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**F/YR22/1149/F**

**Applicant: Mr J Jolley**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**Land East Of Highland View, Benwick Road, Doddington, Cambridgeshire**

**Erect 3 x dwellings (2-storey 4-bed), and the formation of an access**

**Officer recommendation: Refuse**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km to the west of the settlement of Doddington. Apart from the occasional sporadic dwelling, horticultural nursery, Fields End leisure/tourism site, the site is characterised by open and generally undeveloped arable farmland.
- 1.2. This application seeks full planning approval for the erection of 3no. 2-storey 4-bed dwellings at the site, with the formation of an access to the east side. The access is proposed to be shared by the proposed dwelling and will also form a field access to the agricultural land at the rear of the site.
- 1.3. This proposal was preceded by an earlier outline application for a similar scheme, refused on the basis of the principle of development, its impact on the countryside character and highway safety.
- 1.4. Of the three reasons for refusal of the earlier outline scheme, this revised proposal only addresses one of them (highway safety). There are still fundamental issues in respect of the principle of development and its impact on the character of the countryside, remaining in contravention of Policies LP3, LP12, and LP16. Hence, the recommendation must remain as one of refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km to the west of the settlement of Doddington, 450m to the west of the access to Delfland Nurseries, and 500km to the east of Fields End Water Caravan Park.
- 2.2. The site has dimensions of 75m width and depth of 40m (excluding highway) and one indicated access point, and is broadly rectangular in shape.

- 2.3. Apart from the occasional sporadic dwelling, horticultural nursery, Fields End leisure/tourism site, the site is characterised by open and generally undeveloped arable farmland.

### **3. PROPOSAL**

- 3.1. This application seeks full planning approval for the erection of 3no. 2-storey 4-bed dwellings at the site, with the formation of an access to the east side. The access is proposed to be shared by the proposed dwelling and will also form a field access to the agricultural land at the rear of the site.
- 3.2. The dwellings will include gable rooflines reaching a maximum of approximately 7.7m to the ridge and 2.7m to the eaves, with upper floor accommodation located within the roof space, serviced by dormer windows. The dwellings also propose attached double garages and porches, with a single storey rear offshoot projection. The garages will reach a ridge height of approximately 7m, and the rear offshoots will have a cross gable roofline reaching approximately 5.1m.
- 3.3. The dwellings are proposed to be constructed of Hoskins Flemish Antique facing brickwork, under Marley Mendip roof tiles in old English dark red, with white uPVC joinery.
- 3.4. The site is proposed to be bounded to the front by hedging, with 1.2m timber post and rail fencing to the rear, with 1.8m fencing separating the plots. The eastern boundary will be retained existing hedging.
- 3.5. Hard and soft landscaping is proposed, including a shared gravel driveway with gravel parking areas, rear patios, and rear gardens predominately laid to lawn with the inclusion of planted hedgerows and some trees throughout the site.
- 3.6. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4. SITE PLANNING HISTORY

F/YR22/0793/O	Erect up to 3 x dwellings (outline application with matters committed in respect of access)	Decline to Determine 20.07.2022
F/YR21/1423/O	Erect up to 3 x dwellings and the formation of 4 x accesses (outline application with matters committed in respect of access)	Refused 12.05.2022
F/YR11/0207/NONMAT	Non-material amendment: Change the dormer window from curved lead work roof to pitched roof with tiles, relating to planning permission F/YR10/0956/F (erection of a single storey extension and insertion of a dormer window to rear of existing dwelling  Meadow Field House, Benwick Road, Doddington	Approved 01.04.2011
F/YR10/0956/F	The erection of a single storey extension and insertion of a dormer window to rear of existing dwelling  Meadow Field House, Benwick Road, Doddington	Granted 21.02.2011
F/YR05/1120/F	Erection of an agricultural storage building	Granted 02.11.2005
F/YR05/0532/O	Erection of a dwelling	Granted 31.05.2006

#### 5. CONSULTATIONS

##### 5.1. Doddington Parish Council

*Doddington Parish Council notes the changes that have been incorporated into this fresh application to develop this site but they still have safety concerns. Benwick Road has a 60mph speed limit and traffic travelling from the Benwick village area towards Doddington will have to negotiate a left hand bend before travelling at high speed past the development. It is not unreasonable to assume that each 4 bedroomed property being built on the site could have 3 or 4 cars and therefore the number of traffic movements between the site and Benwick Road could be significant.*

*The Parish Council is not against development taking place on this site but asks that the number of units and their bedroom numbers are reduced.*

##### 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. CCC Highways

*The Local Highway Authority raises no objections to the proposed development. **I noticed the field access leads to the rear field which is***

***not part of this site. This might be an issue in the future should the land at the rear be sold. This field access might become a ransom strip.***

### **Conditions**

*1. Prior to the first occupation of the development the proposed on-site parking, turning and waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

*Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

*2. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:*

- a. enter, turn and leave the site in forward gear*
- b. park clear of the public highway*

*The area shall be levelled, surfaced and drained and thereafter retained for that specific use.*

*Reason: In the interests of satisfactory development and highway safety.*

*3. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.*

*Reason: In the interests of highway safety.*

### **Informatives**

#### **Works in the Public Highway**

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

#### **5.4. Local Residents/Interested Parties**

The LPA have received one letter of objection in respect of this proposal from an adjacent neighbour. The reason for objection is cited as an inappropriate quantum of development within the open countryside.

Conversely, six letters of support have been received from six separate address points within the ward and in proximity of the site. Reasons cited for support include:

- Appropriate design without impacting landscape
- Will bring vitality to the area without over populating the village centre
- In keeping with the surrounding area

- May help to prevent rural crime
- A quiet environment preferred by more vulnerable or elderly people
- A small development that will cause limited impact

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF) July 2021**

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.

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

Determining planning applications

### **7.3. National Design Guide 2019**

Context

Identity

Built Form

Homes and Buildings

### **7.4. 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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

### **7.5. Emerging Local Plan**

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

LP1 – Settlement Hierarchy  
LP2 – Spatial Strategy for the Location of Residential Development  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP24 – Natural Environment  
LP32 – Flood and Water Management

## **8. KEY ISSUES**

- **Principle of Development in a Rural Area**
- **Visual Amenity, Form and Character of the Countryside**
- **Highway Safety**
- **Residential Amenity**
- **Flooding and Drainage**

## **9. BACKGROUND**

9.1. This application follows an earlier outline planning application (F/YR21/1423/O) for the erection of up to 3 x dwellings and the formation of 4 x accesses (with all matters reserved) that was refused in May 2022. The reasons for refusal can be summarised as follows:

1. The proposal was for the construction of three unjustified new dwellings, un-associated with any of the specified criteria of Policy LP3 and LP12, and the proposal would therefore be contrary to these policies.
2. The development would result in the consolidation of existing sporadic built form and an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. Resulting in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).
3. The proposal would be likely to result in a safety hazard to highway users (owing to the creation of 4 accesses) and the proposal would therefore fail to accord with the National Planning Policy Framework 2021 and Policies LP2, LP15 and LP16 of the adopted Fenland Local Plan 2014.

9.2. Following this, the Applicant submitted a revised outline planning application (F/YR22/0793/O) for the erection of up to 3 x dwellings (with matters committed in respect of access). However, the LPA declined to determine the application under the provisions of Section 70B of the Town and Country Planning Act 1990 as there had been no significant change in the development plan (so far as relevant to the application), nor had any other material considerations arisen, since the earlier outline application was refused. It was recommended that the applicant undertake an appeal of the refusal of F/YR21/1423/O to the Planning Inspectorate; however an appeal was not forthcoming.

- 9.3. Once the six month appeal deadline had effectively lapsed, the LPA received the application considered herein, along with six letters of support to trigger the Scheme of Delegation for the application to be decided by Planning Committee. The circumstances of the site in terms of the principle of development and the impact of the proposal on the countryside have not changed since the earlier refusal, as will be discussed in the below assessment.

## **10. ASSESSMENT**

### **Principle of Development in a Rural Area**

- 10.1. Whilst the site is located within the Parish of Doddington, the site is located a significant way from the built up area of the settlement and would not conform to the policy requirements of representing a small-scale infill within a continuously developed area within the built form of the settlement, and nor would it represent a small extension to the built form of village given its remote nature and surroundings.
- 10.2. This revised application submission has offered no justification for new development within the countryside and within a defined 'Elsewhere' location as set out under Policy LP3 of the Fenland Local Plan to justify the development as being demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport, utility services or minerals or waste development.
- 10.3. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 of the development plan.
- 10.4. Policy LP12 of the Local Plan sets out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:
- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement; and
  - (c) agricultural buildings and associated land on the edge of the settlement.
- 10.5. With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is indicated as being outside of the defined settlement boundary of Doddington, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
  - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

10.6. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site at considerable distance from the nearest settlement and could not be described as infill.

10.7. Clearly, the unjustified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan.

#### **Visual Amenity, Form and Character of the Countryside**

10.8. Policy LP12 part (C) seeks to resist development in locations beyond the built-up area of defined settlements where it would have an adverse effect on the character and appearance of the surrounding countryside and farmland.

10.9. Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore, consideration needs to be given to any harm caused.

10.10. Not only does the proposal fail to accord with requirements of Policies LP3 and LP12 in respect of the definition of appropriate development within, and forming an appropriate extension to, particular settlements, the proposal is located within an essentially rural and agriculture-dominated location with only very sporadic development within the rural area.

10.11. Accordingly, in addition to the principle of unjustified new housing in this location failing to accord with the development plan, the construction of three new detached dwellings within a principally isolated area, located on and effectively surrounded by rural countryside would undermine the rural character and appearance of the countryside to the detriment of the visual



amenities of this rural location and would fail to protect the countryside for its own character and intrinsic value.

- 10.12. The overall design of the dwellings are of a chalet style with design features, scale and proportion similar to a dwelling known as The Meadows, approximately 20m west of the application site. However, positioned between the application site and The Meadows, is Highland View, a modest, pyramid-hipped bungalow which is of a considerably smaller scale than The Meadows and the proposed dwellings. Development of this site, therefore, would result in Highland View being essentially alienated within the street scene, and dominated by the dwellings either side, contrary to Policy LP16 (d).
- 10.13. Given the above, the submitted proposal fails to accord with Policy LP12 of the development plan; notwithstanding the overall design, which is considered to be contrary to Policy LP16 (d). Furthermore, the proposed scheme design, is not considered as 'exceptional quality' as set out in Paragraph 80 (e) of the NPPF as a possible exceptional circumstance to development within the countryside, and would therefore not outweigh the fundamental issue in respect of unsustainable rural development.

#### **Highway Safety**

- 10.14. Policies LP15 requires new development to provide well designed, safe and convenient access for all.
- 10.15. The scheme put forward here differs from the earlier outline application in that it proposes a single access point off Benwick Road as opposed to the earlier scheme proposing four separate access points, which was refused owing to concerns pertaining to highway safety.
- 10.16. The proposed single access is intended to be shared by the three new dwellings, leading to a shared drive with separate private parking areas for the dwellings and also utilised as field access to the agricultural land to the north of the site.
- 10.17. Consultation with the LHA highlighted the possibility of this shared access arrangement resulting in a ransom strip, should the agricultural land to the north be sold. Currently this land is owned by the applicant, and as such any future land ownership or rights of way changes would be a civil matter outside of planning control. However, the requirement for a field access does further raise the question as to principle of development in this location and the suitability of positioning residential development on what is clearly utilised farmland requiring access.
- 10.18. Notwithstanding, ultimately the proposed access arrangements were considered acceptable by the LHA in terms of highway safety, subject to conditions.
- 10.19. The scheme proposes the creation of 3no, 4-bed dwellings, which require 3 parking spaces as per the current parking standards. Notwithstanding the proposed garages, the private areas of driveway offer sufficient parking availability of the quantum of accommodation proposed.

10.20. Thus, the proposed access arrangements have addressed the earlier reason for refusal in respect of highway safety, and raise no concerns in respect of parking availability. As such, it is considered unreasonable to maintain the reason for refusal pertaining to highway safety in this case.

### **Residential Amenity**

10.21. The nearest dwelling to the site, Highland View, stands to be the most impacted from the proposed development owing to its comparatively modest scale. However, the position of the intended dwellings and the layout of Highway View itself will result in limited impacts of overshadowing or overlooking of Highland View. Rear facing upper floor windows are intended to be positioned furthest from the shared boundary with Highland View and the proposed single storey rear offshoot is such that it will obscure views toward Highland View from upper floor windows in Plot 1 and as such the relationships between these sites are considered acceptable.

10.22. In terms of plot-to-plot relationships, the proposed dwellings include the majority of fenestration to the front and rear elevations only. The dwellings are proposed to be positioned in such a way that upper floor windows have a standard relationship with the neighbouring properties. As such, there will be some views possible over neighbouring plot's gardens however these will be typical of frontage development. In addition, views from ground floor openings will be limited by the separating 1.8m boundary fences between the plots. On that basis, the relationship between the proposed dwellings are considered acceptable in terms of overlooking; and their respective positions will limit any overshadowing issues between each plot.

10.23. The proposals are unlikely to offer additional impacts to residential amenity to reconcile with respect to the generation of excessive noise, dust or odour.

10.24. Thus, given the above, the proposals are considered acceptable with regard to their impact to residential amenity in respect of Policies LP2 and LP16 (e).

### **Flooding and drainage**

10.25. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.

10.26. The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application, and in light of the fact that the use is established on site, it is considered reasonable to determine that this part of the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

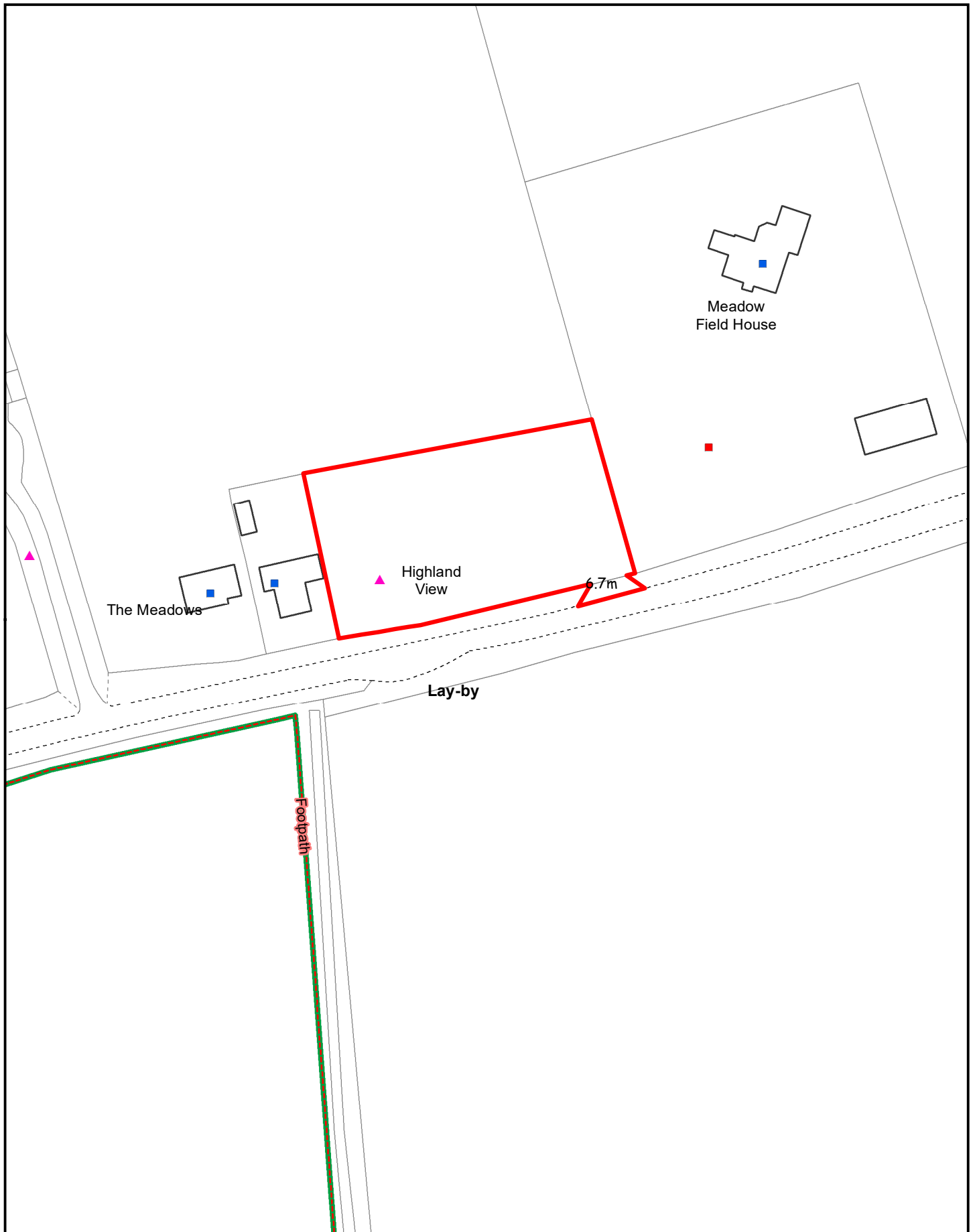
## **11. CONCLUSIONS**

Of the three reasons for refusal of the earlier outline scheme, this revised proposal only addresses one of them (highway safety). There are still fundamental issues in respect of the principle of development and its impact on the character of the countryside, and the scheme remains in contravention of Policies LP3, LP12, and LP16. Hence, the recommendation must remain as one of refusal.

## 12. RECOMMENDATION

**Refuse**, for the following reasons;

1	Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated within a rural location and an 'Elsewhere' location under Policy LP3, isolated from the nearest settlement and as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of three unjustified new dwellings that will not be associated with any of the specified criteria, and the proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan (2014).
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) requires 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 proposal is for the construction of three new dwellings on currently undeveloped land within a streetscape characterised by sporadic development with a close relationship to the wider open countryside. The development would result in the consolidation of existing sporadic built form and an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policies LP12, and LP16 of the Fenland Local Plan (2014).



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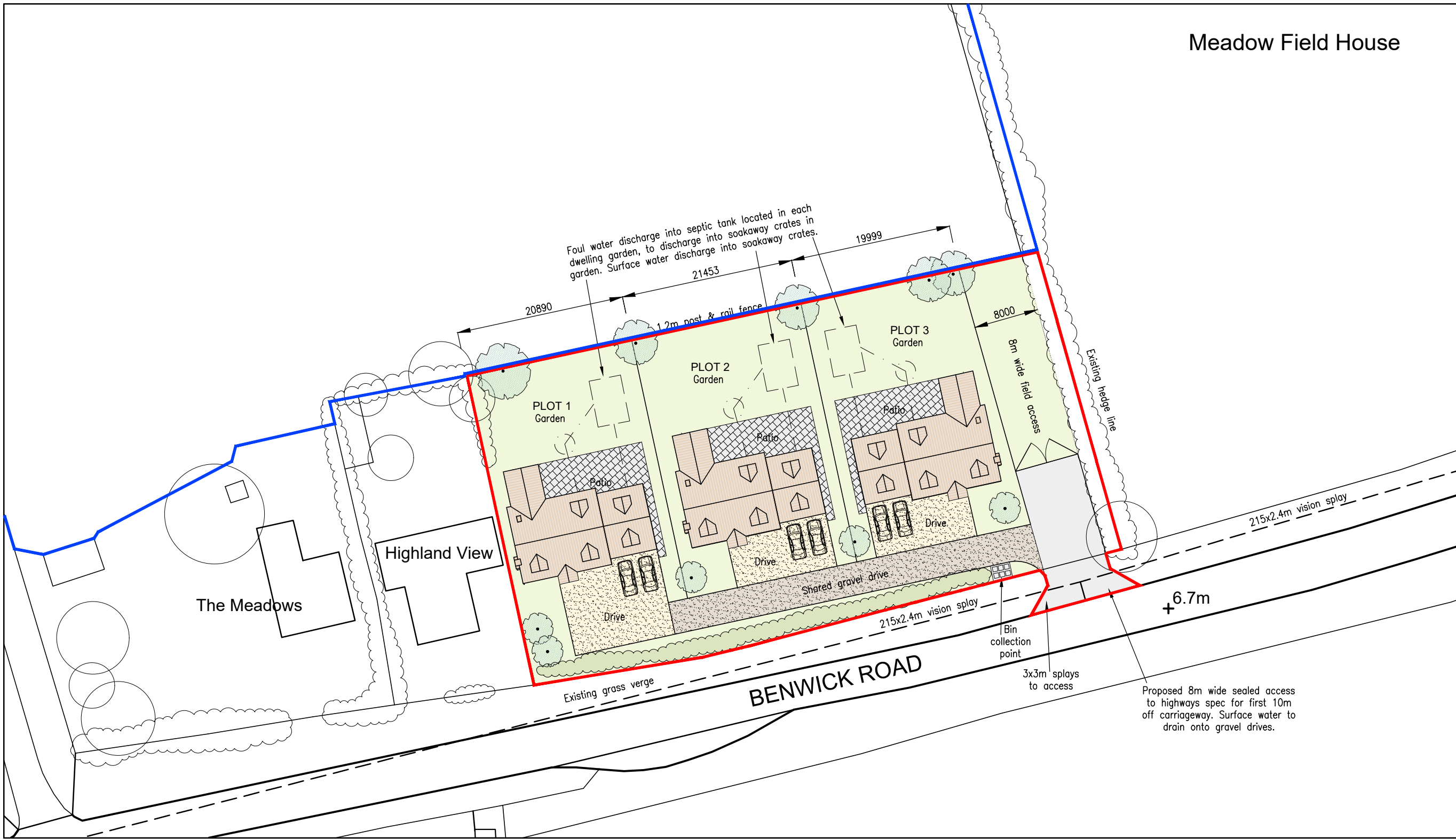
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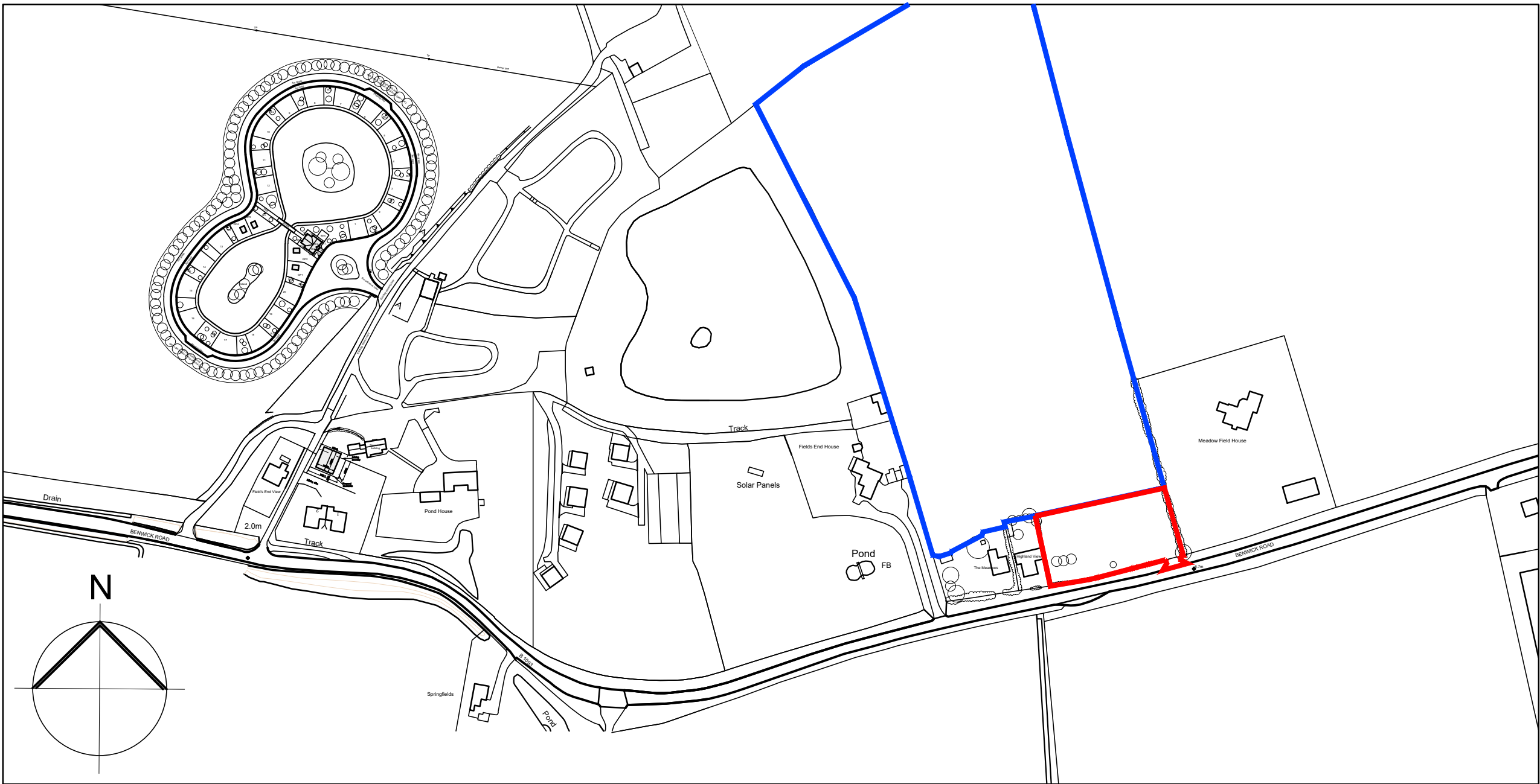








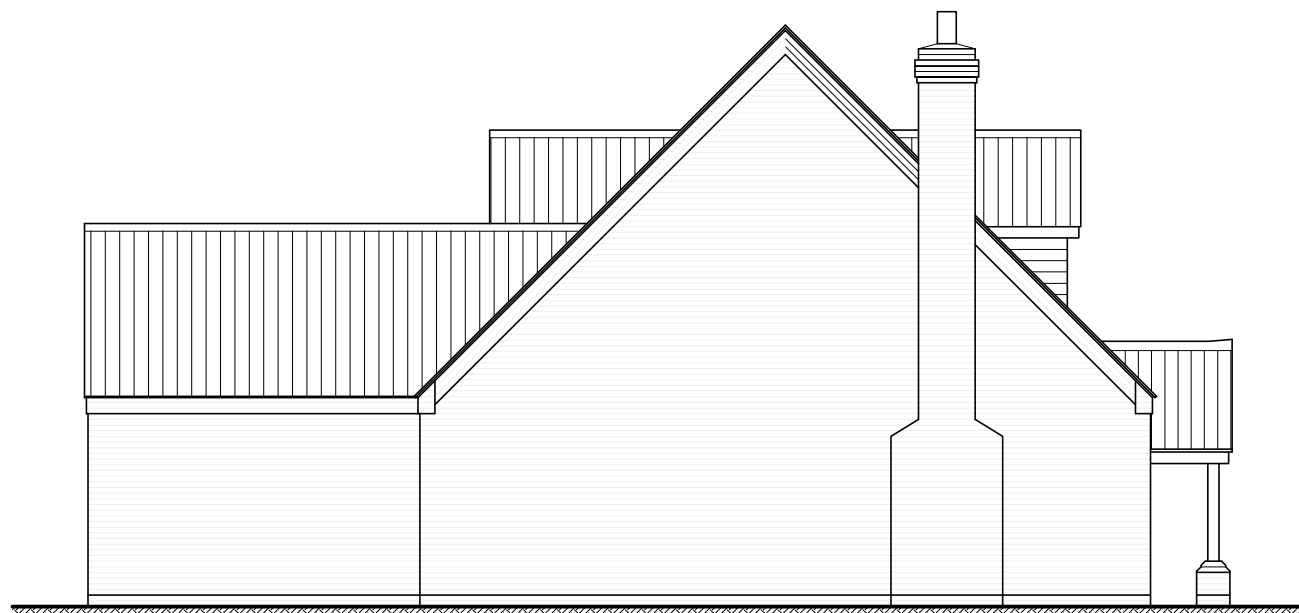
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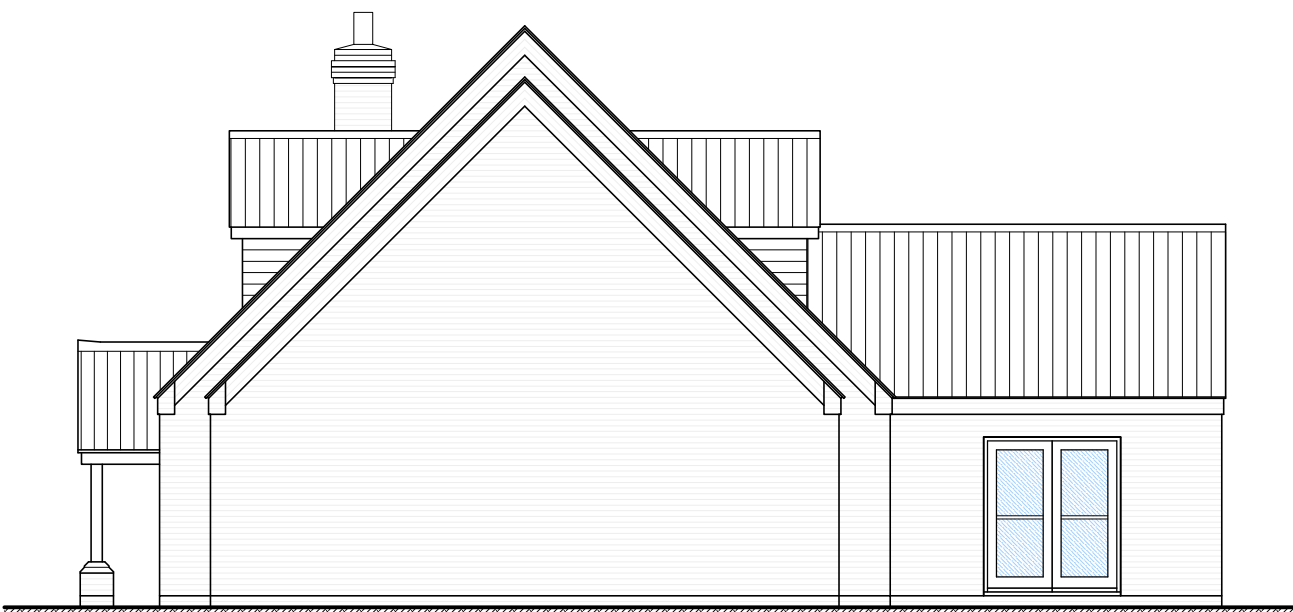
Location Plan 1:2500



Proposed Front (South) Elevation 1:100  
(Plot 1 & 2)



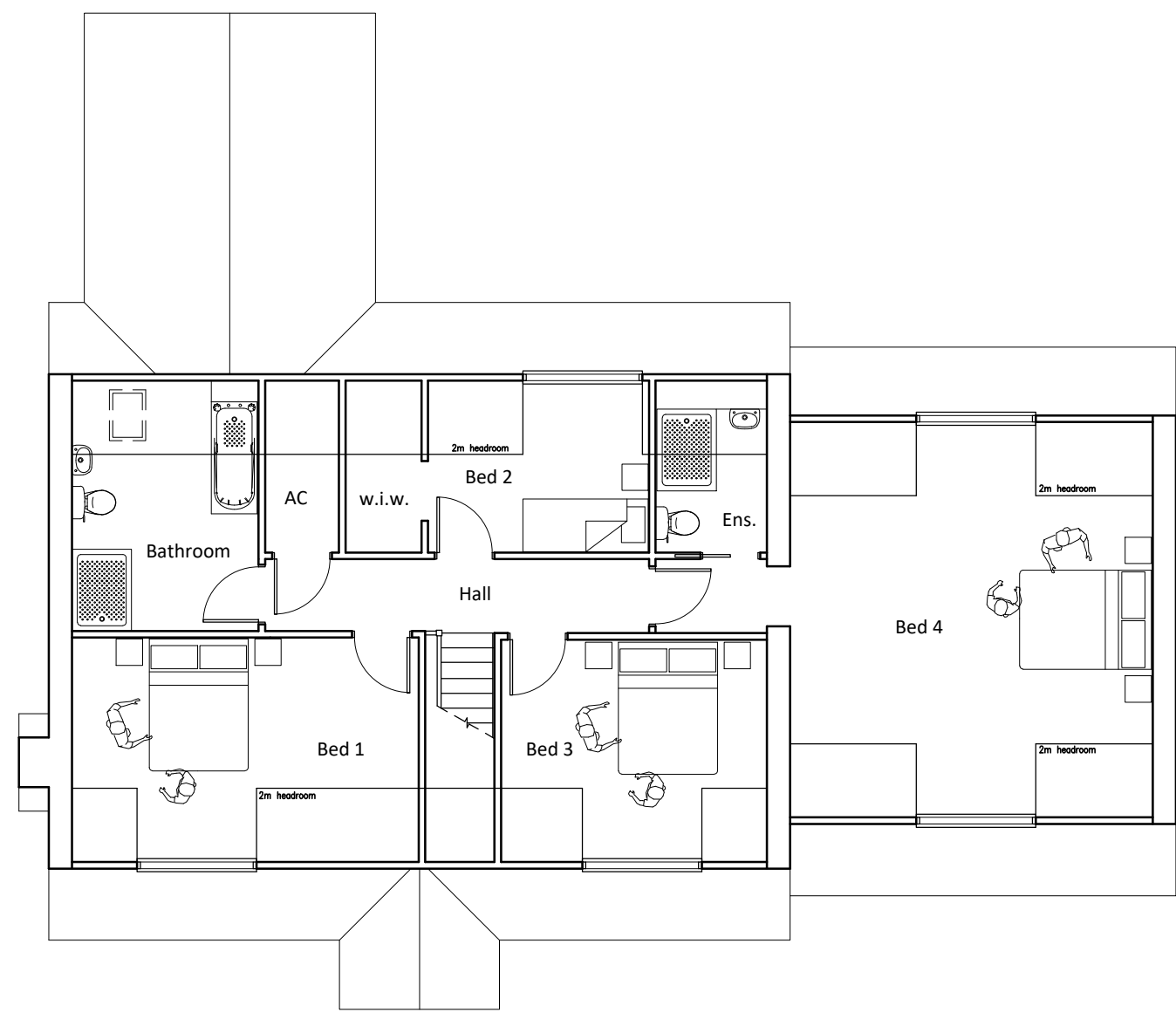
Proposed Side (West) Elevation 1:100  
(Plot 1 & 2)



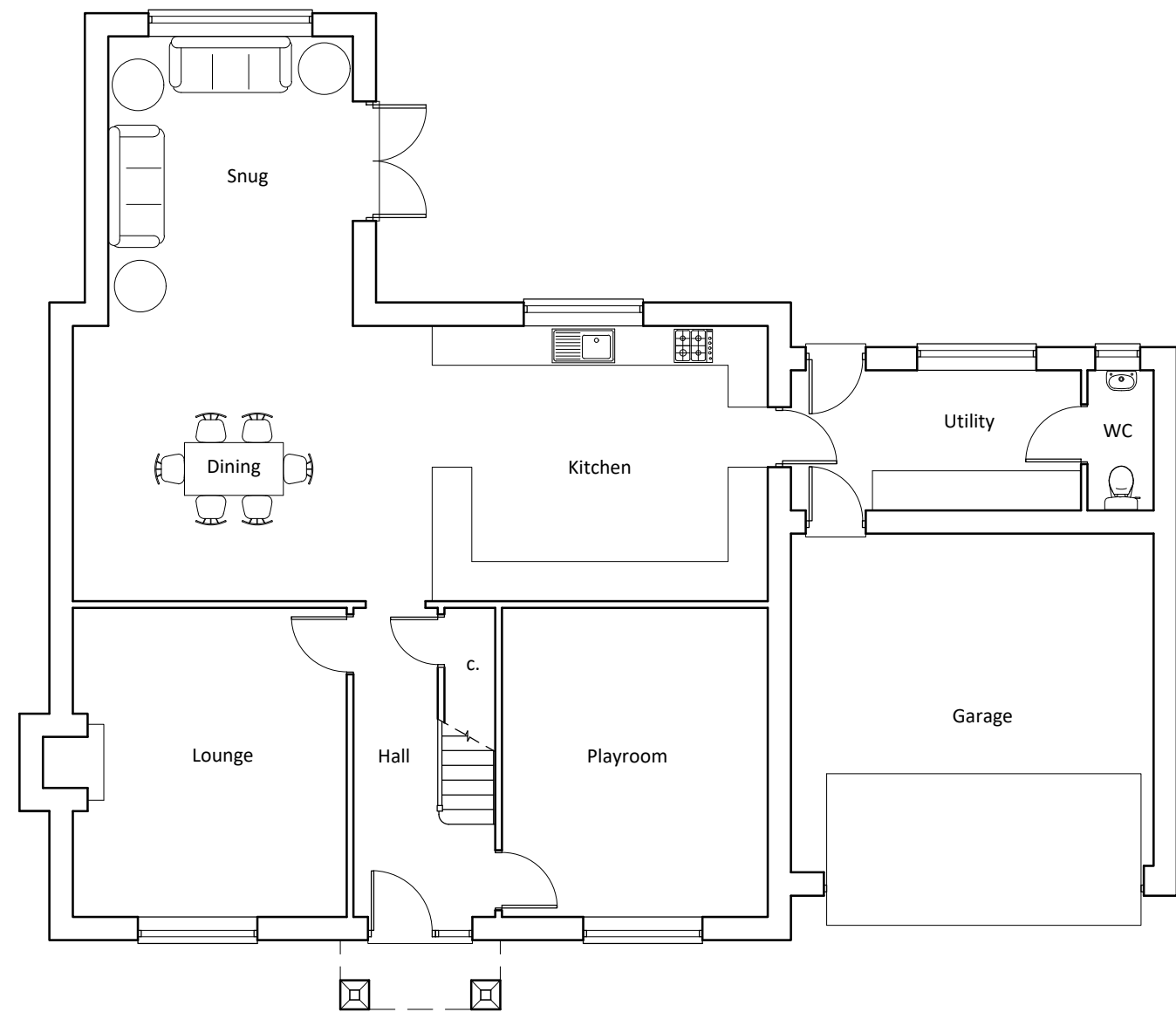
Proposed Side (East) Elevation 1:100  
(Plot 1 & 2)



Proposed Rear (North) Elevation 1:100  
(Plot 1 & 2)



Proposed First Floor Plan 1:100 (Plot 1 & 2)



Proposed Ground Plan 1:100 (Plot 1 & 2)

A -  
REVISIONS

**PHA**

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CLIENT  
MR JASON JOLLEY

PROJECT  
PROPOSED 3No. DWELLINGS/PLOTS

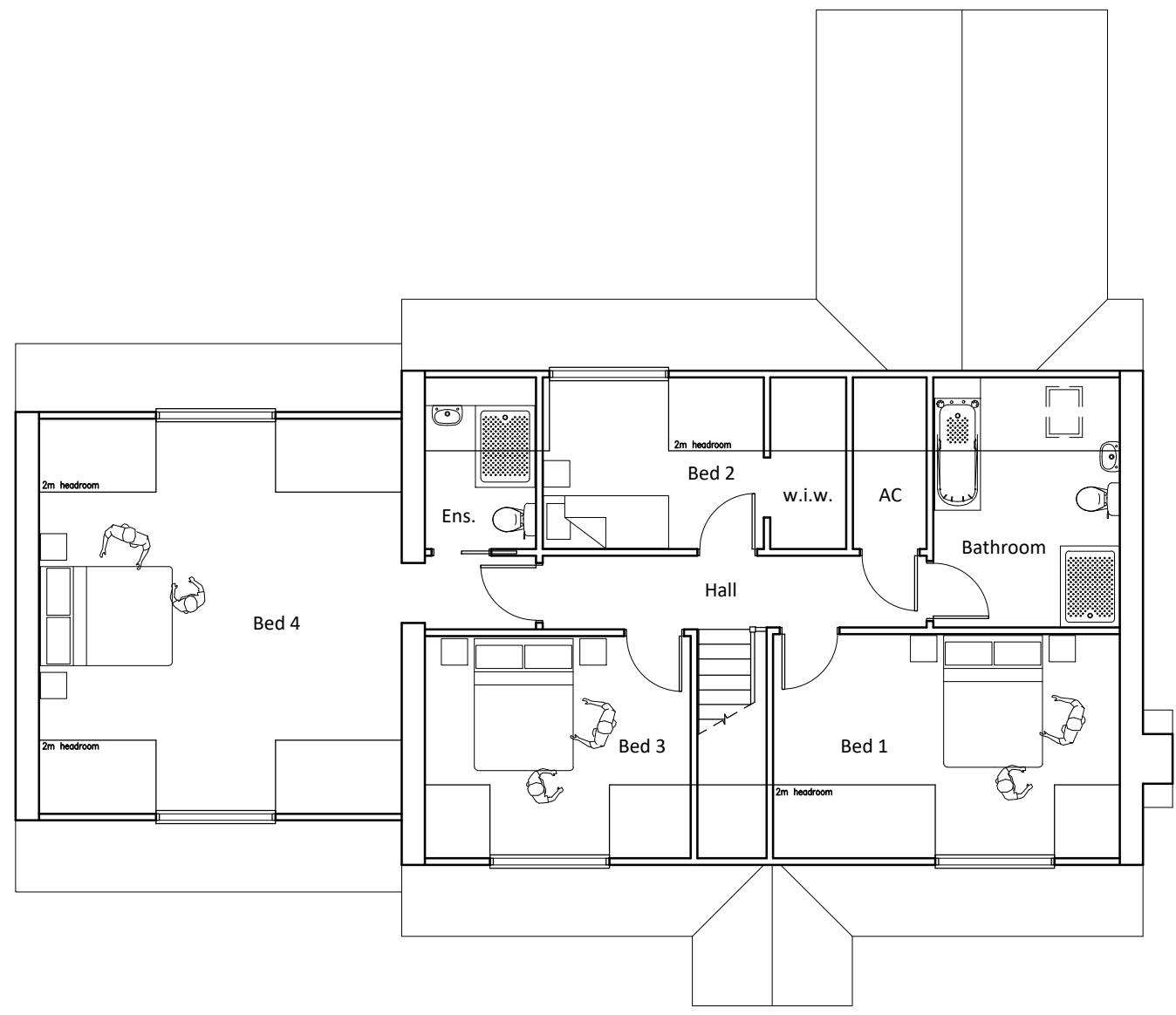
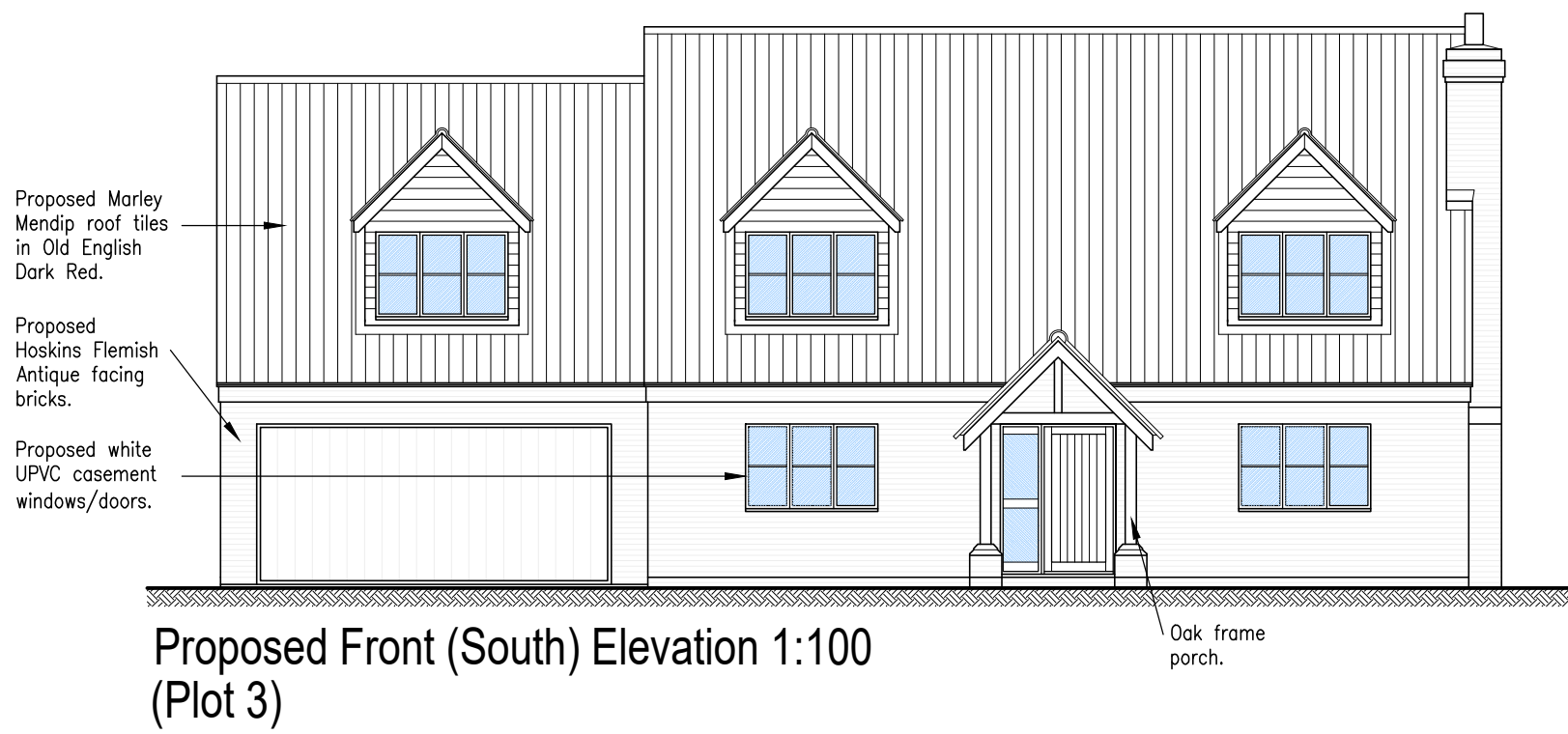
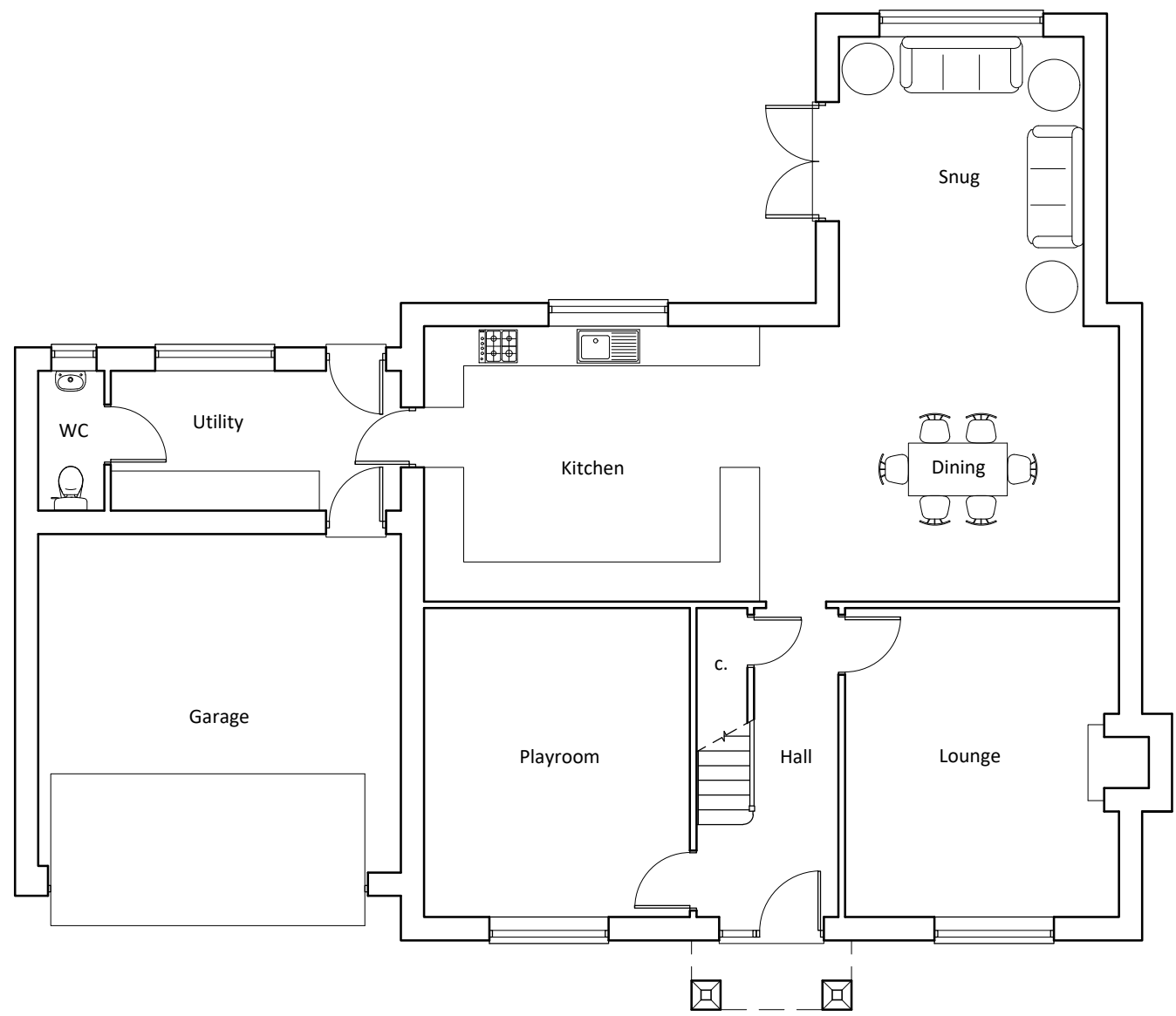
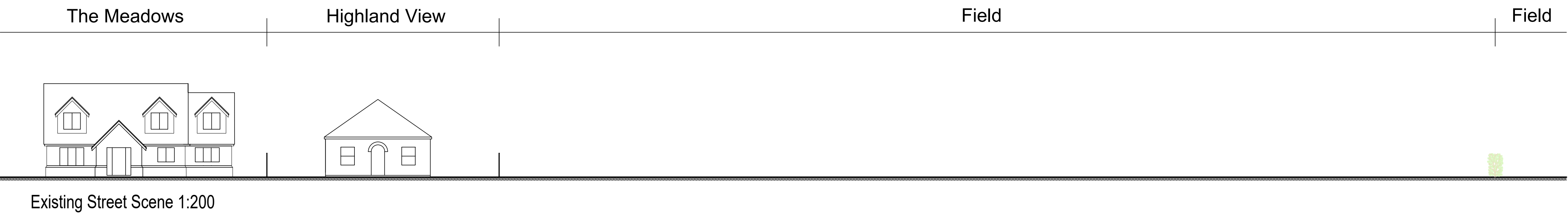
SITE  
LAND ADJ 'HIGHLAND VIEW'  
BENWICK ROAD  
DODDINGTON  
CAMBS  
PE15 0TY

DRAWING  
PLANNING DRAWING 1

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CLIENT  
MR JASON JOLLEY

PROJECT  
PROPOSED 3No. DWELLINGS/PLOTS

SITE  
LAND ADJ 'HIGHLAND VIEW'  
BENWICK ROAD  
DODDINGTON  
CAMBS  
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DRAWING  
PLANNING DRAWING 2

**PHA**

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