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**F/YR22/0654/O**

**Applicant: A Curtis**

**Agent : Mr Nigel Lowe  
Peter Humphrey Associates Ltd**

**Land North East Of East View, Gote Lane, Gorefield, Cambridgeshire**

**Erect 1no dwelling (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1** This application seeks outline planning permission for the erection of one dwelling on existing garden land in association with 'East View'. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2** 'The Rhodam' and 'East View' are clearly separated from the continuous built form of Gorefield by agricultural land and therefore the application site would be located in an elsewhere location. There is nothing within the submitted documents to justify a dwelling in this location. As such the proposal would be contrary to Policies LP12, LP3 and LP16 of the Fenland Local Plan 2014.
- 1.3** The submitted Flood Risk Assessment is considered unacceptable as it incorrectly assesses the sequential test based on the site being within the Gorefield developed footprint. As the site is within an elsewhere location the sequential test should be considered on a district wide basis. Therefore, the proposal would be contrary to policy LP14 of the Fenland Local Plan 2014 and Paragraph 161 of the National Planning Policy Framework 2021.
- 1.4** A new dwelling on the site would be out of keeping with the rural location and character of the area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan 2014 and the aims and objectives of the National Planning Policy Framework 2021.
- 1.5** Thus, given the following consideration of these planning policies, the proposal is considered unacceptable in principle and is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1** The site is located to the northwest of Gote Lane outside the developed footprint of Gorefield approximately 350 metres from the centre of the village. The Gorefield developed footprint terminates about 100 metres to the southwest of the site. There is a residential dwelling to the northeast (The Rhodam) and agricultural land to the northwest. To the south all the land is open countryside in agricultural use.

- 2.2 The area of development is approximately 0.06 hectares in size and forms part of the garden area associated with 'East View'.
- 2.3 The site is located within Flood Zone 2 (medium risk).

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for the erection of a single dwelling. The application is made with all matters reserved for later approval.
- 3.2 The application relates to land which lies immediately to the north of 'East View' and south of the neighbouring bungalow (Rhodam). The site has a frontage of approximately 18 metres and a depth of approximately 52 metres.
- 3.3 The indicative plans submitted show a two-storey dwelling in line with 'East View' and 'Rhodam' and a detached garage set back in the site with parking and turning area. Access would utilise one of two of the existing accesses to 'East View' along the front of the site, with the other retained for East View.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR22/0654/O | Erect 1no dwelling \(outline application with all matters reserved\) | Land North East Of East View Gote Lane Gorefield Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0654/O)

### 4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR17/1096/O	Erection of a dwelling (Outline application with all matters reserved)	Refused	12 Jan 2018
F/YR05/1434/F	Erection of a building for use as hairdressing salon	Granted	15 Mar 2006
F/YR04/4196/F	Erection of a building for use as hairdressing salon	Refused	21 Dec 2004

### 5 CONSULTATIONS

#### 5.1 Gorefield Parish Council

*The Parish Council support this application as an infil plot.*

#### 5.2 Environment & Health Services (FDC)

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

#### 5.3 North Level Internal Drainage Board

*North Level District IDB has no comment to make with regard to the above application.*

#### 5.4 Environment Agency

*Thank you for your email. The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government*

*guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.*

## **5.5 Local Residents/Interested Parties**

### **Objectors**

1 letter of objection received from neighbouring residents along Gote Lane.

Objection regarding:

- - Access
- - Design/Appearance
- - Devaluing property
- - Light Pollution
- - Loss of view/Outlook
- - Noise
- - Out of character/not in keep with area
- - Overlooking/loss of privacy
- - Parking arrangements
- - Shadowing/loss of light
- - Loss of Trees
- - Visual Impact
- - Would set a precedent

### **Supporters**

10 letters of support received from residents within Gorefield Parish (Gote Lane, Churchill Road, The Barracks, High Road). Reasons given were in character, sustainable location and infill plot.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 130 Achieving well-designed places

Paragraph 159 Development should be directed away from areas at highest risk of flooding.

Paragraphs 174 and 180 Conserving and enhancing the natural environment

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

### **National Design Guide 2019**

C1 – Context – How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character

H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Elsewhere location**
- **Residential Amenity**
- **Flood Risk**
- **Biodiversity**
- **Access**

## **9 BACKGROUND**

In January 2018 an outline application was refused for a single dwelling on the site when the Council was unable to demonstrate a 5-year land supply and the tilted balance in favour of development was in place. The reasons for refusal were as follows:

1. *The proposed development would result in an additional dwelling located in the open countryside with no direct correlation with any main settlement and as such the household would largely have to rely on private modes of transport to access goods and services. Similarly there would be no opportunities for community cohesion given the location of the site outside a settlement Therefore the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF.*
2. *Policy LP16 (d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impact on the street scene, settlement pattern or the landscape character of the open countryside. The development proposal indicates development that appears out of keeping with the rural location and its immediate setting and the loss of existing screen planting would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan and aims and objectives of the NPPF.*
3. *The site is located within Flood Zone 2 where there is a medium probability of flooding. The Sequential Test and Exception Test have not been applied. It has not been demonstrated that there are no alternative sites in the area with a lower probability of flooding, that the development provides wider sustainability benefits to the community which outweighs flood risk and that the development would be safe during its lifetime. The proposal would therefore not meet the requirements.*

## **10 ASSESSMENT**

**Principle of Development**

- 10.1 The foot notes of LP12 of the Fenland Local Plan 2014 define the developed footprint of a settlement. Given the application site is separated from the main built form of Gorefield by approximately 100m of agricultural land it is not considered to be within the settlement for the purposes of LP3 of the Local Plan
- 10.2 Policy LP3 considers the site to be an 'elsewhere' location within open countryside where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services. No justification has been included within the submission to illustrate that the dwelling is required to support such an enterprise and there has been no change since the refusal of planning application F/YR17/1096/O.
- 10.3 Thus the principle of the development of the site is not supported as the site is not within the developed footprint of Gorefield and is therefore in an elsewhere location and not required for the established uses set out within Policy LP3 of the Fenland Local Plan. The requirements relating to Policy LP3 and LP12 have not been met.

#### **Character and Elsewhere location**

- 10.4 Policy LP16 of the Fenland Local Plan 2014 states that the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area (LP16(d)).
- 10.5 A dwelling on the proposed site would be located on existing garden land associated with 'East View', in between 'East View' and 'The Rhodam'. 'East View' is a 2-storey detached dwelling rendered white/cream located on a large plot and the property to the northeast 'The Rhodam' is a single storey red brick bungalow on a large plot. The properties are both considered to be located in an elsewhere location in the countryside surrounded by agricultural land. The properties along Gote Lane outside the developed footprint of Gorefield are sporadically located on large plots, contributing to the general open and verdant character of the area.
- 10.6 A dwelling on the proposed site would significantly reduce the plot size of 'East View' which would not be in character with the sporadic dwellings positioned on large plots along Gote Lane or the countryside location. The erection of a dwelling on the site would seem cramped in relation to the spacious plot sizes and setting of neighbouring dwellings.
- 10.7 The development of the site and the loss of existing screen planting would also result in unacceptable changes to the area which would fail to enhance its local setting and adversely impacts on the landscape character of the surrounding area contrary to Policy LP16.
- 10.8 The introduction of a new dwelling in the countryside would not be in character with the rural location and would be contrary to policies LP3, LP12 and LP16 of the Fenland Local Plan 2014.

#### **Residential Amenity**

- 10.9 LP16(e) also seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. As this is an outline application plans are indicative only and

a detailed assessment of amenity would need to be undertaken at reserved matters stage, should outline permission be granted.

10.10 Therefore, the proposal is considered contrary to Policy LP16 of the Fenland Local Plan 2014.

### **Flood Risk**

10.11 The site is located within Flood Zone 2 and within the Flood Warning Area. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary.

10.12 The Sequential test submitted is inadequate as it considers the site as being within the settlement of Gorefield rather than an 'elsewhere' location and therefore the sequential test should assess available land within the district not just within Gorefield. Notwithstanding this, the submitted sequential test relies on a search of Right Move and Zoopla to identify available land. Planning policy (especially the Flood and Water SPD) makes clear that there are a number of sources of available sites, including extant planning permissions. Consequently, even if the site to be considered within the settlement the sequential test is considered to be inadequate.

10.13 Therefore, the proposal and submitted Flood Risk Assessment is contrary to Policy LP14 of the Fenland Local Plan 2014, the Flood and Water SPD and paragraph 161 of the National Planning Policy Framework

### **Access**

10.14 Access to the site is proposed to be directly off of Gote Lane. The indicative plan suggests the site would use the existing second access to East View.

10.15 It is also noted that East View has an existing business running from an outbuilding to the rear which was approved with sufficient parking and access existing on site. The parking area and access at 'East View' would obviously be reduced should an application be approved on site.

## **11 CONCLUSIONS**

11.1. On the basis of the consideration of the issues of this application, conflict arises mainly through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.

11.2. Such policy, both national and local, seek to ensure that only essential development is located within the open countryside and that should residential development be proposed to support such 'essential' development, there should be a clear functional need demonstrated for its provision. The applicants have failed to justify a functional need for the proposal to be located within an elsewhere location as required by LP3 of the Fenland Local Plan 2014.

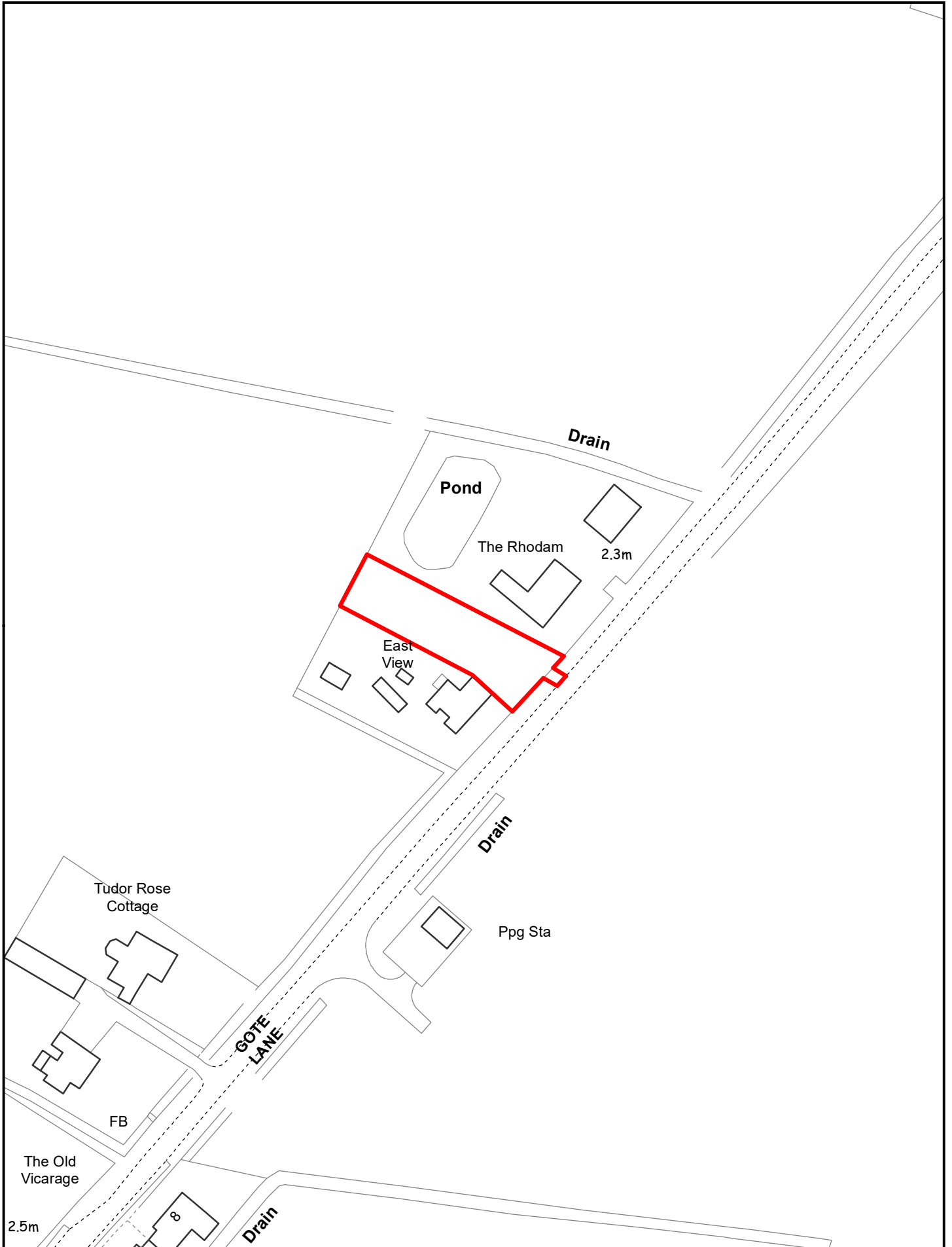
11.3. Policy LP14 of the Fenland Local Plan 2014 and Paragraph 161 of the National Planning Policy Framework require a Sequential test to be passed for new dwellings located within Flood Zone 2. The submitted Flood Risk Assessment has failed to pass the sequential test requirements.

11.4. Based on the above evaluation the only recommendation must be one of refusal as there are no material considerations identified that would outweigh planning policy relating to non-essential development within this rural location.

## 12 RECOMMENDATION

**Refuse**, for the following reasons.

1.	Policy LP3 requires development in areas away from market towns and villages to be <i>essential</i> to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D states proposals for new dwellings in such locations will be supported where the application addresses the <i>functional need</i> for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area. There has been no attempt at setting out a functional need for the development on site. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.
2.	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) require development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The area is agricultural and verdant in character with sporadic residential development, typically in large spacious plots. The development proposed would result in a more cramped form of development on the site with the ensuing loss of the site's inherent character and a consequent detrimental impact on the wider character and appearance of the area. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
3	Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The sequential test has not been passed. It has not been demonstrated that there are no alternative sites within Fenland with a lower probability of flooding. As such the proposal would be contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, Paragraph 161 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document.



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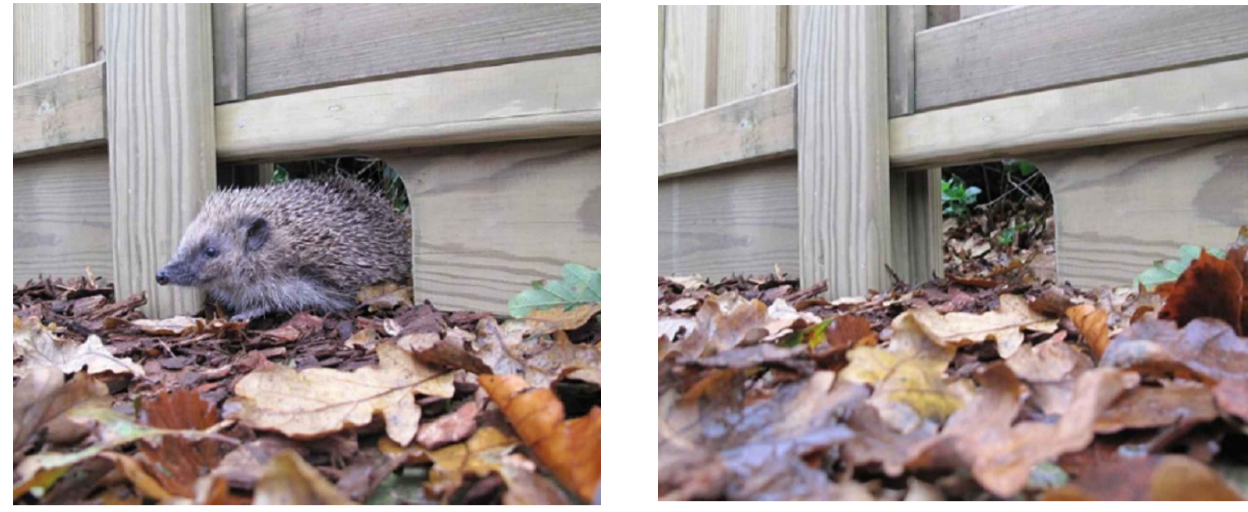
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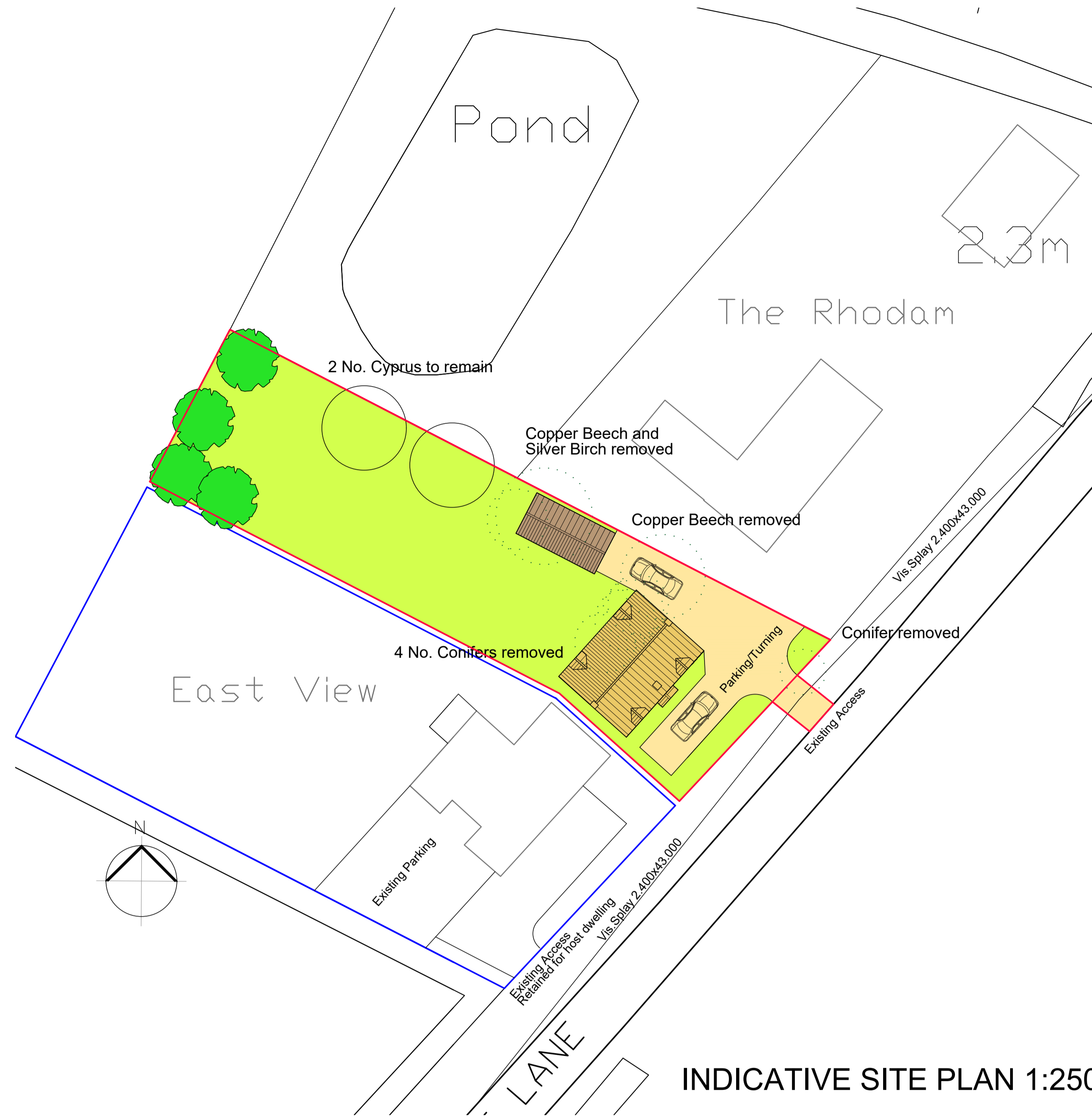




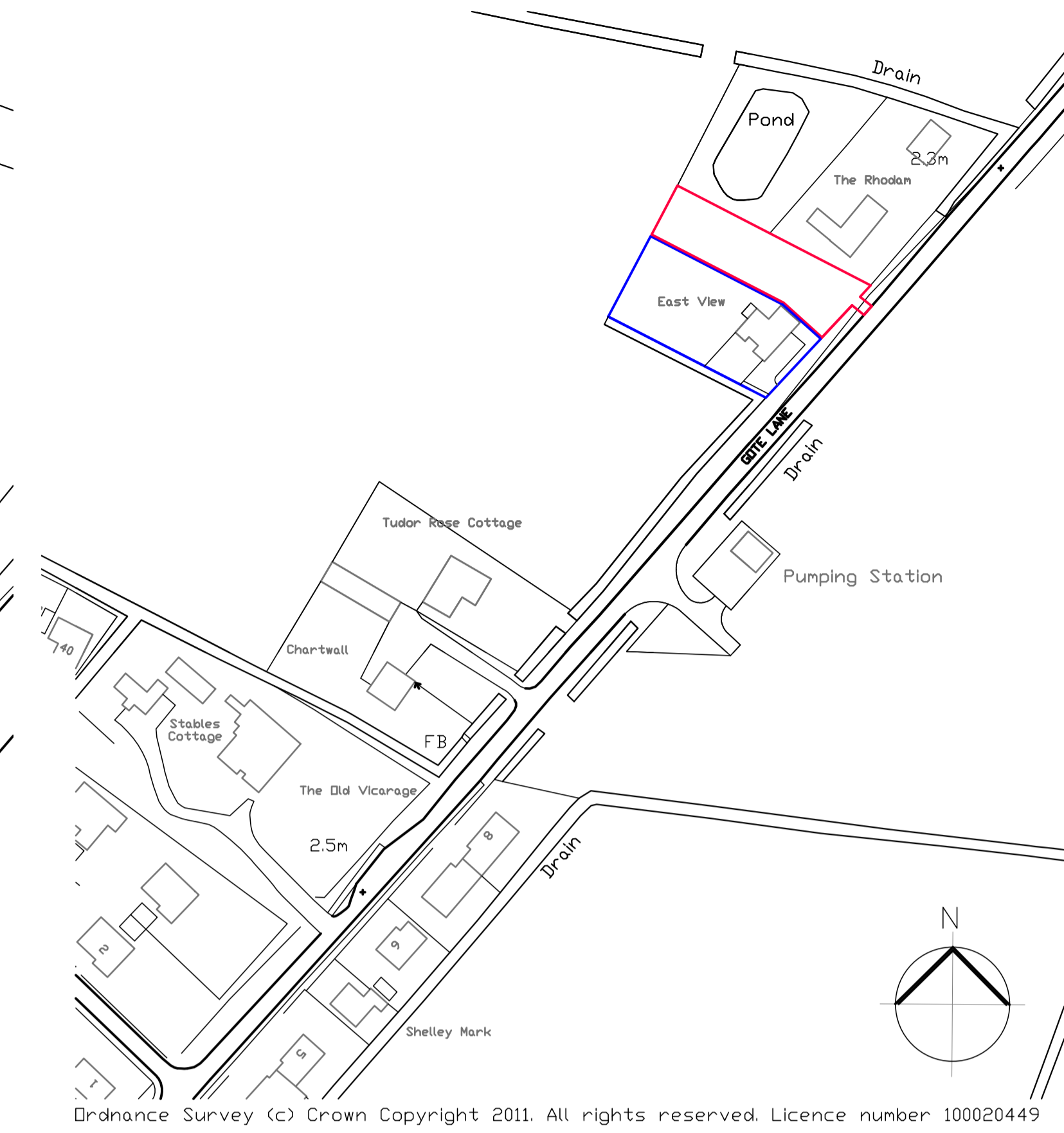
Boundary fence to have 1 hedgehog gravel board to each boundary



Woodstone Sparrow nest box  
1 to North East elevation



INDICATIVE SITE PLAN 1:250

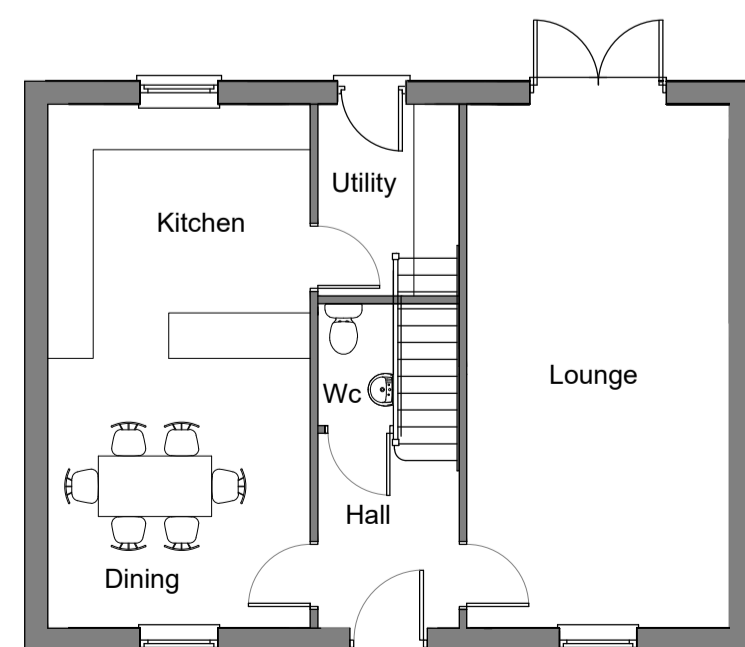


LOCATION PLAN 1:1250

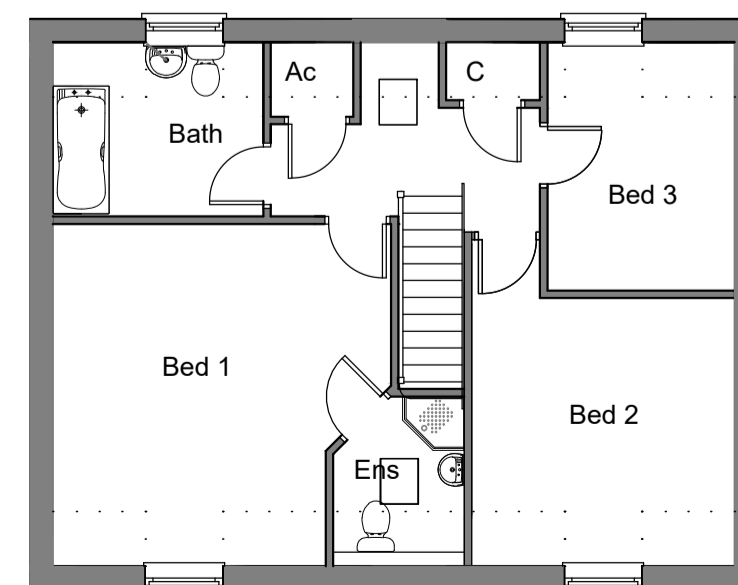


Front Elevation 1:100

Indicative Plans and Elevation



Ground Floor Plan 1:100



First Floor Plan 1:100



Indicative image

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REVISIONS



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CLIENT

A.Curtis

PROJECT

PROPOSED DWELLING

SITE

LAND ADJ.EAST VIEW

GOTE LANE

GOREFIELD

PE134NJ

DRAWING

PLANNING

JOB NO.	PAPER SIZE	DATE
6572 PL01	A1	APRIL 2022

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