
F/YR22/0390/F

Applicant: Mr K Craske

**Agent : Mr Matthew Taylor
Taylor Planning And Building**

Land North Of 5-7, Askham Row, Benwick Road, Doddington Cambridgeshire

Change of use of land to domestic purposes including erection of chicken run and formation of a pond (retrospective)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

1.1. This application is for the retrospective change of use of land to domestic purposes which includes the erection of a chicken run and the formation of a pond.

1.2. It is considered that the cumulative impact of the change of use, erection of chicken run and formation of a pond will result in an urbanising encroachment into the open countryside, which would significantly detrimentally impact upon the character and visual amenity of the area.

1.3. In addition to this, the introduction of a domestic garden in this location would set a precedent for the creation of further cumulative harm.

1.4. As such, the development is considered to be contrary to Policy LP12 Part A (c) and Policy LP16 (d) of the Fenland Local Plan 2014, DM3 (d) of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Paragraph 130 of the NPPF.

2 SITE DESCRIPTION

2.1 The application site is situated to the north of 5-7 Askham Row, part of a recent residential development, at the edge of the settlement of Doddington. The site is surrounded by agricultural land, with the 10 dwellings along Askham Row to the south.

2.2 The site is accessed from the rear garden of No.7 Askham Row, the applicant's property, as well as via the public footpath which runs to the west of Askham Row and a link across the adjacent field.

2.3 A 2 metre (approx) close boarded fence sits between the rear boundaries of No. 5 and No. 6 Askham Row and the application site.

- 2.4 The application site is situated within Flood Zone 1 and a Green Great Crested Newts Zone.

3 PROPOSAL

- 3.1 This application seeks retrospective permission for the change of use of land to domestic purposes, which includes the erection of a chicken run and formation of a pond.
- 3.2 The site is enclosed by a 1.5 metre post and rail fence on the north, east and western boundaries of the site. A 1.2 metre fence and gate will facilitate the boundary between the site and the boundary of No. 7.
- 3.3 The chicken run is situated in the south-west corner of the application site and has a footprint of 9.6 x 3 metres approx. The height of the chicken run will measure 1.95 metres approx. and will be constructed in a timber frame with a mesh infill. The chicken run is situated approximately 8.5 metres north of the boundary fence of No. 5.
- 3.4 The pond is situated within the north-west corner of the site. The invert level of the pond will be 0.8 metres, with the bank being 0.33 metres above ground level.
- 3.5 Various trees have been planted within the site and mixed native hedgerows are proposed along the east and west boundaries. Low level planting has also been planted adjacent to the 1.2 metre fence between No. 7 and the application site.
- 3.6 The applicant has submitted a statement in support of the application which includes an outline of personal circumstances. It is considered that this information is 'exempt' under the Local Government Act and is therefore confidential. As such this is contained within the confidential appendix to this report. Should Members wish to discuss this the meeting would need to go into confidential session.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR22/0390/F | Change of use of land to domestic purposes including erection of chicken run and formation of a pond \(retrospective\) | Land North Of 5-7 Askham Row Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

- 4.1 None pertaining to the application site.

5 CONSULTATIONS

- 5.1 **Doddington Parish Council (19/05/2022)**

Doddington Parish Council, at a recent meeting voted to object to this application on the grounds that it is a retrospective application.

- 5.2 **Doddington Parish Council (19/05/2022)**

Further to Doddington Parish Council's objection to this application that was sent to you this morning, the Council wishes to make further comments as follows:

During its discussions members reviewed the size and location of the chicken run and considered that it would be more appropriate if this item was located behind the applicants property rather than in its current position which is behind a neighbours property.

5.3 Definitive Map Team

Thank you for consulting with the Definitive Map service at the County Council on the above planning application.

Public Footpath No.17, Doddington runs along the access into the site. To view the location of the public footpath please view our interactive mapping online which can be found at <https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width. If you require a copy of the Definitive Map & Statement, this can be requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

No gates may be erected on a Public Right of Way without the consent of the Highways Authority. Any proposals to erect a gate should be referred to the Highways Authority for consideration.

Whilst the Definitive Map team has no objection to this proposal, should you be minded to grant planning permission then we would be grateful if the following informatives are included:

- Public Footpath No.17, Doddington must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public highway).*
- No alteration to the Public Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them*
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way*
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.4 CCC Minerals and Waste

The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that:

*“development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) **”*

It is noted that the proposed development is, as per the description, the change of use from an agricultural field to a private garden. It a relatively small development, with a site area of 0.54 ha, and there are dwellings located to the south of site. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development, and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.

Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.

5.5 CCC Archaeology

Thank you for your consultation with regard to the archaeological implications of the above referenced planning application.

Although this site lies in an area of archaeological potential, with relict medieval or post-medieval ridge and furrow agricultural traces visible on aerial imagery present in several areas north of Benwick Road and a possible moated site present some 350m to the north-west, within the vicinity of the application site these features are heavily degraded by subsequent modern ploughing regimes. In September 2015 a trial trench evaluation, consisting of 9 trenches, was undertaken in advance of construction of the properties at Askham Row in order to evaluate the archaeological potential of this road-frontage location (Cambridgeshire Historic Environment Record reference ECB4536). A small assemblage of pottery dating from the Iron Age through to the post-medieval period was found in the topsoil and subsoil, and is likely to be associated with manuring. No archaeological features were identified. Similarly an evaluation at Askham House to the west in 2008 identified only a single undated post-hole in the north-western corner of the evaluation area (CHER ref ECB3088).

In light of the results of these adjacent investigations we therefore have no objections, and no requirements for this (retrospective) development as proposed.

5.6 FDC Arboricultural Officer

Looking at what they have planted and the numbers, it all looks good.

They have chosen a range of native species and fruit trees, so the biodiversity is good and many opportunities for foraging for wildlife.

5.7 FDC Environmental Health

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

5.8 PCC Wildlife Officer

Clarifications were provided by the PCC Wildlife Officer with regard to the Great Crested Newts risk zones who confirmed that the GCN risk zones are hard borders with no buffers. In addition to this clarification, the following comments were provided:

If the application was to be disturbing habitat which may have GCN within it then the first step would be a desk study identifying all ponds that may contain GCN within a 250m radius of the site (for a small development 500m for a large one). If ponds are discovered then either further surveys to determine presence are needed or the DLL scheme can be used (which is when the GCN risk zones come into play).

However as this is a nature pond which purpose is to create wildlife habitat I do not think these surveys are necessary in the first place. I do not think the application presents a risk to either killing or disturbing a GCNs resting place (this is assuming there are no significant ground works as part of the application).

5.9 Local Residents/Interested Parties

6 letters of support were received from residents of Askham Row prior to the statutory consultation process being undertaken. As such these have been disregarded in terms of the Scheme of Delegation. 4 further letters of support (3 from residents of Askham Row and 1 from Hospital Road) were received. The reasons for support are as follows:

- Poplar trees planted along the western edge of the footpath and during 2023 the land will no longer be visible from the footpath
- Stock fence to be erected along footpath which will further obstruct
- DEFRA licenses granted on adjoining land
- Land previously heavily farmed
- Work completed to return wildlife to the area
- Approval of houses along Askham Row demonstrates that change of use is acceptable
- Wildlife and poultry good for the environment
- Askham Row built on agricultural land
- Encourage and provide for wildlife

1 objection was received with regard to the above scheme. The reasons for objection are as follows:

- Children not able to use their play equipment (raised platform of 1.5 metres) within the rear garden as it overlooks the site/close proximity to chicken enclosure
- View of the development from the north facing first floor bedrooms

- Greenhouse within existing garden which used to be a chicken run
- Out of character with existing garden sizes along Askham Row
- Concerns raised regarding planning permission for a beehive on site
- The proposed chicken enclosure could house 720 chickens based upon the ratio of the Poultry Club of Great Britain guidance
- Development highly visible from the Doddington Circular Walk
- No noise or odour considerations
- No analysis of impacts arising from avian flu
- Permitted Development Rights if application granted
- Application site is located within the countryside/urbanises the countryside
- Sets a harmful precedent
- Harm to the enjoyment of neighbouring property
- Concerns regarding Great Crested Newts
- No information provided on biodiversity net gain
- Loss of agricultural land
- Located on land which is of high archaeological interest
- Clear breach of planning policy
- FDC Environmental Health comments do not consider the scale of the chicken enclosure and the amount of chickens which could be accommodated
- Not clear why a Great Crested Newts survey is not being undertaken given the national guidance
- Plans do not reflect the earth bund construction
- Contrary to previous appeal decisions
- Coates Appeal, planning reference F/YR20/0107/F

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)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

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

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a positive contribution to local distinctiveness and character of the area

8 KEY ISSUES

- **Principle of Development, Design Considerations and Visual Amenity**
- **Residential Amenity**
- **Flood Risk**
- **Other Matters**

9 ASSESSMENT

Principle of Development, Design Considerations and Visual Amenity

- 9.1 This application seeks retrospective consent for the change of use of land to domestic purposes including the erection of a chicken run and formation of a pond.
- 9.2 Policy LP12, Part A of the Fenland Local Plan 2014 states that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside and the site would be located in or adjacent to the existing developed footprint of the village. Policy LP12 also clarifies that the developed footprint of the village is defined as continuous built form of the settlement and excludes gardens, paddocks, and other undeveloped land on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area, such as the land within the application site.
- 9.3 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments across the district. LP16 (d) states that development should make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provide resilience to climate change, reinforce local identity 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.
- 9.4 Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD July 2014 seeks to ensure developments make a positive contribution to local distinctiveness and character of the area. DM3 (d) states that in order to satisfy the criteria of LP16 (d), all development as a minimum should ensure that the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity.
- 9.5 Paragraph 130 of the NPPF also seeks to ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character.
- 9.6 Askham Row is comprised of 10, 2-storey detached dwellings with rear gardens that create a strong established curtilage line, with a clear delineation between the

built-up form and the agricultural land to the north which creates a clear distinction between the urban environment and open countryside.

- 9.7 Prior to the development on site, the land was used for agricultural purposes. The trees, hedges as well as the low-level planting do not constitute development and the pond and associated earth bund are considered to be for outdoor recreation and as such is an appropriate feature in a countryside setting.
- 9.8 The development however does introduce domestic structures, which, in combination with the features described above, creates an urbanising encroachment into the open countryside to the significant detriment to the character and visual amenity of the area. In addition to this, the depth of the site is approximately 98 metres (measured from the rear boundary of No. 7) and a width of 56 metres. The scheme will create a significantly sized domestic garden within an agricultural area which would appear incongruent and out of character. The development would also set a precedent for adjoining properties to introduce domestic gardens within the open countryside, introducing further harm and eroding the countryside character.
- 9.9 It is therefore considered that the combination of the use of the land to the north of 5-7 Askham Row as domestic land, the erection of the chicken run, formation of the pond and various planting has altered the character and appearance of the land and has also resulted in a residential use encroaching into the countryside and has therefore adversely impacted upon the character of the surrounding area and therefore is contrary to Policy LP12, Part A and Policy LP16 (d) in this respect.

Residential Amenity

- 9.10 Residential properties sit to the south of the application site at No. 5 and 6 Askham Row and the developments on site are therefore likely to be somewhat visible to these neighbouring properties. Given the presence of the close-boarded fences which form the north facing boundary of these neighbouring properties, it is unlikely that the visual impacts from the retrospective development will be adverse.
- 9.11 A letter of objection was received from a neighbouring property regarding the chicken run and a request to re-position the chicken run which is situated in the south-western corner of the application site approximately 8.5 metres north of the boundary fence of No. 5 and approximately 53 metres from the rear elevation of the host dwelling at No. 5. Concerns were also raised with regard for the potential of a large number of chickens to be kept on site given the size of the structure. Given that the previous use for the land was agricultural and any future use for agriculture would not constitute development, a significant number of livestock could be kept on site without planning permission and therefore it is not considered reasonable to seek the relocation of the chicken enclosure or noise and odour assessments given that livestock can be kept on site without planning permission.
- 9.12 The applicant has submitted a statement setting out personal circumstances in support of the application. These are contained within the confidential appendix to this report. It would be inappropriate to discuss these in detail within the report, however, in summary, it is not considered that these are material to the determination of the application.

Flood Risk

9.13 The application site lies within Flood Zone 1; accordingly, there are no issues to address in respect of Policy LP14.

Other Matters

9.14 The letter of objection received highlighted a number of concerns with regard to the retrospective development which have not already been addressed in the assessment above.

9.15 Concerns were also raised regarding a potential beehive on site and whether this would require planning permission. The keeping of bees does not require permission and therefore does not need to be addressed under this application.

9.16 The letter of objection also highlighted the earth bund on the section does not reflect what has been constructed on site. The applicant has confirmed that if works should re-commence on site, that the earth bund will be +330mm from ground level and therefore the plans accurately reflect what is proposed on site.

9.17 The letter of objection highlighted that the application site is located within a Great Crested Newts (GCN) Green Risk Zone and within 50 metres of a Yellow Risk Zone and therefore should be subject to an appropriate survey. The LPAs ecologist confirmed that given the location of the application site within a Green GCN zone, then the need for a survey is unlikely. In addition to this, they considered that the scheme includes a nature pond which is unlikely to present a risk to killing or disturbing a habitat with GCN within it.

9.18 With regard to the site being located on land which is of high possibility of archaeological interest, upon consultation with CCC Archaeology, it was confirmed that there are no objections or requirements for the retrospective development.

9.19 This application has been referred to Committee by the Head of Planning on advice of the Committee Chairman. This advice noted that a similar application was passed at Chatteris previously at Planning Committee. The planning reference for this application is F/YR20/0266/F. This application was for the erection of a 1.8m (approx) high post and wire fence, a hen house and the formation of an access at Land West of Meadow Farm.

9.20 The above application was approved as the majority of the elements of the proposal, including the keeping of poultry, erection of fences and the use of the existing access track did not require planning permission. The remaining elements that did require permission were considered acceptable as they complied with the necessary policies of the Fenland Local Plan 2014 as being for agricultural purposes, rather than creating a domestic feature within the countryside. As such this case is not considered to be comparable to the current application.

9.21 However, a similar scheme, which is somewhat more comparable to this application, and referred to by the objector, is a development at 24 Feldale Lane, Coates which was dismissed at appeal (planning reference F/YR20/0107/F). The Coates application was slightly different in the respect that the shed and greenhouse were of a different form and scale to the chicken run proposed under this application. Notwithstanding this, the application site at Coates was significantly smaller (61 metres x 19 metres) than the site under this application. The inspector dismissed the appeal at 24 Feldale Lane as the use of the site as domestic garden land, erection of two buildings combined with the vegetable garden etc altered the character and appearance of the land resulting in a

residential use encroaching into the countryside, with negative effects on the rural character of the area which conflicts with Policy LP12(A). This does indicate that such development can be found unacceptable and the refusal of such can be defended at appeal

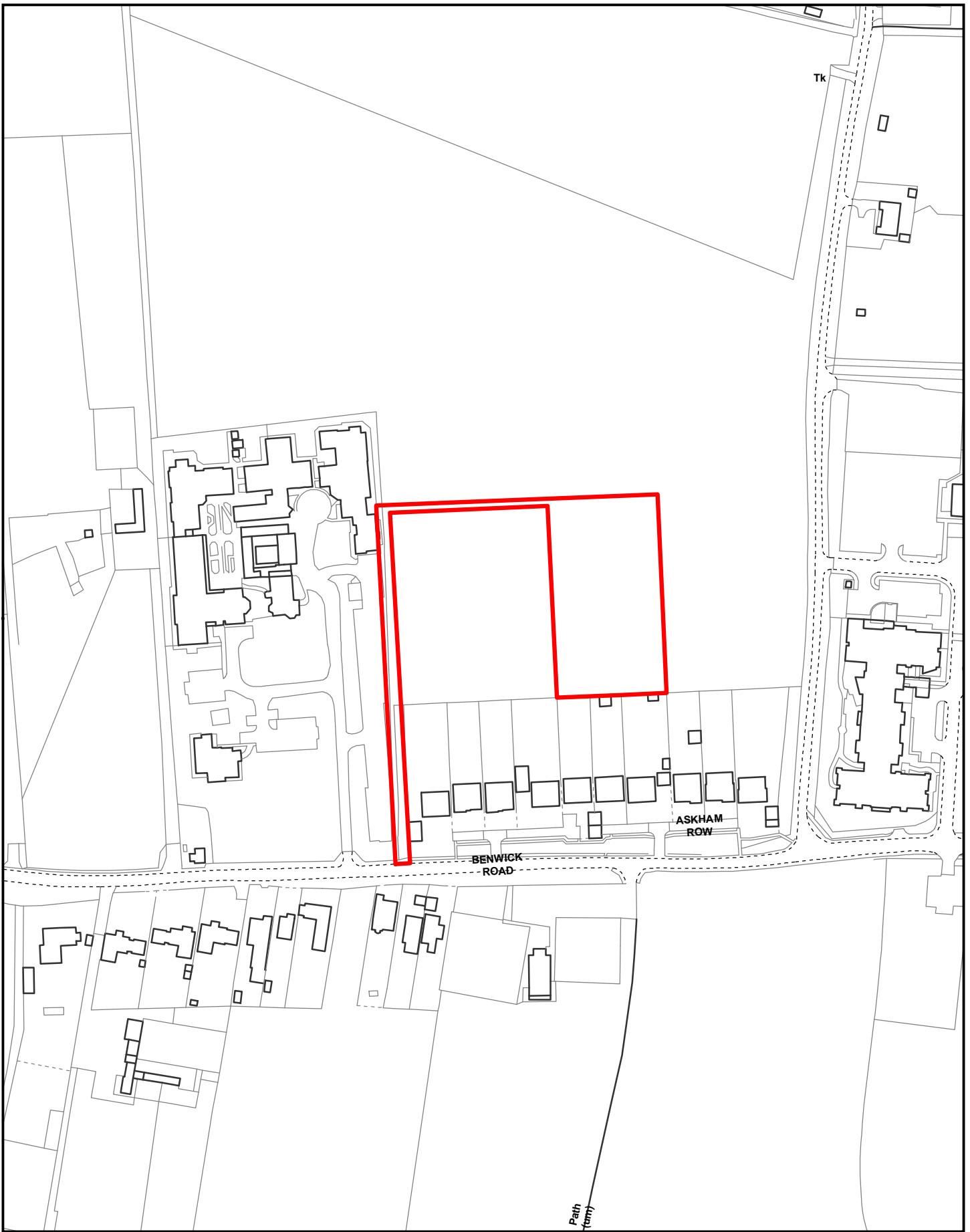
10 CONCLUSIONS

- 10.1 The combination of the use of the land to the north of 5-7 Askham Row as domestic land as well as the erection of a chicken run and formation of a pond is considered unacceptable due to the encroachment that the proposed domestic garden introduces on the open countryside.
- 10.2 The domestic garden area will urbanise the open countryside to the significant detriment of the character and visual amenity of the area. The introduction of such would also set a precedent which would result in the creation of further cumulative harm on the open countryside.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP12 Part A (c) and Policy LP16 (d) of the Fenland Local Plan 2014, DM3 (d) of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Paragraph 130 of the NPPF require that developments do not adversely impact upon the character and appearance of the open countryside. The development creates a significantly sized domestic garden which results in an urbanising encroachment into the open countryside to the significant detriment of the character and visual amenity of the area. In addition, this would set a precedent for the creation of further cumulative harm. As such, the development is contrary to the aforementioned policies.
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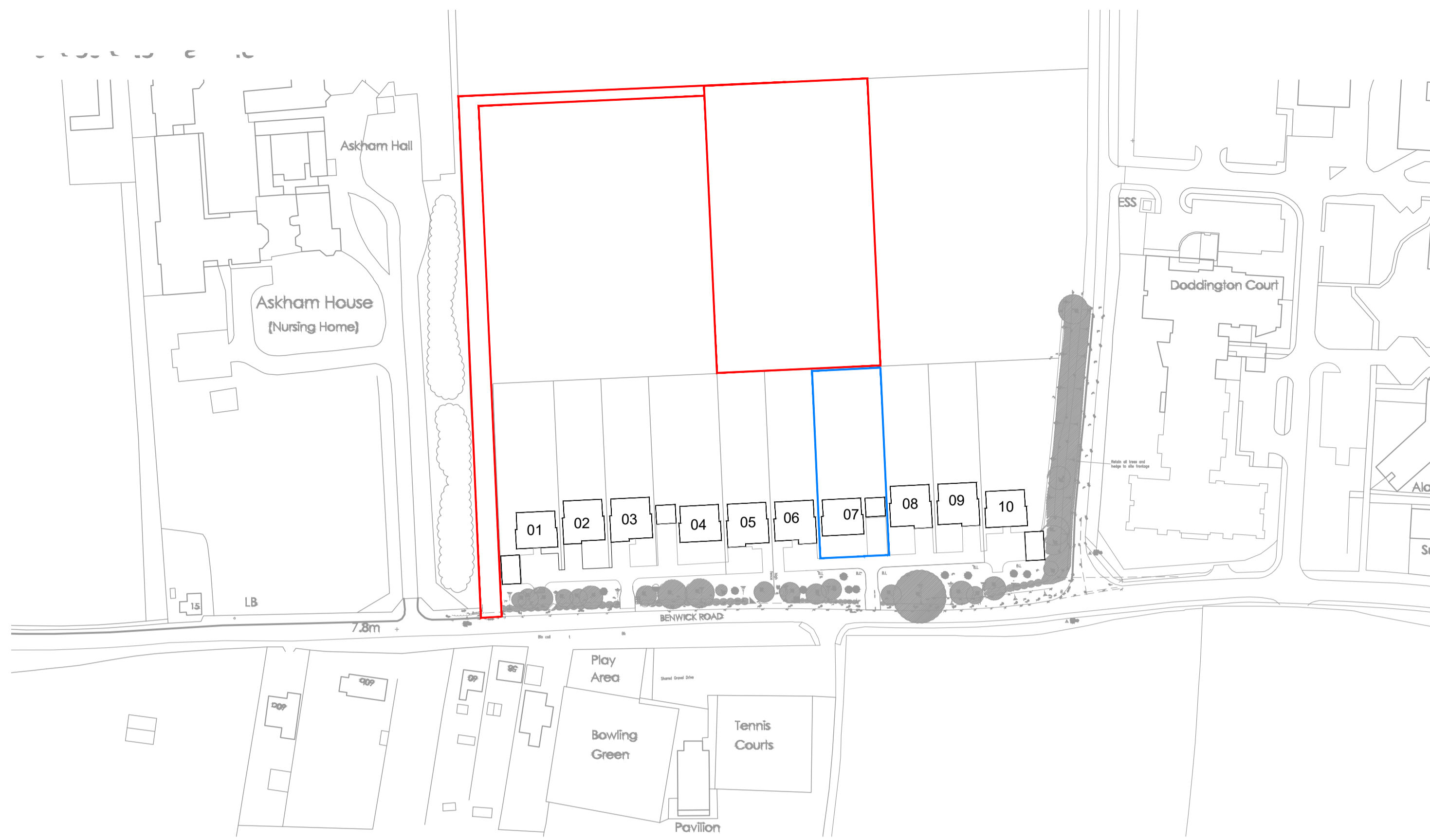
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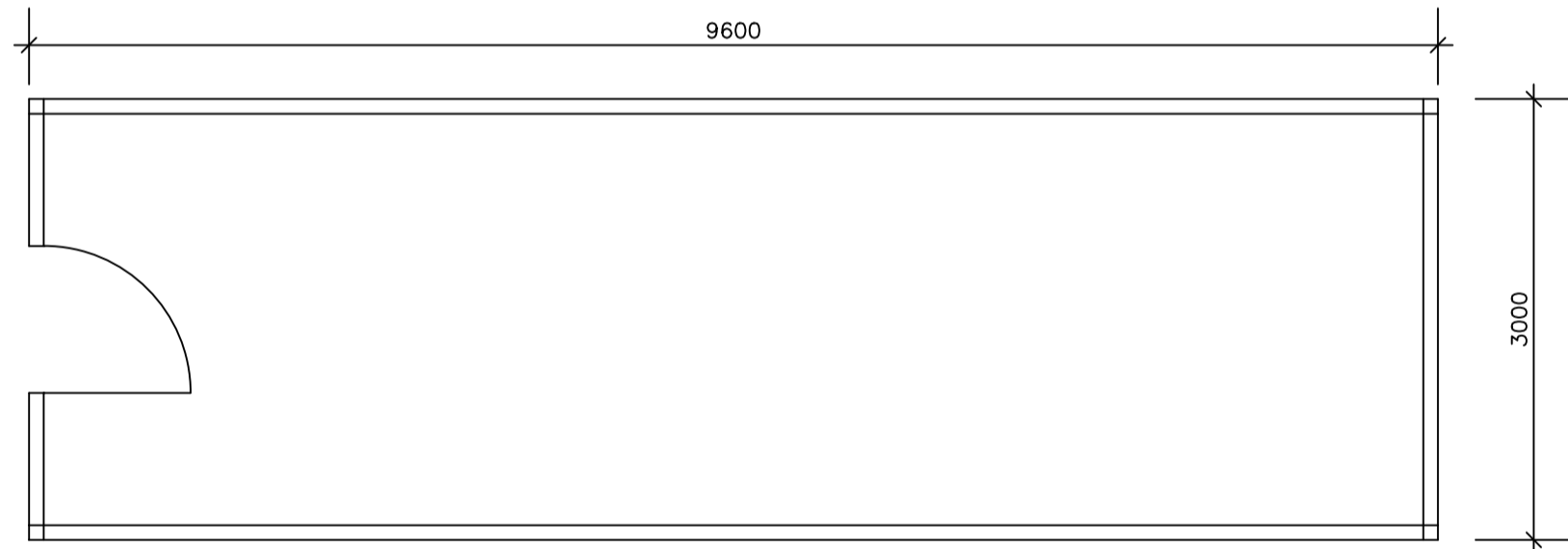
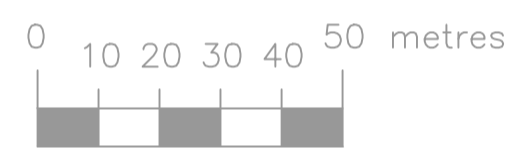
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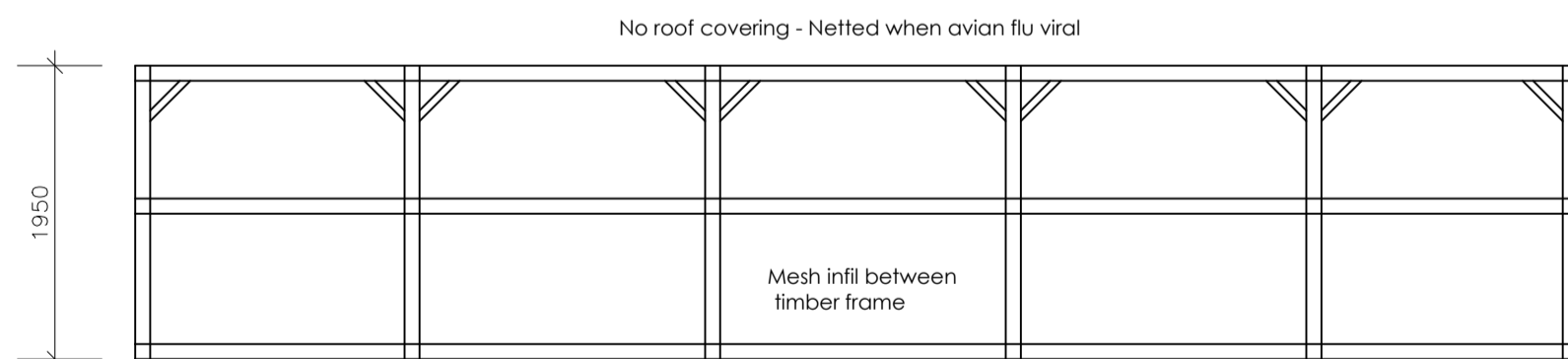


7 ASKHAM ROW

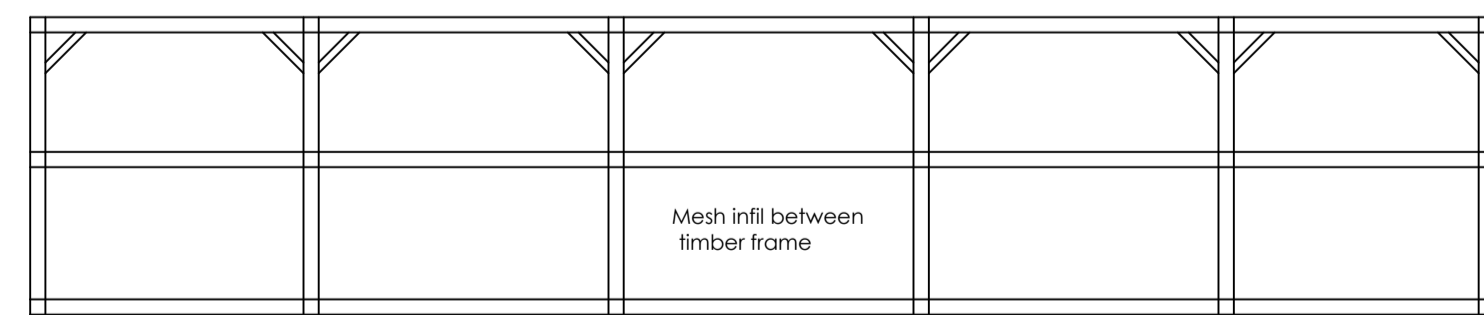
LOCATION PLAN 1:1250



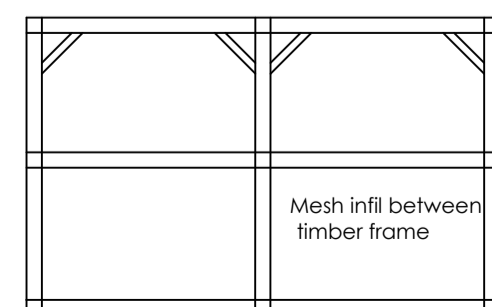
Floor Plan Chicken Run 1:50



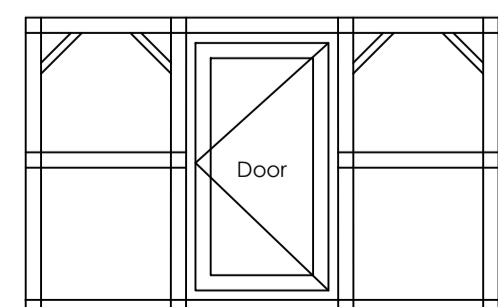
Side Elevation 1:50



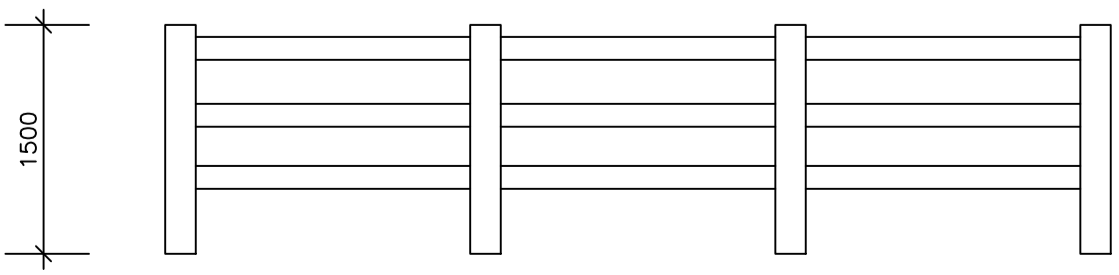
Side Elevation 1:50



Rear Elevation 1:50

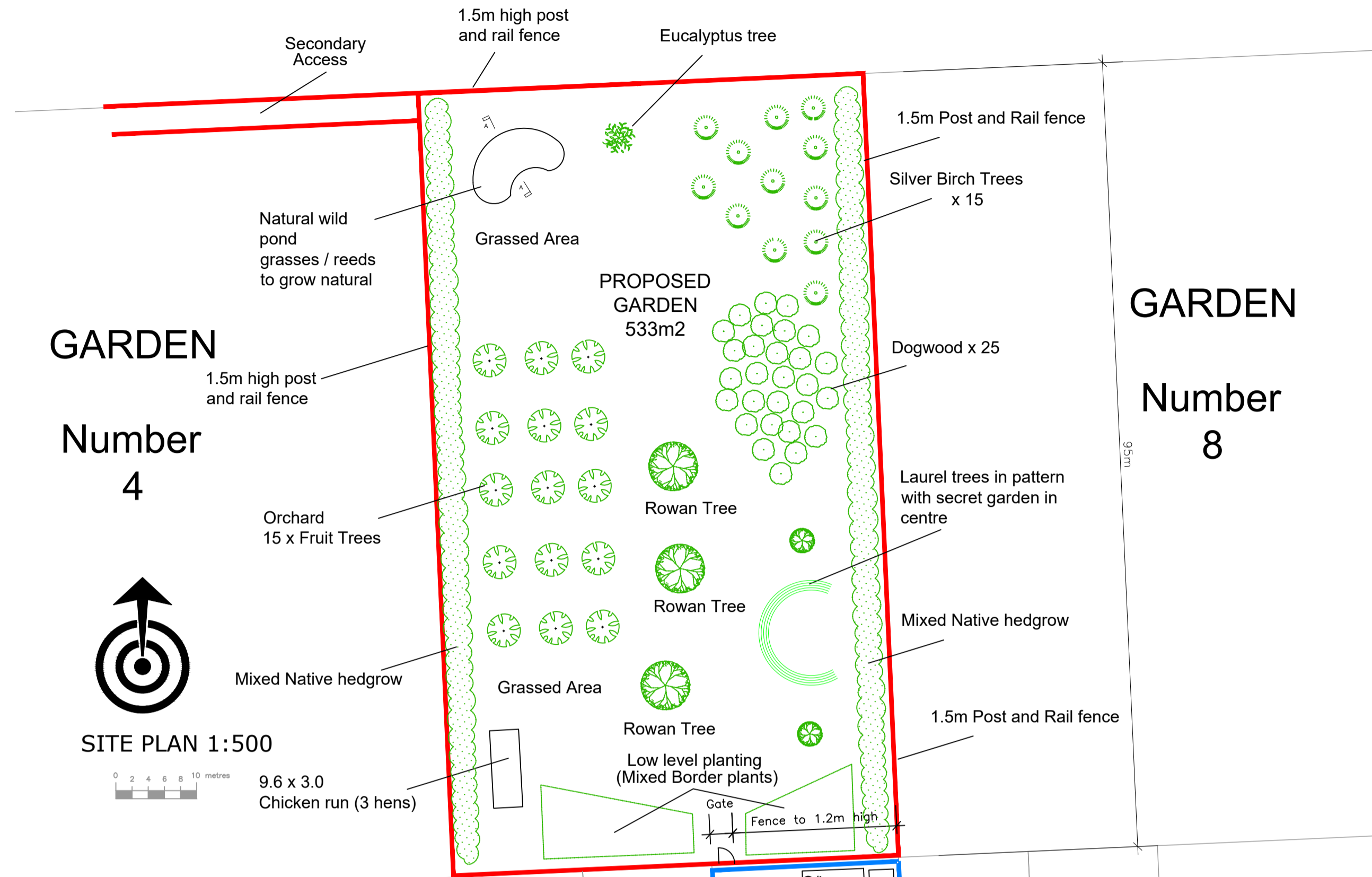


Front Elevation 1:50



Fence Elevation 1:50

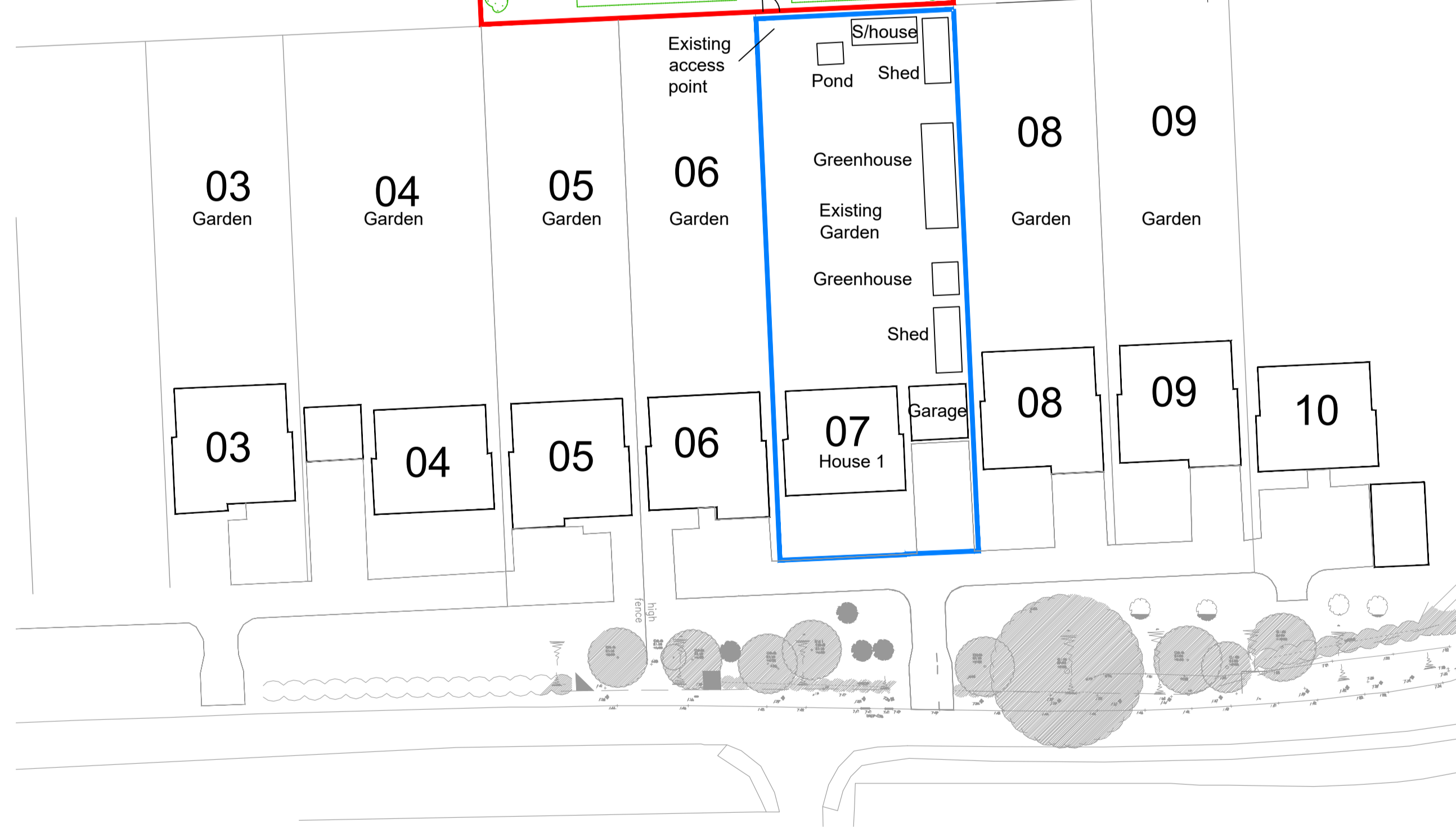
MEGAPLANT LAND - EQUINE APPLICATION TO BE SUBMITTED



GARDEN
Number
4



SITE PLAN 1:500



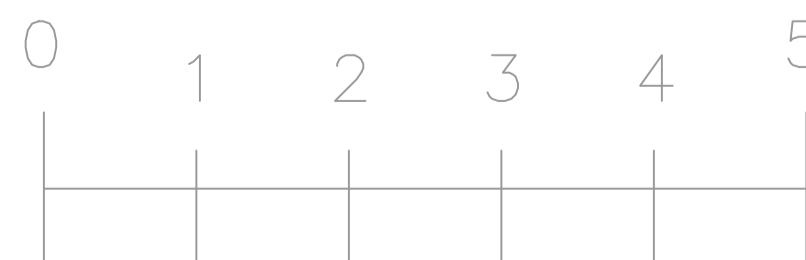
GARDEN
Number
8

GROUND LEVEL

Bank +330mm

Invert -800mm

Pond Section 1:50



Revision:	
Project:	7 Askham Way Doddington
Description:	SKetch 001
Date:	08-03-2022
Scale & Sheet Size:	1:50 / 100 @ A1
Drawing Ref:	

SK01b



Taylor Planning & Building Consultants

4 Dapple Gardens
Whittlesey
Peterborough
PE7 1LW
07469210782

www.TaylorPlanningandBuilding.co.uk

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