F/YR22/1309/F

Applicant: Mr S Miller

Agent : Mr J Scotcher Morton & Hall Consulting Ltd

Elm Farm, Hospital Road, Doddington, Cambridgeshire

Erect 1 x dwelling (2 storey 4-bed) and detached garage involving the removal of existing residential caravan, and the retrospective siting of a container

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 Members will recall a previous application on this site, which was presented at planning committee on the 6th June 2022 and which was subsequently refused. This application is effectively a resubmission of this previous application with an amendment to the red line of the site to include the larger part-brick part profiled sheeting building and detached brick building. There are no other amendments.

1.2 The site is located to the north-eastern side of a former farmyard and agricultural buildings on the northern side of Hospital Road, approximately 1.4km from its junction with Benwick Road, Doddington, within an area dominated by arable farmland with sporadic houses, likely to be related to, or previously related to, the farmland surrounding them.

1.3 The application seeks permission for the construction of a two storey, 4-bed detached house and would replace an existing mobile home located on the farmyard.

1.4 The site is located within an Elsewhere location as identified in the Local Plan, where residential development will only be acceptable with specified justification.

1.5 The site is located within an area designated as Flood Zone 3 and is classified as a 'More Vulnerable' form of development. The FRA states that temporary permissions were previously granted for the occupation of a mobile home at the site and a previously approved prior notification. Both of these elements are stated in the FRA to result in a precedent for further development on the site. However, this is not considered to be the case and the Sequential Test has not been proven to have been met.

1.6 A further permanent dwelling in this predominantly rural location is considered unjustified in this case and would significantly detract from, and undermine, the rural character of this part of the District.

1.7 On the basis of the assessment of the proposal and given that there have been no amendments or additional justifications provided, it is considered that the proposal still fails to accord with the provisions of the NPPF and Fenland Local Plan Policies LP3, LP12, LP14 and LP16 and is recommend for refusal.

2 SITE DESCRIPTION

- 2.1 The application site comprises a rectangular parcel of land on the northern side of Hospital Road approximately 1.4km to the north-west of the junction of Hospital Road with Benwick Road, opposite the site of the Village Hall and adjacent to Doddington Community Hospital.
- 2.2 The site encompasses a former working farmyard with a larger part-brick part profiled sheeting building to the centre of the concrete yard area, and detached brick building to the front and side (south-east) and an existing 'park home'/static caravan sited to the western side of the frontage, which was previously granted permission to house agricultural workers.
- 2.3 There are at least 3 shipping containers situated to the south-eastern frontage of the site, and to the side of an existing small, detached brick outbuilding. To the rear of the frontage structures and to the eastern side of the large barn, there is part hardstanding and part storage/parking of diggers, plant and machinery.
- 2.4 Also within the Applicant's ownership is an area of grassed paddock to the northern side of Hospital Road and to the east of the former farm complex. This measures approximately 95m in width and 44m depth, back from the road. At present, the paddock spaces appear generally unused.
- 2.5 The site is located within Flood Zone 3.

3 PROPOSAL

- 3.1 The proposal is effectively a resubmission of F/YR21/1370/F which was refused at planning committee on the 6th June 2022.
- 3.2 The red line under this submission is different to that of the previous application. The red line boundary of the site now includes the area to the west of the proposed dwelling, which includes the larger part-brick part profiled sheeting building and detached brick building.
- 3.3 The application seeks full permission for the construction of a two-storey dwelling plus a detached double garage to the front.
- 3.4 The application site will include the former farmyard and will be partly sited within the western part of the paddock and partly on the grassed area adjacent to the yard. An existing formal grassed entrance to the eastern side of the main yard is proposed to be formalised, surfaced, paved and drained to form the new vehicular access to the dwelling.
- 3.5 The new 4-bed dwelling is stated to be constructed of Farmhouse Brickwork with Dark Grey timber weatherboard cladding and Dark Grey flat tiles with Cream uPVC joinery.
- 3.6 A Design and Access Statement and Flood Risk Assessment accompany the application.
- 3.7 Upon occupation, it is stated that the existing park home/caravan would be removed from the site.

Full plans and associated documents for this application can be found at:

F/YR22/1309/F | Erect 1 x dwelling (2 storey 4-bed) and detached garage involving the removal of existing residential caravan, and the retrospective siting of a container | Elm Farm Hospital Road Doddington Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

Reference	Description	Decision	
F/YR21/1370/F	Erect 1 x dwelling (2 storey 4-bed) involving the removal of existing residential caravan, and the retrospective siting of a container	Refused 06/06/2022	
F/YR18/1046/PNC04	Change of use from agricultural building to a 2 storey 3/4-bed dwelling (Class Q (a) and (b))	Prior Approval Refused 16/01/2019	
F/YR15/0393/PNCOU	Change of use from agricultural building to a single-storey 4-bed dwelling (Class Q (a) and (b))	Further Details Not Required 06/07/2015	
F/YR11/0452/F	Siting of caravan for residential use by agricultural workers (Renewal of planning permission F/YR09/0780/F)	Granted 14/10/2011	
F/YR09/0780/F	Siting of caravan for residential use by agricultural workers (Renewal of planning permission F/YR06/1260/F)	Granted 25/01/2010	
F/YR06/1260/F	Siting of caravan for residential use by agricultural workers	Granted 21/12/2006	
F/YR05/0961/F	Change of use of agricultural building to a 1-bed dwelling	Refused 11/10/2005	

5 CONSULTATIONS

5.1 Doddington Parish Council

Doddington Parish Council, at its recent meeting, voted to support the above planning application.

5.2 FDC Environmental Health

I refer to the above application for consideration and would make the following observations.

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposals as it is unlikely to have a detrimental effect on local air quality or the noise climate.

Although there is existing residential usage, given the surrounding area I would recommend that the following condition is imposed in the event that planning permission is granted;

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

5.3 Environment Agency

Thank you for your consultation dated 28 November 2022 for the above application. We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Review of Flood Risk Assessment (FRA)

We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) by Ellingham Consulting, dated November 2022. In particular, the FRA recommends that:

o The floor level of the dwelling is not less than 0.3m above ground level

o Flood resilient measures will be incorporated up to 0.3m above finished floor levels.

5.4 Local Residents/Interested Parties

13 letters of support were received from residents within Doddington (5 from Hospital Road, 3 from Newgate Street, 2 from Benwick Road, 1 from Ancaster Way and 1 from Askham Row). The reasons for support are as follows:

- Family home in a great location
- Hospital Road has good access and new passing place no issues with traffic
- Property on site is needed for security of the business
- Applicant helps to run toddler group in the village
- Opportunity to improve the site aspect
- Provide ongoing and future expansion of local employment
- Provide specialist expertise in the engineering field for local businesses
- Ensure contribution of a vibrant countryside
- Applicant already lives on site
- Improve property and make it more in keeping with existing properties
- No impact on environment, road or amenities
- No flood risk
- Does not over look anyone
- Does not set a precedent
- Greater security
- Four large dwellings approved on a field at the top of the same road this year

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

National Planning Policy Framework (NPPF)

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 78 – Housing should be located where it will enhance or maintain the vitality of rural communities

Para 119 – Promote effective use of land

Para 159 – Development should be directed away from areas at highest risk of flooding

Para 161 – Need to apply the sequential and exceptions tests

Para 162 – Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity Built Form Nature Homes and Buildings Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

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:

LP5 – Health and Wellbeing

- LP7 Design
- LP8 Amenity Provision
- LP18 Development in the Countryside
- LP20 Accessibility and Transport
- LP22 Parking Provision

LP32 – Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Flood Risk
- Character and Amenity

9 BACKGROUND

- 9.1 From the history section above, the farming business in operation previously was for pheasant hatchery, rearing and breeding around 2005 to just before 2014 and the Local Planning Authority granted a series of temporary permissions for the siting and residential occupation of a mobile home at the site for the occupation by an agricultural worker/s on the farm.
- 9.2 The most recent temporary permission expired in October 2014 and a further renewal of the permission was not sought and, at some point, the caravan was relocated to its current location in the south-western corner of the site. it would appear that the residential occupation and siting of the caravan do not therefore currently benefit from any extant planning permission.

- 9.3 In 2015 a prior notification proposal under Class Q (conversion of agricultural buildings to residential dwellings) of the General Permitted Development Order was submitted to and authorised by the Council. This related to the larger barn on the application site.
- 9.4 However, it was confirmed that the change of use was not commenced within the necessary period and had therefore lapsed, and a further prior notification was submitted in 2018. The accompanying submission stated that the pheasant farming had ceased around 2015 and the Applicant was operating the site as a business for storage and repair of agricultural machinery. By this point, the former agricultural buildings were no longer in use for agricultural purposes (pheasant, then chicken rearing) and a material change of use had taken place to a B8 use (storage and distribution use) instead. The prior notification was therefore rejected under the terms of the restrictions set out under the General Permitted Development Order for the re-use of 'agricultural' buildings.
- 9.5 In summary, the mobile home on the site does not benefit from any apparent planning permission, and has not been in breach of condition (for occupation by agricultural workers) for a sufficient amount of time to represent a 'lawful use' under the terms of the 2011 permission (and which expired in October 2014).
- 9.6 The use of the site for the storage and repair of agricultural machinery, plant and vehicles (Use Class B8) does not benefit from any permission for the change of use of the land, and there is no extant authorisation for the change of use of the barn to a dwelling under Class Q of the GDPO.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located away from the built-up area of the settlement of Doddington, with an isolated location dominated by countryside and occasional sporadic development. The area is characterised by agricultural uses and occasional leisure uses (garden centre and motocross site approximately 180 metres from the application site) and in a location considered appropriate for these specific leisure uses, otherwise considered inappropriate to a village location by virtue of noise and disturbance to residential amenities. A such, the site must be considered as 'Elsewhere' within the settlement hierarchy set out in Policy LP3.
- 10.2 Policy LP3 and Policy LP12 (D) set out that residential development in such locations should be restricted to that which is demonstrably essential to the effective operation of local agricultural, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Water Local Development Documents (LDDs). The current application, which is the same scheme as previously refused, clearly does not accord with prescribed uses in accordance with the local development plan, and the proposal accordingly would represent unjustified new residential development in an unsustainable 'Elsewhere' location, contrary to National and Local Plan policy and would detract from the intrinsic character and appearance of the rural area.
- 10.3 Notwithstanding this, the only element of any case advanced, as submitted within the design and access statement, is that the type of business on site requires a person living on site to provide security for the business.

10.4 In addressing this point, it should be noted that;

a) Security in its own right is not considered adequate justification for a new permanent dwelling in a rural location;

b) The Applicant already has a 'presence' on the site by virtue of the siting and residential occupation of the mobile home (albeit without the benefit of planning permission); and

c) the business use currently operating from the site (the repair and servicing of agricultural machinery) does not constitute 'agricultural use' and therefore a material change of use of the land has occurred and which also does not benefit from planning permission and is therefore unauthorised.

- 10.5 There is no new apparent justification or case advanced submitted within this application which would outweigh the deleterious effect of a new unjustified permanent dwelling in this rural location.
- 10.6 Accordingly, it is considered that the proposal does not accord with any of these requirements and as such is contrary to the provisions of the National Planning Policy Framework and Policies LP3 and LP12 of the adopted Fenland Local Plan.

Flood Risk

- 10.7 The site is also located within an area designated as Flood Zone 3, a zone at higher risk of flooding and for a 'more vulnerable' form of development.
- 10.8 Policy LP14 of the Fenland Local Plan requires that development proposals adopt a sequential approach to new development where flood risk is a material consideration, directing development in the first instance to areas with a lower flood risk category (in this case, Flood Zones 1 and 2). Only if the sequential test demonstrates that there are no available sites in lower flood risk areas will sites be considered in higher risk zones. The Local Planning Authority has identified that the area of search for alternative sites where a proposal is located within an 'elsewhere' location, will be the whole of the District.
- 10.9 The sequential test set out above is supported by the National policy guidance set out in Section 14 of the National Planning Policy Framework. The matter of need for the dwelling to be located on the site is addressed above. It is concluded that there is no site specific need for the dwelling on site and as such, the sequential test needs to be applied. The application provides no assessment of alternate, sequentially preferable sites.
- 10.10 On matters of flood risk, therefore, the application site would not accord with the planning requirements as set out under the NPPF and Policy LP14 of the adopted Fenland Local Plan 2014.

Character and Amenity

- 10.11 The application proposes the construction of a permanent new dwelling to the north-eastern side of a former agricultural yard within an area of predominantly undeveloped countryside.
- 10.12 There is sporadic development within the local area and a motocross site situated to the south at Washbrook Farm (150m from the site), which has involved some earthworks for the provision of associated tracks, is permitted in appropriate

locations as leisure use within rural areas subject to relevant planning considerations.

- 10.13 Hospital Road terminates for vehicular access further to the south-west where its serves one remaining farm located approximately 170m from the current application site.
- 10.14 The character of development in this area can be described as sporadic and loose knit, due to the large and spacious fields forming gaps between the occasional dwellings along Hospital Road and the inter-relationship between existing residential properties and the broad agricultural hinterland between and surrounding them.
- 10.15 Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.
- 10.16 The proposal by its very nature and location would detract from the relationship between Hospital Road and its rural and undeveloped surroundings. The proposed development would undermine this relationship by the consolidation of existing sporadic and loose-knit built form notable in this area and would therefore be contrary to Policy LP16 of the adopted Fenland Local Plan.

11 CONCLUSIONS

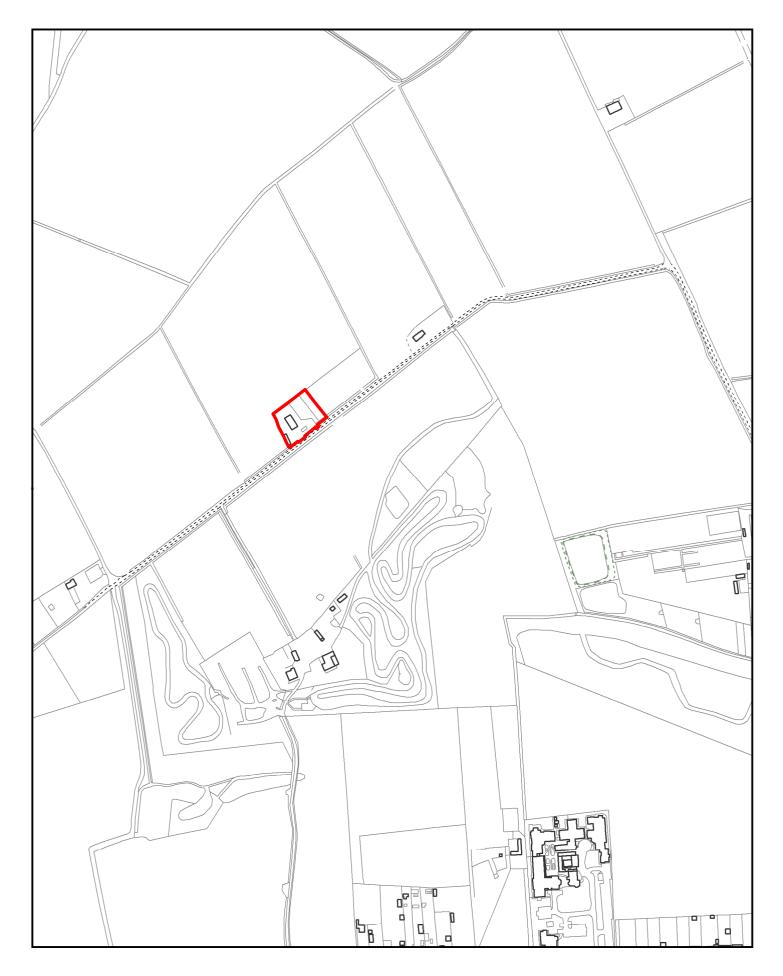
- 11.1 The proposal is considered to fail to accord with Policies LP3, LP12, LP14 and LP16 of the adopted Fenland Local Plan 2014.
- 11.2 The site is located within an isolated location beyond the nearest settlement and does not meet with any of the identified exceptions to countryside protection policies as set out under Policies LP3 and LP12.
- 11.3 The Sequential Test under flood risk policy fails to demonstrate that there are no sequentially preferable sites within the District capable of accommodating the development.
- 11.4 Furthermore, the development of the site would have a deleterious impact on the generally open character of the area characterised by sporadic development with a close visual connection with the surrounding countryside.

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, 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 an unjustified new residential property, not 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 LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework 2021, set out the approach to developing land in relation to flood risk, with both documents seeking to steer new development in the first instance towards available land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding. Fenland District Council's adopted approach to sequential testing is that where a site is located in the countryside, the area of search for application of the sequential test is the whole District. The Sequential Test accompanying the application (contained within the submitted flood risk assessment) does not consider any alternative sites and therefore fails to demonstrate that the application site is sequentially acceptable. The sequential test must be accordingly failed. As a result, the proposal would fail to accord with the provisions of the NPPF and Policy LP14 of the Fenland Local Plan 2014.
3	Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of a new dwelling 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 policy LP16 of the Fenland Local Plan (2014).



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