
F/YR24/0333/F

Applicant: Mr and Mrs Baxter

**Agent : Mr Ian Gowler
Gowler Architectural**

Land North East Of Horseway Farm Accessed From, Byall Fen Drove, Manea, Cambridgeshire

Erect 1 dwelling (2-storey 3-bed) and formation of a new access

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 13 June 2024

EOT in Place: Yes

EOT Expiry: 7 August 2024

Application Fee: £578

Risk Statement:

This application must be determined by 7 August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 This application is for the erection of 1 dwelling (2-storey, 3-bed) and the formation of a new access.</p> <p>1.2 The justification provided for the functional need for the dwelling as detailed within the design and access statement notes that the applicant and his father run two businesses from the existing property at Horseway Farm. Firstly, their construction company which has various plant and materials that are stored at the site and the second, the Holiday lets. It is also noted that there are various farm animals that are reared for slaughter on site. At present, the applicant and his family live at Horseway Farm with his father and partner. They wish to have a property of their own but still be able to take on the business needs when the father is away.</p> <p>1.3 Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that the convenience for the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.</p> <p>1.4 A further permanent dwelling in this predominantly rural location is considered unjustified in this case and would significantly detract from, and undermine, the rural character of this part of the District.</p> |
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1.5 The recommendation is therefore to refuse planning permission.

2 SITE DESCRIPTION

- 2.1 The site lies approximately 6km southwest of Manea, adjacent to a cluster of dwellings located within the open countryside. The site is situated on the northern side of Byall Fen Drove and currently comprises paddock/grazing land.
- 2.2 A dwelling (Horseway Farm) is situated to the south-west of the site as well as holiday lets which are situated within the previous residential curtilage of Horseway Farm.
- 2.3 The site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a 2-storey, 3-bed dwelling and the formation of a new access.
- 3.2 The proposed dwelling would be an L-shaped dwelling, with dual-pitched roof with a ridge height of approximately 7.8 metres. The main bulk of the dwelling would have a depth of approximately 12.9 metres and a width of 6 metres approx. The 2-storey off-shoot to the side of the dwelling would have a depth of 6.5 metres approx. and a width of 6.3 metres approx.
- 3.3 Amenity space would be provided to the side and rear of the dwelling, enclosed by a 1.2m post and rail fence. 3 parking spaces and turning space would be provided on site, with a driveway measuring in excess of 120 metres running from a new access point.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR24/0333/F | Erect 1 dwelling \(2-storey 3-bed\) and formation of a new access | Land North East Of Horseway Farm Accessed From Byall Fen Drove Manea Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0945/F	Change of use of existing garage/stores to 3 x 1-bed holiday lets (Land North East Of Horseway Farm Chatteris)	Granted 11/12/2020

5 CONSULTATIONS

5.1 Manea Parish Council

No objection

5.2 FDC Environmental Health

I refer to the above application for consideration and make the following observations.

The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposal, as it is unlikely to have a detrimental effect on local air quality, the noise climate, or be affected by ground contamination.

5.3 CCC Highways

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

The proposed vehicle access is shown to have inter-vehicle visibility splays of 2.4x 215m in either direction. This is inline with the national design guidance and the access is also shown to be hardened over the verge which should be constructed to CCC specifications.

Conditions

Visibility Splays: Prior to first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 125 metres measured from the back edge of the carriageway. Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

5.4 Local Residents/Interested Parties

Two letters of objection were received with regard to this application from address points at Horseway, Chatteris. The reasons for objection are summarised as follows:

- Proximity of driveway to neighbouring access
- Contrary to LP12

Nine letters of support were received with regard to this application. Seven of these letters were from address points in Chatteris (Five from Horseway and two from Farriers Gate) two from address points within Manea (one from Fallow Corner Drove and one from Westfield Road) and one from an address point at Wimblington Road, Doddington. The reasons for support are summarised as follows:

- Nice house
- Would compliment other houses in the area
- Applicant is local and works in a long established family business
- Will benefit the village of Manea
- Will enable business from the current premises to be maintained
- Security for family business

6 STATUTORY DUTY

- 6.1 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)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 84 – Rural Housing

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

7.5 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
- LP4 – Housing
- LP12 – Rural Areas 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

7.6 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Parking and Highways
- Flood Risk

9 ASSESSMENT

Principle of Development

- 9.1 The application site is located away from the built-up area of the settlement of Manea, within an isolated location dominated by countryside. The area is characterised by agricultural uses, with a small cluster of residential dwellings. This is an 'elsewhere' location when applying the criteria outlined in Policy LP12; given that it is clearly outside the built-up settlement of Manea. Whilst the existence of other dwellings along Horseway result in the site not being 'physically' isolated, the lack of nearby services and facilities would render the location 'functionally' isolated.
- 9.2 Policy LP3 sets out that residential development in such locations should be restricted to that which is demonstrably essential to the effective operation of local

agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Water Local Development Documents (LDDs). The current application clearly does not accord with these prescribed uses. In addition to compliance with Policy LP3, Policy LP12 Part D requires the application to demonstrate the following:

- (a) The existing functional need for the dwelling
- (b) The number of part time and full-time worker(s) to live in the dwelling
- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling relates to the viability of the enterprise

Justification of need

- 9.3 The justification provided for the functional need for the dwelling as detailed within the design and access statement notes that the applicant and his father run two businesses from the existing property at Horseway Farm. Firstly, a construction company which has various plant and materials that are stored at the site and the second, the Holiday lets. It is also noted that there are various farm animals that are reared for slaughter on site. At present, the applicant and his family live at Horseway Farm with his father and partner. They wish to have a property of their own but still be able to take on the business needs when the father is away.
- 9.4 No business plan has been submitted as part of the application and thus no detail has been provided to satisfy parts (b), (c), (d) or (f). It is therefore unclear which business or businesses the applicant considers is essential for a full-time worker to occupy the dwelling. Nor has any business case been provided to be able to confirm that any of the businesses are viable to support this.
- 9.5 Notwithstanding, no planning permission appears to exist for the site to function as a builder's yard, with only planning permission for the replacement dwelling and change of use of garages to holiday lets apparent in the planning history.
- 9.6 The application has failed to justify why an additional dwelling would be required to support the business needs. Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that an additional dwelling would be necessary and it is not considered that convenience from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.
- 9.7 In addition to the above, Paragraph 84(a) of the NPPF states that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 9.8 The application submitted has failed to demonstrate that there is an essential need for a rural worker to live permanently on site and thus the application is also considered to be contrary to Paragraph 84 of the NPPF.

Character and Appearance

- 9.9 The application proposes the construction of a permanent new dwelling adjacent to the existing dwelling and holiday lets at Horseway Farm.
- 9.10 The character of development along Horseway/Byall Fen Drove can be described as sporadic and loose knit, due to the large and spacious fields forming gaps between the occasional dwellings along Horseway and the inter-relationship between existing residential properties and the broad agricultural hinterland between and surrounding them.
- 9.11 Policy LP16 of the Fenland Local Plan requires development to ‘make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area’.
- 9.12 Notwithstanding that the design and appearance of the dwelling itself is not considered to be objectionable in its own right, the proposal by its very nature and location, with the inclusion of the 120 metre driveway would detract from the relationship between Horseway and its rural and undeveloped surroundings. The proposed waste collection point is proposed to be opposite the parking turning area adjacent to the highway and it is therefore not clear from the application why the proposed access is situated at such a distance from the dwelling and potentially could also cater as an access point, or why the existing access cannot be used. The proposed access and track would therefore appear over-engineered, further contributing to the adverse visual impact of the proposal.
- 9.13 In conclusion, the proposed development would result in unwarranted harm to the rural character of the area, undermining the relationship of existing sporadic and loose-knit built form set amongst open countryside and would therefore be contrary to Policy LP16 of the adopted Fenland Local Plan.

Residential Amenity

- 9.14 The closest neighbouring property is at Horseway Farm, which is situated approximately 46 metres to the south-west of the site. Rushbech Farm is situated approximately 160 metres north-east of the site. As such, it is unlikely that the proposed dwelling would adversely impact upon neighbouring residential amenity given the distance between the proposed dwelling and neighbouring dwellings.

Parking and Highways

- 9.15 The application proposes a new access onto Byall Fen Drove, approximately 130 metres north-east of the proposed dwelling. Upon consultation with CCC Highways, no objections were raised to the access.
- 9.16 The application also proposes 3 parking spaces as well as turning space on site. Therefore, there are no issues to address with regard to Policy LP15, albeit the remote location of the access and adverse character impacts appears to be unjustified.

Flood Risk

9.17 The application site is situated within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures

10 CONCLUSIONS

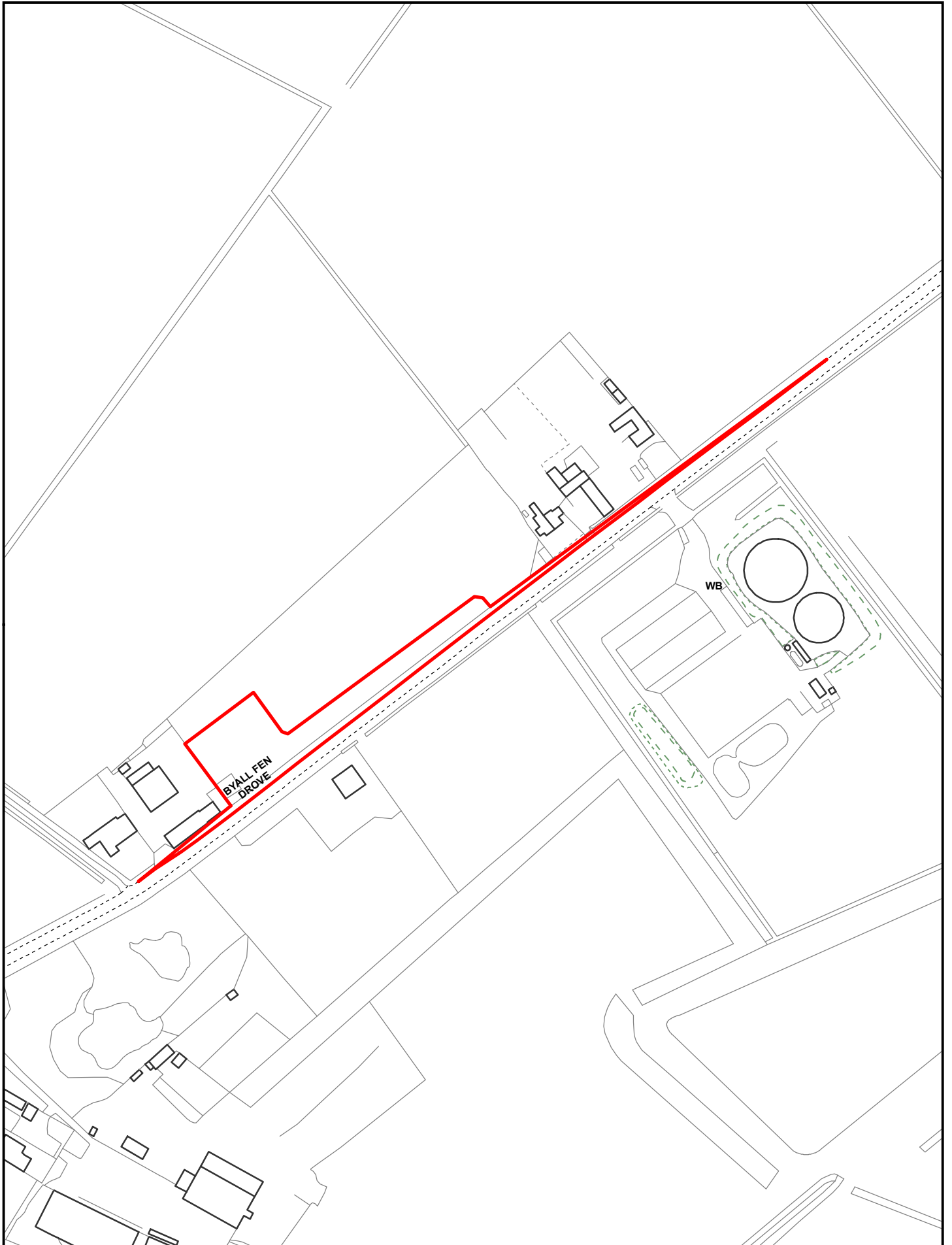
10.1 The site lies within an 'elsewhere' location as such, the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the Fenland Local Plan 2014. Furthermore, the scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D and would detrimentally impact on the character of the area. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need and the visual harm that ensues, development plan policies indicate that the application should be refused and there are no material considerations to indicate a departure from the development plan is warranted in this instance.

11 RECOMMENDATION

Refuse; for the following reasons

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. The exception to this approach is where it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.</p> <p>The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the justification given is not sufficient to warrant the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).</p>
2	<p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of a new dwelling on currently undeveloped land within an area characterised by sporadic development with a close relationship to the wider open countryside.</p> <p>The development would result in the erosion of the existing sporadic built</p>

	<p>form and an urbanisation of the area, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>
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Created on: 01/05/2024

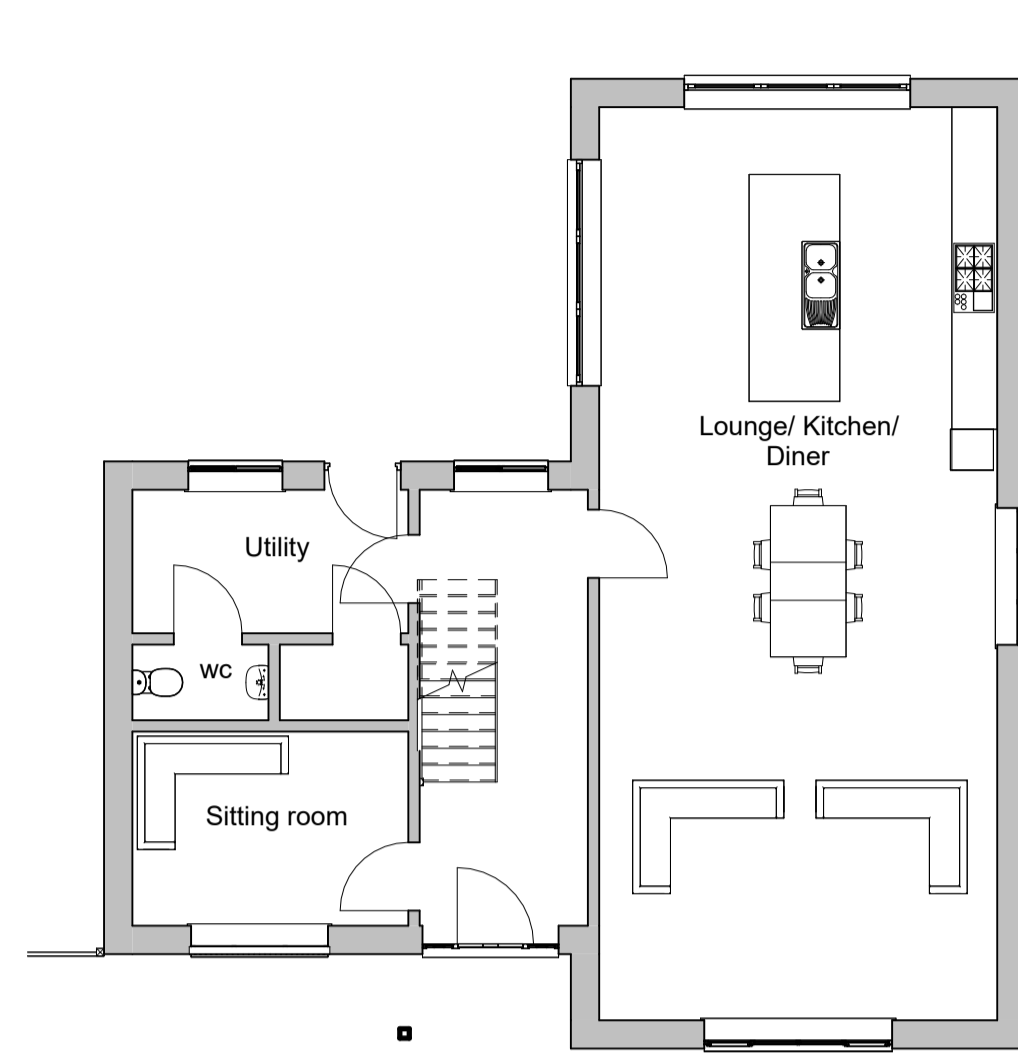
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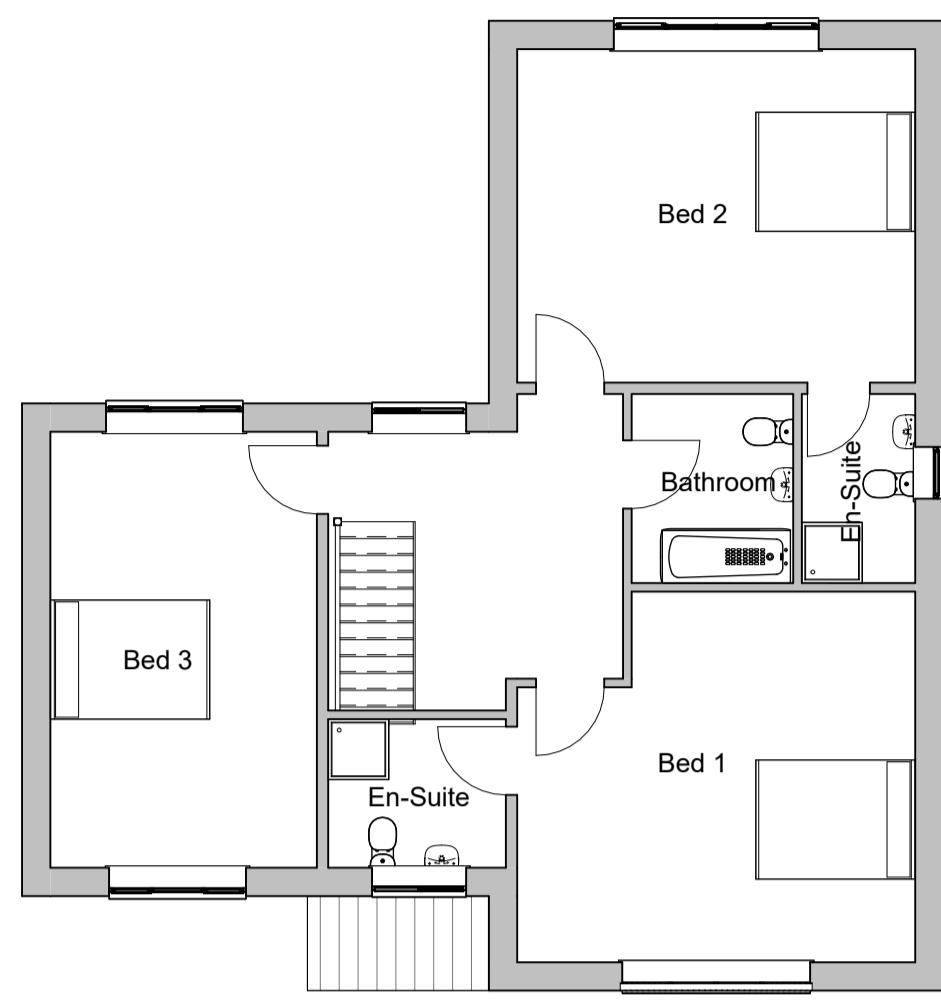
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Notes
 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Proposed Ground Floor
 1 : 100



Proposed First Floor
 1 : 100



Planning Front Elevation
 1 : 100



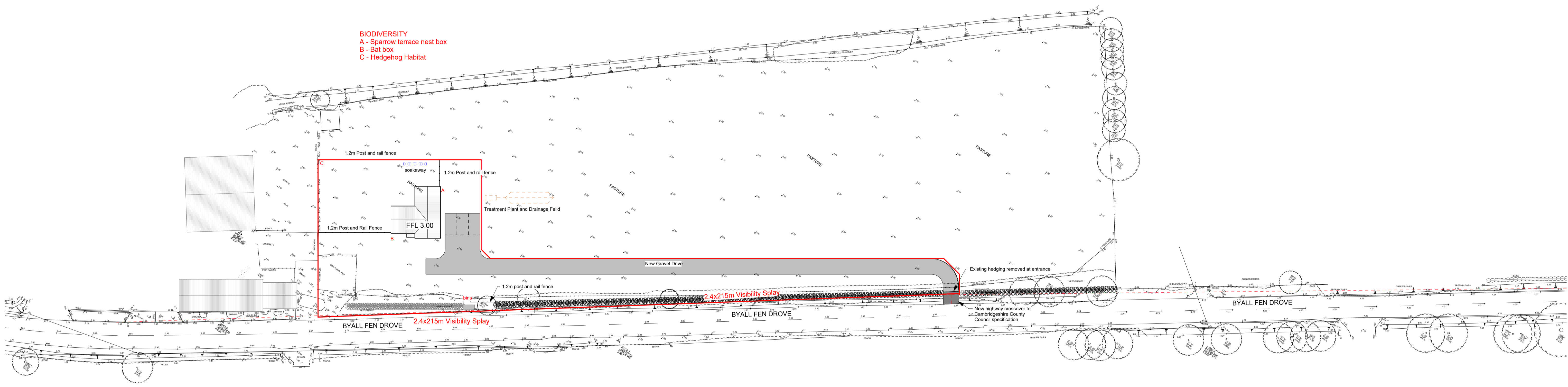
Planning (south west)
 1 : 100



Planning Rear
 1 : 100



Planning Side (north east)
 1 : 100



Proposed Site Plan
 1 : 500



Planning Street Elevation
 1 : 200

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Proposed New Dwelling at Horseway Farm, Byall Fen Drive for Mr and Mrs Perce Baxter

Planning Proposed

date created	scale	drawing no.	rev
31/01/24	As indicated @ A1	600 - P02	001