

Agenda Item No:	8	
Committee:	Cabinet	
Date:	23 February 2026	
Report Title:	New and Updated Interim Planning Guidance	

1 Purpose / Summary

- 1.1 The purpose of this report is to present a suite of Interim Planning Guidance Notes to assist the Council in managing development effectively while the new Local Plan is being prepared. The guidance addresses three key areas: developer contributions to community infrastructure, the protection of high-quality agricultural land, and the planning and design considerations for new Houses in Multiple Occupation (including smaller HMOs in Wisbech) to ensure they are located in suitable areas and do not negatively affect the amenity of existing neighbourhoods.
- 1.2 These documents will provide clear expectations for applicants and communities, helping to secure well-planned, sustainable growth that supports local needs, strengthens the local economy, and safeguards the environment.

2 Key Issues

- 2.1 Interim Planning Guidance Notes (IPGNs) provide practical guidance to support the interpretation of Local Plan policies while new planning policy is being prepared. Unlike Supplementary Planning Documents (SPDs), they do not carry formal statutory weight, but they can be considered as a material consideration in decision-making. Their purpose is to offer clear, up-to-date advice in a flexible format that can be more easily reviewed and updated as national policy, local priorities, or evidence requirements change.

Planning Obligations Interim Planning Guidance Note

- 2.2 The existing Developer Contributions SPD is now over ten years old and no longer reflects current national legislation or local practice. Since its adoption, there have been significant changes, including the introduction of mandatory 10% Biodiversity Net Gain, new duties around monitoring and securing self- and custom-build housing, and the removal of previous pooling restrictions¹. These changes require updated guidance so that the Council can continue to secure the right infrastructure and meet its statutory responsibilities.
- 2.3 Local practice has also evolved. The previous district-wide Viability Study, which informed the calculation of open space contributions, has been withdrawn. A clearer and more transparent method for calculating open space

¹ The former Section 106 pooling restriction, introduced in 2010, limited local authorities to using no more than five Section 106 planning obligations to fund a single item of infrastructure, which constrained the ability to secure cumulative contributions from multiple developments until the restriction was removed in September 2019.

and play space contributions is now set out in the Interim Guidance Note, alongside a standardised fee structure for the administration and monitoring of Section 106 agreements. Together, these updates provide greater certainty for applicants and ensure contributions reflect current costs and requirements.

- 2.4 Retaining the existing SPD or providing no guidance would leave a significant policy gap and create uncertainty for developers, communities, and decision-makers. Updating the SPD itself would require a full rewrite and lengthy consultation, making it less responsive to future changes. The Interim Guidance Note offers a more flexible and timely approach, ensuring the Council can continue to secure appropriate mitigation and essential infrastructure to support well-planned, sustainable growth.

Best and Most Versatile Agricultural Land Interim Planning Guidance Note

- 2.5 Fenland contains some of the most productive agricultural land in the country, including nationally significant areas of Grade 1 and Grade 2 soils. Protecting this resource is a priority for Members and local communities, given its importance for food production, the rural economy, and the district's character. The PGN provides an interim framework for assessing proposals that may lead to the loss of BMV land, ensuring clear expectations on evidence, site selection, and justification while the new Local Plan is being prepared. It also supports the motion
- 2.6 Significant national and local policy drivers reinforce the need for updated guidance. The NPPF requires decision-makers to recognise the economic and environmental benefits of BMV land and to give preference to lower-quality land for development. Local evidence shows that the extent and condition of Fenland's high-quality soils—particularly its deep, highly productive peat soils—make the district uniquely sensitive to development pressures. Issues such as soil disturbance, hydrological change, and irreversible peat degradation mean that certain development types, including solar farms, may result in long-term or permanent loss of agricultural function if not robustly assessed.
- 2.7 Without an interim PGN, there is a risk of inconsistency in decision-making and uncertainty for applicants about what evidence is required. The guidance sets out a clear sequential approach to site selection, proportionate evidence requirements, and expectations for mitigation and compensation where loss cannot be avoided. This enables the Council to give appropriate weight to the protection of BMV land, direct development to more suitable locations, and maintain a transparent and defensible approach until new Local Plan policies are in place.

Houses in Multiple Occupation (HMO) Interim Planning Guidance Note

- 2.8 Fenland has experienced localised pressures from the growth of the HMO sector, particularly in parts of Wisbech, where concerns have been raised about the concentration of HMOs, parking impacts, overcrowding, and the effect on the character and cohesion of residential streets. The introduction of Article 4 Directions in Wisbech has increased the need for clear and consistent planning guidance. The PGN provides an interim framework to

ensure that HMOs are well-designed, appropriately located, and integrated positively into existing neighbourhoods.

- 2.9 National expectations for quality homes and healthy places have strengthened in recent years, and local Members and communities expect HMO development to contribute positively to neighbourhood amenity rather than intensify existing issues. Clear space, design, and management standards are therefore needed to ensure that HMOs provide safe, good-quality accommodation, respect neighbouring properties, and do not lead to harmful concentrations that undermine local services or environmental quality. The PGN ensures these requirements are set out transparently for applicants and decision-makers.
- 2.10 In the absence of updated Local Plan policies, an interim PGN ensures consistency, fairness, and clarity in planning decisions involving both large HMOs and smaller properties subject to Article 4 control. It enables the Council to manage growth in this sector in a balanced way—supporting housing choice while protecting the wider community. The guidance gives Members and officers a robust basis for assessing proposals and ensures applicants understand expectations from the outset, reducing uncertainty and improving the quality of schemes that come forward.

3 Recommendations

- 3.1 That Cabinet:
- Revoke the 2015 Developer Contributions Supplementary Planning Document, the 2014 Resource Use and Renewable Energy SPD, the 2004 Nene Waterfront Development Brief and the 2015 Interim Guidance on Policy LP4 Part B
 - Approve the publication of an Interim Planning Guidance Note on Planning Obligations.
 - Approve the publication of an Interim Planning Guidance Note on Best and Most Versatile Agricultural Land.
 - Approve the publication of an Interim Planning Guidance Note on Houses in Multiple Occupation.
- 3.2 Delegate authority to the Head of Planning, in consultation with the relevant Portfolio Holders, to make minor updates to the Interim Planning Guidance Notes as required, ensuring they remain up to date and fit for purpose.

Wards Affected	All Wards
Forward Plan Reference	KEY/10DEC2/02
Portfolio Holder(s)	Councillor Dee Laws - Portfolio Holder for Building Control, Flooding, IDBs & Planning
Report Originator(s)	Matthew Leigh – Head of Planning

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Background Papers	<p>Fenland Local Plan - Adopted Web Developer Contributions SPD</p> <p>Resource Use and Renewable Energy SPD</p> <p>Nene Waterfront Development Brief SPG</p> <p>Full Council Papers - February 2025 - Item C51/24 - HMOs in Wisbech</p> <p>Full Council Papers - September 2025 - Item C30/25 Solar Farms and Food Security Motion</p>

4 BACKGROUND AND INTENDED OUTCOMES

- 4.1 Fenland’s adopted Local Plan (2014) was prepared in a different context, and the district now faces new challenges and opportunities that require a refreshed strategic approach. In December 2025, Cabinet agreed to withdraw the emerging Local Plan and begin work on a new style plan that can respond more effectively to current local issues, including the nationally significant Fens Reservoir proposal, pressures from HMOs in Wisbech, new opportunities in advanced manufacturing and clean tech, updated flood-risk modelling, and wider governance uncertainty. The emerging Local Growth Plan also identifies Fenland as a key area for long-term investment, reinforcing the need for a modern planning framework.
- 4.2 The preparation of a new Local Plan will take time. In the meantime, many of the Council’s existing Supplementary Planning Documents (SPDs), adopted between 2004 and 2016, are increasingly out of date and no longer fully reflect current national policy, guidance, or local priorities.
- 4.3 To maintain clarity and consistency during this transitional period, the Council proposes to revoke a number of historic SPDs and planning guidance notes and to introduce a focused suite of Interim Planning Guidance Notes (IPGNs). These documents do not introduce new policy or replace the development plan; rather, they provide practical, up-to-date guidance to help applicants understand the Council’s expectations and to support Members and officers in making robust, well-reasoned planning decisions.
- 4.4 The Planning Obligations IPGN responds directly to the need for modernised guidance on infrastructure contributions. The 2015 Developer Contributions SPD is now outdated, particularly in areas such as biodiversity net gain, self- and custom-build monitoring, the removal of pooling restrictions, and methods for calculating open space contributions. Clear, current guidance is essential to ensure applicants understand what contributions may be sought and to give the Council a strong footing when negotiating obligations that support schools, health services, open spaces and other community infrastructure.

- 4.5 The Best and Most Versatile (BMV) Agricultural Land IPGN addresses a critical local and national issue. Fenland contains some of the most productive agricultural land in the country, underpinning food security, local employment and the district's cultural identity. As set out in the key issues, protecting these soils—especially the district's nationally significant Grade 1 and high-quality peat soils—has been repeatedly highlighted by Members and communities as a priority. The PGN explains how proposals affecting BMV land will be assessed, setting clear expectations for evidence, sequential site selection, mitigation and compensation. This ensures that any loss of high-value farmland is properly justified, minimised, and balanced appropriately in decision-making.
- 4.6 The Houses in Multiple Occupation IPGN responds to well-documented concerns about the quality, concentration and neighbourhood impacts of HMOs, particularly in Wisbech where new Article 4 Directions now apply. Clear, up-to-date guidance is required to ensure that HMOs provide good quality accommodation, respect residential amenity, and do not undermine the character, functionality or cohesion of local streets. The PGN sets out expectations for space, design, layout, location and management, giving applicants clarity and enabling Members and officers to apply consistent standards across applications. Together, these IPGNs will:
- provide clear, accessible guidance to help applicants prepare better proposals and reduce uncertainty during the Local Plan review period.
 - support Members and officers in making consistent, transparent and well-evidenced planning decisions.
 - ensure that development continues to deliver positive outcomes for communities, businesses and the environment.
 - strengthen the Council's ability to secure the infrastructure needed to support growth, protect nationally important agricultural soils, and manage the impacts of intensive HMO uses.
 - maintain a strong, coherent approach to shaping good growth while the new Local Plan is being prepared.
- 4.7 Together, the IPGNs provide the Council with the tools needed to manage development effectively during this transitional period, ensuring that growth is well-planned, locally responsive and aligned with Fenland's long-term ambitions.

5 REASONS FOR RECOMMENDATIONS

- 5.1 The recommendations are proposed to ensure that the Council has up-to-date, practical guidance in place while work progresses on the new style Local Plan. The withdrawal of the previous emerging Local Plan in December 2025, combined with evolving local circumstances and new national requirements, means that several existing SPDs are now outdated and no longer provide sufficient clarity for applicants, Members or officers. Without refreshed interim guidance, there is a risk of inconsistency, uncertainty and avoidable delays in decision-making.

- 5.2 Introducing Interim Planning Guidance Notes (IPGNs) offers a proportionate and timely way to address priority issues where clear guidance is urgently needed. The Planning Obligations IPGN replaces the 2015 SPD and reflects current expectations around infrastructure funding, biodiversity net gain, and open space contributions. The Best and Most Versatile Agricultural Land IPGN provides a transparent approach to assessing proposals affecting high-quality agricultural soils—an issue of national and local significance for Fenland. The HMO Design and Amenity Standards IPGN responds directly to Member and community concerns about the concentration and quality of HMOs, particularly in Wisbech following the introduction of Article 4 Directions.
- 5.3 Endorsing and publishing these documents will help applicants prepare better proposals, support fair and consistent decision-making, and ensure the Council can continue to secure necessary infrastructure, protect key environmental assets, and manage the impacts of intensive HMO uses. Delegating authority for minor updates will allow the guidance to remain accurate and responsive as further evidence and national guidance becomes available.
- 5.4 Overall, these recommendations will strengthen the Council's planning framework during the transition to a new Local Plan, supporting good growth and providing greater confidence for communities, investors and decision-makers.

6 CONSULTATION

- 6.1 There is no statutory requirement to undertake formal public consultation in order to revoke an existing Supplementary Planning Documents or to publish Interim Planning Guidance Notes (IPGNs). These documents do not introduce new policy; rather, they provide practical guidance to support the interpretation of existing Local Plan policies during the transition to a new style Local Plan.
- 6.2 However, the Council recognises the importance of engaging with stakeholders who regularly use or are affected by planning guidance, including developers, agents, parish and town councils, statutory bodies, and community groups. Although formal consultation is not required, constructive feedback on the IPGNs will be welcomed and will help ensure the guidance remains effective, proportionate and responsive to local needs.
- 6.3 The IPGNs are intended to be living documents that can be updated as necessary to reflect emerging evidence, national guidance, and practical experience. Delegated authority for minor updates will allow the Council to refine the documents in a timely way, informed by ongoing engagement with key stakeholders and the wider community.

7 ALTERNATIVE OPTIONS CONSIDERED

Do Nothing Approach

- 7.1 One option would be to take no action and continue relying on the existing Supplementary Planning Documents (SPDs) and other legacy guidance while work progresses on the new style Local Plan. This approach is not recommended. Many of the current SPDs were prepared between 2004 and 2016 and do not reflect more recent national requirements or the local circumstances now facing Fenland, including the need to secure appropriate infrastructure contributions, protect nationally important agricultural land, and manage the growth and concentration of HMOs in certain areas. Continuing to rely on out-of-date guidance would create uncertainty for applicants, communities and decision-makers and could lead to inconsistent or less transparent planning outcomes.
- 7.2 The do-nothing approach would also leave a significant gap during the transition to the new Local Plan. Without clear interim guidance, applicants may not understand what information is required to support their proposals, potentially leading to delays, lower quality submissions and increased pressure on decision-making processes. For Members and officers, the absence of updated guidance would reduce the clarity and consistency needed to respond to development pressures in a timely and well-evidenced manner.
- 7.3 For these reasons, doing nothing is not considered an appropriate option. The proposed Interim Planning Guidance Notes provide a proportionate and effective way to support good decision-making, manage development pressures and maintain a clear approach to growth while the new Local Plan is prepared.

Produce All Documents as Supplementary Planning Documents (SPDs)

- 7.4 A second option would be to prepare all three guidance documents as formal Supplementary Planning Documents (SPDs) rather than as Interim Planning Guidance Notes. While SPDs carry greater weight as material considerations, this approach is not recommended. Preparing an SPD requires a statutory consultation process, a Statement of Consultation, and supporting evidence to demonstrate conformity with the adopted Local Plan. This significantly increases the time and resources needed to introduce the guidance at a point when timely clarity for applicants and decision-makers is essential.
- 7.5 By contrast, Interim Planning Guidance Notes can be issued quickly, updated more easily, and tailored to today's local priorities without the constraints of formal SPD procedures. They offer a more practical solution during the Local Plan review period, ensuring that decision-making remains consistent, transparent and rooted in up-to-date expectations.
- 7.6 For these reasons, producing full SPDs for each topic is not considered an appropriate or efficient option at this stage.

8 IMPLICATIONS

8.1 Legal Implications

Supplementary Planning Documents (SPDs) are prepared under sections 17–19 of the Planning and Compulsory Purchase Act 2004 and the Town and

Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”). Regulation 8 makes clear that SPDs provide additional guidance to policies in the development plan but cannot introduce new policy. Regulations 12–14 set out the statutory requirements for consultation and adoption, including public participation and a statement of consultation.

- 8.2 The Council is legally permitted to revoke an SPD and does not need to undertake statutory consultation to do so. SPDs do not form part of the development plan and therefore their revocation does not require examination or notification under the 2012 Regulations.
- 8.3 Interim Planning Guidance Notes (IPGNs) are non-statutory guidance documents. They are not subject to the 2012 Regulations, do not form part of the development plan, and do not require formal consultation or adoption procedures. Once published, they may be treated as material considerations in the determination of planning applications under section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, with weight dependent on relevance, clarity, and consistency with national and Local Plan policy.
- 8.4 The Council must continue to determine planning applications in accordance with the adopted development plan, unless material considerations indicate otherwise. Providing clear, up-to-date interim guidance helps ensure that material considerations are applied consistently and transparently, supporting a defensible audit trail for decisions.
- 8.5 The proposal to delegate authority to the Head of Planning to make minor updates is lawful provided such updates do not introduce new policy or conflict with adopted development plan policies. Any material amendments would need to return to Cabinet.
- 8.6 *Planning Obligations IPGN*
- 8.7 Planning obligations are created under section 106 of the Town and Country Planning Act 1990. The legal tests for planning obligations are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, which requires obligations to be:
 - necessary to make development acceptable in planning terms,
 - directly related to the development, and
 - fairly and reasonably related in scale and kind.
- 8.8 The IPGN reinforces these requirements and clarifies how the Council will apply them in practice. It must not impose obligations that fall outside Regulation 122 or attempt to introduce new policy. Revoking the 2015 SPD is legally permissible; its replacement with an IPGN provides clarity without generating statutory obligations. The removal of Regulation 123 pooling restrictions (as amended in 2019) also means the IPGN can lawfully reference the wider ability to secure contributions across multiple developments.
- 8.9 *Best and Most Versatile (BMV) Agricultural Land IPGN*
- 8.10 National policy requires decision-makers to give appropriate weight to the protection of BMV land, and the IPGN provides clarity on how the Council will

assess proposals affecting Grades 1, 2 and 3a land. The legal implications focus on ensuring that the guidance:

- does not create new policy but clarifies evidence expectations,
- aligns with existing national policy wording regarding agricultural land and wider natural resource protection.

8.11 Because the PGN expects more detailed evidence (e.g., Agricultural Land Classification surveys, sequential assessments), the Council must ensure these requirements remain proportionate to the scale and nature of development to withstand potential challenge. The guidance helps provide defensible reasoning in decisions where BMV land is engaged, especially given Fenland's nationally significant soils.

8.12 *Houses in Multiple Occupation IPGN*

8.13 HMOs are regulated through both planning and housing legislation. Planning decisions must comply with section 38(6) of the Planning and Compulsory Purchase Act 2004, while licensing is governed separately under the Housing Act 2004. This PGN must therefore avoid duplicating or contradicting legal licensing standards.

8.14 In areas covered by Article 4 Directions (confirmed under the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 4), the removal of permitted development rights creates the need for clear planning guidance. The IPGN supports defensible decision-making by clarifying the planning considerations relevant to HMO proposals, including design, amenity and cumulative impact. It does not introduce new enforceable requirements but provides clarity around how existing Local Plan policy and the general amenity duty under the NPPF will be interpreted.

8.15 **Financial Implications**

8.16 The preparation, publication and ongoing maintenance of the Interim Planning Guidance Notes (IPGNs) will be delivered within existing resources. No additional funding from the Council's General Fund is required. Any costs associated with officer time, specialist input or minor updates to the guidance will be met through existing revenue budgets and, where appropriate, the Planning Policy reserve.

8.17 The IPGNs do not introduce any new financial liabilities for the Council. The updated Planning Obligations IPGN is expected to have positive financial implications by strengthening the Council's ability to secure appropriate developer contributions. By providing clearer, more robust guidance on the type, scale and justification for planning obligations—consistent with national legislation and local priorities—the guidance supports more effective and transparent negotiation of Section 106 agreements. This will help ensure that essential infrastructure, including schools, health facilities, open space, transport improvements and community amenities, is appropriately funded by development, thereby reducing future pressure on Council resources.

8.18 The IPGNs relating to Best and Most Versatile Agricultural Land and HMO Design and Amenity Standards do not have direct financial impacts. However, they are expected to support more efficient use of officer time by reducing

uncertainty, improving the quality of planning submissions and helping to avoid avoidable delays, disputes or appeals.

- 8.19 Overall, the financial implications of the recommendations can be managed within existing budgets and are expected to deliver longer-term benefits through more effective decision-making and improved outcomes from developer contributions.

8.20 Equality Implications

- 8.21 The Council has a statutory duty under the Equality Act 2010, including the Public Sector Equality Duty (PSED) in section 149, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between different groups.

- 8.22 The proposed Interim Planning Guidance Notes (IPGNs) support this duty by providing clear, consistent and transparent guidance to applicants and decision-makers. Although the IPGNs do not introduce new policy, they help ensure that planning decisions are informed, fair and sensitive to the needs of different communities across Fenland.

- 8.23 The Planning Obligations IPGN helps secure the infrastructure needed to support growing communities, including education, health, open space and community facilities. These forms of infrastructure have direct equalities benefits, particularly for more vulnerable or disadvantaged groups who may rely more heavily on accessible services and local facilities.

- 8.24 The Best and Most Versatile Agricultural Land IPGN does not have direct impacts on individuals with protected characteristics, but it contributes to wider social wellbeing by helping protect an important economic and environmental resource. Supporting a resilient agricultural economy helps sustain local employment, food production and community stability, which benefits all groups, including those who may be more vulnerable to economic change.

- 8.25 The HMO IPGN has a more direct equalities dimension. HMOs often accommodate groups who may experience barriers in the housing market, including younger people, lower-income households, migrants, and some people with protected characteristics. Ensuring that HMOs provide safe, good-quality living conditions and are located appropriately helps protect residents' health, wellbeing and access to services. At the same time, the guidance helps prevent negative impacts on surrounding communities, fostering good relations within diverse neighbourhoods.

- 8.26 Across all three guidance notes, providing clearer expectations helps ensure planning decisions are made consistently and transparently, reducing the risk of discrimination or unequal treatment. No adverse equalities impacts have been identified. The IPGNs are expected to have a neutral or positive effect by supporting inclusive, well-planned and well-serviced communities during the transition to the new Local Plan.

9 SCHEDULES

Schedule 1 – Planning Obligations Interim Planning Guidance Note (IPGN)

Schedule 2 – Best and Most Versatile Agricultural Land IPGN

Schedule 3 – Houses in Multiple Occupation IPGN

Schedule 1

INTERIM PLANNING GUIDANCE NOTE IPGN: **PLANNING OBLIGATIONS**

This Interim Planning Guidance Note explains how Fenland District Council will use planning obligations (Section 106 agreements) to make development acceptable in planning terms. Planning obligations help ensure that new development is supported by the infrastructure, services and mitigation it requires.

The guidance sets out when obligations may be needed, how they will be assessed, and what applicants should expect during the planning process. It provides a consistent and transparent approach that supports timely decisions and proportionate contributions.



1 INTRODUCTION AND PURPOSE

- 1.1 This Interim Planning Guidance Note explains how Fenland District Council applies planning obligations (Section 106 agreements) when assessing development proposals. Its purpose is to provide clear, accessible information for applicants, agents, landowners and communities on when obligations may be required, how they are assessed, and how they help make development acceptable in planning terms.
- 1.2 Planning obligations are used to address the impacts of development where these cannot be dealt with through planning conditions alone. They may secure financial contributions, works or other commitments necessary to ensure that a proposal is suitable, sustainable and properly supported by infrastructure.
- 1.3 This guidance complements the Fenland Local Plan, particularly Policy LP13 (Supporting and Managing the Impact of a Growing District), and should be read alongside national guidance on planning obligations, the NPPF and the Community Infrastructure Levy Regulations.

2 LEGAL AND PLANNING FRAMEWORK

- 2.1 Planning obligations must meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Obligations will only be sought when they are:
 - a) necessary to make the development acceptable in planning terms
 - b) directly related to the development
 - c) fairly and reasonably related in scale and kind
- 2.2 These tests ensure that obligations are proportionate and focused on mitigating the actual impacts of a proposal.
- 2.3 Fenland District Council does not currently operate a Community Infrastructure Levy (CIL). All required infrastructure contributions are therefore secured through Section 106 obligations.
- 2.4 To support timely decision-making, applicants are strongly encouraged to engage in pre-application discussions. Early dialogue helps identify likely infrastructure requirements, clarify the scope of any obligations and avoid delays later in the process.
- 2.5 Where required, a completed planning obligation must be agreed and in place before planning permission is able to be granted. To ensure a timely decision can be made on a planning application, the Council expects that a Heads of Terms for a S106 is provided at the validation stage of a planning application. Planning

approval subject to a S106 Agreement may be granted by the Planning Committee, but this will depend on the S106 being substantially completed (and where necessary Committee being made aware of its substantive contents) and being capable of being signed by all parties very soon after the decision is made.

3 OBLIGATIONS AND CONTRIBUTIONS

3.1 Planning obligations may be sought from any scale of development, except where size thresholds are specified. It has been indicated in the table where contributions/ obligations are sought by Fenland District Council (FDC) or Cambridgeshire County Council (CCC).

Contribution/ Obligation	Amount/ Details	Payment Due/ Timing
Affordable Housing (FDC) (See Policy LP5 Meeting Housing Need)	25% of dwellings on sites of 10 or more dwellings	Built prior to 50% occupation of market dwellings. Transferred to RP prior to completion of affordable units.
	20% of dwellings on sites of 5-9 dwellings	
	Tenure mix to be informed by the latest local Strategic Housing Market Assessment and government guidance.	Agreed prior to planning permission being granted
	Off-site contribution will be calculated using Council's Policy LP5	Prior to commencement
Biodiversity Net Gain (FDC)	A minimum of 10% gain in biodiversity value for: <ul style="list-style-type: none"> Residential developments of 1 or more dwellings Non-residential buildings Developments exempt from Biodiversity Net Gain: See FDC website page	
	Biodiversity Net Gain Monitoring Fee – bespoke calculation	Prior to commencement

Contribution/ Obligation	Amount/ Details	Payment Due/ Timing
CCC Monitoring Fee	Bespoke calculation See CCC 'Planning Obligations Strategy' (March 2016)	Prior to commencement
Community Facilities (FDC)	<p>On-site provision will be sought for strategic allocations or broad locations for growth (i.e. 250 homes or more).</p> <p>A financial contribution will be sought for developments of 5-250 dwellings. This will be a bespoke calculation based on:</p> <ul style="list-style-type: none"> • local provision/ capacity in the vicinity • whether new build or enhancement to existing facilities is most appropriate • the legal tests for planning obligations <p>No contribution will be sought for schemes of 1-4 dwellings.</p>	Prior to first occupation
Culture, Leisure and Heritage (FDC)	<p>Sought in appropriate site-specific cases for the provision of new/ upgraded/ expansion of existing facilities and/ or restoration or maintenance of heritage assets and their settings.</p> <p>On-site provision will be sought for strategic allocations or broad locations for growth (i.e. 250 homes or more).</p> <p>A financial contribution will be sought for developments of 5-250 dwellings. This will be a bespoke calculation based on:</p> <ul style="list-style-type: none"> • local provision/ capacity in the vicinity • whether new build or enhancement to existing facilities is most appropriate 	Prior to commencement

Contribution/ Obligation	Amount/ Details	Payment Due/ Timing												
	<ul style="list-style-type: none"> the legal tests for planning obligations 													
Education (CCC)	See CCC ‘Planning Obligations Strategy’ (March 2016)	Prior to commencement												
FDC Monitoring Fee	£520 per S106 schedule/obligation to be monitored	Prior to commencement												
Fenland Agricultural Grants Programme	Bespoke calculation	Prior to commencement												
Healthcare (FDC on behalf of NHS)	Bespoke calculation	Prior to commencement												
Libraries (CCC)	See CCC ‘Planning Obligations Strategy’ (March 2016)	Prior to first occupation												
Open Space (FDC)	<p>Appendix B of the Fenland Local Plan sets out the thresholds for onsite open space provision.</p> <p>Off-site financial contributions will be sought as follows:</p> <p>Open Space – A financial contribution will be sought for sites between 0.5ha and 10ha based on the following:</p> <table border="1" data-bbox="592 1442 1110 1731"> <tbody> <tr> <td>1 Bed</td> <td>£416</td> </tr> <tr> <td>2 Bed</td> <td>£608</td> </tr> <tr> <td>3 Bed</td> <td>£813</td> </tr> <tr> <td>4+ Bed</td> <td>£972</td> </tr> </tbody> </table> <p>Children’s Play – A financial contribution will be sought for sites under 2ha based on the following:</p> <table border="1" data-bbox="592 1883 1110 2022"> <tbody> <tr> <td>1 Bed</td> <td>£0</td> </tr> <tr> <td>2 Bed</td> <td>£711</td> </tr> </tbody> </table>	1 Bed	£416	2 Bed	£608	3 Bed	£813	4+ Bed	£972	1 Bed	£0	2 Bed	£711	Prior to 50% occupation on site
1 Bed	£416													
2 Bed	£608													
3 Bed	£813													
4+ Bed	£972													
1 Bed	£0													
2 Bed	£711													

Contribution/ Obligation	Amount/ Details		Payment Due/ Timing
	3 Bed	£950	
	4+ Bed	£1,136	
	No contribution will be sought for children's play space from sites below 15 homes.		
Open Space Management	Public open space must be transferred to a management company to maintain the open space in perpetuity. Where open space ownership is to be transferred to a Local Authority or a Town or Parish Council a management fee will be charged. This fee will be calculated on a case-by-case basis.		Post completion (Following issue of the certificate of final completion)
Self-Build/ Custom Build See Government definition: Self-build and custom housebuilding - GOV.UK	Applicants are required to enter a S106 agreement to secure a dwelling as a self-build/ custom build. A template agreement is available on the council's website.		S106 to be submitted with planning application.
	Written confirmation that the provisions of the S106 agreement or Unilateral Undertaking have been complied with in relation to self-build/ custom build units.		Within 14 days of completion of each dwelling
	Submit evidence of self/custom build mortgage or approval from HM Revenue & Customs of a VAT repayment claim.		Within 12 months of completion of each dwelling.
Social Care and Supportive Services (CCC)	See CCC 'Planning Obligations Strategy' (March 2016)		Prior to 50% occupation on site
Transport and Highways (CCC)	See CCC 'Planning Obligations Strategy' (March 2016)		Prior to 50% occupation on site

Contribution/ Obligation	Amount/ Details	Payment Due/ Timing
Travel Plan (CCC)	See CCC 'Planning Obligations Strategy' (March 2016)	Prior to first occupation
Travel Plan Implementation and Monitoring Fee (CCC)	See CCC 'Planning Obligations Strategy' (March 2016)	Prior to first occupation
Waste (CCC)	See CCC 'Planning Obligations Strategy' (March 2016)	Prior to 25% occupation

Phasing

- 3.2 For large financial contributions, it may be possible to negotiate phased payments, particularly where it helps to improve scheme viability. However, this will need to be agreed by the Council.

Indexation

- 3.3 To address the possible rise in infrastructure costs over the duration of a Section 106 agreement, some financial contributions will be adjusted and modified in line with an index of inflation. Financial contributions are usually linked to the Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) indices. This approach will account for the inflationary costs that may occur between the signing of a Section 106 Agreement and the actual payment.

INTERIM PLANNING GUIDANCE NOTE IPGN: **BEST AND MOST VERSATILE AGRICULTURAL LAND**

This Interim Planning Guidance Note explains how Fenland District Council will assess development proposals that affect Best and Most Versatile (BMV) agricultural land. The district contains some of the most productive soils in the country, and it is important that these resources are protected and used responsibly.

The guidance sets out a clear and proportionate framework based on avoiding, minimising and mitigating impacts on BMV land. It also explains when additional measures, including contributions to local agricultural productivity initiatives, may be appropriate. Applicants are expected to provide evidence that development on BMV land is necessary, justified, and designed to reduce harm as far as possible.

1 INTRODUCTION AND PURPOSE

- 1.1 This Interim Planning Guidance Note (IPGN) explains how Fenland District Council will assess planning applications that involve the loss or potential loss of Best and Most Versatile (BMV) agricultural land. BMV land is a nationally important resource, and its protection is a key planning consideration. The guidance provides clarity for applicants, landowners, developers and the public on how proposals will be assessed, what information is required, and how the Council will weigh impacts in decision-making.
- 1.2 Fenland contains extensive areas of high-quality agricultural land, including areas of Grade 1, Grade 2 and Grade 3a land. Much of this resource lies on peat soils, which are of significant importance for food production, soil health, carbon storage and the wider environment. Development that would result in the loss or long-term degradation of this land has the potential to cause harm that may not be reversible.
- 1.3 This IPGN seeks to ensure that development proposals fully consider the implications of using BMV land and provide appropriate evidence, justification and mitigation. The document is a material consideration in the determination of planning applications.

2 WHEN PLANNING ASSESSMENT IS REQUIRED

- 2.1 Any planning application that may result in the permanent or long-term loss of agricultural land must consider whether the land affected is BMV. This includes proposals for housing, commercial development, solar farms, infrastructure, minerals, and changes to land drainage or ground conditions.
- 2.2 Where a proposal involves the use of agricultural land, applicants are expected to identify the Agricultural Land Classification (ALC) grade at an early stage. Development that would take Grade 1, Grade 2 or Grade 3a land out of agricultural use is subject to closer scrutiny, and applicants will be required to justify the need for development on such land.
- 2.3 Development on peat soils also triggers additional assessment requirements, owing to the sensitivity of these soils and the potential for long-term or irreversible damage through drainage changes, compaction or disturbance.
- 2.4 Different regulatory regimes apply to agriculture, drainage, environmental permitting and land management. These do not override or diminish the importance of BMV land as a planning consideration. Compliance with these regimes does not reduce the weight given to the loss of BMV land within the planning balance.

3 EVIDENCE REQUIREMENTS

- 3.1 To support a planning application, applicants must demonstrate a clear understanding of the agricultural quality of the land affected and provide proportionate evidence. As a minimum, applications should include:
- 3.2 Where peat soils are involved, additional information may be needed relating to groundwater, drainage patterns, soil moisture, and the potential for oxidation or subsidence.
- a) ALC maps identifying the grade of land affected
 - b) A site-specific ALC assessment where national maps are inconclusive or where significant development is proposed
 - c) Soil structure, peat depth and hydrology information where peat soils may be present
 - d) An assessment of likely impacts on long-term agricultural productivity
 - e) A clear description of the area of land required and how this has been minimised
 - f) For solar schemes, evidence demonstrating why the proposal cannot be accommodated on lower-grade land or non-agricultural land
- 3.3 Insufficient evidence will limit the Council's ability to properly consider impacts and may justify refusal of planning permission.

Householder Applications

- 3.4 Householder applications will generally not require detailed agricultural land assessments where the proposal is wholly contained within an existing residential garden. In such cases, the land is no longer in agricultural use and agricultural land classification will not normally be relevant.
- 3.5 Where a householder proposal extends residential curtilage into adjoining agricultural land or introduces development beyond the existing garden boundary, applicants should provide proportionate evidence, including:
- a) identification of whether the land is BMV using published ALC maps
 - b) a plan showing the extent of land affected
 - c) a brief explanation of why the development cannot reasonably be accommodated within the existing curtilage
- 3.6 Detailed ALC surveys or soil investigations will not normally be required for householder-scale proposals unless peat soils are present and the works would involve significant ground disturbance, drainage alterations or long-term soil impacts.

4 ASSESSMENT PRINCIPLES

- 4.1 The National Planning Policy Framework (NPPF) recognises Best and Most Versatile (BMV) agricultural land as a valuable and finite national resource. It requires local planning authorities to avoid the unnecessary loss of high-quality agricultural land and, where development is needed, to locate it on lower-quality land wherever possible. This section sets out how Fenland District Council interprets these requirements in practice. The aim is to provide a clear and proportionate framework that helps applicants demonstrate whether development affecting BMV land is justified and how potential impacts have been addressed.

Establishing Need and Local Connection

- 4.2 Before considering where development might be located, applicants must explain the purpose of the proposal and the extent to which it must be situated within Fenland. This reflects the NPPF's expectation that development should be appropriate for its context and that natural resources should be used efficiently. Proposals that serve a clear local function or support an existing rural business may justify a narrower geographic focus. In contrast, developments with flexibility in siting will be expected to demonstrate consideration of a broader range of locations. Establishing this baseline ensures that the subsequent assessment is proportionate and grounded in the specific characteristics of the proposal.

Defining a Proportionate Area of Search

- 4.3 The Area of Search is the zone within which alternative sites or configurations should be considered. The NPPF does not prescribe how alternatives must be assessed, but it requires decision-makers to prefer poorer-quality agricultural land where reasonable. The Area of Search provides the structure for this consideration. Smaller proposals or those with a strong local operational need may justify a limited search area. Larger schemes—such as solar developments, major commercial proposals or strategic housing—will normally require a wider Area of Search that encompasses multiple potential sites. A proportionate Area of Search is essential to demonstrating that the applicant has meaningfully engaged with the national policy requirement to avoid unnecessary loss of BMV land.

Applying the Avoid–Minimise–Mitigate Hierarchy

- 4.4 The avoid–minimise–mitigate hierarchy provides a practical way of interpreting the NPPF's expectations. It embeds the assessment of reasonable alternatives directly into the decision-making process and ensures that impacts on BMV land are considered in a systematic and transparent manner.

Avoid: assessing reasonable alternative locations

- 4.5 Avoidance is the preferred outcome and reflects the NPPF's requirement to steer development away from high-quality agricultural land. Applicants must demonstrate that they have considered reasonable alternatives within the defined Area of Search, with a focus on previously developed land, lower-quality agricultural land or sites with fewer environmental constraints. Where realistic alternatives exist that would avoid or significantly reduce the use of BMV land, these should be selected.

Minimise: refining site boundaries and layouts

- 4.6 Where complete avoidance is not possible, applicants should demonstrate how the extent of BMV land affected has been reduced. This may include adjusting the site boundary, altering access arrangements or redesigning the site layout to minimise land-take on the most sensitive areas. This reflects national policy expectations around efficient use of land and protecting natural assets.

Mitigate: protecting soil quality and long-term agricultural potential

- 4.7 Mitigation measures should only be considered once avoidance and minimisation have been clearly addressed. Mitigation may include soil protection and handling measures, drainage and hydrology safeguards, construction management plans or restoration and aftercare proposals. For peat soils, more detailed mitigation may be necessary due to their sensitivity and the potential for irreversible degradation. While mitigation can reduce residual harm, it cannot replace the need to fully explore alternatives or minimise impacts.

How the Council Weighs Impacts

- 4.8 In line with the NPPF, the loss of BMV agricultural land is a significant material consideration. The Council will assess whether the Area of Search has been appropriately defined, whether reasonable alternatives have been meaningfully assessed, and whether the avoid–minimise–mitigate hierarchy has been applied in a logical and robust way. The strength of any local functional need will also inform this assessment. Proposals that artificially restrict the Area of Search, overlook reasonable alternatives, or fail to follow the hierarchy are unlikely to justify the use of BMV land. Where high-quality land would be lost without clear and compelling justification, the resulting harm will carry substantial weight in the planning balance and may lead to refusal.

5 SPECIAL CONSIDERATIONS FOR PEAT SOILS AND SOLAR DEVELOPMENT

- 5.1 Large parts of Fenland sit on deep peat, which is highly productive but extremely sensitive. Development on peat soils carries additional risks, including oxidation, carbon loss, land subsidence, and irreversible damage to soil structure. These impacts can reduce agricultural productivity well beyond the footprint of the proposal.
- 5.2 Solar development on peat soils requires particular care. The assumption that solar panels and agriculture can co-exist on peat soils is not supported by the characteristics of the local soil structure. The installation of piles, tracks, cable trenches, service roads and security fencing can fundamentally alter drainage, compact soils and reduce long-term agricultural potential. In many cases, the land cannot return to its previous productivity at the end of the solar scheme's operational life.
- 5.3 Applicants are expected to demonstrate:
 - a) why the solar scheme cannot be located on lower-grade land or previously developed land
 - b) how layout and construction have been designed to minimise disturbance
 - c) how peat hydrology will be maintained
 - d) how soils will be protected during construction and operation
 - e) how the land will be restored in a way that maintains or enhances soil health
- 5.4 Schemes that cannot demonstrate long-term protection of peat soils or that risk irreversible soil degradation may not be supported.

6 MITIGATION AND DEVELOPER CONTRIBUTIONS

- 6.1 Mitigation measures should be proportionate and directly related to the impacts identified through the assessment process. Once avoidance and minimisation have been fully explored, applicants should demonstrate how any remaining impacts on BMV land—whether permanent or temporary—will be managed. Measures may include reducing soil compaction, adopting low-impact installation systems, maintaining existing hydrology, providing buffer zones around sensitive areas, and implementing soil protection and management plans during construction. Longer-term monitoring may be required where soil condition or land functionality may change over time.
- 6.2 Where the loss or degradation of BMV land is unavoidable and justified, the Council may seek a financial contribution towards the Fenland Agricultural Grants Programme, as referenced in the CPCA Local Growth Plan. This programme is

designed to strengthen the long-term productivity, efficiency and resilience of Fenland’s agricultural sector. In the context of a development that results in the reduction of high-quality agricultural land—either permanently or temporarily—such contributions can help ensure that the remaining BMV land base continues to function at its highest potential. This aligns with national policy objectives to safeguard soil resources, support food production and promote sustainable land use.

- 6.3 A contribution to the Fenland Agricultural Grants Programme can meet the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It can be:
- a) Necessary, because the loss or degradation of productive land creates an impact that must be addressed to maintain the district’s agricultural capacity and soil resilience.
 - b) Directly related, as the contribution supports targeted interventions that address the specific type of harm caused by the development—namely reduced agricultural productivity or soil functionality within Fenland.
 - c) Fairly and reasonably related in scale and kind, as the contribution would be proportionate to the extent, duration and severity of the BMV land affected.
- 6.4 Although such contributions cannot replace the environmental harm caused by the loss of high-quality agricultural land, they can play an important role in supporting the ongoing productivity of the land that remains. By funding measures such as soil improvement, water and nutrient management, regenerative practices and farm innovation, the Fenland Agricultural Grants Programme can help ensure that the district’s remaining BMV land continues to operate efficiently and sustainably. In this way, the contribution helps strengthen the resilience and output of the local agricultural sector where land has been taken out of productive use.
- 6.5 As a general principle, the Council is unlikely to seek contributions for proposals that affect less than 1 hectare of BMV land, unless the land is exceptionally sensitive (for example, deep peat) or the impacts are clearly significant. For larger schemes, or where impacts are more extensive or prolonged, a contribution may be appropriate where residual harm remains after avoidance and minimisation measures. Any viability concerns must be supported by proportionate evidence.

7 APPLICANT CHECKLIST

Applicants should provide information proportionate to the scale of the proposal and the sensitivity of the land affected. As a minimum, submissions should include:

Identification of agricultural land quality

- *Confirmation of whether the site contains BMV land (Grades 1, 2 or 3a).*
- *Agricultural Land Classification (ALC) mapping and, where necessary, site-specific surveys.*
- *Soil and peat information, including depth and hydrology where relevant.*

Assessment of alternatives

- *A proportionate Area of Search based on the scale and functional requirements of the proposal.*
- *Evidence of reasonable alternative locations or layouts that would avoid the use of BMV land or reduce its extent.*

Minimisation of impacts

- *A justification of the site boundary and layout, showing how land-take has been reduced.*
- *Identification of any operational components (e.g., access tracks, cabling, compounds) that affect BMV land.*

Mitigation measures

- *Soil protection measures for construction and operation.*
- *Hydrology and drainage safeguards.*
- *Any restoration or aftercare strategy for temporary impacts.*
- *Monitoring proposals where soil condition risks ongoing change.*

Confirm if contributions are required

- *Area of BMV land permanently or temporarily affected.*
- *Duration of temporary impacts.*
- *Soil sensitivity (mineral, shallow peat, deep peat).*
- *Any supporting justification where contributions may affect viability.*

Planning Justification

- *A clear statement explaining why development on BMV land is necessary and how the avoid–minimise–mitigate hierarchy has been applied.*
- *A summary of residual impacts and how they have been addressed through design or management.*

8 CONTRIBUTIONS CALCULATION

Where a contribution to the Fenland Agricultural Grants Programme is sought, it will be calculated in a transparent, proportionate and evidence-led way, reflecting the scale, duration and severity of impact on BMV land.

Contributions are based on:

- *the area of BMV land permanently or temporarily taken out of productive use,*
- *an agricultural productivity value (£/ha/year),*
- *the duration of the impact or agreed impact period, and*
- *a soil-sensitivity factor to reflect risks associated with mineral soils, shallow peat or deep peat.*

Permanent Loss Formula

Contribution = Area (ha)

- × Productivity Value (£/ha/year)
- × 20 (this figure represents the capped number of years)
- × Soil Sensitivity Factor

Temporary Loss Formula

Contribution = Area (ha)

- × Productivity Value (£/ha/year)
- × Duration of Impact (years capped at 20)
- × Soil Sensitivity Factor

Illustrative Worked Examples

Example A – Permanent Loss (Mineral Soil)

2 ha of Grade 2 BMV land permanently lost.

Productivity value (illustrative): £3,000/ha/year.

Impact period: 20 years.

Soil sensitivity factor: 1.0.

Contribution = 2 × 3,000 × 20 × 1.0 = £120,000

Example B – Temporary Loss (Deep Peat)

1.5 ha of deep peat BMV land disturbed for 3 years.

Productivity value (illustrative): £3,000/ha/year.

Soil sensitivity factor: 1.5.

$$\text{Contribution} = 1.5 \times \text{£}3,000 \times 3 \times 1.5 = \text{£}20,250$$

Productivity Value

The productivity value is not the market price of the land. It is based on how much food or crop value Fenland's high-quality farmland can typically produce each year, using recognised sources such as DEFRA and AHDB. This makes the contribution directly related to the loss of productive farmland and ensures the calculation is fair and proportionate. The value will be updated over time as farming conditions and markets change.

Soil sensitivity factors reflect the vulnerability of different soil types:

Mineral soils: 1.0

Shallow peat: 1.25

Deep peat: 1.5–2.0, depending on the likelihood of long-term degradation

Contributions should be agreed through pre-application discussions and will be proportionate to the nature of the proposal and the extent of the impact identified.

Viability and Proportionate Application

The Council will apply the contribution approach proportionately to ensure that obligations remain reasonable and do not undermine the viability of development. Contributions will only be sought where the scale and nature of BMV land loss justify it and where the requirement clearly meets the Regulation 122 tests.

As a general principle, the Council is unlikely to seek contributions for proposals that affect less than 1 hectare of BMV land, unless the land is exceptionally sensitive (for example, deep peat) or the impacts are clearly significant. Smaller schemes often have limited effects on agricultural productivity and are therefore unlikely to warrant a financial contribution.

For larger schemes, or where impacts are more extensive or prolonged, a contribution may be appropriate where residual harm remains after avoidance and minimisation measures. Any viability concerns must be supported by proportionate evidence.

This ensures that contributions remain focused on developments with meaningful agricultural impacts while maintaining a fair and transparent approach.

INTERIM PLANNING GUIDANCE NOTE IPGN: **HOUSES IN MULTIPLE OCCUPATION**

This Interim Planning Guidance Note explains how Fenland District Council will assess planning applications for Houses in Multiple Occupation (HMOs). HMOs form an important part of the housing stock, but because they accommodate several unrelated individuals, they can create planning challenges relating to internal space, amenity, noise, parking, waste, and neighbourhood character. The guidance applies to small HMOs (Use Class C4) in areas where permitted development rights have been removed and large HMOs (Sui Generis).

This document complements the HMO licensing framework but focuses on planning considerations. Meeting licensing requirements alone is not sufficient for planning approval. Planning permission may be refused where design standards are inadequate or where harm to community amenity or neighbourhood character would result.

1 INTRODUCTION AND PURPOSE

- 1.1 This Interim Planning Guidance Note (IPGN) sets out how Fenland District Council will assess planning applications for Houses in Multiple Occupation (HMOs). It provides clarity for applicants, planning agents, landlords and the public about the standards and design principles the Council expects when considering HMO proposals.
- 1.2 HMOs serve an important role in the local housing market by offering flexible and affordable accommodation. However, because they accommodate multiple unrelated individuals, they can place additional pressure on internal living space, parking, refuse storage, noise levels and local amenities. Poorly designed HMOs can lead to cramped and unhealthy living environments and cause harm to neighbouring residents.
- 1.3 This guidance explains how planning applications will be assessed to ensure new HMOs deliver good-quality accommodation and integrate appropriately within their surroundings. This IPGN is a material consideration in the determination of planning applications.

2 WHEN PLANNING PERMISSION IS REQUIRED

- 2.1 For planning purposes, a small HMO (Use Class C4) is a property occupied by 3–6 unrelated individuals who share basic facilities such as a kitchen or bathroom. A large HMO (Sui Generis) accommodates 7 or more unrelated individuals or operates at a level of intensity that exceeds what is typical for a C4 HMO. Large HMOs always require planning permission.
- 2.2 A change of use to a small HMO (C4) may constitute permitted development in some parts of the district. Wisbech is covered by an Article 4 Direction that means that these permitted development rights have been removed so planning permission is required for the change of use from a dwelling (C3) to a small HMO (C4) within these areas.
- 2.3 Planning permission may also be required for physical works that fall outside of any other permitted development rights. Houses in Multiple Occupation are classed as dwellinghouses and therefore benefit from the same permitted development rights as other dwellinghouses unless those rights have been removed, for example through an Article 4 Direction or specific planning condition.
- 2.4 Planning and HMO licensing are separate regulatory systems. Planning focuses on the land use, design, neighbourhood impact and overall suitability of the proposal, while licensing focuses on management, safety and the operation of the

property. A proposal may require both planning permission and HMO licensing approval.

- 2.5 Obtaining planning permission does not grant a licence, and meeting licensing standards does not guarantee planning approval. However, planning applications must demonstrate that the internal layout can meet licensing requirements, including minimum room sizes and fire safety principles.

3 DESIGN AND SPACE STANDARDS

- 3.1 HMO proposals must demonstrate a high standard of design that supports the health, safety and wellbeing of residents. Planning decisions will assess how internal spaces, external spaces, circulation, parking, waste provision and access work together to create a functional and comfortable living environment.
- 3.2 HMOs often accommodate more people than a typical dwelling and therefore require careful consideration of layout, room sizes, outlook, parking and refuse storage. Proposals that result in cramped, poorly lit or poorly planned accommodation will not be supported.

Internal Space, Layout and Usability

- 3.3 All habitable rooms must be practical, well-proportioned and capable of accommodating essential furniture without compromising circulation. Meeting minimum numerical room sizes does not, by itself, guarantee that a room is acceptable for planning purposes.
- 3.4 Bedrooms and communal areas must benefit from direct natural light and an adequate outlook. Internal rooms without windows, or rooms that rely entirely on borrowed light, will not be considered acceptable.
- 3.5 Irregularly shaped rooms, those with significant areas of restricted headroom, or rooms in lofts with limited usable floor area may be refused where they would result in substandard accommodation.

Minimum Bedroom Standards

- 3.6 The Council expects HMOs to meet or exceed the following minimum bedroom sizes. These standards form an important part of assessing whether accommodation is suitable for long-term occupation.
- 3.7 The minimum sleeping room sizes are:
 - a) 10 m² for single occupancy room for a person over 10 years of age (reduced to 6.51 m² if there is a communal lounge)

- b) 5 m² for a single occupancy room under the age of 10 years
- c) 15 m² for a double occupancy room (reduced to 10.24 m² if there is a communal lounge)

3.8 The bedroom sizes set out in this guidance are minimum standards. Compliance with these dimensions does not guarantee planning approval. Planning officers may require larger rooms where the shape, headroom, layout, light or outlook would otherwise result in poor residential amenity.

3.9 Bedrooms must be independently accessible. Rooms that are accessed via another bedroom or private space used by another tenant will not be accepted under any circumstances because they undermine privacy, circulation and resident amenity.

Kitchen, Bathroom and Communal Space

3.10 Kitchens must be suitably sized and arranged to allow simultaneous safe use by multiple residents. Narrow or congested spaces with insufficient worktop or storage capacity will not meet planning expectations.

3.11 Larger HMOs are expected to include a separate communal living or dining space to support social wellbeing and reduce pressure on kitchen areas.

3.12 Minimum space standards for separate communal space (excluding kitchens, bathrooms and hallways) are as follows:

- a) 9 m² for properties with up to 3 lettable rooms
- b) 12 m² for properties with 4 or 5 lettable rooms, and
- c) 12 m² plus an additional 2 m² for each lettable room above 5

3.13 Bathrooms and WCs must be sensibly located and sufficiently numerous for the level of occupation proposed. Access should not compromise resident privacy.

Circulation, Privacy and Noise

3.14 Internal circulation areas must allow residents to move safely and comfortably throughout the property. Long, convoluted corridors or layouts that force residents to pass through private sleeping spaces are not acceptable.

3.15 Communal spaces should be located to minimise noise transfer into bedrooms and neighbouring properties. Where appropriate, sound insulation may be required, particularly in larger HMOs.

Parking Provision

- 3.16 The Council's parking standard for HMOs is 0.5 off-street parking spaces per lettable room, plus 1 additional guest space per property.
- 3.17 Where this standard cannot be met on-site, applicants must submit a parking survey demonstrating that sufficient on-street capacity exists within a safe walking distance. Surveys must follow an accepted methodology.
- 3.18 Proposals may be refused where parking demand is likely to create congestion, obstruct access or harm neighbour amenity.
- 3.19 Sustainable travel is important for HMO residents. The Council requires HMOs to provide 1 secure, covered cycle parking space per lettable room.
- 3.20 Cycle storage must be conveniently located, safe, weatherproof and designed to avoid visual clutter. It should not obstruct pedestrian movement or dominate the site frontage.

Waste and Recycling Provision

- 3.21 HMOs have the potential to generate more waste than standard dwellings. Applicants must demonstrate that sufficient refuse and recycling capacity is provided, using storage that is appropriately sized, screened and conveniently located.
- 3.22 Bin stores should be designed to complement the property and should not harm the appearance of the street. Proposals that rely on storing multiple bins on the public highway will not be supported.
- 3.23 Access routes to bin stores must be safe and practical, enabling residents and collection crews to use them without obstruction.

Outdoor Amenity Space

- 3.24 Residents must have access to usable outdoor amenity space that allows for sitting out, drying clothes and recreation. The amount and quality of outdoor space should be proportionate to the number of residents.
- 3.25 Hard landscaping, surfacing and boundary treatments should be designed to create a safe, attractive and functional environment. Outdoor spaces should be overlooked by habitable rooms where possible to provide natural surveillance.

Access and External Layout

- 3.26 Safe access must be provided for all users, including clear visibility at entrances, appropriately lit access paths and logical routes between the public realm, cycle stores and building entrances.
- 3.27 Proposals should ensure that external spaces are well-integrated, with refuse, cycle storage, parking and amenity areas all arranged in a practical and visually coherent layout.

4 PROPERTY MANAGEMENT AND OPERATION

- 4.1 Good management is essential to ensuring HMOs operate in a way that protects both resident wellbeing and the amenity of neighbouring properties. Although licensing regulates day-to-day management, certain management matters are directly relevant to planning because they influence the intensity of use and the potential for adverse impacts.
- 4.2 HMOs typically generate more activity than single-family homes, including increased comings and goings, higher waste levels, greater use of communal spaces and potential for noise. The way the property is managed can therefore materially affect whether the proposed use is compatible with its surroundings. For this reason, management considerations can form part of the planning assessment.
- 4.3 A Management Plan provides assurance that the HMO will be operated responsibly. For large HMOs (Sui Generis), or where significant intensification is proposed, a Management Plan is required. For small HMOs (C4), a plan is encouraged, particularly in Article 4 areas or where there is a higher concentration of HMOs.
 - a) Management Plans should be proportionate but normally cover:
 - b) Arrangements for waste and recycling storage and collection
 - c) Cleaning and maintenance of communal and external areas
 - d) Measures to minimise noise and disturbance
 - e) Parking and cycle storage controls
 - f) Contact details for the manager and procedures for responding to complaints
 - g) Tenant induction arrangements setting out expectations for behaviour
- 4.4 Considering management at the planning stage helps the Council judge whether impacts such as noise, refuse issues, parking demand or anti-social behaviour can be avoided or mitigated. Where necessary, adherence to a Management Plan may be secured by condition to ensure the HMO continues to operate acceptably over time.

5 NEIGHBOURHOOD AND COMMUNITY IMPACT

- 5.1 HMO proposals must be located and designed so that they do not cause unacceptable harm to neighbouring amenity or the wider character of the area. The Council will assess whether the intensity of use associated with the HMO is appropriate for the site and surroundings.
- 5.2 The Council will expect proposals to demonstrate that noise, activity and comings and goings associated with the HMO can be accommodated without causing disturbance to nearby residents. Higher levels of occupation must be supported by layouts and management measures that minimise disruption.
- 5.3 The cumulative presence of HMOs will be considered. The Council may resist proposals where an additional HMO would create or worsen a concentration that undermines the balance of the local housing mix or causes identifiable harm. This consideration is particularly important within Wisbech Article 4 areas.
- 5.4 When assessing cumulative impact, the Council will look at the character and role of the street or wider area, rather than relying on a fixed number or percentage of HMOs. The key question will be whether the proposal, when considered alongside existing HMOs, would result in a material change that is significant in planning terms.
- 5.5 Evidence of potential cumulative impact may include, but is not limited to:
 - a) A level of HMO concentration in the immediate area that has already changed, or would be likely to change, the character or day-to-day functioning of the street
 - b) The gradual loss of family-sized homes in locations where there is clear demand for such housing, leading to an imbalance in the local housing mix
 - c) Clear and demonstrable pressure on on-street parking, refuse and recycling storage, servicing arrangements, or shared outdoor space, where this cannot be adequately managed within existing provision
 - d) Reliable and substantiated evidence of noise, disturbance, or poor management linked to a concentration of HMOs, rather than occasional or unverified complaints
- 5.6 These matters will be assessed in the round, having regard to the scale of the proposal, existing conditions, and the degree to which any identified impacts would be materially harmful. Each application will be determined on its individual planning merits, including the effectiveness of any mitigation or management measures proposed.

- 5.7 Design and layout must protect the privacy of neighbouring homes. Window placement, external spaces and circulation areas should avoid creating overlooking or perceptions of intrusion.
- 5.8 The siting and appearance of refuse stores, cycle parking, and vehicle parking must not detract from the street scene or contribute to visual clutter. Schemes that rely on placing bins on the public highway or generate persistent on-street parking conflicts will not be supported.
- 5.9 Access arrangements must not create safety issues or undue disturbance for neighbouring occupiers. Proposals that significantly increase activity along narrow access routes, shared driveways or alleyways may be refused.
- 5.10 Where potential impacts are identified, applicants are expected to demonstrate clear and deliverable mitigation through design and, where appropriate, management measures. Proposals that cannot demonstrate that neighbourhood or community impacts will be acceptably managed will likely be refused.

6 PLANNING OBLIGATIONS AND DEVELOPER CONTRIBUTIONS

- 6.1 Although many HMO proposals are modest in scale and involve the conversion of existing properties, some developments—particularly large (Sui Generis) HMOs—can create additional demand for local infrastructure and public services. Where this occurs, the Council may seek planning obligations, including financial contributions, to mitigate the impacts of the development and make it acceptable in planning terms.
- 6.2 Any planning obligation must meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Obligations will therefore only be sought where they are:
 - a) necessary to make the development acceptable in planning terms.
 - b) directly related to the development.
 - c) fairly and reasonably related in scale and kind.
- 6.3 Where the scale or intensity of an HMO is likely to increase the local population or place additional pressure on services, the Council may consult relevant infrastructure providers—including the Integrated Care Board (ICB), waste services, the highways authority or other statutory bodies—to determine whether proportionate mitigation is justified. This may include contributions towards healthcare capacity, waste management, or highway-related measures, where there is a clear evidenced link between the proposed development and the identified impact.

6.4 Small HMOs (Use Class C4) will not normally attract planning obligations because their limited scale typically does not generate impacts requiring mitigation. However, large HMOs, or proposals involving significant intensification of occupancy, may do so if supported by evidence. The Council will consider each case on its merits.

7 APPLICANT CHECKLIST

Use this checklist to ensure your HMO proposal meets the Council's expectations before submitting your planning application.

Confirm Whether Planning Permission Is Required

- *Identify whether the proposal is a small HMO (C4) or large HMO (Sui Generis)*
- *Check whether the property is within the Wisbech Article 4 Direction area*
- *Confirm that any change of use, intensification, or physical works requires planning permission*
- *Note that planning and licensing are separate — both may be required*

Demonstrate Compliance with Design and Space Standards Internal Space and Room Layout

- *Provide scaled floor plans showing all room dimensions*
- *Demonstrate that all rooms are usable, well-proportioned, and provide safe circulation*
- *Confirm that bedrooms meet or exceed minimum bedroom sizes*
- *Show that bedrooms and communal areas have direct natural light and adequate outlook*
- *Avoid internal/borrowed-light rooms*
- *Avoid narrow, irregular or low-headroom rooms (especially loft rooms)*

Kitchens, Bathrooms and Communal Space

- *Demonstrate that kitchens are large enough for safe simultaneous use*
- *Provide adequate worktop, storage and circulation*
- *For larger HMOs, include a separate communal living or dining area*
- *Provide a suitable number of bathrooms and WCs in convenient locations*

Circulation, Privacy and Noise

- *Show that circulation routes are safe and logical, without passing through other residents' rooms*
- *Demonstrate how the layout minimises noise transfer to bedrooms and neighbours*
- *Identify any proposed sound insulation measures, where applicable*

Provide a Parking and Access Strategy

- *Provide on-site parking at 0.5 spaces per lettable room + 1 guest space*
- *If this cannot be achieved, supply a parking survey using an accepted methodology*

- *Demonstrate that additional trips or parking will not harm neighbour amenity or highway safety*
- *Include a clear plan showing safe access for vehicles, pedestrians and emergency services*

Provide Cycle Parking

- *Provide 1 secure, covered cycle space per lettable room*
- *Ensure cycle storage is well-designed, accessible, weatherproof and does not obstruct movement*
- *Show the location and design of cycle storage on submitted plans*

Waste and Recycling Arrangements

- *Provide a dedicated bin store suitable for increased HMO waste levels*
- *Show bin store location, screening, capacity and design*
- *Ensure bin storage does not rely on bins being left on the public highway*
- *Confirm that access for residents and collection crews is safe and unobstructed*

Outdoor Amenity Space

- *Provide adequate usable outdoor space proportionate to the number of residents*
- *Ensure external areas are safe, attractive, functional, and overlooked for natural surveillance*
- *Demonstrate that hardstanding, landscaping and boundaries are well-designed*

Management Arrangements

- *Provide a Management Plan for all large HMOs (Sui Generis)*
- *Strongly consider including a plan for small HMOs, especially in Wisbech Article 4 areas*
- *Demonstrate how management will mitigate impacts such as noise, waste, parking and behaviour*

Neighbourhood and Community Impact

- *Assess how the development fits into the local housing mix*
- *Confirm that the proposal will not contribute to harmful HMO concentrations*
- *Demonstrate that design and layout protect neighbour privacy and amenity*
- *Show that refuse, parking and activity will not harm the street scene*
- *Identify any mitigation needed to address neighbour impacts*

Planning Obligations (Where Applicable)

- *Be aware that large HMOs may require developer contributions where impacts on services (e.g., healthcare, waste, highways) are created*
- *Understand that obligations will only be applied where they meet statutory tests*
- *Consider early engagement if the proposal has significant intensification*

If your proposal does not clearly demonstrate compliance with the above requirements, planning permission may be refused. This checklist should be used together with the full IPGN to ensure your submission is complete and policy aligned.

8 PARKING SURVEY METHOD STATEMENT

Applicants who cannot meet the Council's preferred off-street parking requirement (0.5 spaces per lettable room plus 1 guest space) must submit a Parking Survey to demonstrate that sufficient on-street parking capacity exists within a reasonable walking distance of the site.

What the Survey Needs to Show

You must show that there is enough safe and legal on-street parking near the property to make up for any parking shortfall. The survey must give a realistic picture of how busy local streets are at times when residents are most likely to be parked.

Where to Survey

Survey all streets:

- *within about 150 metres of the property (around a 2-minute walk), and*
- *only where parking is legally allowed.*

Include:

- *both sides of the street (if parking is permitted)*
- *any bays or marked parking areas*
- *any yellow lines or restrictions.*

Provide a simple map showing the streets you surveyed.

When to Survey

You must record parking levels at busy residential times:

- *Two weekday evenings between 6pm and 9pm*
- *One late night / early morning check between 12am and 5am (when most residents are parked)*
- *One weekend evening between 6pm and 9pm*

These times give a realistic picture of how full the streets normally are. Surveys done only during the daytime will not be accepted.

How to Count Parking Spaces

For each street:

- *Walk along the street (or drive slowly).*
- *Count how many cars are parked.*
- *Count how many legal spaces are free.*
- *Record any restrictions (yellow lines, dropped kerbs, bays).*

- Repeat for every time slot listed above.

You don't need special tools — a clipboard and smartphone photos are enough.

What to Submit

Your survey must include:

- A simple map showing the survey area
- A table like this for each time you surveyed:

Street Name	Cars Parked	Spaces Free	Notes
A Street	6	3	double yellow lines on one side

- A few photos showing parked cars and available spaces
- The date and time each survey was done

How the Council Assesses the Results

As a guide:

- If a street is less than 85% full, parking is usually acceptable
- If it is 85–95% full, it may be too busy
- If it is over 95% full, parking pressure is already very high

If your survey shows that parking is already busy and your HMO would add pressure, your application may be refused.

Tips for a Good Survey

- Be honest and accurate — the Council may check your results
Take clear photos
- Make sure you only count legal parking spaces
- Include all nearby streets, not just the quiet ones
- Write a short summary explaining whether you think the area has enough space