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**F/YR25/0084/F**

**Applicant: Mr N Bowers**

**Agent : Mr J Scotcher  
Morton & Hall Consulting Ltd**

**6 Bridge Lane, Wimblington, March, Cambridgeshire PE15 0RS**

**Change of use of land to domestic land, erection of a shed and formation of hardstanding involving the demolition of existing garage (retrospective)**

**Reason for Committee: Number of representations contrary to Officer recommendation.**

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 2 April 2025**

**EOT in Place: No**

**EOT Expiry: 8<sup>th</sup> May 2025**

**Application Fee: £1734**

**Risk Statement:**

**This application must be determined by the 8<sup>th</sup> of May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

- 1.1 This is a partly-retrospective full planning application at 6 Bridge Lane, Wimblington, seeking a change of use from domestic land, the erection of a shed and the formation of hardstanding involving the demolition of an existing garage.

1.2 An enforcement appeal was dismissed on this site on the 16<sup>th</sup> of September 2024 under reference APP/D0515/C/23/3317077. Following this appeal, this application has been submitted with a reduced area of hardstanding, and the storage building reduced in length.

1.3 It is considered that a material character and amenity impact remains from the amended area of hardstanding and storage building. The development is alien and incongruous to the semi-rural character of the Bridge Lane to the visual detriment of the surrounding area. It also considered that a material overbearing impact remains for the properties at 10a and 10b Bridge Lane which has not been adequately addressed by this application. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design.

1.4 As such it is recommended that the application is refused.

**2 SITE DESCRIPTION**

- 2.1 Bridge Lane serves residential dwellings and agricultural fields to the north of the main built-up area of Wimblington and is now linked to it by new residential development under construction. It nevertheless retains much of its rural character and is considered to remain in a semi-rural setting, especially towards its eastern end. In the vicinity of the site housing runs along the southern side of the road, with small arable and grazed fields remaining beyond the residential uses, and larger fields to the north of Bridge Lane with the A141 to the north and east. The residential area of the application site extends behind three dwellings to the north, and others to the east on account of a curvature in the road. To the south of the application site, behind a 2.1 metre high brick wall is an agricultural field in the appellant's ownership, accessible only through the residential land. The northern boundary with 6a, 8a and 8 Bridge Lane is bordered by 2.1 metre high brick wall. The north-eastern and eastern boundary with 10, 10a and 10b Bridge Lane is bordered by 1.8 metre high timber fence.
- 2.2 The entirety of the site and surrounding area is in Environment Agency Flood Zone 1. The dwelling, vehicular access and part of the agricultural field is in an area of low surface water flood risk. The site is not within a conservation area and there are no listed buildings in the vicinity.

### **3 PROPOSAL**

- 3.1 Full planning permission is sought for the change of use of land to domestic land, the erection of a shed and formation of hardstanding involving the demolition of the existing garage at 6 Bridge Lane, Wimblington. It should be noted that the application is partly retrospective in nature. This application seeks to retain the shed and hardstanding albeit reduced in scale following the dismissal of an enforcement appeal for their retention in 2024.
- 3.2 The proposed storage building is shown on the plans as measuring 17.9 metres wide and 9 metres in depth, with an eaves height of 4.77 metres and a ridge height of 5.7 metres. The materials of construction for the building are listed as navy cladding, a grey roof and grey roller shutter doors. The present building on site has a grey roof and navy blue cladding on the frontage. However, at this time the sides and rear of the building are a mixture of green and brown colouring.
- 3.3 The existing size of the hardstanding within the application site is 1181.6 square metres, the proposed area of hardstanding is 781.6 square metres with 400 square metres changed to grassed land. It has been agreed with the applicant prior to submission of the application that the area of hardstanding to the south of the boundary wall does not form part of the proposal and therefore is located outside of the red line application boundary.
- 3.4 The existing building on site measures 270 square metres with the amended building measuring 161.1 square metres. No material amendments are proposed to the residential boundary treatment and no planting is proposed between the building and the boundaries.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 RELEVANT SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0338/F	Erect 1 dwelling (2-storey 5-bed) with attached triple garage/plant room/enclosed swimming pool, 2.0m high (approx height) wall with railings and gates to front and the temporary siting of 2 x static caravans involving the demolition of existing dwelling and garage	Granted – 09 June 2020

## 5 CONSULTATIONS

### 5.1 Wimblington Parish Council – 14<sup>th</sup> March 2025

*There have been a number of previous applications, an appeal, an enforcement notice and now another planning application with retrospective inclusions.*

*A large 'agricultural warehouse', (not a garden shed) that has been built to house large heavy vehicles, has been erected in the grounds of the dwelling, No. 6 Bridge Lane, (the property itself already houses three double brick-built garages), it is out of character with the historic countryside environment of the lane, as is the dwelling itself. The size and design of the agricultural building and the dwelling are not in keeping with the built form of the village or the linear layout of Bridge Lane. There is already an Enforcement Notice (raised in 2022) with regard to the removal of the 'agricultural building' which, after a dismissed appeal in 2023, was put into force in September 2024.*

*This agricultural building imposes on the homes in Bridge Lane, the view from some of the neighbours rear windows and their gardens is now that of a metal wall and roof. Stated, in previous granted planning applications, was the fact that this dwelling would not compromise the amenities of neighbouring occupiers but this is not the case both with the size of the dwelling and the size of the agricultural warehouse.*

*Therefore, we feel this application does not complying with LP12 Part C, LP16 (d), DM3 - Delivering and protecting high quality environment and Chapter 12 of the NPPF*

### 5.2 Fenland District Council – Environmental Health – 07 April 2025

*I confirm receipt of the above application details and have considered the implications of the proposed development in terms of:*

*Noise, Air pollution, Contaminated land or Artificial light*

*I conclude that there are no 'No Objections' to the proposal from an Environmental Health standpoint.*

### 5.3 Local Residents/Interested Parties

#### **Objectors**

Objections have been received from five properties on Bridge Lane, Wimblington raising the following issues (summarised):

- No justification for the loss of agricultural land.
- The building should be reduced in size to that of a domestic garage.
- The building is visible from the lane, fields and A141.
- Bridge Lane is a single track road.
- The building and yard are better suited an industrial estate.
- The building and yard should be completely removed from the site.
- The reduction in size of the building and hardstanding does not address the enforcement appeal dismissal reasons.
- The building is domineering.
- Surface water has not been adequately addressed.
- Not like for like replacement.
- Devaluation of property.
- Loss of view.

## **Supporters**

Fifteen communications of support have been received. The respondents are from Chapel Gardens and Heron Way in Benwick, Curf Terrace x2, Curf Fen Drove, Delve Terrace, High Street and Pound Road in Chatteris, Church Road in Emneth, Calvary Drive x2, Coldham Bank and Station Road in March, Spencer Close in West Walton, and Eastwood End Industrial Estate in Wimblington. They have given the following reasons for supporting the proposal (summarised).

- Previous buildings in disrepair
- Lack of visual impact
- The site has plenty of space to accommodate the building.
- Benefits of the building housing steam engines
- The whole area is in the future development building line.
- The house is high quality and spacious.

## **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) and the Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024).

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

## **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

## **National Design Guide 2021**

Context

Identity

Built Form

Nature

Uses

Homes and Buildings

Resources

## **Fenland Local Plan 2014**

LP1 – A 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

LP19 – The Natural Environment

## **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM6 – Mitigating Against Harmful Effects

## **Cambridgeshire Flood and Water SPD 2016**

## **Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)**

Wimblington & Stonea Parish Council has carried out a pre-submission consultation on the draft plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The draft plan has not yet been submitted for examination. Given the very early stage which the draft plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry very limited weight in decision making. Of relevance to this application are policies:

Policy RE 1: Rural Character

Policy NE 1: Protecting the Landscape

Policy SD 1: Development and the Settlement Boundary

Policy HD 3: High-Quality Design

Policy SD 5: Flood Risk

## **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 49 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

LP5: Health and Wellbeing

LP7: Design  
LP8: Amenity Provision  
LP18: Development in the Countryside  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP32: Flood and Water Management  
LP33: Development on Land Affected by Contamination  
LP34: Air Quality

## 8 KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flood Risk and Drainage**
- **Other Considerations**
- **Biodiversity Net Gain (BNG)**

## 9 BACKGROUND

9.1 Planning permission was granted for a dwelling on this site under reference F/YR20/0338/F. Subsequently an enforcement complaint was received regarding the provision of a storage building, concrete hardstanding, car storage and change of use of land. An enforcement notice was served on the 25<sup>th</sup> of January 2023 with a compliance period of six months. The requirements of the notice were:

- (a) Cease the use of the land for the storage and dismantling of vehicles, including HGV's, cars used in conjunction with stock car racing, steam engines and any other vehicles which are not reasonably connected to the lawful uses of the domestic and agricultural uses of the site respectively.
- (b) Break up any areas of hardstanding not shown on plan 1000B of planning approval F/YR20/0338/F and remove any resultant material from the site.
- (c) Dismantle the building located on the eastern boundary of the site and remove any resultant material from the site.

9.2 The Applicant decided to appeal (reference APP/D0515/C/23/3317077) the Council's decision to serve an enforcement notice. The appeal in part was under Ground (a) and therefore, looked to regularise the alleged breach of planning control. The appeal was dismissed, on the 16<sup>th</sup> of September 2024, and a summary of Inspector observations in the Appeal Decision and the relevant paragraph numbers are shown below:

9.3 Character and appearance

*24 - In conclusion, the development harms the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) ("FLP") policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.*

9.4 Living conditions

*31 - In conclusion, the development harms the living conditions of residential occupiers of the adjoining land, and conflicts with the relevant parts of FLP policy LP16, which requires that development must not adversely impact the amenity of neighbouring users.*

#### 9.5 Drainage

*36 - In conclusion, with the information before me, subject to a suitable planning condition, the development would make adequate provision for surface water drainage and would accord with the relevant parts of FLP policy LP16, which requires development to provide hard and soft landscaping incorporating sustainable drainage systems where appropriate.*

#### 9.6 Other matters

*44 - Therefore, even if limited to the residential land, the use of the Land for the storage of vehicles associated with the appellant's hobbies would not be incidental to the residential use of the land as a dwelling. Consequently, the exemption from development afforded by Section 55(2) does not apply, and there is no fallback position in relation to the use.*

## 10 ASSESSMENT

### Principle of Development

- 10.1 The principle of development for residential development on this site incidental to the enjoyment of the dwelling is agreeable subject to permitted development guidelines. Permitted development rights for domestic outbuildings were not removed at the time of construction.
- 10.2 Whilst the principle of development for domestic purposes on the application site is therefore not disputed, given that it was within the red line boundary for residential use when the dwelling on site was approved under reference F/YR20/0338/F, it is considered that the scale, design and dominance of the proposed building and hardstanding exceeds what could be considered to be normal domestic use storage buildings. Therefore, the proposal is not considered to be domestic and the principle of development in this instance has not been established.
- 10.3 The principle of development for the loss of agricultural land is also of relevance. Regardless of whether or not the land on which part of the storage building is sited is in active agricultural use, this land remains in an agricultural use class. No supporting information has been submitted to justify the loss of 24.03 square metres of agricultural land to facilitate the positioning of the storage building. When assessing the loss of agricultural land Paragraph 38 of the appeal decision states: *Even if the building were moved entirely onto the residential area, its height gives rise to effects significantly greater than those which would arise from a building which could be constructed as 'permitted development'.*

### Layout and Design

- 10.4 To address the reasons for the enforcement appeal dismissal, the Applicant is proposing to reduce the size of the storage building currently on site through reducing the length of the building from 30 metres to 17.9 metres. The depth of the building remains at 9 metres, whilst the eaves and ridge heights will remain at 4.77 metres and 5.7 metres. The Applicant has stated that the building cannot be made

lower in height due to the need to accommodate the height of the chimneys of the steam engines to be housed.

- 10.5 The planning merits of the building subject of this application, has previously been considered at appeal. When dismissing the appeal, the Inspector considered this matter in detail (paragraphs 14-24) and concluded that “the development harms the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) (“FLP”) policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.” It is not considered that the relatively limited reduction in length, when compared to the height and scale of the remaining structure can be considered to have overcome the harm identified by the Council when serving the enforcement notice or by the Planning Inspector when dismissing the appeal.
- 10.6 Whilst it is noted that application forms indicate that the Applicant may be proposing to alter the appearance of the structure in situ to blue cladding, this is not considered to alter the overall appearance of the structure or the impact to the character and appearance of the wider area to such a degree as to mitigate the harm of the character and appearance of the area.
- 10.7 The existing storage building is in close proximity to the boundaries of 8, 10, 10 and 10b Bridge Lane. The relocated building would be the following distances from the existing boundaries: 8 Bridge Lane – 12.75 metres, 10 Bridge Lane– 12.82 metres, 10a Bridge Lane 2.2 metres and 10b Bridge Lane 2.2 metres. A new 1.8 metre high timber boundary fence is shown on the proposed plans that is located 0.68 metres from the east facing rear of the storage building and proposed grassed area. This fence was not present on site at the time of the officer site visit. It is considered that the location of this fencing will lead to an area to the rear of the fenced boundaries of 10a and 10b Bridge Lane that would be in the ownership of the applicant and would be difficult to maintain.
- 10.8 With regard to the location of the proposed storage building in relation to the neighbouring dwellings, the distances are as follows:  
8a– 27.4 metres  
8– 28.6 metres  
10a – 29.5 metres  
10b – 31 metres  
6 (applicant’s dwelling) – 39.85 metres.  
6a– 40.3 metres.  
10 – 45.6 metres
- 10.9 No justification has been given by the applicant as to why the visually prominent location of the storage building is adjacent to residential boundaries. The location is considered to generate a material impact on the character and amenity of the surrounding area.
- 10.10 When dismissing the Enforcement Appeal the Inspector stated that:  
*“The former stable building along the eastern boundary was only slightly shorter in length than the garage building constructed, but was narrower and significantly lower, being a shallow flat roofed structure not much taller than the adjacent domestic fencing. The building which replaces it is a substantial 260sqm steel framed structure of a size and style more commonly seen in industrial areas or farmyards.”*



- 10.11 The changes to the appearance of the building, particularly as there is no reduction in the design ethos or the height of the building, are not considered to overcome the harm, due to the industrial appearance of the building, highlighted by the Inspector when dismissing the appeal.
- 10.12 The hardstanding currently present on site is 1181.6 square metres, however, it must be noted that this is currently unauthorised. As part of the development the area of hardstanding is to be reduced to 781.6 square metres and for the other 400 square metres to be removed and returned to grassed land. Whilst it is accepted that there were areas of concrete within that part of the site historically, these were over a significantly smaller area than the concrete hardstanding proposed. It is considered that this level of hardstanding further exacerbates the harm to the character and appearance of the area outlined above. This conclusion is similar in nature to that of the Planning Inspector when determining the appeal. The area beyond the 2.1 metre high boundary wall at the southern boundary is agricultural in use. Part of the amended storage building (24.03 square metres) and an area of hardstanding (418.4 square metres) are positioned on the land. It has been agreed with the applicant prior to submission of the application that the area of hardstanding to the south of the boundary wall does not form part of the proposal and therefore is located outside of the red line application boundary.
- 10.13 There is no landscaping proposed to mitigate the impact of the proposed building and hardstanding. The proposed site layout plan shows areas of what is described as “vegetation” to the rear of 6a, 8a, 8, 10a and 10b Bridge Lane. Photographs taken on site show that there is no vegetation to the rear of 6a and 8a Bridge Lane. There is vegetation on the rear boundary of 8 Bridge Lane, as well as sparse vegetation at 10a and 10b Bridge Lane. However, this vegetation does not sufficiently address the visual dominance and material overbearing impact that the amended building will generate.
- 10.14 To conclude, the proposed layout, materials of construction and scale of development is considered to detrimentally impact on the site and the semi-rural character and appearance of the wider area. This is considered to be consistent with the findings of the Planning Inspector at the time of dismissing the previous appeal.
- 10.15 The proposal is therefore, contrary to Policies LP12 and LP16 of the Fenland Local Plan. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.

### **Impact on Residential Amenity / Land Users**

- 10.16 Efforts have been made to reduce the amenity impact on 8 Bridge Lane by reducing the length of the building. The reduction in the length of the building has resulted in the northern elevation of the storage building now being some 12.75 metres from the northern boundary and 28.6 metres from the dwelling. The resultant increase in separation distance is now considered to mitigate the harm from the building currently in situ in relation to overshadowing and overbearing upon the occupiers of the dwelling. This also applies to the dwellings at 6a, 8a and 10 Bridge Lane. Whilst it is accepted that the storage building will still be visible from these properties, it is not considered that this would have a

detrimental impact upon the amenity of the residents of these properties to such a degree as to warrant a reason for refusal.

- 10.17 Notwithstanding the above, amenity concerns remain with regard to the impacts on the amenity to the properties at 10a and 10b Bridge Lane, primarily in relation to overshadowing and the overbearing nature of the development. The storage building is 2.2 metres to the west of the fenced boundary. 10a Bridge Lane is located 29.5 metres from the building and 10b Bridge Lane is located 31 metres away. The submitted proposed site plan shows vegetation at the rear boundaries of 6a, 8a, 8, 10a and 10b Bridge Lane. It is not considered that the height or density of the trees and hedging in this location mitigates the dominance of the storage building. This is especially the case for 10a and 10b Bridge Lane given the 2.2 metre separation distance to the residential boundary. It must be noted that at the time of the appeal a similar landscaping solution was offered. However, the Planning Inspector considered, that the provision of landscaping *“would have only limited effects.”*
- 10.18 To conclude whilst attempts have been made to reduce the impact on the amenity of some of the neighbouring properties, impacts in relation to overshadowing and overbearing are considered to remain for the dwellings at 10a and 10b Bridge Lane.
- 10.19 Given the above considerations, despite the reduction in the length of the storage building a material overbearing concerns remains for the properties of 10a and 10b Bridge Road. This is contrary to Policies LP12 and LP16 of the Fenland Local Plan. These policies require development to make a positive contribution to the local distinctiveness and character of the area, as well as minimising the impact on residential amenity and adjacent land uses.

### **Highway Safety and Parking**

- 10.20 The proposal seeks to utilise the existing vehicular access at the site frontage to the north, which is located behind electric gates. This access leads to the block paved residential driveway then to the concrete hardstanding to the east of the dwelling
- 10.21 When serving the Enforcement Notice no harm was identified in relation to highway safety or the free flow of traffic. Furthermore, when dismissing the appeal, no concerns on these matters were raised by the Planning Inspector. Whilst it is noted that there is a reduction in hard standing proposed this is not considered to materially alter the considerations of the development when compared to the development considered under the previous appeal.
- 10.22 Therefore, no objection is raised to the development based on car parking or highway safety.

### **Flood Risk and Drainage**

- 10.23 The entirety of the site and surrounding area is in Environment Agency Flood Zone 1. The dwelling, vehicular access and part of the agricultural field is in an area of low surface water flood risk. Foul water provision is not impacted by this proposal. Surface water is to be addressed via a soakaway.

- 10.24 The area of concrete hardstanding and the storage building are impermeable, and there is a need to ensure that the site and neighbouring gardens are not subject to surface water flooding.
- 10.25 At the time Enforcement Appeal Inspector the Inspector observed: *The hardstanding on the residential land has been designed with a central gully system with 3 drains. Plans available to me, but not to the Council at the time the Notice was served, show each drain feeds into a solid underground pipe into the field. An interconnecting perforated pipe then runs diagonally across the field, terminating in an outflow into the ditch which runs along its western boundary on the appellant's land. He advises that discharge into the ditch only occurs in the event of a heavy downpour in a major storm event. It was dry weather at the time of my visit, but I have seen no evidence that the drainage installed is inadequate to meet the demands put on it.*
- 10.26 In relation to drainage provision for the rear of the building, Paragraph 34 of the appeal decision states: *There is guttering along the front of the building, but I saw no downpipes, and there was none at the rear. Were I to allow the appeal and grant planning permission for the building, these could be required by a planning condition with discharge into the field away from residential properties.* At the time of the officer site visit no downpipes were observed on the rear of the building and none are shown on the proposed elevational drawings. Additionally, no surface water drainage provision information has been supplied, and there is no evidence provided that drainage pipes have been installed underneath the hardstanding.
- 10.27 Whilst such provision may adequately address surface water on the site and adjacent land, none has been provided within the submitted information. Therefore, it is considered that at the present time surface water flood risk on this site has not been sufficiently addressed. This is contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the National Planning Policy Framework, which seek to ensure that development does not increase flood risk on a proposal site and adjacent land uses. It is however, acknowledged that surface water drainage could be potentially addressed by a time limited condition given the retrospective nature of the proposal and therefore, this is not considered to warrant a reason for refusal.

### **Other Considerations**

- 10.28 Communications from members of the public have raised a number of issues. Whilst most matters are broadly covered in the assessment above it is considered that a number of comments require a specific comment.
- 10.29 The age, rarity of and need to keep the steam engines indoors has been raised. Whilst it is acknowledged that it may be beneficial for the steam engines to be kept indoors there is no reason before the Council as to why they need to be kept on this site, other than in the interest of ease of the Applicant. Whilst the benefit to the individual is noted, this is not considered to be of any demonstrable weight and does not overcome the harm highlighted above.
- 10.30 It has been raised that the house and its grounds are a credit to architectural design and building and that this kind of housing is what Fenland needs, high quality and spacious. These points are not considered to relate to the application as the proposal does not relate to the dwelling.

- 10.31 Comments have been received that the whole area is in the future development line. The area where the hardstanding and building is positioned could have been developed for domestic purposes by virtue of the permission F/YR20/0338/F for construction of the dwelling. However, the land beyond the 2.1 metre high southern boundary wall remains in agricultural use. The current Fenland Local Plan does not provide defined settlement limits and therefore does not automatically preclude or encourage development on the site or the wider area. The Emerging Local Plan appears to exclude the area from the settlement boundary for Wimblington.
- 10.32 With regard to comments of objection, the devaluation of a property and a loss of view of land outside of your ownership are not matters which carry material planning weight.

### **Biodiversity Net Gain (BNG)**

- 10.33 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.34 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun. This is because the application is retrospective, and therefore the development is *de-minimis* for the purposes of BNG.
- 10.35 Furthermore, matters relating to Biodiversity Net Gain (BNG) were not identified as weighing against the development at the time of the previous appeal decision. As such, to now raise an objection on the basis of BNG would be considered unreasonable and inconsistent with the previous decisions.

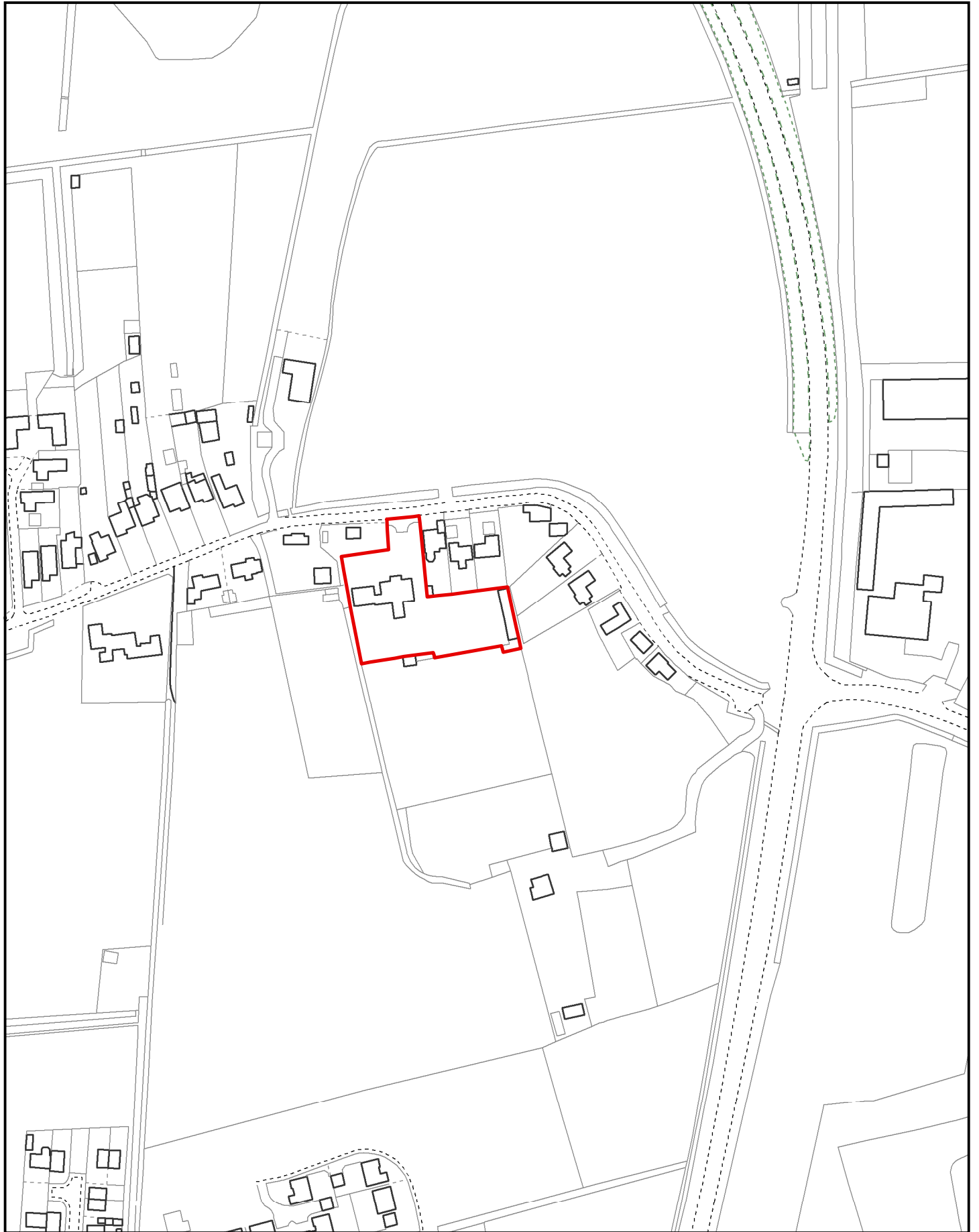
## **11 CONCLUSIONS**

- 11.1 Whilst it is acknowledged that the both the building and the hard standing would be reduced it is considered that the development would still appear as an alien and incongruous feature in the semi-rural character of the Bridge Lane to the detriment of the site and the character and appearance of the surrounding area. It also considered that a material overbearing impact remains for the properties at 10a and 10b Bridge Lane which has not been adequately addressed by suggested amendments to the existing building. Therefore, material harm remains in relation to the character and appearance of the area and impacts on amenity of the adjoining residents.
- 11.2 The proposal is therefore, contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014).

## **12 RECOMMENDATION**

12.1 **Refuse**; for the following reasons:

1	The development by virtue of its scale and appearance would harm the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) Policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.
2	The development by virtue of its scale and position would have a detrimental impact on the amenity of the adjoining residents at 10a and 10b Bridge Lane due to the consequent overshadowing and the overbearing impacts. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design.



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**F/YR25/0084/F**

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PROPOSED SITE PLAN (1:250)

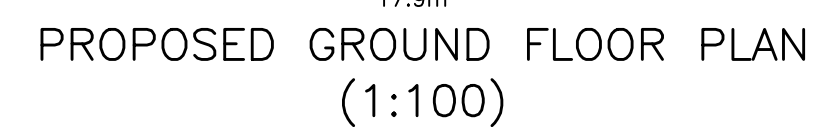
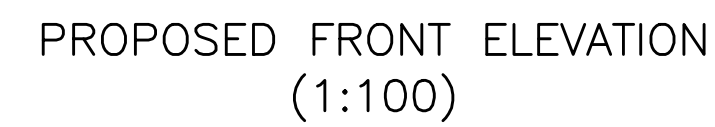
SITE KEY: CONCRETE GRAVEL TARMAC GRASS SLAB PAVING EXISTING DWELLINGS VEGETATION

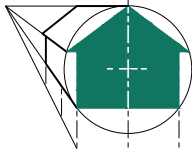



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Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered, if in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
All finishes, insulation and damp-proofing to architect's details

REVISIONS		DATE
<div><div><div>MORTON &amp; HALL CONSULTING LIMITED</div><div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AA</div><div><div>Tel: 01351 655151 Fax: 01351 660167 Email: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</div></div></div><div><div><div><div>LABC</div><div>LABC</div></div><div><div>LABC</div><div>LABC</div></div></div><div><div><div>Fenland District Council</div><div>Building Design Awards winner</div></div><div><div><div>Building Design Awards winner</div><div>Building Excellence in Fenland</div></div></div></div></div></div></div>		
CLIENT		
Mr N Bowers		
PROJECT		
6 Bridge Lane, Wimblington, Cams, PE15 0RS		
TITLE		
Proposed Site Plan		
DRAWN J.Scotcher		DATE OF ISSUE
CHECKED		
DATE Dec 2024	DRAWING NUMBER H9861/03	
SCALE As Shown		



All finishes, insulation and damp-proofing to architect's details



REVISIONS			DATE
<b>MORTON &amp; HALL</b> <b>CONSULTING LIMITED</b>			
<b>1 Gordon Avenue,          March,          Cambridgeshire.          PE15 8AJ</b>		<b>Tel: 01351 655454</b> <b>Fax: 01351 666467</b> E-mail: <a href="mailto:info@mortonandhall.co.uk">info@mortonandhall.co.uk</a> Website: <a href="http://www.mortonconsultingengineers.co.uk">www.mortonconsultingengineers.co.uk</a>	
 LABC BUILDING EXCELLENCE AWARDS winner		 Fenland District Council  <b>Building          Design Awards</b> Building Excellence in Fenland	
CLIENT			
Mr N Bowers			
PROJECT			
6 Bridge Lane, Wimblington, Cambs, PE15 0RS			
TITLE			
Proposed Building Arrangements			
DRAWN J.Scotcher		DATE OF ISSUE	
CHECKED			
DATE Dec 2024		DRAWING NUMBER	
SCALE As Shown		H9861/04	