

Applicant: Mr T Hopkin

**Agent: Mr Sam Herring
Swann Edwards Architecture Limited**

Land East Of Allenby Farm, Broad Drove West, Tydd St Giles, Cambridgeshire

Erect up to 2 x dwellings (Outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Following the committee resolution to grant planning permission (subject to a S106 agreement and planning conditions), the Head of Planning received information (not anonymously) that contradicted statements made by the agent and applicant at the meeting. Clarification from the applicant has been sought and in the light of the response the Head of Planning considers that reconsideration of the application is appropriate.

1 EXECUTIVE SUMMARY

- 1.1 The site lies on the north side of Broad Drove West approximately 4km to the west of Tydd St Giles and comprises 0.4 hectares of unused amenity grassland apart from the existence of two concrete pads measuring 11.0m x 4.0m for the purposes of siting 2 no. holiday log cabins previously approved in 2007 under ref; F/YR07/0369/F. The approved holiday cabins have never been placed on the site, but the laying of the concrete pads would be classed as a 'commencement' of the 2007 permission under planning law.
- 1.2 The daughter of the applicant has confirmed that the proposed dwellings are not proposed to be 'agricultural workers' dwellings. In the light of the committee resolution to grant planning permission subject to the imposition of a 'agricultural workers tie' condition, it would be inappropriate for planning permission to be granted.
- 1.3 The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from local services and facilities as in essence a resubmission application to refused application F/YR21/1412/O, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
- 1.4 The proposal, involving the erection of two permanent dwellings without adequate justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.

- 1.5 The application site is located within an area categorised as Flood Zone 3 – High Risk of Flooding. Where development is necessary in areas at risk of flooding, paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land, which is categorised as Flood Zone 1, the proposal would involve the construction of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the NPPF (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

1.0 Introduction

- 1.1 This report represents an update to the original committee report which is reproduce in Appendix 1. At the meeting of the Fenland District Council Planning Committee on 24 August 2022, the committee resolved to grant planning permission subject to:
- A Section 106 agreement to secure the dwellings as self-build properties.
 - Conditions that would include an ‘agricultural workers occupancy tie’ condition to the dwellings.
- 1.2 A copy of the minutes of the meeting are attached in Appendix 2.
- 1.3 Following the meeting, representations were received that brought doubt on statements made by the agent and applicant at the meeting. These are summarised in Section 2 below.
- 1.4 The basis of considering whether or not the application needs to be reconsidered by committee is established in case law:

R. (on the application of Kides) v South Cambridgeshire DC [2003] 1 P. & C.R. 19 at paragraph 124-6.

“124 At one extreme, it cannot be a sensible interpretation of s.70(2) to conclude that an authority is in breach of duty in failing to have regard to a material consideration the existence of which it (or its officers) did not discover or anticipate, and could not reasonably have discovered or anticipated, prior to the issue of the decision notice. So there has to be some practical flexibility in excluding from the duty material considerations to which the authority did not and could not have regard prior to the issue of the decision notice. On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, s.70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a “material consideration” for the purposes

of s.70(2) , it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision”.

2.0 Post Committee Representations Received

2.1 The following was received:

Tony and Julie Hopkin purchased Allenby Farm from John Lock about 12 years ago. He also owns or occupies Flaggrass Hill Farm in March and a couple of small construction businesses. Flaggrass Hill Farm may be a County Council holding. Allenby Farm comprises approximately 150 acres and was previously farmed actively by Mr Lock. Since he purchased the farm, Mr Hopkin has undertaken very little farming, relying on local farmers to maintain and cultivate the land for him. More recently, the whole site has been leased to Pretoria Energy to grow crops for anaerobic digestion.

Mr Hopkin has two daughters, one of whom we know to be 27 years old. She was included on the electoral register for Tydd St Giles as a resident of Allenby Farm until 2019 but was then removed. The other daughter has not been on the electoral register since at least 2017, if ever. The register currently shows only Tony and Julie Hopkin.

There is no farm machinery at Allenby Farm and XXXXXXXX report that Mr Hopkin is not involved in farming the land.

2.2 The applicant provided a response to the above and this is summarised in Section 3 below.

3.0 Applicant / Agent Response - 1

3.1 The following was received from the Applicant / Agent:

Thank you for your email. I understand that some information has been brought to your attention which requires clarification in respect of whether it constitutes a material consideration which requires further consideration prior to the planning decision being issued. Having consulted the applicant and his solicitor in respect of the submitted information, I am able to provide you with the following response without prejudice to our right to argue that a final decision has already been made:

- Tony and Julie Hopkin purchased Allenby Farm 9 years ago, not 12 years ago as asserted in the email.*
- Mr Hopkin does not own or occupy Flaggrass Hill Farm in March. He does own other small businesses, but these are irrelevant to the planning application in question.*
- The portfolio of land farmed by Mr Hopkin equates to approximately 540 acres.*

- The previous owner of Allenby Farm, Mr Lock, did not farm the land.
- Mr Hopkin is an active farmer as is proven by the Claim Statements from the Rural Payments Agency attached to this email, which are dated back to 2018.
- Mr Hopkin/Hopkin Farms have never had an agreement or lease with Pretoria Energy, this is a false statement.
- As it stands today, one of Mr Hopkins daughters, her husband and daughter are living at Allenby Farm. The other daughter has moved out as there is not enough space at the property. She does, however, travel to the farm on a daily basis to work.
- There is a large enclosed agricultural barn at Allenby Farm which is used to store the machinery hence it not being readily visible.

Currently the land at Allenby Farm is laid to sugar beet which requires minimal farm machinery. As was detailed in the Planning Committee meeting, the business plan for the farm includes developing a beef herd and taking on more land – a deal of which is currently underway. This aspect of the farm is being managed by Mr Hopkins daughters and their location, next to Allenby Farm, will enable this progression to happen.

The case put before the Planning Committee on 24th August 2022 was a genuine representation of the situation as is demonstrated by the above. It would seem that the information provided to you is largely not factually correct and therefore has little bearing on the decision which has been made. In any event the largely false issues raised are not a material consideration as they are secondary to the principal reason for approving the application, namely that the proposal would be safer than the extant planning permission on site.

3.2 In response to the above, the Head of Planning sought the following information:

- a) The address of where Mr Hopkins is residing (I need to understand the need for x2 new dwellings when x1 daughter lives in the existing farmhouse and Mr Hopkins is living elsewhere and able to manage the farm)
- b) The exact company name as per companies house registration
- c) Confirmation that 2. Relates to the full 540 acres to which you refer
- d) Evidence of and period of employment of the two daughters by the farm business as per 2. and whether this is on a full or part time basis
- e) Confirmation that no part of the farm is out/ leased/ farmed by a third party under a contract or other arrangement and the details of any such arrangements
- f) Confirmation that the last two rural payments basic payment scheme (BPS) applications relate to the whole farm as per 2. and if not the % of the farm that they relate to.
- g) Details of any BPS entitlement transfers in the last 2 years

3.3 The reply received from the applicant / agent is given in Section 4 below.

4.0 Applicant / Agent Response – 2

4.1 The following response was received to the questions posed by the Head of Planning:

- a) This assumption is incorrect. Residing at Allenby Farm are Tony Hopkin, Julie Hopkin, Nicola Thorpe, Sam Thorpe, plus their child.

- b) The Farm business is currently a sole trader partnership between Tony & Julie Hopkin and is therefore not listed on Companies House.
- c) Yes confirmed
- d) Attached P11's as requested, with personal sensitive information redacted. Both Daughters work full time for the family businesses, as the farm business is a partnership it doesn't operate a separate payroll. Charges for labour are managed by intercompany trading.
- e) Yes confirmed, although there is the use of services of outside contractors for certain tasks, i.e., sugar beet lifting.
- f) Yes confirmed, approximately 90% of the land is claimable, as some of the land is classed as paddock, woodland, yard & storage etc, which is not claimable.
- g) Tony Hopkin had some surplus entitlements which were unclaimed, these were sold via an agent in 2021. There were no additional transfers of entitlements.

4.2 The Head of Planning was satisfied with all the responses provided, however, the P11 information indicated that the employer of the daughters (the proposed occupants of the dwellings) were employed not by the Farm but instead by TDH Utilities Ltd of The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BXz (established 2020) . The company has the following stated nature of business on companies house:

- 42220 - Construction of utility projects for electricity and telecommunications
- 43290 - Other construction installation

with Julie Hopkin identified as being the only Director and person with significant control.

4.3 Consequently the Head of Planning asked the applicant / agent the following:

I see that the daughters are employees of TDH Utilities Ltd, a firm engaged in.

- 42220 - Construction of utility projects for electricity and telecommunications
- 43290 - Other construction installation

and the firm is registered at The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BX

I therefore have no evidence before me that demonstrates that the two daughters are undertaking work in relation to the farm.

I'm unsure where The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BX fits into the picture in terms of any persons associated with TDH Utilities Ltd , the sole trader partnership between Tony & Julie Hopkin or any other company you have not mentioned, that are occupying the property in some way.

4.4 The response received is set out in Section 5 below.

5.0 Applicant / Agent Response – 3

- 5.1 One of the daughters of the applicant provided information and this has been reproduced in Appendix 3. However, in addition the following have been stated (with officer emphasis included):

We cannot expand anymore without the confirmation that we will be able to live on-site permanently. This leaves me in a position where I am going to be unable to get XXXX into a stable routine with XXXXXXXX in case we are forced to move and also casts doubt over our job roles if the expansion isn't able to happen.

We feel the whole thing is losing sight of the fact this was never an agricultural application, as was clarified twice by yourself in the minutes of the planning committee meeting on the 24th of August.

In addition, 12 months' worth of invoices from the Farm to TDH Utilities Ltd were provided showing variable hours worked per person ranging from 67 hours to 208 hours per month). This was for unspecified work undertaken by the two daughters.

6.0 Comments Received

Parish Council

Resolved not to support the applications. No material changes have been submitted for the re-consultation. Members' views have been consistent throughout. They consider the application to be an unwarranted incursion into open countryside, contrary to policies LP3 and LP12. The applicant has not provided any evidence of need to mitigate the introduction of substantial executive-style housing in a remote location in a small village. The development would be detrimental to the open character of the location and would set a precedent for further unsustainable development.

Residents

Seven further letters received making the following comments:

- a) Provides opportunities for business developments to help the local community and contributes to supporting the sustainability of the existing facilities Does not harm the wide open character of the countryside.
- b) I regularly see farm machinery at Allenby farm as I pass with Mr Hopkin operating them.
- c) The proposal will help develop an existing business.
- d) Tony and Julie Hopkin purchased Allenby Farm in 2013. The land has continuously been farmed since we moved here in 2014. Last year it was maize and this year it was sugar beet (recently harvested). Tony maintains the land and keeps the boundaries neat and tidy. There is some farm machinery and farm equipment at Allenby Farm which I see in weekly if not daily use.

7.0 Discussion

- 7.1 As a result of looking more closely into the application, it is evident that the agent and applicant were not as clear as they perhaps might have been when they spoke at the committee in that:
- The application was submitted as open market housing and not self-build but at the meeting presented the application as a self-build project.
 - That the two daughters both lived at the farm whereas this is not the case.

- It was implied that the daughters were employed by the farm which is not the case as they work for another company which is a utility company.

7.2 The application site is located in an elsewhere location and so planning permission for residential development is limited by national and local plan policy to a limited number of circumstances, namely:

(a) 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 – the proposal is not an example of this type of development

(b) the development would re-use redundant or disused buildings and enhance its immediate setting – the proposal is not an example of this type of development

(c) the development would involve the subdivision of an existing residential building or the replacement of an existing dwelling – the proposal is not an example of this type of development

(d) 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 – the proposal has not been submitted on this basis and so is not an example of this type of development

(e) 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 – the applicant has specifically stated that the proposal is not for an agricultural workers dwellings.

7.3 Confusingly, the applicant having stated clearly that the proposal is not for agricultural workers dwellings (which is reinforced by the fact that the planning application was not submitted with any of the usual information that would be provided if it were agricultural dwellings being applied for AND the fact that the application description did not refer to agricultural dwellings) but has then gone on to provide information to say that the dwellings are needed to support the business and its expansion.

7.4 The committee, should not consider the application as an agricultural workers dwelling application as:

- This is not what has been applied for.
- The applicant's daughter has confirmed it is not such an application.

7.5 If the committee were to (erroneously) consider the application as agricultural workers dwellings it should be noted that whilst some information has been provided to indicate the role / activity in the business, this falls well below the standard and scope of information necessary to support an agricultural workers dwelling application in terms of demonstrating the essential need for two dwellings as set out in LP12 of the Adopted Local Plan (set out below). Committee should also note the presentation given to them by the Agent / Applicant suggested that the need for the dwellings arose to a considerable degree on the basis of an expansion of the business. In such cases it would only be appropriate to consider an application for a temporary dwelling in the

first instance and it would be inappropriate to grant permission for two permanent dwellings.

Part D: The overarching policy for considering proposals for new dwellings in areas away from the market towns and villages is set out in Policy LP3. To determine such proposals, an applicant should provide supporting evidence as part of the application and explain:

- (a) The existing functional need for the dwelling
- (b) The number of part time and full time worker(s) to live in the dwelling
- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling relates to the viability of the enterprise

Proposals for temporary accommodation will be assessed against the relevant criteria above, with consideration also given to a firm intention to develop the enterprise and that this has been planned on a sound financial basis.

Where a restrictive occupancy condition is imposed on any approved dwelling in such locations, comprehensive evidence for its removal or modification will be required to justify the change.

- 7.6 The Council has both a 5 year land supply and has passed the housing delivery test and so there is no 'tilted' balance in play that would form part of the consideration of whether it is appropriate to grant planning permission for a development that is contrary to national and plan policy.

8.0 Conclusion

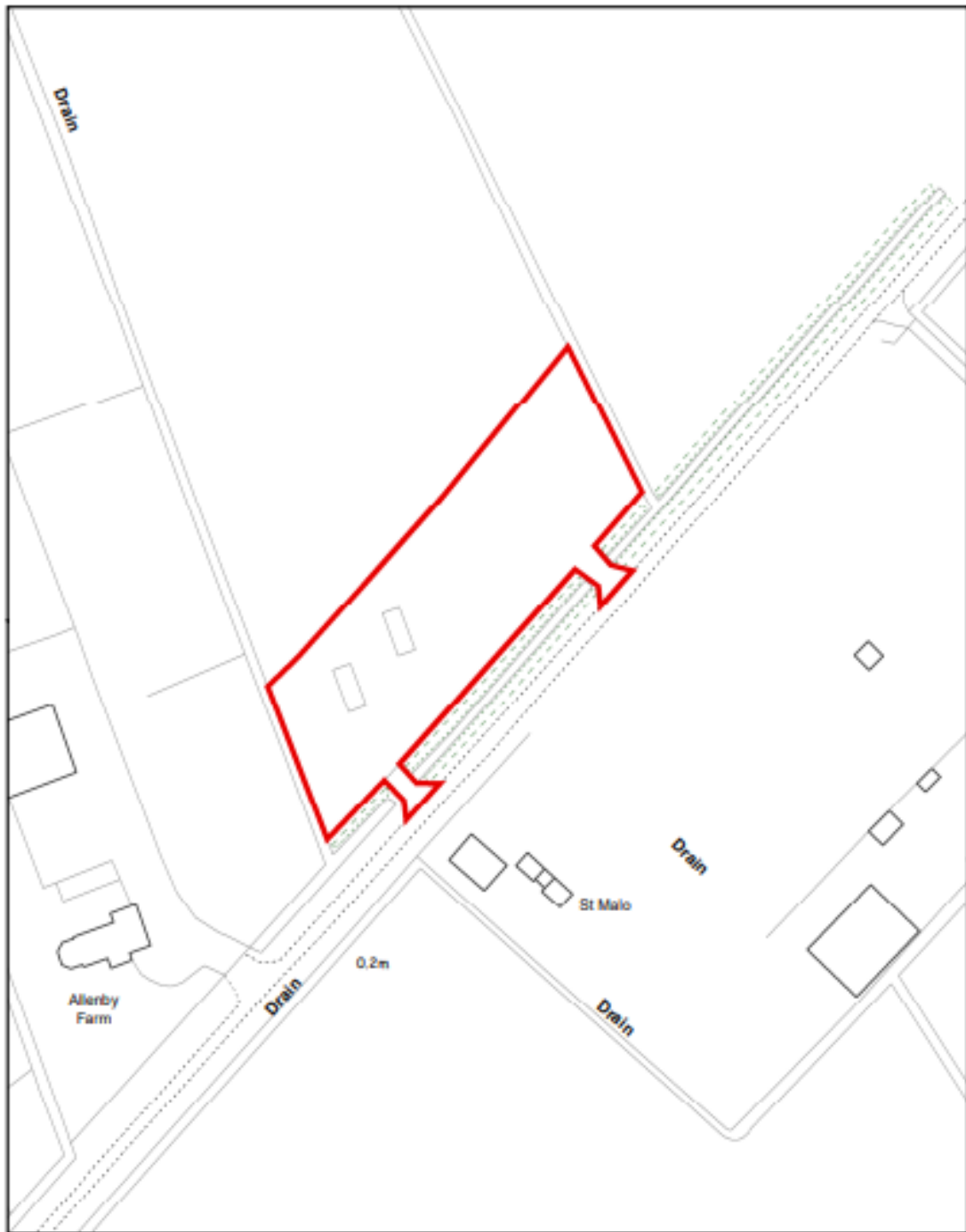
- 8.1 The proposal has been submitted as an outline planning application for two open market dwellings and not as agricultural workers dwellings. This has been confirmed by the applicant's daughter. On this basis alone the resolution of the Committee is no longer appropriate.
- 8.2 It has been shown that the proposal (for two open market dwellings in an elsewhere location) is contrary to both national and local plan policy and there is no cogent reason / case that has been put forward by the applicant that can be said to outweigh that policy.

9.0 Recommendation

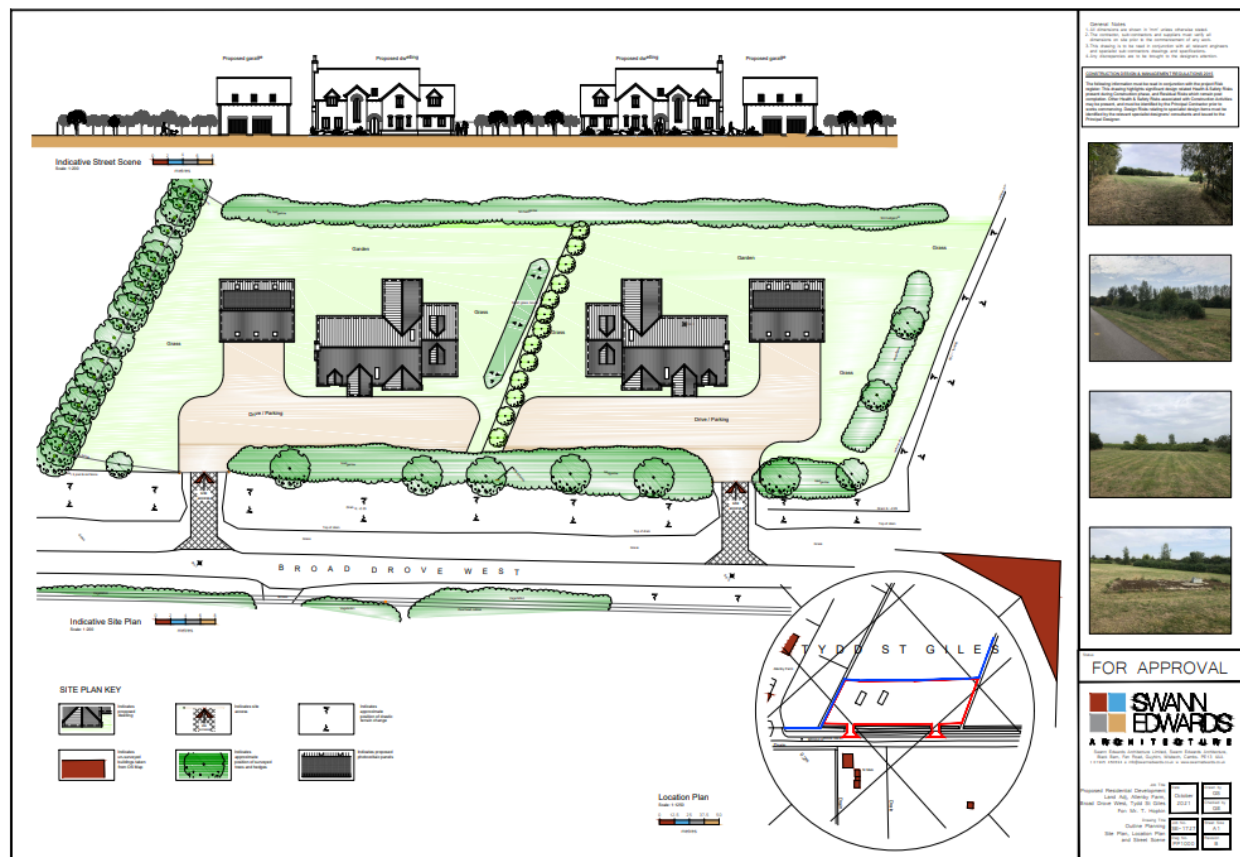
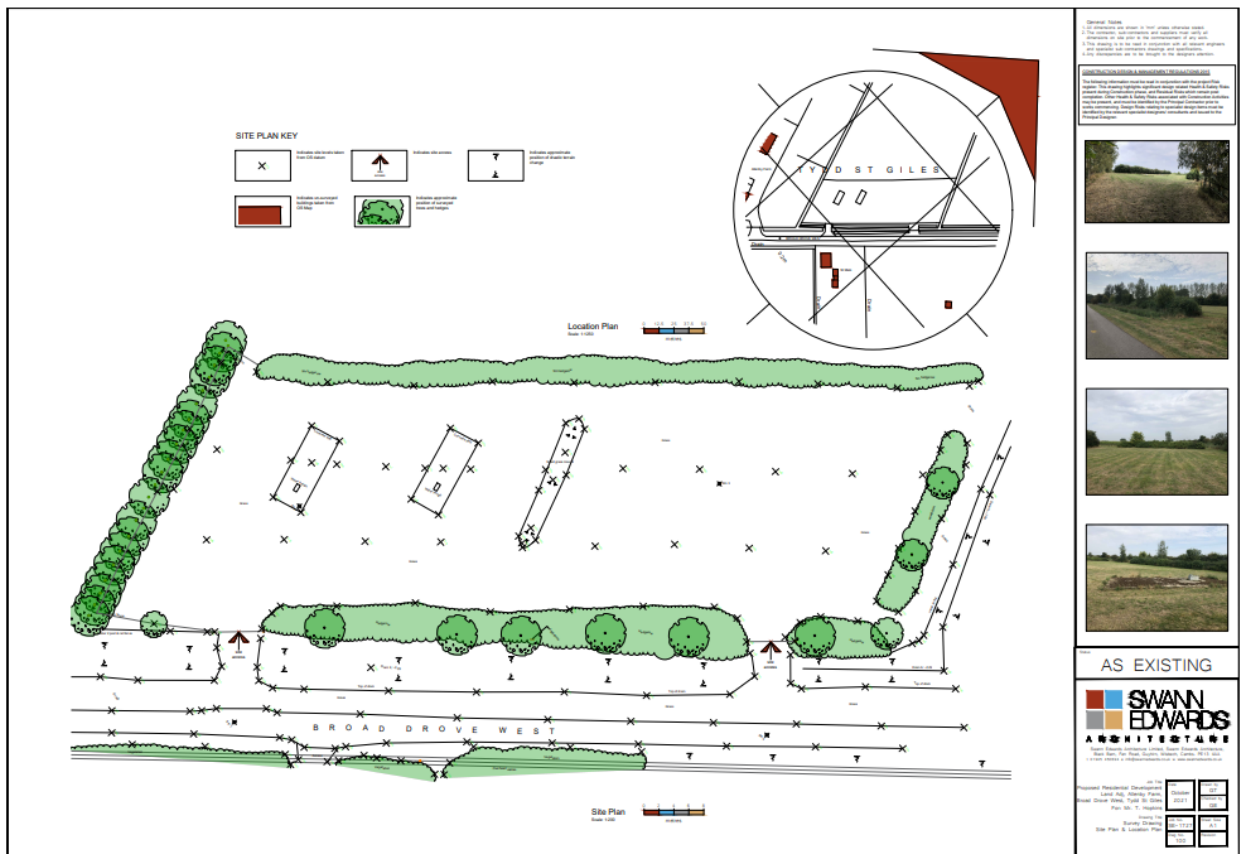
REFUSE; for the following reasons:

1	The development plan seeks to direct new housing development to
---	---

	<p>existing settlements where the provision of local services and facilities are located.</p> <p>The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from such services and facilities, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan.</p> <p>No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
2	<p>The proposal, involving the erection of two permanent dwellings without adequate policy justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area.</p> <p>Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
3	<p>The site is located within an area categorised as Flood Zone 3 - Highest risk of flooding. Where development is necessary in areas at risk of flooding, Paragraph 162 of the National Planning Policy Framework (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites reasonably available throughout the district on land which is categorised as Flood Zone 1, the proposal would involve the erection of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails.</p> <p>The application is accordingly considered to be contrary to Paragraph 162 of the National Planning Policy Framework (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.</p>



<p>Created on: 23/06/2022</p> <hr/> <p>© Crown Copyright and database right 2022 Ordnance Survey 100037798</p>	<p>F/YR22/0746/O</p> <p>Scale = 1:1,250</p>	<p>N</p>   <p>Fenland DISTRICT COUNCIL</p>
--	--	--



APPENDIX 1 – ORIGINAL PLANNING COMMITTEE REPORT (AUGUST 2022)

F/YR22/0746/O

Applicant: Mr T Hopkin

**Agent : Mr Sam Herring
Swann Edwards Architecture Limited**

Land East Of Allenby Farm, Broad Drove West, Tydd St Giles, Cambridgeshire

Erect up to 2 x dwellings (Outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

2 EXECUTIVE SUMMARY

8.1 The site lies on the north side of Broad Drove West approximately 4km to the west of Tydd St Giles and comprises 0.4 hectares of unused amenity grassland apart from the existence of two concrete pads measuring 11.0m x 4.0m for the purposes of siting 2 no. holiday log cabins previously approved in 2007 under ref; F/YR07/0369/F. The approved holiday cabins have never been placed on the site, but the laying of the concrete pads would be classed as a 'commencement' of the 2007 permission under planning law.

8.2 The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from local services and facilities as in essence a resubmission application to refused application F/YR21/1412/O, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.

8.3 The proposal, involving the erection of two permanent dwellings without adequate justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.

8.4 The application site is located within an area categorised as Flood Zone 3 – High Risk of Flooding. Where development is necessary in areas at risk of flooding,

paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land, which is categorised as Flood Zone 1, the proposal would involve the construction of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the NPPF (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

3 SITE DESCRIPTION

- 2.1 The application site lies on the north side of Broad Drove West and comprises 0.4 hectares of unused amenity grassland apart from two concrete pads measuring 11m x 4.0m for the purposes of siting 2 no. holiday cabins previously approved in 2007 under ref; F/YR07/0369/F. The submitting agent has confirmed that the approved holiday cabins have never been placed on the site, but that the laying of the concrete pads would be classed as a 'commencement' of the 2007 approved development under planning law.
- 2.2 The site is located approximately 4km to the west of the settlement of Tydd St Giles and the area is dominated by agricultural land use. Residential development in the area is extremely sporadic and dwellings generally consist of farmhouses and more modest constructed older type dwellings.
- 2.3 Within the wider area more generally, the local road network serving the site is single track which runs alongside grass verges and drainage ditches. The nearest residential properties are Allenby Farm (applicant's property) situated to the immediate south-west of the site, and St Malo situated opposite (south) of the site containing a detached bungalow (permitted as a replacement).
- 2.4 The existing site has two grassed frontage entrance points, one on its south-west side and the other on its north-east side. A ditch runs parallel with the road frontage in front of the site's vegetated frontage boundary which is culverted underneath both entrance points.
- 2.5 Of note is that significant mixed planting has taken place to the front and side of the site which has become established over recent years with a row of tall birch trees lining the western flank boundary extending further north-westwards and a hawthorn hedge planted along the rear boundary between the site and arable land situated to the rear.
- 2.6 Apart from the aforementioned concrete slabs laid on the site, no other development has taken place or pre-exists at the site.

4 PROPOSAL

- 3.1 The current application seeks outline permission with all matters reserved for future consideration for the erection of up to 2 no. dwellings on the site and is in all material respects a resubmission application of refused application F/YR21/1412/O (see planning history below).

- 3.2 An illustrative plan is provided with the application which shows two large, detached houses with associated double garages with a ground floor area to each dwelling of 340sqm as a 'handed' development between Plots 1 and 2 which would be served by the existing/upgraded access points with one access point serving each dwelling. The indicative houses show accommodation is proposed over at least two floors so that the ground floor area can be effectively doubled to indicate each plot's approximate gross floor area (GFA).
- 3.3 The only discernible difference between the illustrative plan shown for the current application and that as shown for determined application F/YR21/1412/O is the inclusion of an array of solar PV panels for the rear roof plane of each garage block for each dwelling (PP 1000 REV B).
- 3.4 The application is accompanied by a Design and Access Statement and a Flood Risk Assessment. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

5 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR21/1412/O	Erect up to 2 x dwellings (outline application with all matters reserved)	Refused	21.12.2021
F/YR07/0369/F	Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins Land East Of Allenby Farm Broad Drove West Tydd St Giles	Granted	15.05.2007
F/YR06/1133/F	Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins Land East Of Allenby Farm Broad Drove West Tydd St Giles	Refused	01.02.2007

6 CONSULTATIONS

5.1 Environment Agency

We have no objection to the proposed development, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by ECL0640/SWANN EDWARDS ARCHITECTURE dated November 2021.

5.2 North Level Drainage Board

North Level District IDB has no comment to make with regard to this application.

5.3 CCC Highways

Highways have no objections to this outline application in principle.

Any future reserved matters application will need to provide access details and car parking and turning arrangements that meet FDC parking standards.

5.4 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 affect or be affected by the noise or air climate. Given the absence of information to show previous development, the application site is unlikely to have been affected by contamination.

5.5 Tydd St Giles Parish Council

Members of the Parish Council considered this application at their recent meeting. They noted that a similar application was submitted last year under reference F/YR21/1412/O, which was not supported by the Parish Council and subsequently refused. The current application is, in all material respects, a resubmission of the previous application. The objections put forward by the Parish Council last year remain valid for this application, namely that they consider the application to be an unwarranted incursion into open countryside contrary to Policies LP3 and LP12. The applicant has not provided any evidence of need to mitigate the introduction of substantial executive-style housing in a remote location in a small village. The development would be detrimental to the open character of the location and would set a precedent for further unsustainable development. Members resolved not to support the application.

5.6 Local Residents/Interested Parties

Thirteen representations received in support of the application (three from residents of Broad Drove West, two from High Broadgate and one each from Hockland Road, Church Lane and Kirkgate (all Tydd St Giles), two each from Churchill Road, Gorefield and Ibstock Close, Tydd St Mary and one from High Road, Newton-in-the Isle). These may be summarised as follows:

- The development would make good use of otherwise unused land
- Intended occupiers of the new development live locally
- The development would help enhance the appearance of the area
- The development would be concealed by natural hedgerows and new planting which in turn would encourage new wildlife
- The setting back of the dwellings would be consistent with the dwellings in the rest of the lane
- Impact on existing foul drainage would be minimal as there are no sewers in the area
- Better to have permanent homes on the site than holiday homes as holiday homes would generate greater traffic, more noise and different people to the area
- The development would help maintain the local community
- The development would add to the expansion of the village and subsequent introduction of better amenities in the course of time
- The development will bring more support to local business

7 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).

8 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) (revised July 2021)

Para 2 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 7 – The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para 60 – To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 78 – In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Para 79 – To promote sustainable development in rural areas, 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...

Para 110 – In assessing...specific applications for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location...

Para 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

National Planning Practice Guidance (NPPG)

Process for determining a planning application.

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

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

9 KEY ISSUES

- **Principle of development**
- **Planning history**
- **New permanent dwellings in the countryside**
- **Sustainability credentials**
- **Landscape impact**
- **Flood risk**
- **Other Matters**

10 BACKGROUND

- 9.1 This application seeks outline permission with all matters reserved for the erection of up to 2 no. dwellings with associated garages.
- 9.2 As referenced above, planning permission was granted in 2007 for the change of use of agricultural land at this location and the erection of 2 x 2-bed holiday cabins. The approved development was commenced by the laying of two concrete pads on the land, but the holiday cabins have never been placed on them.
- 9.3 It is doubtful that such a proposal would now be considered acceptable in planning policy terms given the relative isolated nature of the site (although noting the definition of isolation in the judgement in Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited EWHC 2743 (Admin)), as the site lies within Flood Zone 3 and that the sequential/exception test needs to be applied, and the impact that such a proposal would have on local landscape character and appearance.
- 9.4 Notwithstanding this, and given no obvious attempt has been made by the applicant over the past 15 years or so to further implement the extant permission despite the case being advanced at the time that there was a '*niche in the market*' for such accommodation, the applicant is still at liberty to fully implement that permission today to provide 2 no. modest sized holiday homes.
- 9.5 It is of note that the 2007 permission significantly pre-dated the adoption of the 2014 (and still current) Fenland Local Plan, the National Design Guide (2018) and the latest version of the National Planning Policy Framework (and indeed the first iteration of it published in 2012).

11 ASSESSMENT

Principle of Development

- 10.1 The application proposes the erection of up to 2 no. dwellings on the site and is in essence a resubmission application without change to refused application F/YR21/1412/O for the same said development save for the inclusion of an array of solar PV panels for the rear roof plane of each garage block for each dwelling as previously referenced.
- 10.2 Tydd St Giles is a village settlement lying approximately 4km to the east of the site. Under the Fenland Local Plan (adopted 2014). Policy LP3 identifies the settlement as a 'Small Village' in which development will be considered on its merits, but will be of a very limited nature and scale and comprise infill plots in an otherwise continuously built-up frontage. Being located outside and significantly beyond the built-up area of the village, the proposed development falls to be determined against countryside protection policies and sustainability principles.
- 10.3 The site is additionally located within an area defined by the Environment Agency as Flood Zone 3, representing the highest flood risk, and the Sequential Test should therefore be applied (Policy LP14 of the adopted Local Plan).
- 10.4 Policy LP12 of the Local Plan relates to development within rural areas and requires development to not adversely affect the character and appearance of the surrounding countryside, including farmland. Part D of Policy LP12 sets out the applicable criteria under which new dwellings proposed within 'Elsewhere' locations would be acceptable, such as dwellings required for essential agricultural need, where supporting evidence is required to justify the proposal.
- 10.5 Policy LP16 of the Local Plan states that the proposed development 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 streetscene, the settlement pattern or on the landscape character of the surrounding area (LP16(d)).
- 10.6 The principle of development of this rural site has previously been established for the purposes of recreation and tourism as approved in 2007 and is now required to be subject to national and local policy scrutiny for proposed housing as an alternative form of development as now being applied for, which is now considered below.

Planning History

- 10.7 The planning history relating to the development of this site, namely determined applications F/YR06/1133/F and F/YR07/0369/F relating to the provision of holiday cabins and most recently F/YR21/1412/O relating to the erection of up to 2 no. permanent dwellings represents a material consideration in the determination of the current application.
- 10.8 The change of use of agricultural land and erection of 2 x 2-bed holiday cabins under F/YR06/1133/F was refused by the LPA on the basis of unjustified new residential development within the countryside which would be detrimental to the rural character of the area and due to insufficient landscaping details associated with the proposed development.

10.9 The application was re-submitted under ref; F/YR07/0369/F which sought to address the previous reasons for refusal by the submission of a business plan and landscaping details. The application was approved based upon the application directly addressing an identified need for low-key holiday accommodation within the area and promising local employment for servicing the holiday cabins. A condition was imposed on the grant of that planning permission requiring that the holiday cabins were to be used for holiday accommodation only and not as permanent residential accommodation by the occupants (and thus preserving the recreation/tourism intentions of the application as submitted). As mentioned previously in this report, the preparatory element of this approved development has been implemented by the laying of two concrete pads for the cabins to be sited on, which can still be seen on the site today.

10.10 Application F/YR21/1412/O for the erection of 2 x dwellings with all matters reserved at the site was refused by the Council on the grounds that the proposal would fail to represent a sustainable form of development, would be detrimental to the character and appearance of the countryside and would represent a flood risk.

New permanent dwellings in the countryside

10.11 The NPPF and the development plan for the area require the countryside to be protected for its own intrinsic value and to prevent new residential development in the rural areas unless it is based on essential need such as in connection with a rural enterprise and proven compliance with a financial and functional test as set out under Part D of Policy LP12 of the Fenland Local Plan.

10.12 No such case has been advanced for the current proposal for new permanent residential development in the form of market dwellings at this countryside location and therefore the application falls to be determined against existing prevailing countryside protection policies as was previously applied for refused application F/YR21/1412/O.

Sustainability credentials

10.13 The key theme running through the NPPF and endorsed in the adopted Fenland Local Plan is that of promoting and achieving sustainable development. The NPPF states in this regard at paragraph 7 that *“The purpose of the planning system is to contribute to the achievement of sustainable development”*.

10.14 To this end, new residential development is directed to more sustainable locations such as the built-up areas of towns and filtering down through a hierarchy of settlements (Policy LP3) to the smaller villages. In the built-up areas where housing demand is at its greatest, provision can be made for services and facilities to meet the needs of the local community. Similarly, development in such areas can bolster the local economy and encourage investment in such facilities, thereby attracting more housing development in such locations.

10.15 The application is remote from nearby settlements in relative terms being isolated physically within a rural location lacking in any public transport to local service centres and being too remote for walking or cycling to access such services or amenities whereby future occupants of the proposed development would be entirely dependent on the private motor vehicle for transport.

- 10.16 Similarly, the protection and enhancement of the countryside as a natural resource is an important element of sustainable development, including the prevention of new unjustified dwellings within the countryside which are remote from local services, and which undermine the character and appearance of the area.

Landscape impact

- 10.17 The application site is located within an area of open countryside. Some planting has already taken place to the boundaries of the site as previously noted in the officer report for refused application F/YR21/1412/O, including along the site's rear boundary, presumably as required under the 2007 permission which was conditioned accordingly. However, the site is still visible in the local lane context and is conspicuous by reason of this planting compared to the open character of the adjoining agricultural fen.
- 10.18 Whilst new planting was required in connection with this now historic permission, it is considered given its low height that it would not adequately screen or soften the proposed development's impact on the character and appearance of the countryside, particularly given the indicated two storey scale and massing of the proposed dwellings where no indication is given in this resubmission application that the development would be at a lesser scale. This landscaping may have assisted in softening the impact of the two single storey, timber clad holiday cabins considered acceptable for this site under the 2007 permission. However, the planting undertaken, and indeed the planting indicated for the current application would not provide adequate screening for the new two storey dwellings shown for the site and would not address the principle of unsuitable new housing at this location given the permanent nature of the proposed development.

Flood Risk

- 10.19 A flood risk assessment (FRA) accompanies the current application given the site is located within Flood Zone 3 (highest risk of flooding) where an FRA was similarly submitted for refused application F/YR22/1412/O. It is stated in the submitted document that the principle of residential development is already established on the site given the extant 2007 permission for the two holiday cabins whereby this permission serves as mitigating circumstances in relation to the required sequential test where it is posited that; *'The proposal will substitute the extant consent with the same amount of residential units; therefore the site can be considered as sequentially preferable'*. The report goes on to state that in any event there are no alternative sites available which could accommodate this particular development, further that the site is not at risk of either fluvial or tidal flooding and that resilience measures would be put in place to protect future occupants of the development in such an unlikely flood event, concluding that the Sequential Test and also the Exception Test are met.
- 10.20 It is noted that the officer report for refused application F/YR21/1412/O remarked that there are other residential build plots at lower risk of flooding available within the wider area, effectively within the settlements, although the report also acknowledged that the 2007 permission for the single storey pre-fabricated log cabins at the site was a material consideration in the assessment of flood risk before officers. That said, the decision notice for application F/YR21/1412/O carried a third reason for refusal, namely that there were in the Council's opinion extant planning permissions and sites reasonably available throughout the district (namely the wider search) on land which is categorised as Flood Zone 1 and that

the proposed development failed the Sequential Test. Accordingly, the proposal for the current application fails the Sequential Test also.

Other Matters

- 10.21 As was the case for refused application F/YR21/1412/O, the case is made again by the applicant for the current application that the 2007 permission for the approval of the 2 no. holiday cabins is a material consideration by representing a 'fall-back position'. Furthermore, it is stated that the way in which the description for that approved application was given, namely for 'Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins,' makes it clear that the cabins are to be erected, i.e. built, and therefore tantamount to representing permanent structures and not falling within the definition of a caravan (i.e. temporary structures).
- 10.22 However, as was also noted in the officer report for refused application F/YR21/1412/O, no further progress has been made on that approved development despite the identified 'pressing need' for local holiday/leisure accommodation as advanced by the applicant at the time and as locally endorsed. Similarly, whilst the Council does not contest the claim that a lawful start has been made on the 2007 permission, it is the applicant's prerogative if they wish to continue with the implementation of that previous approval. However, this position is not considered to set any precedent for the development of two residential dwellings on the site.
- 10.23 It is considered that there are no material circumstances advanced by the applicant for what is essentially the same development as previously applied for under refused application F/YR21/1412/O to warrant an approval for new permanent and unjustified residential development within the countryside of a significantly different scale, function and permanence not previously approved whereby such development would remain on the site for many years to come.

12 CONCLUSIONS

- 11.1 In light of the above assessment, it is asserted that the proposal does not represent a sustainable form of development and would undermine the rural character and appearance of the countryside at this remote rural location where no material circumstances exist for the current application to warrant a different recommendation made in respect of outline application F/YR21/1412/O for the same said development.

13 RECOMMENDATION

REFUSE; for the following reasons:

1	The development plan seeks to direct new housing development to existing settlements where the provision of local services and facilities
---	---

	<p>are located.</p> <p>The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from such services and facilities, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan.</p> <p>No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
2	<p>The proposal, involving the erection of two permanent dwellings without adequate policy justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area.</p> <p>Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
3	<p>The site is located within an area categorised as Flood Zone 3 - Highest risk of flooding. Where development is necessary in areas at risk of flooding, Paragraph 162 of the National Planning Policy Framework (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites reasonably available throughout the District on land which is categorised as Flood Zone 1, the proposal would involve the erection of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails.</p> <p>The application is accordingly considered to be contrary to Paragraph 162 of the National Planning Policy Framework (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.</p>

APPENDIX 2 – MINUTES OF 24TH AUGUST 2022 PLANNING COMMITTEE FENLAND DISTRICT COUNCIL

Minutes:

Nikki Carter presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for two dwellings on a parcel of land which already benefits from planning permission for two holiday log cabins, with the application for the log cabins having been implemented and, therefore, remains extant. She expressed the view that the dwellings proposed are for the daughters of the applicant, Mr Hopkin, and they are employed in the family business at Allenby Farm, currently living at Allenby Farm and do not wish to relocate from the village.

Mrs Jackson stated that the site, which already has planning permission for a type of accommodation, is in a prime location for the future occupiers to carry out a self-build project whilst remaining in close proximity to their existing employment and family. She referred to the reasons for refusal which include there being no justification for the proposal in this countryside location, which would undermine sustainability principles, however, in her opinion, the harm in terms of sustainability if any has already been caused by permission for the holiday cabins which officers have acknowledged can be brought onto the site at any time.

Mrs Jackson expressed the view that the question is whether new housing in this location would be less sustainable than the holiday cabins and she would argue that dwelling houses are similar in character to holiday accommodation given that they both provide a type of residential accommodation, with one of the key differences being that holiday accommodation is likely to attract further vehicular movements given that holiday makers will travel to and from the site on excursions and for food and drink by private vehicle. She feels this in stark contrast to the proposed future occupiers who will be in walking distance to their place of work and would, therefore, be less reliant on their private motor vehicles.

Mrs Jackson expressed the opinion that the permission for the holiday accommodation did not contain any restrictions on the time of occupancy throughout the year and, therefore, the cabins could be occupied by holiday makers all year round in very much the same way as a standard dwelling and she would question what the harm would be in having dwellings on this site in lieu of the permitted holiday cabins. She stated that the application is submitted in outline only and, therefore, the opportunity remains to design an attractive pair of self-build properties which will be of a higher quality, both in appearance and in construction, than the permitted holiday cabins.

Mrs Jackson stated that the site already has permission for two units of accommodation, and it is submitted that the proposal would cause no more harm to the rural locality than the extant permission on site, noting that the boundary

hedging will remain on site and will soften the appearance of the dwellings when viewed from the wider locality. She expressed the view that the proposal would be an improvement on the extant permission as it would allow permanent structures on site and first-floor accommodation could be provided which would be a betterment in terms of flood risk providing a safer type of accommodation in the event of flooding.

Mrs Jackson stated that the comments raised in terms of the sequential test have been noted, however, as this site already benefits from planning permission and the scheme would represent an improvement for flood risk, she feels the scheme is sequentially acceptable. She made the point that there are no objections raised by technical consultees including the Environment Agency, North Level IDB and the Highway Authority.

Mrs Jackson hoped that members would be able to appreciate the merits of this proposal in that the site already benefits from planning permission for two units of continuous accommodation and, therefore, in her view, the principle of development on this site is already established, with the application seeking to vary the type of accommodation to provide self-build plots to allow for local residents to stay within the local area and in close proximity to their employment. She feels there is no harm caused in policy terms and the scheme provides a betterment in terms of flood risk.

Members asked questions of Mrs Jackson and the applicant, Mr Hopkin, as follows:

- Councillor Benney referred to the mention that proposal was for family members in the family business and asked what is the business and how will this application help it to grow? Mrs Jackson responded that the family members are living and working on site at the moment, which is a farm, but this proposal allows them to stay within the area to continue to support the business. Mr Hopkin informed members that they are predominantly farmers, they have some stock as well and the proposal will allow them to take on more land and more stock. Councillor Benney asked Mr Hopkin if he is looking to develop and enhance the business by bringing family members in and these properties will allow this to go ahead? Mr Hopkin confirmed this to be the case.
- Councillor Mrs French asked what type of stock is on the farm? Mr Hopkin responded that they have goats, chickens and there are plans for cows as well.
- Councillor Marks asked roughly how far away is the farm from the site? Mr Hopkin responded that it is approximately 50-60 metres.
- Councillor Sutton asked how many acres is farmed? Mr Hopkin responded that he has 540 acres. Councillor Sutton asked how many employees? Mr Hopkin stated himself and two daughters.
- Councillor Mrs Davis asked how many goats does Mr Hopkin have as she is wondering how many staff are required to look after goats and chickens as some people just keep them in their back gardens and she asked if commercial numbers are being talked about? Mr Hopkin responded that there are three goats at present but there are plans to develop a beef herd.

Members asked questions of officers as follows:

- Councillor Mrs Davis referred to the fact that a sequential test has again not been undertaken and asked if this applies to a holiday home as someone will not be displaced from their main residence? Nikki Carter responded that a sequential test would still apply but the previous application was determined under different policy requirements. Nick Harding added that in terms of the application submission it mentions the dwellings would be for occupation by family members but there is no mention of these being tied to the business or any information on how well the business is doing or a business plan on how the business is intended to grow and on that basis this should be disregarded as a matter to help determine the application as no information has been provided to support this.
- Councillor Mrs French referred to the mention by Mrs Jackson that there is no timescale restrictions for the holiday lets and asked what is to stop the applicant building the holiday lets and someone living in them permanently? Nick Harding responded that as they are holiday accommodation by their definition they could not be someone's main residence.
- Councillor Mrs French made the point that there is over 500 acres being farmed and she is sure that there are a variety of tasks to be undertaken with a business, such as books to be kept. Nick Harding responded that Government policy on agricultural dwellings is clear in that it has to be demonstrated there is a need for people to be present on site and you do not need to be on site to keep books for the business. He stated that the application had not been submitted on the basis of them being agricultural dwellings and no evidence as required by policy had been submitted and therefore committee should not consider the application as if it was for an agricultural dwelling.

Members made comments, asked questions and received responses as follows:

- Councillor Sutton referred to the previous proposal where the Chairman agreed with officers that the application should be refused and asked if this affects his position considering this application? Councillor Connor stated that this has not been brought to his attention as being an issue. Stephen Turnbull stated that this another application and any member is entitled to look at the new application and assess it on its merits.
- Councillor Sutton stated that if the applicant is claiming that the proposal is for an agricultural worker then the proper process should be followed which is to prove a demonstrable need, which they have not done, and they could not on 540 acres as it could not be justified for two dwellings. He made the point that there is extant permission to put the two holiday lets on the site, which in 2007 there was an urgent need for, and, in his view, officers have got the recommendation right, with it being refused with the Chairman's blessing just a short time ago. Councillor Sutton expressed the view that nothing has changed from that refusal, it is not even close to the village and does not have support from the Parish Council.
- Councillor Murphy agreed with the comments of Councillor Sutton as he feels that the wool is being pulled over members eyes for something the applicant wants that is not necessary or needed.
- Councillor Benney feels there is another side to this proposal, with there being a gentleman who is running a business and he wants to bring his family into it and,

whilst he agrees with Councillor Sutton there is a method to do this and this probably should have been undertaken, there is an application for consideration in front of members for two homes. He feels that if someone wants to bring their family into the business and enable the business to grow the committee should do what it can to support this business, with not everyone wanting to live on an estate with other people and houses, and he feels the proposal will provide two nice dwellings. Councillor Benney referred to caravans in Flood Zone 3 in Guyhirn where applications were approved because it is safer to be in a house than it is a caravan as you can put better mitigation measures in to safeguard people. He would be inclined to support the proposal as there are benefits and it is providing homes for members of a family within a business.

- Councillor Connor agreed with Councillor Benney and the Council should be encouraging people to build houses referring to an approval in Wisbech St Mary and whilst the application should probably have been submitted in a different manner members need to determine what is in front of them.
- Councillor Benney referred to the sequential test, which he has been reading up on and he feels that up until three planning committee meetings ago as a committee mitigation measures were being accepted for building in Flood Zone 3, with a lot of the overturns by the committee bringing forward a lot of homes that people are going to live in being assessed on the sequential test and as Councillor Sutton has said people can build in Wisbech in Flood Zone 3 but cannot build in other locations, such as Benwick and Turves, but Wisbech would flood more often than Benwick and Turves ever will. He expressed the view that all of the mitigations measures put in help safeguard flooding but it will also flood if all the pumps were turned off so he views the sequential test as a blot to development, which is stopping sensible, feasible and viable applications as not everything is going to be built in Flood Zones 1 and 2, with there being a lot of land that is ideal for building on and it is being turned down because of the sequential test. Councillor Benney feels that how the test is undertaken gives an unbalanced view and he does not consider when members have a good application in front of them that is a good enough reason to refuse an application and they need to get back on track by passing these applications assessed on their own merits. In his view, if members adhere to the sequential test requirements religiously good applications will be turned down providing good homes for people and in the past few years the committee has not done this, and it needs to get back to where it was with consistency. Councillor Benney expressed the opinion that if this site is going to flood that badly a house should be built on it to make it safe for the people who are going to live there.
- Councillor Sutton expressed the view that if this application was submitted in the manner it should have been, if it is for a farm worker, then the sequential test is null and void because the dwelling is needed to be where it is.
- Nick Harding confirmed that Councillor Sutton is broadly right but reminded members that the sequential test is not the same as the exceptions test and it is the exceptions test which, amongst other things, determines whether or not mitigations that are proposed on a development are sufficient to deal with the flood risk. He made the point that the sequential test must be passed before you can go on to do the exceptions test and if the sequential test is failed then you cannot go on to

consider the exceptions test. Nick Harding added that this is a nationally driven policy where it says the sequential test must be undertaken and you cannot not do it.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor that the application be refused as per officer's recommendation, which was not supported on a majority vote by members.

Proposed by Councillor Benney, seconded by Councillor Connor and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions to include that the dwellings be tied to the business and the requirement for a Section 106 Agreement due to the properties being self-build.

Members do not support officer's recommendation of refusal of planning permission as they feel that there is already permission for holiday accommodation and it would be safer for the dwellings to be permanent houses, it will enable family members to remain on site to enable the business to grow, the benefits of the proposal outweigh the negatives and as the proposal is for family members to enhance the business it is deemed that there is no need for a sequential test as the need for the dwellings exists.

APPENDIX 3 – FARM BUSINESS PLAN

The aim of developing the business is to expand into more profitable sectors of farming and secure the future for our family and future generations.

The business develop plan is as follows: -

1 Year Plan –

- Have started a small beef herd at Allenby Farm
- Add to the flock of free-range hens
- Purchase another Tractor to use on the beef farm, this is in addition to the 3 tractors that are already owned and in operation by Hopkin farms.
- Purchase another Loader in addition to the 2 already used on Hopkin farms
- Apply for planning permission for a small number of luxury Glamping pods in the woods at Allenby Farm, diversifying into the leisure industry on non-productive land.
- Identify any nearby land for potential farm expansion

2 Year Plan –

- Have started a small luxury glamping site in the woods at Allenby Farm
- Have local customers such as butchers and farm shops to sell our beef, goats milk and eggs.
- Have doubled the size of the beef herd.
- Have employed a full time herdsman and feeder man to help handle the beef herd.
- Additional goats to the existing small herd
- Identify any nearby land for potential farm expansion

5+ Year Plan –

- Have a small farm petting business for families to visit, meet the animals and learn more about farming in the local area.
- Have an on-site farm shop selling the products from the farm and other local produce
- Identify any nearby land for potential farm expansion
- Add to the partnership structure

BACKGROUND

Hopkin farms is currently an arable farm, the crops are grown on rotation with wheat, sugar beet, barley and potatoes planned for 2023. Allenby Farm also has a small woodland area that is currently home to 1 million honey producing bees as well as a host of wildlife. Hopkin farms has the potential to be developed into a business that not only supports the family but also the community by providing a local attraction to families within the 5 year plan and creating more jobs in the area. The Hopkin family have a farming history in Fenland since 1843, the farm is currently owned by Tony and Julie Hopkin.

KEY PERSONNEL

The key personnel in the business are Tony Hopkin, Julie Hopkin and their daughters

While Tonys Father and Grandfather worked on the farm, Tony was working and setting up other small businesses, as his father began to plan to retire Tony took more and more responsibility, and took control of the farms over 20 ago. He currently oversees the running of the arable farm including planning the crop rotation, general farming including harvesting, drilling and ploughing. Tony also maintains the grass verges, ditches, and general tidiness of the farm.

Julie Hopkin helps to maintain the accounts and financials for the family businesses.

currently looks after the Health and Safety of the farm, and quality standards this is a role that will develop substantially when having a beef herd. The role will include managing daily cleaning protocols, managing all personnel working on the farm and visiting the farm to upkeep health and safety standards. This role also includes managing the farms machinery, pest control and chemical storage, and all the records which are required. will be managing the cattle passports and keeping records up to date with the British Cattle movement service by using online software such as Breedr and Gatekeeper for the cropping records.

has experience in both dairy farming and beef farming as well as the arable farm. currently manages the existing animals at Allenby farm, co-ordinates orders from suppliers such as fertilizers, chemicals and food stock. also helps Tony with the arable farming. will be at the forefront of the business's development. main role will include managing the staff on the

farm to make sure the animals care welfare standards are met. Nikki will also oversee ordering from suppliers and coordinating these deliveries at the farm.

The farm is currently a partnership company between Tony and Julie Hopkin. All labour is currently invoiced from one of their other business (TDH), as the farming partnership currently doesn't operate its own separate payroll. Julie Hopkin invoices Hopkin farms from (TDH) monthly for all labour costs and other misc. costs such as may have been required. Within 2 years of the business development the farm should be able to employ 2 additional full time staff, this growth would allow the business to support its own payroll system.