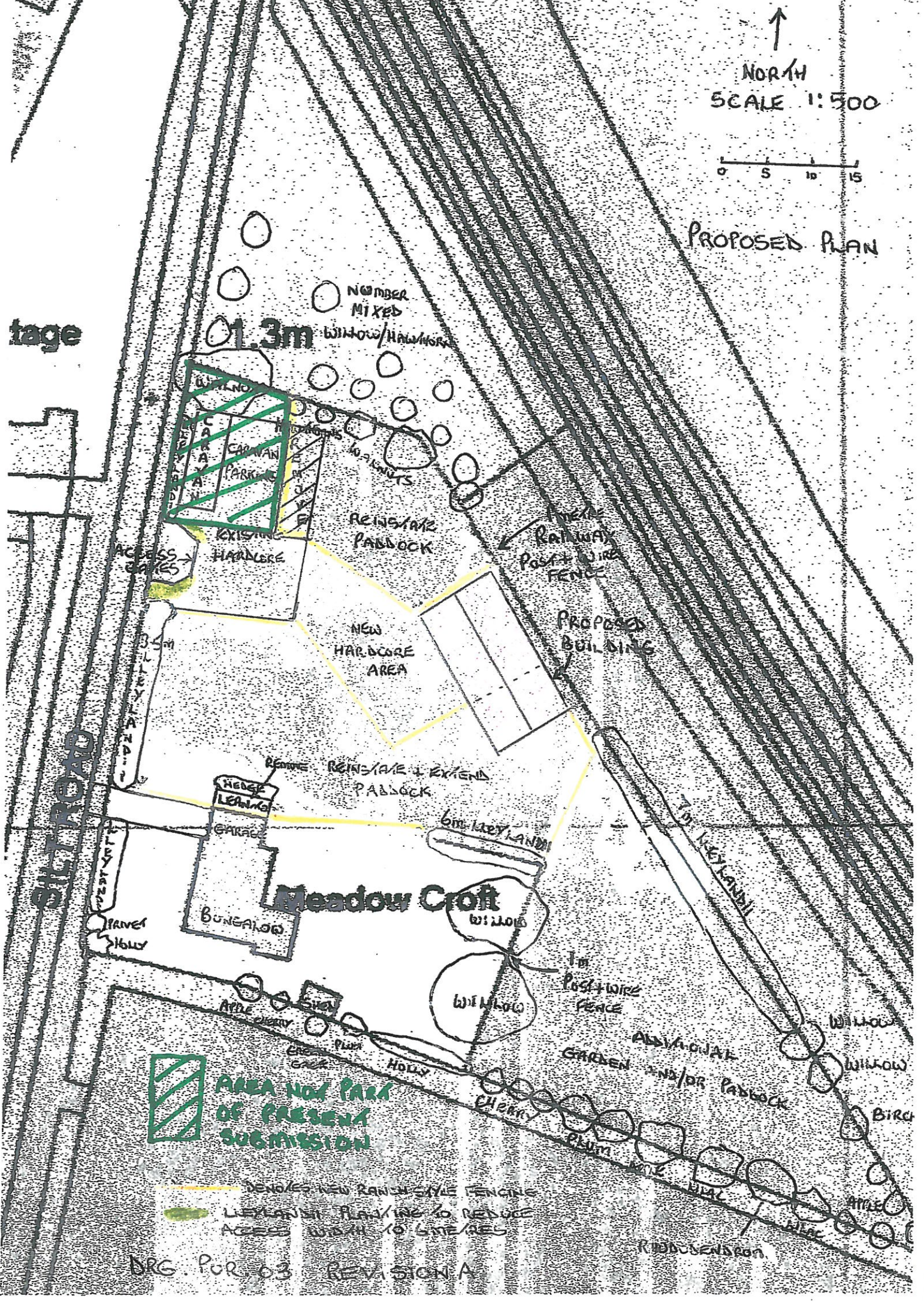
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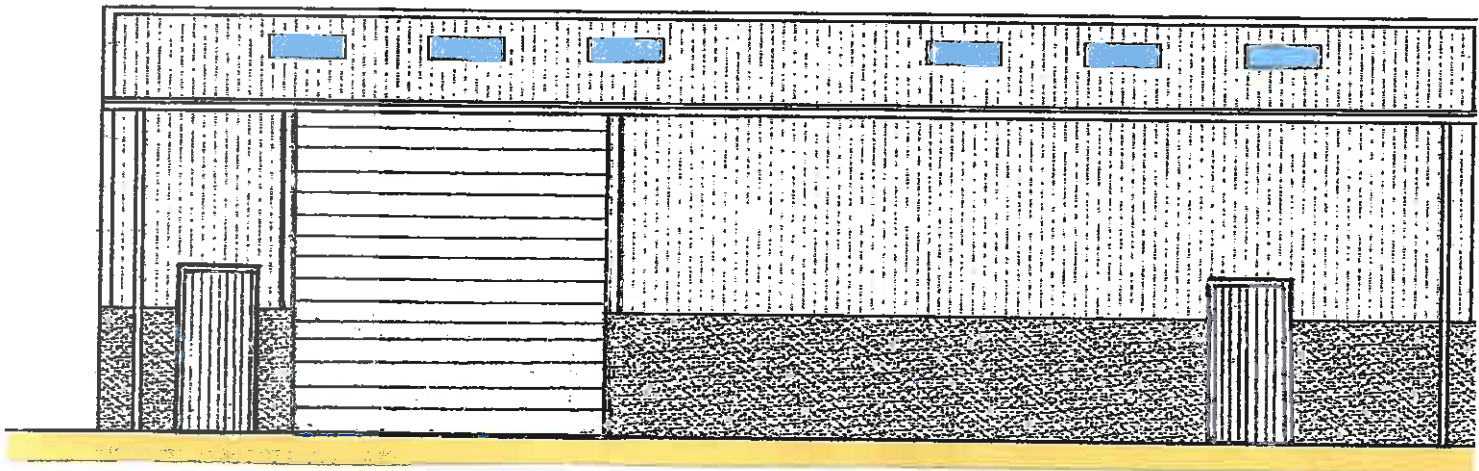


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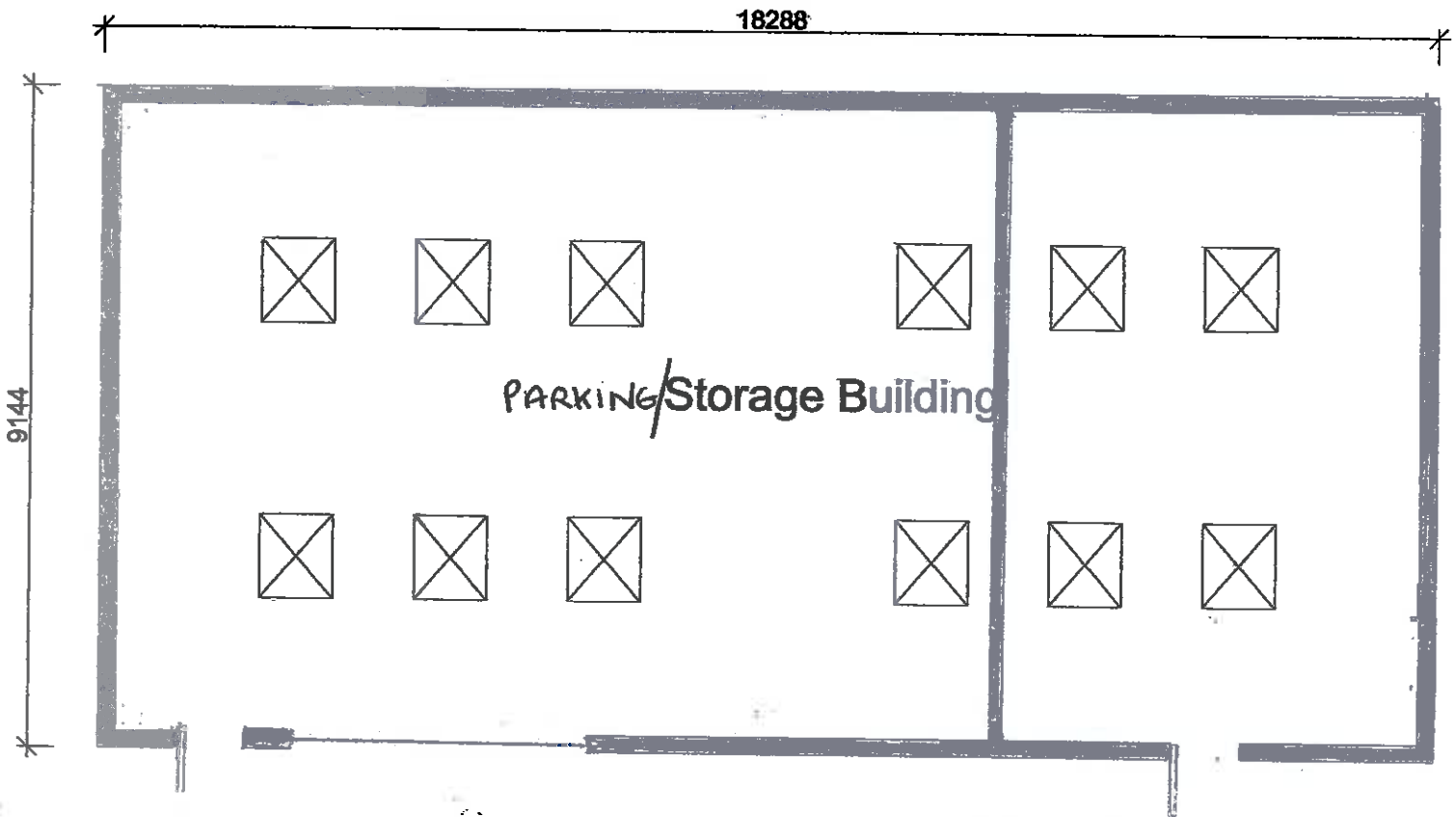


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FRONT ELEVATION

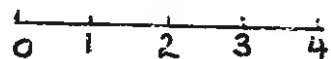
SOUTH WEST TOWARDS BUNGALOW

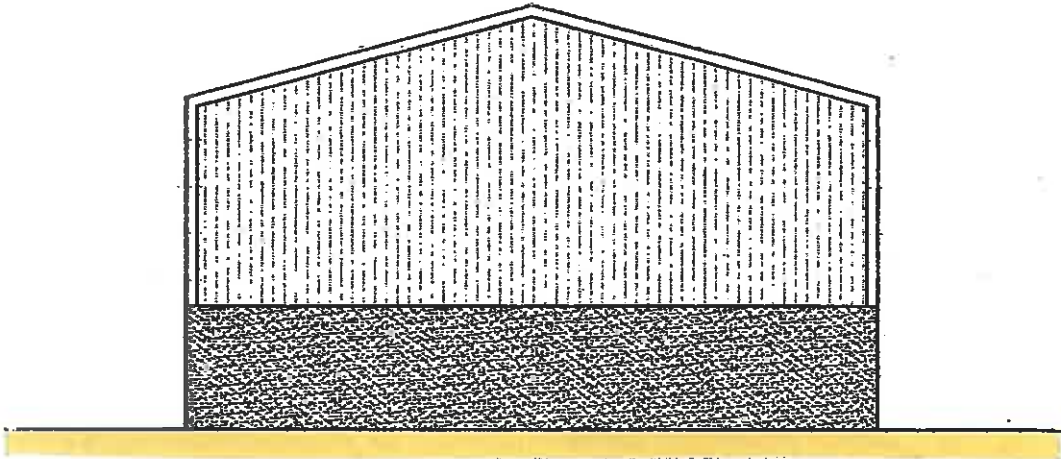


FLOOR LAYOUT

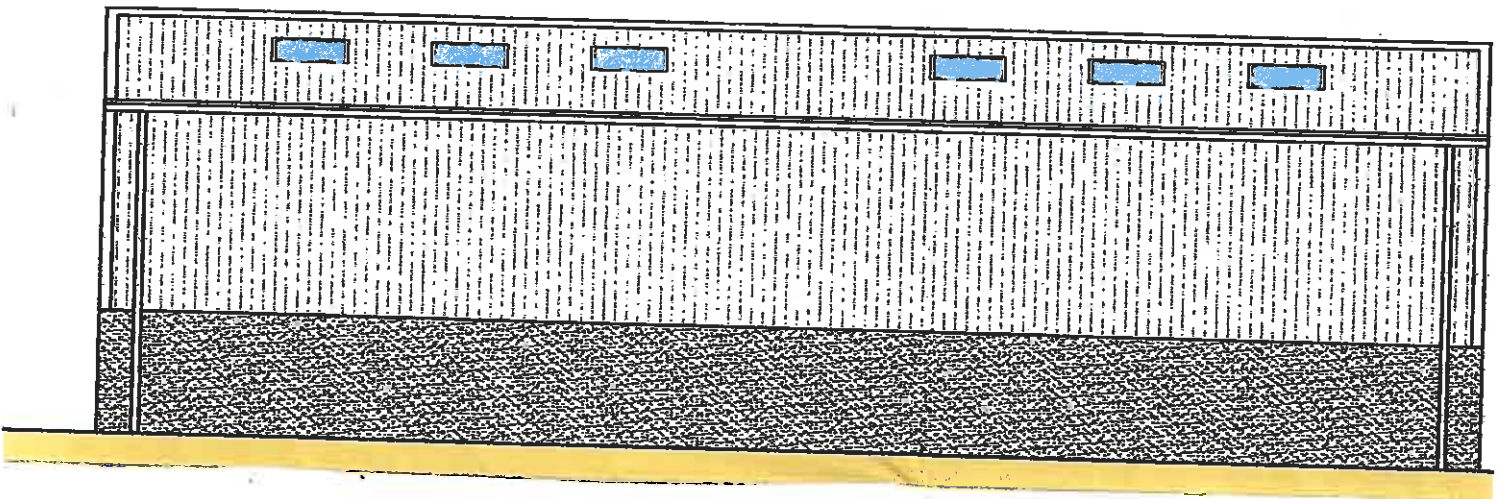
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SIDE ELEVATIONS
NORTH-WEST ELEVATION (WITH BAR BOX)
SOUTH-EAST ELEVATION (WITH OWN BOX)



REAR ELEVATION
NORTH-EAST TOWARDS RAILWAY

SCALE 1:100

