

F/YR17/1196/O

Applicant: Mr T George

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David Broker Design Services**

Land East Of Fra Jen, Fitton End Road, Newton-In-The-Isle, Cambridgeshire

Erection of up to 3 x dwellings involving the formation of a new access (Outline with matters committed in respect of access)

Reason for Committee. Officer recommendation at variance to that of the Parish Council.

1 EXECUTIVE SUMMARY

The site is located in open countryside approximately 1km from Gorefield, on the northern side of Fitton End, to the east of Fra Jen and to the west of the farm complex of Manor Farm.

This outline application proposes the development of the land for up to 3 dwellings, together with one access point at the south-western boundary of the site.

There is history relevant to the site, however there are recent planning decisions in the vicinity that are pertinent.

The site is located within an unsustainable location and the dwellings would not offer any future residents appropriate access to goods and services. This stance also accords with the NPPF which seeks to ensure developments are sustainably located and to avoid isolated homes in the countryside unless justified by special circumstances.

Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.

It is considered that three dwellings could be sensitively designed that would not be out of keeping with the adjacent form of development, however the open nature of this land is a key element of the open and informal nature of the hamlet, and the development of this site would create a sub urban feel to the site.

2 SITE DESCRIPTION

The site is located approximately 1km from Gorefield, on the northern side of Fitton End, to the east of Fra Jen and to the west of the farm complex of Manor Farm. The land is approximately 0.2hectares and is open in aspect, being used as equestrian paddocks.

The frontage of the site is marked by a hedge line and a field gate entrance. The site is a point of transition between the small terrace of dwellings to the west and the farm complex of Manor Farm to the east, and reads as open countryside.

3 PROPOSAL

This outline application proposes the development of the land for up to 3 dwellings, together with one access point at the south-western boundary of the site, separated from the boundary with Fra Jen by approximately 7.0 metres. The access point is the sole matter to be considered at present with the matters of appearance, landscaping, layout and scale being reserved for later consideration.

Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

No history relevant to the site, however there are recent planning decisions in the vicinity that are pertinent:

- 4.1 F/YR17/0932/F Land West Of Brereton House, Fitton End Road. Erection of up to 2no. dwellings (outline application with matters committed in respect of access only) involving demolition of existing outbuildings.

Refused on 29 Nov 2017 for the following reasons:

“The proposed development would result in 2 additional dwellings located in the open countryside with no direct correlation with any main settlement and as such the households would largely have to rely on private modes of transport to access goods and services. Similarly there would be no opportunities for community cohesion given the location of the site to the main village of Gorefield. Therefore the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF.

Policy LP16 (d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the open countryside. The development proposal indicates development that appears out of keeping with the rural location and the loss of existing screen parking would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan.”

- 4.2 F/YR11/0257/O Land North West Of Fitton Lodge Erection of a dwelling involving demolition of existing building. Granted by committee contrary to officer recommendation 7 June 2011.

5 CONSULTATIONS

Parish/Town Council

The Councillors of Newton in the Isle Parish Council approve this application.

North Level Internal Drainage Board

Have no comment to make with regard to this application.

Cambridgeshire County Council Highways Authority

FDC should consider the sustainability of three dwellings in this location. They are 1km from the town of Gorefield and any occupant would be reliant upon a private motor vehicle to get to local amenity as there is no safe link pedestrians could use to walk. FDC should consider the merits of linking the two footways either side of the access and if this relates to LP15 of the adopted Local Plan.

Please note that by providing this footway link between it will not make this application sustainable as it will not provide any link to local amenity other than provide a continued link through to adjacent properties that share a footway with the existing footway.

In terms of the details of the submission, vehicle to vehicle visibility splays would need to be detailed in accordance with the posted speed limit. (2.4m x 215m with no obstruction over 0.6m) These can be offset 1m from the edge of the kerb if this helps to achieve appropriate vehicle to vehicle visibility. I will also need to see these splays in their entirety and where they meet the carriageway.

Environment Agency – Wish to withdraw our objection to the proposed development. The applicant should ensure the implementation of proposed flood mitigation measures.

Local Residents/Interested Parties: Five letters of objection have been received which are summarised as follows:

- Site is a considerable distance out of the main villages of Newton-In-The-Isle and Gorefield in a small hamlet of a small number of houses in a very rural location. Between Park Lane and Gote Lane there are currently less than 12 houses and the proposed development of 3 new houses would mean an increase of 12% which we consider would be overdevelopment of such a rural location. This is also an increase above 10% which according to planning policy would require a consultation prior to the application being considered.
- Planning policy LP3 (3.3.11) states 'the policy restricts development in the countryside other than that where a rural location is fully justified by special circumstances.' The proposed development is in the countryside away from nearby villages in a very un- developed location and policy LP3 would suggest that this is not an acceptable area to develop.
- A recent planning application on land opposite the proposed development has recently been refused (F/YR17/0932/F refers)

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- The proposed site is currently a paddock that backs on to open farm land planning policy states that the development area of a village *excludes '(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement;'* and therefore according to this policy the land is not suitable for development.
- Contrary to planning policy LP12 as The proposed development would harm the open countryside, due to the fact that it would be over developing an area outside of nearby villages which currently has a balance our established housing combined with areas of open countryside. In addition to this, the local roads that serve the area are narrow, unlit and not suitable for increased traffic and the site is located in flood risk area and therefore the proposed development is not in a sustainable location.
- Impact on adjoining listed buildings. One the houses in the proposed development would be located within 2 metres of a Listed property and increasing the housing by 12% would have a negative impact on these Listed properties that are currently set in a very rural location.
- The erection of up to 3 new dwellings would spoil the peace, tranquility and views of this small hamlet which is enjoyed by this small community.
- By starting to build on fields and infill with houses the quiet hamlet will be irrevocably altered due to increased traffic and population
- - Purchased home recently and the reason for buying the property was the rural location and the open field views and surroundings.
- We are totally against any further development in the surrounding area as we will be totally affected by the changes it will bring. We are heavily supportive of biodiversity and the wildlife and we believe that this will change for the worse. The area was chosen for it's peaceful outlook and melancholic atmosphere.
- We have lived adjacent to the proposed site for the past 10 years. The site is situated on agricultural land that has flooded regularly during this time. When the land was sold previously, the agricultural field was separated and we believe there has never been a planning application for change of use of the proposed site to residential land. At this time, a drainage system was installed in the remainder of the agricultural field in order to allow it to be farmed successfully, however there has been no drainage installed on the land of the proposed development
- Living adjacent to this piece of land, we are aware that the land floods at any point when there is heavy rainfall. Indeed, we are aware that land and the cottage that adjoins the land of the proposed development, which is owned by the applicants, was heavily flooded during heavy rain over the Christmas period (requiring water to be pumped out of the cottage over a number of weeks).
- We therefore would suggest that since this land remains agricultural land and the flood risk is not accurately reflected in the Flood Risk Assessment, that this is not an area that is acceptable to be developed for residential use.

- Density/Over development
- Devaluing property
- Environmental Concerns such as flooding, loss of view/Outlook and noise
- Out of character/not in keep with area
- Outside DAB
- Overlooking/loss of privacy and proximity to property
- Shadowing/loss of light
- Smell
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent

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

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: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 47: Supply of housing

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

Paragraphs 203-206: Planning conditions and obligations.

National Planning Practice Guidance (NPPG)

Determining a planning application

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
LP5 – Meeting Housing Need
LP12- Rural Areas Development
LP14 – Managing the risk of Flooding in Fenland
LP15 – Facilitating a more Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP18 – Heritage

8 KEY ISSUES

- **Principle of Development**
- **5-year Land Supply**
- **Amenity**
- **Setting of Listed Buildings**
- **Highway Matters**
- **Flood Risk**
- **Sustainability and Planning Balance**

9 BACKGROUND

As stated above, there is no planning history specific to this site, however within the vicinity, the recently constructed dwelling approximately 120 metres to the south west of the application site has a history of refusals, including dismissal at appeal. This dwelling was subsequently granted permission against officer recommendation (F/YR11/0257/O refers).

The Council has therefore been consistent in refusing permission for development on this part of Fitton End on grounds of adverse impact on the character and appearance of the open countryside with no agricultural or similar policy justification.

10 ASSESSMENT

Principle of Development

- 10.1 The main policy documents which are relevant to the consideration of this application are the Fenland Local Plan 2014 and the NPPF. The weight that should be attributed to these policies and documents are considered below.
- 10.2 This site lies outside of the main settlement of Gorefield and therefore within the provisions of Policy LP3 Fitton End is considered to be an 'elsewhere' location and in open countryside within which development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services. No justification has been included within the submission to illustrate that the dwelling is required to support such an enterprise and accordingly the principle of development cannot be considered to be acceptable in sustainable terms.
- 10.3 The site is located within an unsustainable location and the dwellings would not offer any future residents appropriate access to goods and services. This stance also accords with the NPPF which seeks to ensure developments are sustainably

located and to avoid isolated homes in the countryside unless justified by special circumstances.

Five Year Housing Land Supply

- 10.4 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No. F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years)
- 10.5 The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited* (2017) which was considered in the Supreme Court.
- 10.6 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 10.7 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.
- 10.8 Based on the above, there are no relevant policies which influence the supply of housing in this case.

Amenity

- 10.9 This application is in outline only and seeks to establish the principle of development of the site and the point of access. An indicative plan has been submitted showing 3 large detached dwellings. It is considered that three dwellings could be sensitively designed that would not be out of keeping with the adjacent form of development, however the open nature of this land is a key element of the

open and informal nature of the hamlet, and the development of this site would create a sub urban feel to the site.

- 10.10 Dwellings could be designed to take into account the residential amenities of neighbouring occupiers and this would be dealt with at a more detailed stage.

Setting of Listed Buildings

- 10.11 The adjacent farm complex of Manor Farm includes the principal Grade II listed dwelling and a number of curtilage listed buildings. The nearest to the site is Manor Barn, a substantial curtilage building.

- 10.12 The development of the application site would have an impact on the setting of the listed buildings, however the heritage impacts of this outline application and the scheme has also been considered in accordance with Policy LP18. It is contended that a separation between the Grade II Listed Buildings at Manor Farm, could be maintained such that the proposal would not affect the setting of the Listed Buildings. Accordingly there are no matters arising with regard to Policy LP18.

Highway Matters

- 10.13 The CCC highway officers consider that this site is not in a sustainable location, and even with improvements to footpath provision would not accord with sustainability principles. The Highway officer suggested the provision of additional sight line information however have not objected on the grounds of highway safety.

Flood Risk

- 10.14 The site is partially within Flood Zone 1 and partly Flood Zone 2. The views of the Environment Agency are that no objection is raised and issues of foul drainage could be dealt with by condition.

Sustainability

- 10.15 The application has been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

● **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

● **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its

health, social and cultural well-being; and

● **an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to Improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

10.16 In respect of this proposal the development of this site would further the sustainability objectives as follows:

Economic: The provision of housing, especially in light of the current deficiency in supply would contribute to the economic success of the District. It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. Whilst it could also be argued that there may be some potential for increased expenditure this does not render the site location as sustainable, given the lack of services available and the poor public transport links. A reliance on private modes of transport and the lack of services within the area illustrate that the scheme does not accord with the sustainability objectives of the NPPF.

Social Role: There would be limited opportunities for community cohesion in the wider locality of the area given the relationship of the site to adjoining settlements, which are at a distance. The proposal has a benefit of 3 houses towards the 5 year supply offering the opportunity for residents to settle in the locality however whilst the residents would not be within walking distance of Gorefield which is a small village and offers only limited services and facilities to support community cohesion.

Environmental: It is considered that any environmental impacts of the scheme in terms of its visual presence would not be so significant, subject to detailed design, as to render the scheme unacceptable in terms of how it would relate to neighbouring dwellings and buildings. However as indicated above the intended occupants of the dwellings would be reliant on private modes of transport and as such the scheme fails to represent sustainable development in this regard. There would be significant adverse impacts accruing in terms of the schemes sustainability in locational terms.

Planning Balance

10.17 As indicated above the scheme has no sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services. Its social and environmental credentials are neutral at best in terms of the opportunities the development would afford future residents and the character of this part of the rural area. However there are clear indications that to allow growth, other than small scale infill, within clearly identified settlements is unsustainable.

10.18 There is a direct correlation between the aims of the FLP and the NPPF and a clear planning argument to resist this development as unsustainable.

10.19 The agent for the scheme contests that due to the proximity of housing to the site and a walking distance of 1km to Gorefield the site is in a sustainable location

and also highlights the lack of a 5 year land supply. However officers consider that for the reasons set out above these issues do not override the broader policy and environmental issues that this proposal raises.

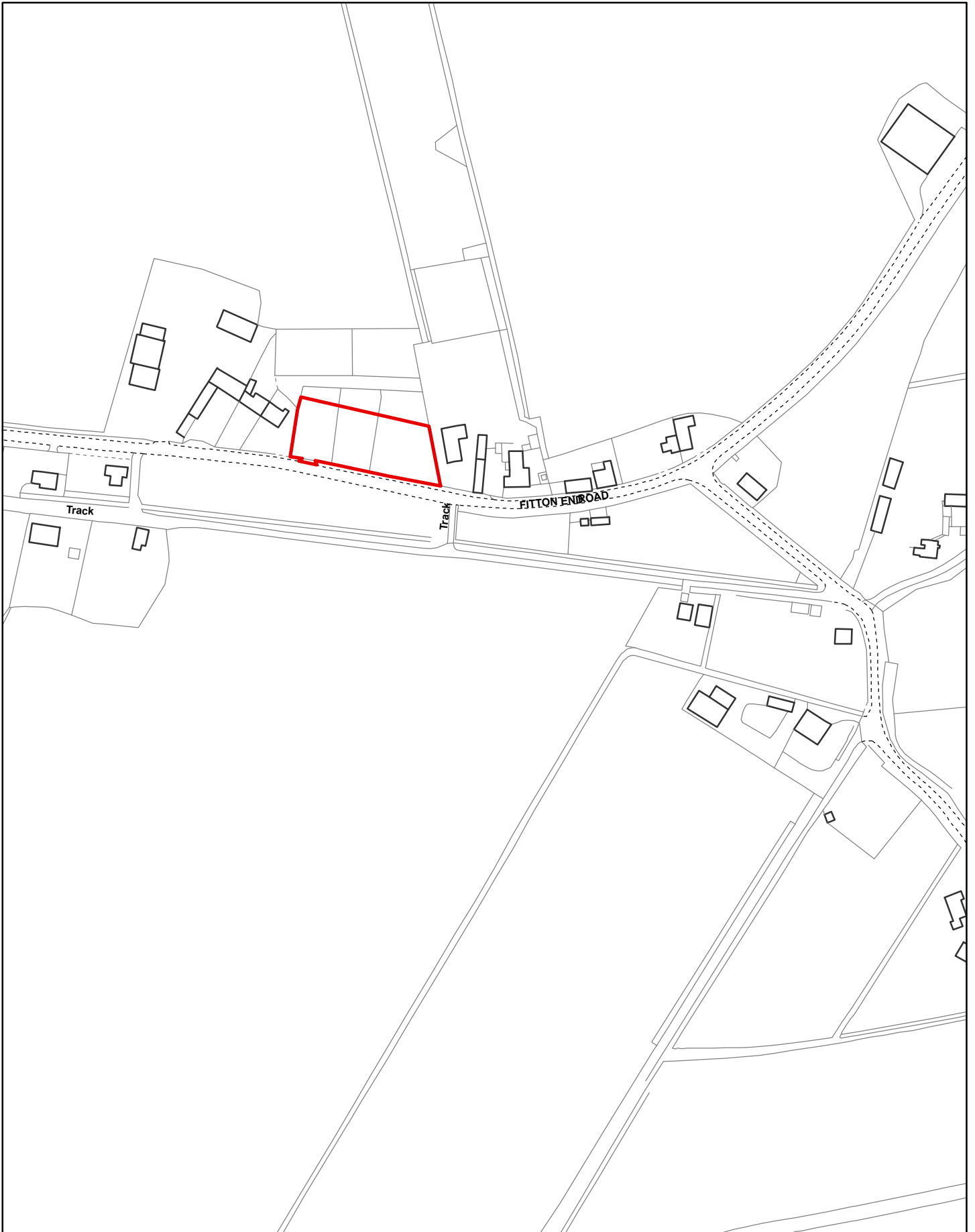
10.20 Whilst the scheme would deliver 3 additional dwellings and would therefore contribute in part to addressing the 5-year land supply deficit the weight which can be given to this is not so convincing as to override the environmental sustainability and visual shortcomings of the proposal.

11 **CONCLUSIONS:**

The proposal remains contrary to the Council's Spatial Strategy failing to be a small or infill site and the National Planning Policy Framework. In addition the development would lead to the loss of an open frontage and would appear out of keeping with the rural location.

12 **RECOMMENDATION: Refuse for the following reason**

- 1 The proposed development would result in 3 additional dwellings in the open countryside and outside a small village which offers limited local services and employment opportunities, accordingly the households would largely have to rely on private modes of transport to access goods and services. Therefore the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF and Policies LP1 and LP3 of the Fenland Local Plan, adopted May 2014.
- 2 Policy LP16 (d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impact on the street scene, settlement pattern or the landscape character of the open countryside. The development proposal indicates development that would appear out of keeping with the rural location and the loss of existing frontage planting and open aspect which gives a break between the developed form of the area; the development would result in unacceptable, urbanising changes to the character of the area which would fail to enhance the local setting and would adversely impact on the landscape character of the surrounding area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan and aims and objectives of the NPPF.



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