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F/YR22/1302/O

Applicant: Penny Lee

Agent : Mr Ian Gowler  
Gowler Architectural

Land West Of 27, Benwick Road, Doddington, Cambridgeshire

Erect up to 4no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

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

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## 1 EXECUTIVE SUMMARY

- 1.1. The application site comprises undeveloped grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington west of a group of 9 dwellings, nearest No.27. Washbrook Farm Motocross Track is situated approximately 320m north of the site. Opposite the site to the south, and further north and west is arable farmland.
- 1.2. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. As this application is Outline only, the main issue for consideration is whether the *principle* of development in this location is appropriate.
- 1.3. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d).
- 1.4. Development at the site would also result in poor quality residential amenity for future occupiers as the proposed development will likely be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e). In addition, the development would result in unreasonable constraints to the viability and operation of the existing commercial venture at Washbrook Farm by the introduction of further "sensitive" developments in the vicinity, contrary to Policy LP16 (o).
- 1.5. Finally, in the absence of evidence to the contrary, the Highway Authority consider that principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply with Policy LP15 in respect of highway safety.
- 1.6. By virtue of the above, the application is clearly contrary to policy and the recommendation should therefore be one of refusal, as set out in the below assessment.

## 2 SITE DESCRIPTION

- 2.1. The application site comprises agricultural land, currently used as a grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington.
- 2.2. The site is bounded to the west by an access track leading to Washbrook Farm Motocross Track, approximately 320m north of the site. Immediately east of the site are 9 single-storey dwellings, the nearest being No.27 Benwick Road. Opposite the site to the south, and further north and west is arable farmland, with Delfland's Nursery situated approximately 250m southwest.

### **3 PROPOSAL**

- 3.1. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. The indicative site plan suggests four handed L-shaped properties with attached single garages. Each pair is shown to be accessed via a shared access off Doddington Road leading to separate frontage parking/turning areas, with amenity spaces to the rear. Between the pairs, a third new field access is proposed to allow retained access to the remaining field to the north.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR22/1302/O | Erect up to 4no dwellings \(outline application with all matters reserved\) | Land West Of 27 Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1302/O | Erect up to 4no dwellings (outline application with all matters reserved) | Land West Of 27 Benwick Road Doddington Cambridgeshire (fenland.gov.uk))

### **4 SITE PLANNING HISTORY**

- 4.1. No pertinent planning history.

### **5 CONSULTATIONS**

#### **5.1. Doddington Parish Council**

*At a recent meeting, members of Doddington Parish Council voted to oppose this planning application on the grounds that this represents an extension of the village footprint. In addition, the land can be classified as ancient pasture land crossed with a ridge and furrow pattern. In addition it is believed that there are two ancient wells on the land.*

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

*This application involves the creation of 4 new residential properties in close proximity (circa 320m) to an existing business situated at Washbrook Farm, Benwick Road, Doddington, which hosts both motocross and clay pigeon shooting in accordance with the following planning conditions: -*

##### *Motocross*

- (i) From 11.00am to 4.00pm on Saturdays (with restrictions to no more than 9 events in June, July and August of each year); and*
- (ii) 8 single non-consecutive weekday sessions from 11.00am to 4.00pm during the months of April to September.*

##### *Clay pigeon shooting*

- (i) alternate Sundays (maximum of 26 Sundays annually) held between 10:00 and 14:00 hours with 5 of these occasions allowed until 17:00 hours; and*
- (ii) On Tuesdays between 16:00 and 19:00 hours for a 2-hour period from April to September.*

*Environmental Health have previously served an abatement notice restricting the use of the motocross track to specified times to reduce noise nuisance to existing local residential property. The provision of new residential properties within this area will increase the potential for nuisance complaints being logged with the Council about noise associated with motocross and clay pigeon shooting activities. The Council has a duty to investigate nuisance complaints in accordance with its duties under Environmental Protection Act 1990. Such an investigation is likely to conclude that current restrictions on numbers of events and associated activities are insufficient with the potential for further restrictions being placed on these leisure activities at Washbrook Farm.*

In view of this I formally object to this application on the grounds that:

- 1. This development will result in unreasonable constraint(s) or threaten the operation and viability of motocross and clay pigeon shooting activities at Washbrook Farm by the introduction of "sensitive" developments, contrary to Policy LP16 (o) – Delivering and Protecting High Quality Environments across the District.*
- 2. This development will be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm contrary to Policy LP16 (e) – Delivering and Protecting High Quality Environments across the District.*

*If the planning authority is minded to grant this application I recommend the developer be required to submit a noise impact assessment to determine the potential impact on the proposed residential properties from noise arising from the motocross and clay pigeon shooting activities on the farm. The methodology for this assessment to be agreed with environmental health.*

### **5.3. Definitive Map Team**

*I write in response to the application to Erect up to 4no dwellings (outline application with all matters reserved) | Land West Of 27 Benwick Road Doddington Cambridgeshire*

*Public Footpath No. 13, Doddington, runs along the west of the site. To view the location of the Public Footpath please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.*

*Whilst the Definitive Map Team has no objection to this proposal, the Public Footpath must remain open and unobstructed at all times.*

#### *Informatives*

*Should you be minded to grant planning permission we would be grateful that the following informatives are included:*

- Public Footpath No. 13, Doddington, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)*

- *No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Public Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

*Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website.*

#### **5.4. Cambridgeshire County Council Highways Authority**

*As this is an outline application with all matters reserved, I can only comment on the principle of the development and based on this I do not consider the proposed development to be acceptable in highway safety terms.*

*The B1093 Benwick Road is subject to a 40mph speed limit at the location of the proposed accesses. The required inter-vehicular visibility splay for such a speed limit is 2.4m x 120m in both directions, which is greater than the 2.4m x 93m (offset 1m from channel line) presented by the applicant. Based on the information provided, safe access visibility does not appear to be achievable within the highway boundary and / or application boundary.*

*I would accept in principle an inter-vehicular visibility splay commensurate with the observed 85th percentile speeds but as no traffic survey information has been presented, I cannot determine if such an approach would result in an acceptable reduction.*

*Whilst I accept the layout is indicative, the following comments would need addressing as part of a future reserved matters application, if the scheme were to be permitted by the LPA:*

- *Shared accesses to be a minimum of 5m wide (HERCS Appendix 5 referenced in the submission is for a single driveway).*
- *Means of preventing private water from entering the highway introduced, noting the LHA do not accept the use of permeable paving in isolation.*

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

9 letters of support for the scheme have been received from residents of Doddington (5 from Primrose Hill, 2 from high Street and one each from Newgate Street and Wimblington Road).

The reasons for support can be summarised as:

- No objections, would improve the area;
- Smaller developments are more desirable than large scale ones;
- In keeping with the village environment;
- In keeping with the existing bungalow type houses in this area;
- Doddington will benefit from small developments like this;
- More bungalows are needed;
- In keeping with character, charm and appeal;
- Small development would have less strain on existing resources;
- A good idea as there is a house shortage;
- Future generations stand a chance of staying in Doddington;
- In keeping with neighbouring houses;
- Will improve affordability of local housing;
- Environmental Health officer's concerns and the need for a noise impact assessment are noted. It can be seen from mapping that community dwellings are already considerably closer than the proposed development. I expect that better noise abatement measures at the leisure site would be welcome in other areas of the village as well.

One on the 9 comments received included no reasons for support or additional comments.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

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

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

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

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

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

Determining planning applications

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

Context

Identity

Built Form

Homes and Buildings

### **7.4. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments

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

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

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

### 8 **KEY ISSUES**

- **Principle of Development**
- **Other matters**
  - Character and Appearance
  - Residential Amenity
  - Access and Parking
  - Flood Risk

### 9 **ASSESSMENT**

#### **Principle of Development**

- 9.1. Whilst the site is located within the Parish of Doddington, and alongside a small group of dwellings, the site is located a significant way from the main built-up area of the settlement and would not conform to the policy requirements of representing a small-scale infill within a continuously developed area within the built form of the settlement, and nor would it represent a small extension to the built form of village given its remote nature and surroundings.
- 9.2. No justification for new development within this 'Elsewhere' location (as set out under Policy LP3 has been advanced to evidence the development as being demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.3. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 of the development plan.
- 9.4. Under Policy LP12 there is set out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:

- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement; and
  - (c) agricultural buildings and associated land on the edge of the settlement.
- 9.5. With regard to the consultation draft to of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF.
- 9.6. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the proposed development would not accord given the scale of development and by virtue that it would introduce development beyond the existing physical and visual limit of the settlement boundary into the open countryside.
- 9.7. Clearly, the unjustified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan.

### **Other Matters**

#### Character and Appearance

- 9.8. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative site plan suggests that the dwellings will be similar in scale to the bungalows to the east.
- 9.9. Policy LP16 (d) considers the impact of development on local distinctiveness and character. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12.
- 9.10. It is clear that the site, an area of agricultural paddock land, marks a transition point between the interspersed development along Benwick Road to the east and the open countryside to the north, west and south. The development proposed would see up to four detached dwellings positioned on undeveloped paddock land that currently forms a distinct and natural demarcation between the development to the east and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d).

#### Residential Amenity

- 9.11. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking or overshadowing. However, it is also necessary to ensure the development provides good quality amenity for future occupiers. As such, matters in respect of noise disturbance on future occupiers from the nearby Washbrook Farm should be considered. Washbrook Farm, approximately 320m north of the site, hosts a motocross track and clay pigeon shooting which are both

regularly operational and already subject to operational conditions to limit noise nuisance to existing residential development nearby.

- 9.12. The Environmental Health team object to the scheme as it is considered that additional residential development on this site would result in unreasonable constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm, by the introduction of further “sensitive” developments, which is contrary to Policy LP16 (o). Furthermore, they consider that the proposed residential development will be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e).
- 9.13. Thus, given the proximity of commercial development to the proposed residential development site, it is not considered reasonable or appropriate to allow additional residential development to be approved in an area that may result in additional noise nuisance complaints from an existing commercial enterprise that already lawfully operates within stringent regulations against noise and disturbance, as doing so would be clearly contrary to planning policy.

#### Access and Parking

- 9.14. The indicative site plan suggests that there would be sufficient parking/turning room available to the front of the dwellings.
- 9.15. Comments from the Highway Authority raise concern as to the suitability of the proposed accesses in terms of highway safety suggesting that, *based on the information provided, safe access visibility does not appear to be achievable within the highway boundary and / or application boundary.*
- 9.16. As such, in the absence of evidence to the contrary, the principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply Policy LP15 in respect of highway safety.

#### Flood Risk

- 9.17. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 9.18. The site lies within the Middle Level Commissioners Drainage Board area, who were subsequently consulted, however, no comment was received in regard to this application. As such, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

## **10 CONCLUSIONS**

- 10.1. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, the development would result in unreasonable constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm by the introduction of further “sensitive” developments, contrary to Policy LP16 (o). Moreover, the proposed development will likely be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e). Finally, owing to the lack of



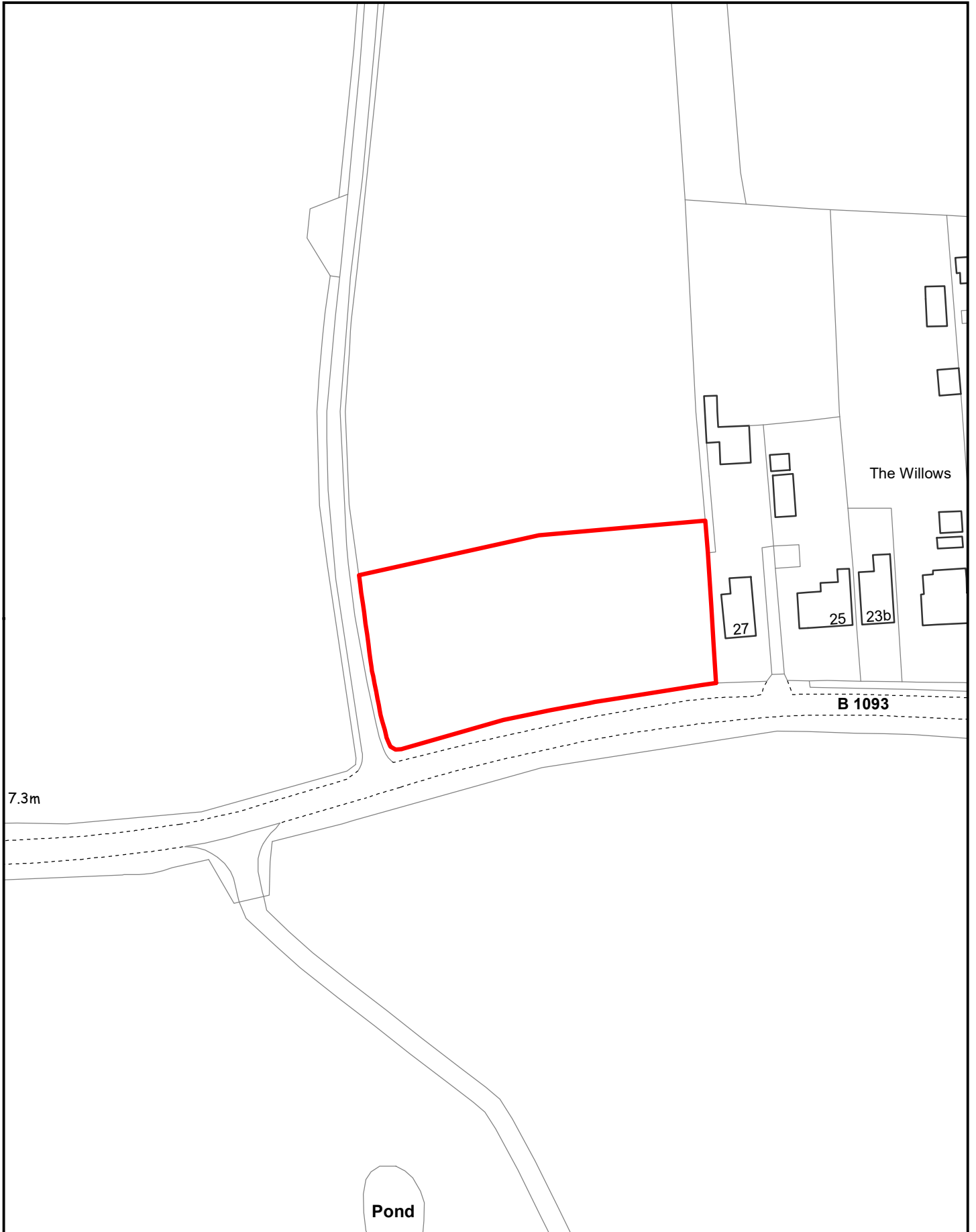
evidence to the contrary, it is considered that the principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply Policy LP15.

## 11 RECOMMENDATION

**Refuse**, for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed.</p> <p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</li> <li>(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.</li> </ul> <p>The site's position is away from the main built-form of Doddington, adjacent to a small number of dwellings on this side of Benwick Road. These dwellings are clearly detached from the continuous built-up area of the settlement and do not form part of the continuous built form of Doddington. In addition, the site is currently paddock land that clearly relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above. Thus the proposal in principle therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposal is for the construction of up to four new dwellings on currently undeveloped paddock land with a close relationship to the wider open countryside. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d).</p>
3	<p>Policy LP16 seeks to support development that ensures a high quality environment that does not result in adverse amenity impacts for both neighbouring or future occupiers. In addition, LP16 supports developments that do not result in any unreasonable constraint(s) to, or threaten the operation and viability of, existing nearby or adjoining businesses or employment sites by introducing "sensitive" developments. Development on this site would result in unreasonable</p>

	<p>constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm to the north, by virtue of the introduction of additional “sensitive” residential dwellings. In addition, future occupier amenity will likely be adversely affected by noise nuisance associated with the activities undertaken at Washbrook Farm. Therefore the development is considered contrary to Policy LP16 (e) and (o) of the Fenland Local Plan (2014).</p>
4	<p>Policy LP15 seeks to support proposals that provide safe and convenient access for all. In the absence of evidence to the contrary, it is considered that the necessary visibility to achieve a safe access to the site does not appear to be achievable within the highway boundary and / or application boundary. Thus, the scheme is contrary to the aforementioned policy as it will be unable to provide suitable and safe access to the development.</p>



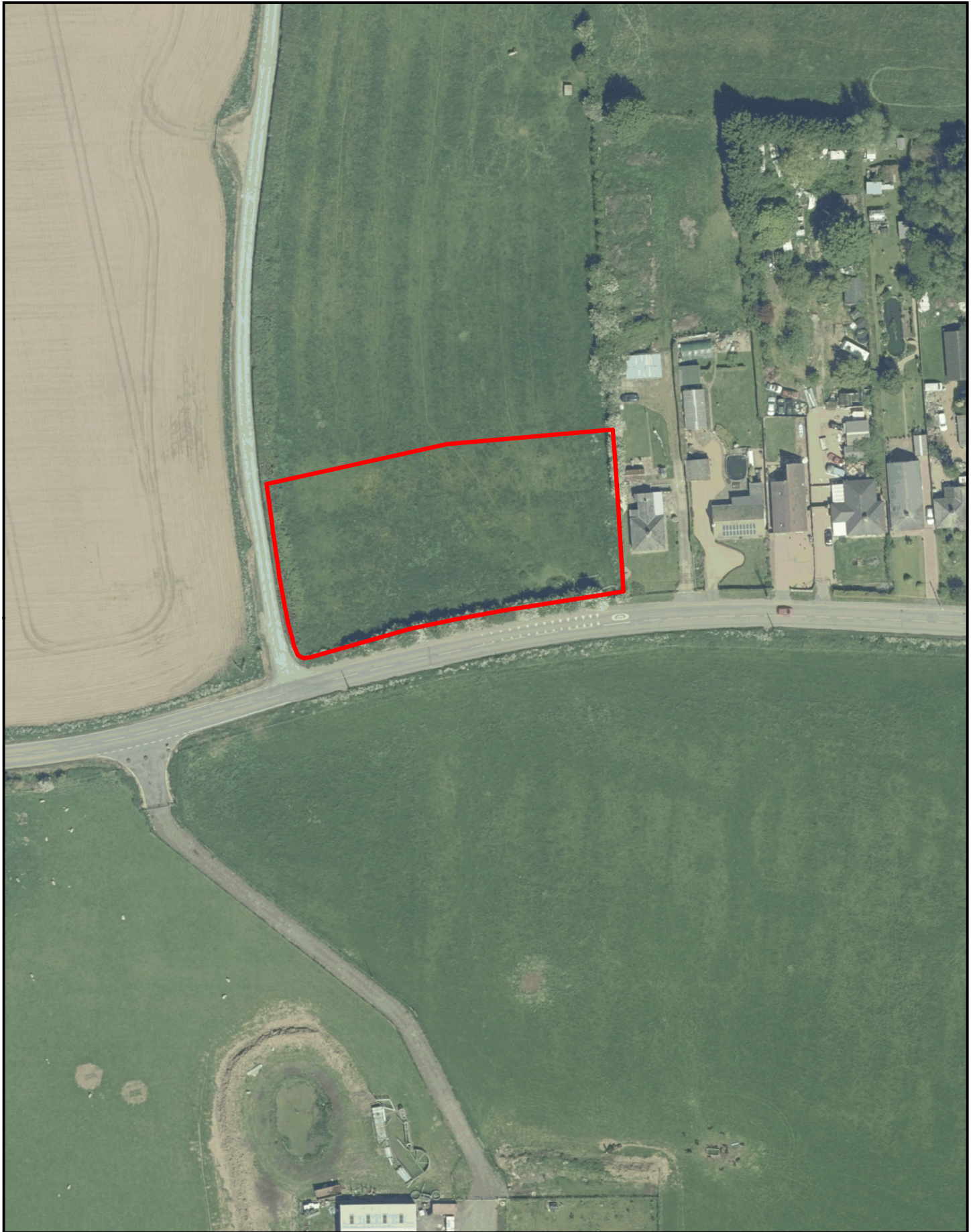
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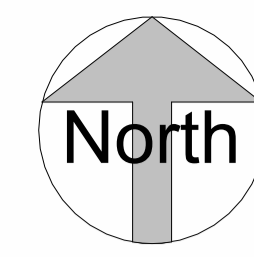
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 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council

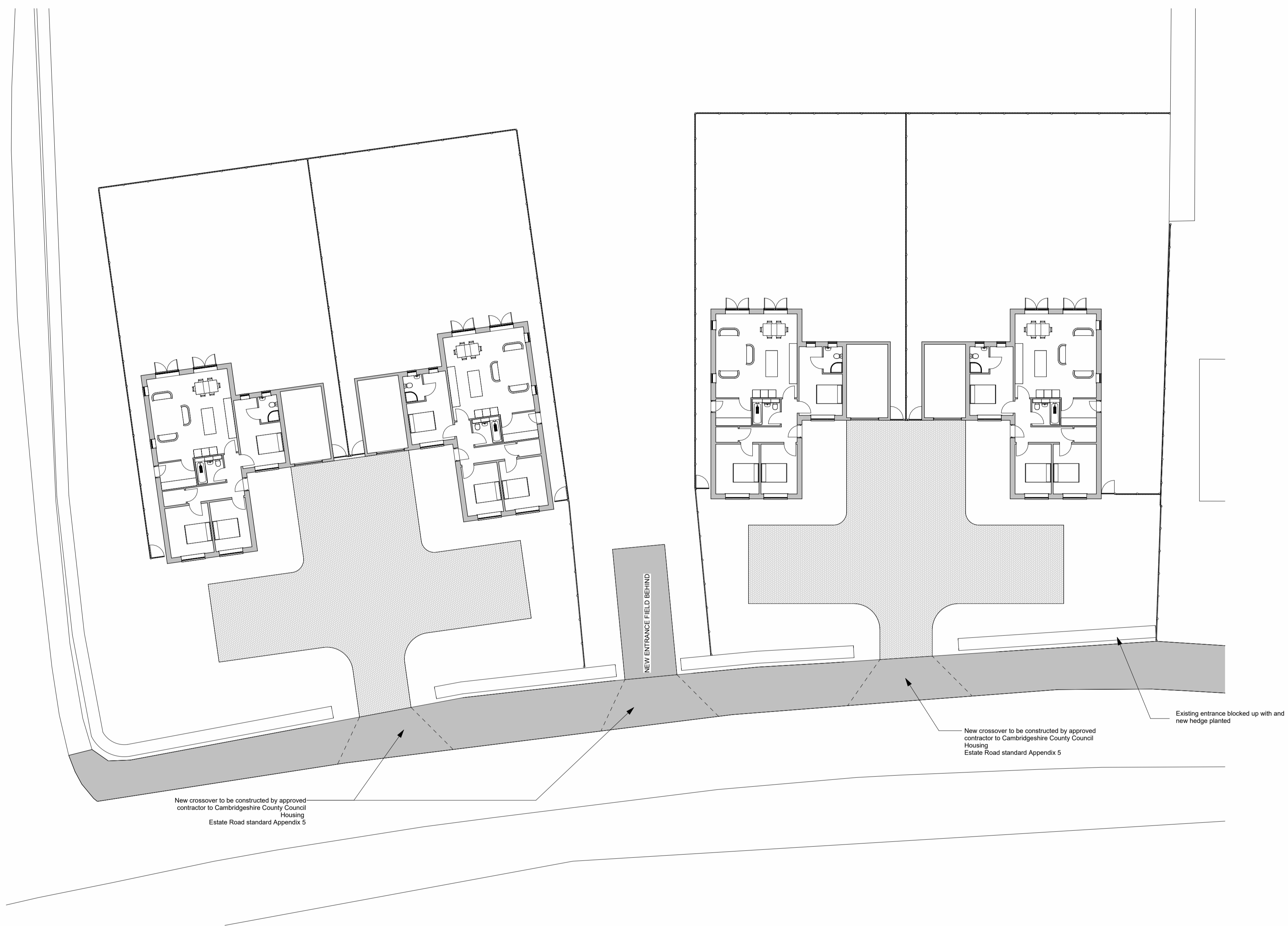


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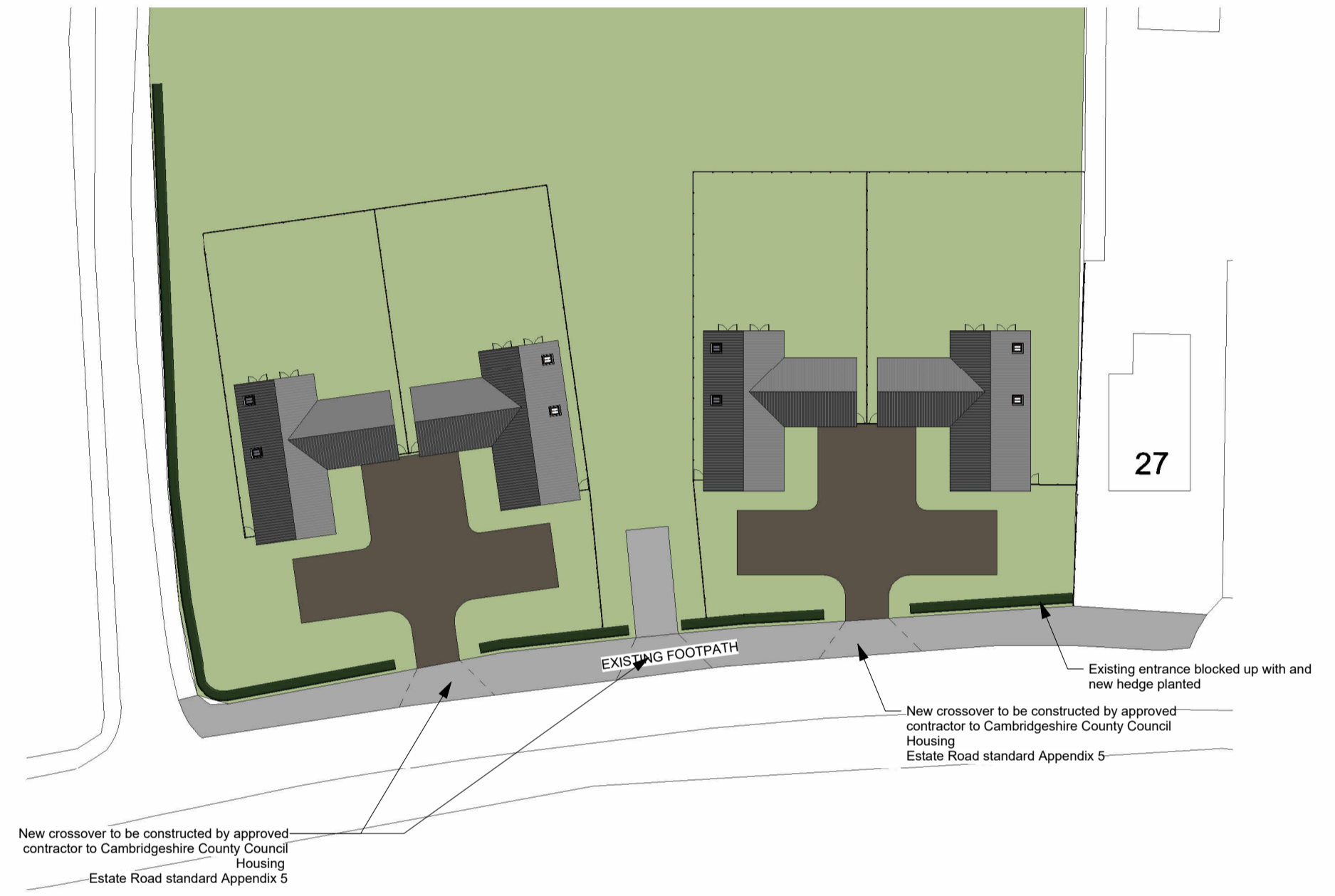


**Location Plan**  
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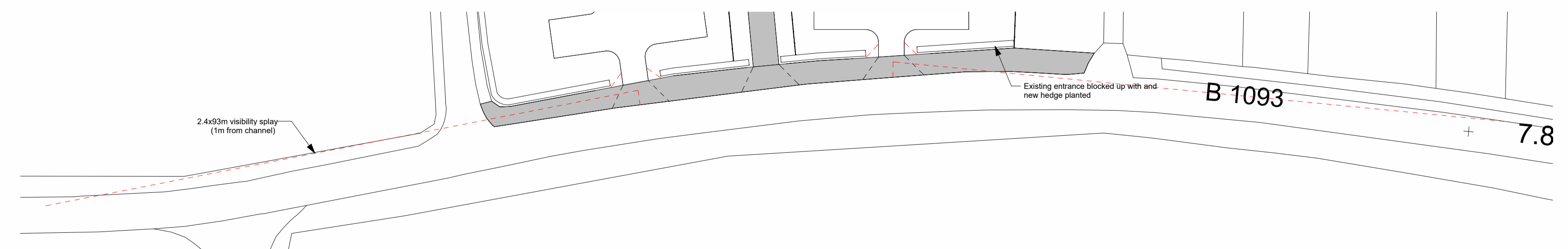
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**Indicative Block Plan**  
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**Indicative Site Plan**  
 1 : 500



**Indicative Visibility Splay**  
 1 : 500

**Ian Gowler Consulting Ltd**  
 Architectural and Domestic  
 Energy Consultant  
 Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU  
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Development West of 27 Benwick Road, Duddington for Penelope Lee

Planning

date created	scale	drawing no.	rev
03/11/22	As indicated @ A1	548 - P01	rev