
F/YR22/1317/F

Applicant: Mr & Mrs Dixon

**Agent: Mr R Papworth
Morton & Hall Consulting Ltd**

Land South Of The Grange London Road Accessed From, Stocking Drove, Chatteris, Cambridgeshire

Erect 1 dwelling (single-storey, 2-bed) including formation of an access

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application site is part of the rear garden of The Grange, London Road outside the market town of Chatteris, within open countryside. Access to the site is proposed to be gained via Stocking Drove, which at this point is unlit and has no pedestrian footways although a verge exists. The land is within Flood Zone 1.
- 1.2. This application seeks full planning approval for the erection of a single storey 2-bed dwelling with the formation of an access off Stocking Drove.
- 1.3. There are fundamental locational issues that render this proposal unacceptable. 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 is located outside the built framework of Chatteris. Furthermore, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). The site is also in an unsustainable location with regard to street lighting and/or pedestrian footpaths to the town, contrary to the objectives of sustainable development and Policy LP3.
- 1.4. Matters in respect of the dwelling's appearance, highway safety and flood risk are considered acceptable on balance. There are no issues to address in respect of neighbouring residential amenity, although future occupier amenity will be compromised as the area of land allocated for the proposed dwelling will result in a shortfall of private amenity space for the new dwelling, contrary to Policy LP16 (h).
- 1.5. As such, the proposal is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is part of the rear garden of The Grange, outside the market town of Chatteris, within open countryside. The property is located on the east side of the junction of London Road and Stocking Drove and consists of a distinct, 2-storey property finished in buff bricks with quoin, cill and lintel detailing, slate roof and leaded fenestration, with a brick outbuilding set to its southeast side.
- 2.2. The host dwelling is bounded to the north, east and west with mature hedging. To the south the garden is bounded by post and wire fencing, with grazing pasture behind. The garden area to be developed is currently laid to grass.
- 2.3. Access to the site is proposed to be gained via Stocking Drove, which at this point is unlit and has no pedestrian pavements, although a rural verge exists. The land is within Flood Zone 1.
- 2.4. There have been various approvals for residential dwellings in the vicinity of the site in recent years, some of which were approved by Members contrary to officer recommendation (or as delegated approvals owing to the precedent thereby set).

3 PROPOSAL

- 3.1. This application seeks full planning approval for the erection of a single storey 2-bed dwelling with the formation of an access off Stocking Drove.
- 3.2. The main part of the dwelling is proposed to encompass a footprint of approximately 10.9m wide by 9.8m deep, with an additional forward projection of approximately 4.6m wide by 4.7m deep to the southern front corner. The dwelling will include a hipped roof reaching a maximum height of approximately 5.9m to the ridge and 2.5m to the eaves. The front projection will reach a maximum height of 4.2m. A covered entryway is also proposed, with a pitched roof reaching approximately 3.4m
- 3.3. The dwelling is proposed to include a block paved, front parking/turning area with parking for two vehicles and garden to the rear and is indicated to be constructed of buff brick with grey roof tiles and uPVC fenestration, although specific materials details have not been included.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR22/1317/F | Erect 1 dwelling \(single-storey, 2-bed\) | Land South Of The Grange London Road Accessed From Stocking Drove Chatteris Cambridgeshire](#)

4 SITE PLANNING HISTORY

No pertinent planning history.

5 CONSULTATIONS

- 5.1. **Chatteris Town Council** – *Support*

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

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

This service would however welcome a condition on working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

No construction work shall be carried out other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3. Cambridgeshire County Council Highways Authority

Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

The access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Conditions

1. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

2. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:
a. enter, turn and leave the site in forward gear
b. park clear of the public highway

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

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

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

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

4. *The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.*

Reason: To prevent surface water discharging to the highway.

5.4. **Local Residents/Interested Parties**

Eight letters of support (three from London Road, one each from New Road, Glebe Close, Green Park, Farriers Gate and St Paul's Drive, all Chatteris) received on the following grounds:

- Site '*ideal for expansion without spoiling the countryside or causing any interruption to any existing lifestyles or business activities*';
- The proposed dwelling will be a suitable size for existing occupants at The Grange to downsize whilst remaining in the location they love;
- The dwelling design will be '*aesthetically pleasing whilst encompassing environmentally sustainable living for the occupants*'.

Two of the letters received stated that there was no objection to the scheme, but no specific reasons for support were given.

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
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**
- **Design and character**
- **Residential amenity**
- **Highway Safety & Parking**
- **Flood Risk and Drainage**
- **Other Matters**

9 **ASSESSMENT**

Principle of development

- 9.1. The application seeks planning permission for the erection of a dwelling in the rear garden of The Grange, London Road, Chatteris. Fenland Local Plan Policy LP3 sets out a clear spatial strategy for sustainable growth in the district, based on a defined settlement hierarchy directing most development to the district's larger settlements. This policy identifies Chatteris as a Market Town.
- 9.2. However, the application site falls within the 'elsewhere' category because it is located in an area that falls outside of the settlement categories defined within Local Plan Policy LP3. It consists of sporadic roadside development in the countryside about a kilometre to the south of the built-up area of Chatteris. Policy LP3 says that development in 'elsewhere' locations will be restricted to that which is essential for rural enterprises and any dwellings would be subject to a restrictive occupancy condition. 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. The proposal site forms part of a cluster of sporadic properties that form a ribbon to the south of the built-up area of Chatteris. This ribbon of development is increasingly becoming consolidated and dense owing to the number of residential developments that have been approved in the last few years, a precedent which the applicant has cited. The proposal site is located about a kilometre from the edge of Chatteris and thus future residents of the development would not have easy access to facilities and services. The absence of a footpath immediately adjacent the site along Stocking Drove is noted but there is a footpath on the southern side of London Road which begins at the junction of Stocking Drove and London Road, although its use would be prohibitive. The distance to facilities and services would not encourage people to walk especially in inclement weather and as such most daily trips would be by private car.
- 9.4. Even though other dwellings have been approved in recent years adjacent to and opposite the site, these have been situated as frontage development along London Road, as opposed to the application site which is essentially 'backland' development of The Grange and accessed from Stocking Drove. A dwelling in this location is not considered as appropriate as it would contribute to the skewing of the settlement hierarchy and the location is not considered as sustainable in relation to accessibility to services. The proposal would conflict with Local Plan Policy LP3, which among other things seeks to direct development to sustainable locations that offer the best access to services and facilities.
- 9.5. 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.
- 9.6. 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 taken place, 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.
- 9.7. 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 by virtue that it would introduce development beyond the existing physical and visual limit of the settlement boundary into the open countryside.

- 9.8. 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.

Design and character

- 9.9. Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district. Both national and local policies seek to ensure that development is only permitted if, among other criteria, it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact, either in design or scale terms, the street scene, settlement pattern or the landscape character of the surrounding area. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12.
- 9.10. The submitted plans suggest that the proposed dwelling would be subservient to the host dwelling. In addition, it is noted that the scale and appearance of the dwelling is not likely to dominate The Grange. Notwithstanding, the position of the proposed dwelling, with a new access off Stocking Drove, is considered to relate more to the character of Stocking Drove as opposed to London Road.
- 9.11. Stocking Drove is a narrow roadway that runs north to south in the open countryside with very little development, reducing to single track just south of the development site. Opposite the site, accessed from Stocking Drove, is a former agricultural barn, that was permitted a change of use to a storage and distribution building for reclaimed carpet tiles (Fuller Gray Carpet Tiles - F/YR09/0550/F). Given the address, this building was likely historically associated with an agricultural use at Ferry Farm.
- 9.12. Beyond this, on both the east and west sides, Stocking Drove is characterised by open countryside, with no other development in the vicinity.
- 9.13. It is clear that the southern boundary and garden of The Grange demarcates and contributes to the transition between the sporadic frontage development along London Road and the open countryside to the south. The proposed dwelling, within the rear garden of the Grange, would therefore be to the detriment of the character and appearance of the rural area as it would conflict with the current settlement pattern, introducing a spur of development along Stocking Drove, and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Stocking Drove, contrary to the requirements of policy LP12 and Policy LP16(d).

Residential amenity

- 9.14. The proposed dwelling has an acceptable relationship with the host dwelling so as to not cause undue issues to residential amenity in respect of overlooking, overbearing or overshadowing in accordance with Policy LP16 (e).
- 9.15. The existing 0.18ha plot (approx.) will be segregated with approximately 0.13ha retained for the host dwelling with the remaining 0.05ha allocated to the new dwelling. As such, the private amenity space for the proposed dwelling will fall short

of the 33% requirement as set out in Policy LP16 (h), with only approximately 29% retained as useable space for the private garden. The host dwelling's plot is such that there is sufficient space to set aside enough land to ensure an unconstrained development for both the host and proposed properties, and as such the proposed site layout has been poorly designed and will result in a shortfall of private amenity space, contrary to Policy LP16 (h).

Highway Safety & Parking

- 9.16. Fenland Local Plan Policy LP15 states that new development will only be permitted if, among other things, it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved. In addition, appropriate levels of parking provision should be provided in accordance with the Council's defined parking standards as set out in Appendix A of the Local Plan.
- 9.17. The submitted layout plan shows that vehicular access to the proposed dwelling would be by way of a new vehicular access off Stocking Drove. The scheme also makes provision for parking of 2 cars on hardstanding to the front of the dwelling with adequate turning space, which is consistent with the provision of Fenland Parking Standards.
- 9.18. The development has been considered by the Highways Engineer and no objections have been raised subject to the submission of parking and turning details that meets FDC parking standards and drainage. In addition, the Engineer recommends that the access be sealed drained away from the highway in a bound material for a minimum of 5m back from the existing public highway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Flood Risk and Drainage

- 9.19. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 9.20. 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.

Other Matters

- 9.21. A number of representations received made reference to the dwelling intended to enable the current occupiers at The Grange to 'downsize', whilst remaining in the area. The submitted application documents make no reference to this, with the application form merely indicating the proposal is for market housing. As such, the scheme must be considered on this basis of the erection of a new, separate market dwelling at the site.
- 9.22. Notwithstanding, any justification put forth in respect of 'downsizing' would not be sufficient evidence to outweigh the fundamental locational issues in respect of the principle of development in an unsustainable location within the open countryside contrary to local and national planning policy.

10 CONCLUSIONS

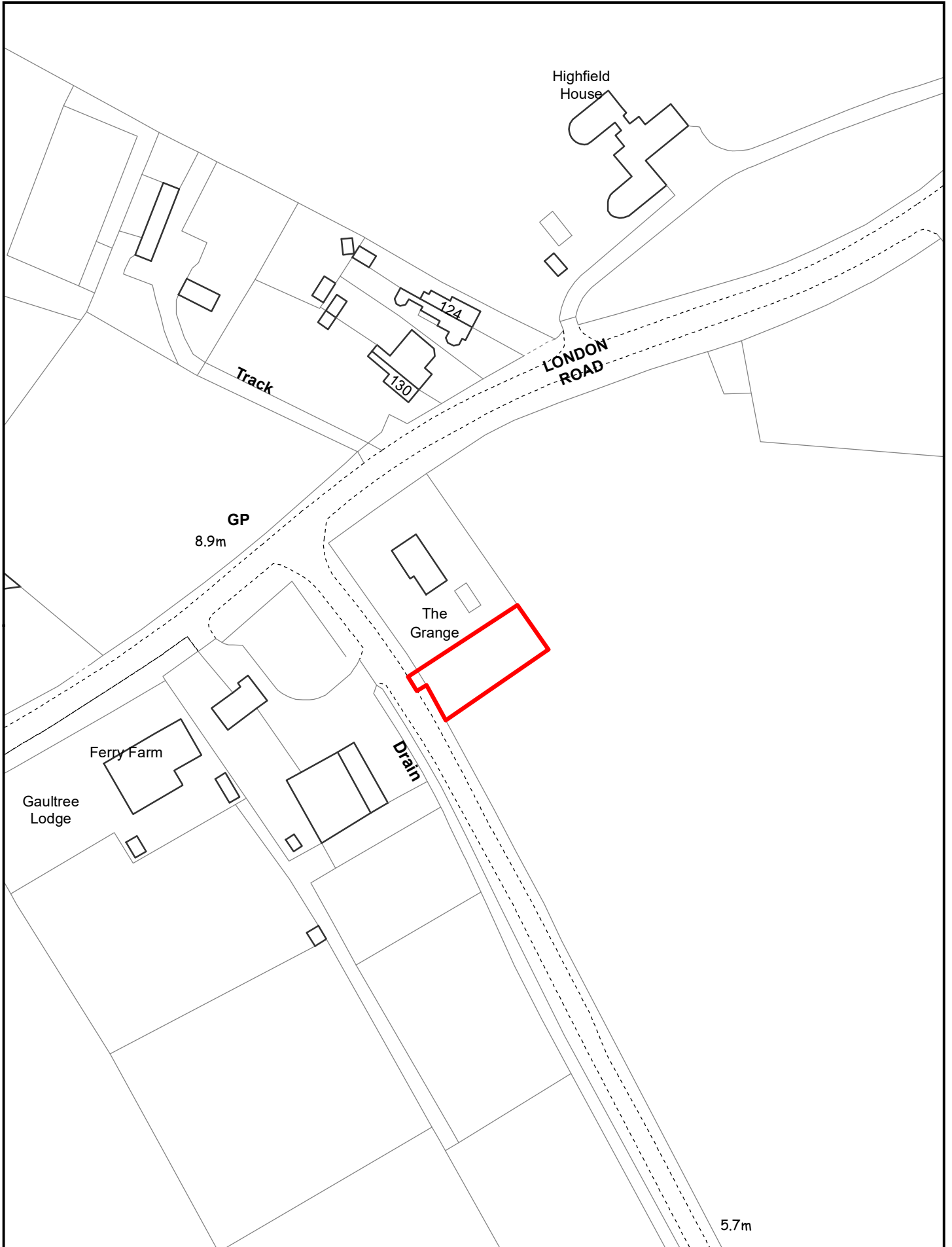
- 10.1. There are fundamental locational issues that render this proposal unacceptable.
- 10.2. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Chatteris. Furthermore, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). The site is also in an unsustainable location with regard to street lighting and/or pedestrian footpaths to the town, contrary to the objectives of sustainable development and Policy LP3.
- 10.3. Matters in respect of the dwelling's appearance, highway safety and flood risk are considered acceptable on balance. There are no issues to address in respect of neighbouring residential amenity, although future occupier amenity will be compromised as the area of land allocated for the proposed dwelling will result in a shortfall of private amenity space for the new dwelling, contrary to Policy LP16 (h).

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">(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and(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. <p>The development is proposed away from the main built-form of Chatteris, adjacent to a small number of sporadic dwellings fronting London 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 Chatteris. In addition, the development site is garden land associated with the host dwelling which, owing to its proposed positioning accessed via Stocking Drove, relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above, and the proposal 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</p>

	<p>contribution to the local distinctiveness and character of the area. The proposal is for the construction of a single-storey dwelling on garden 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 conflict with the current settlement pattern, introducing a spur of development along Stocking Drove, and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Stocking Drove, contrary to the requirements of policy LP12 and Policy LP16(d).</p>
3	<p>The proposed development would result in an additional dwelling located in the open countryside with no direct correlation with the main settlement of Chatteris, with no footpath link or street lighting, and as such the household would largely have to rely on private modes of transport to access goods and services. Similarly, there would be no opportunities for community cohesion given the location of the site outside the settlement. Therefore, the proposal is considered unsustainable development contrary to the aims and objectives of Policy LP3 of the Fenland Local Plan and the NPPF.</p>
4	<p>Policy LP16 (h) supports developments that provide sufficient private amenity space, with a minimum of a third of the plot curtilage set aside for private amenity space. By virtue that the useable area of the proposed private amenity space for the development falls short of this area requirement the scheme is contrary to Policy LP16 (h).</p>



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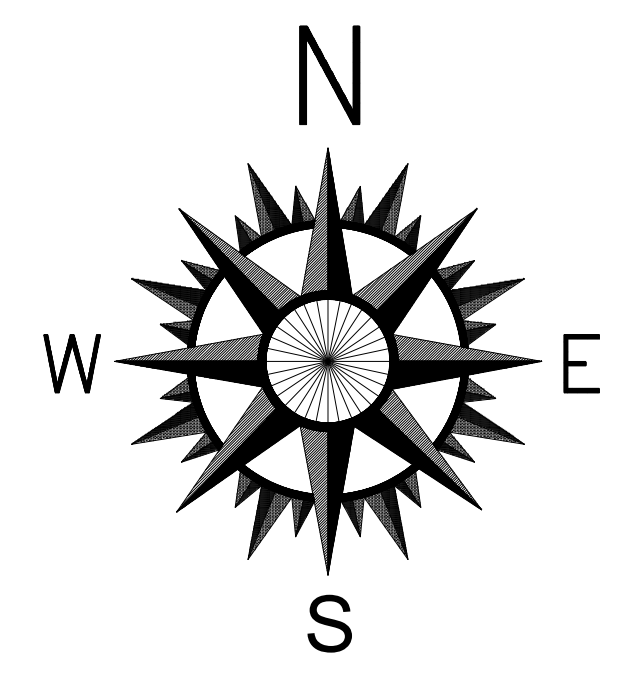


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 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LEGEND

- CONCRETE SLABS (NON SLIP)
- PERMEABLE BLOCK PAVING (NON SLIP)
- WASTE BINS
- GRASS
- VEGETATION
- GRAVEL
- PROPOSED HEDGING



A	PLANNERS COMMENTS	NOV 22
	REVISIONS	DATE

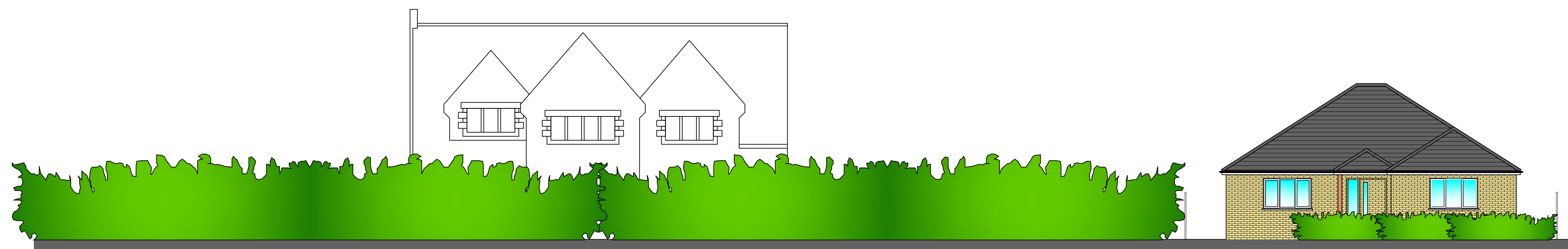
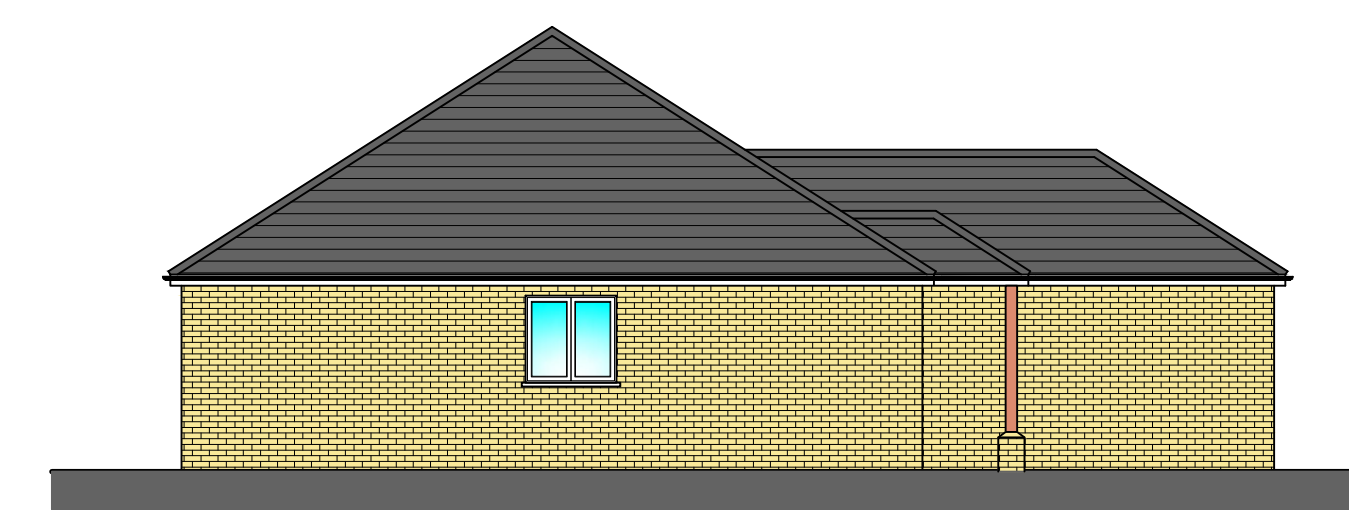
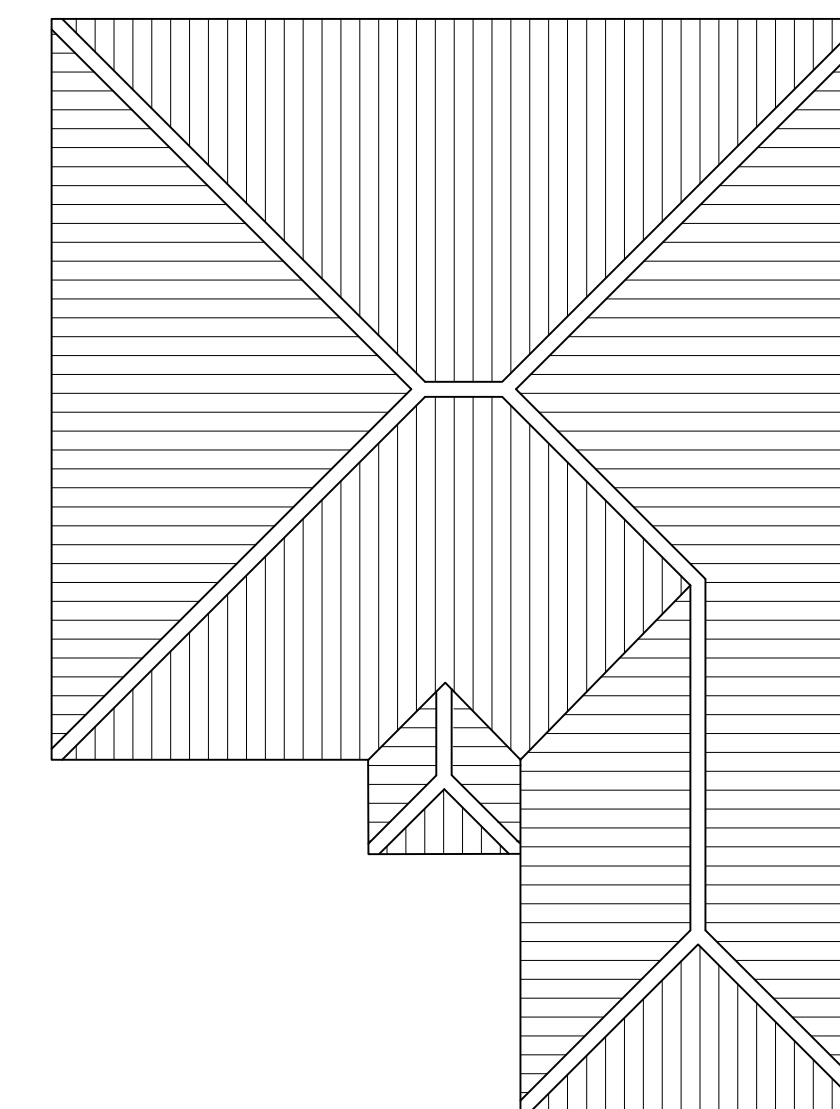
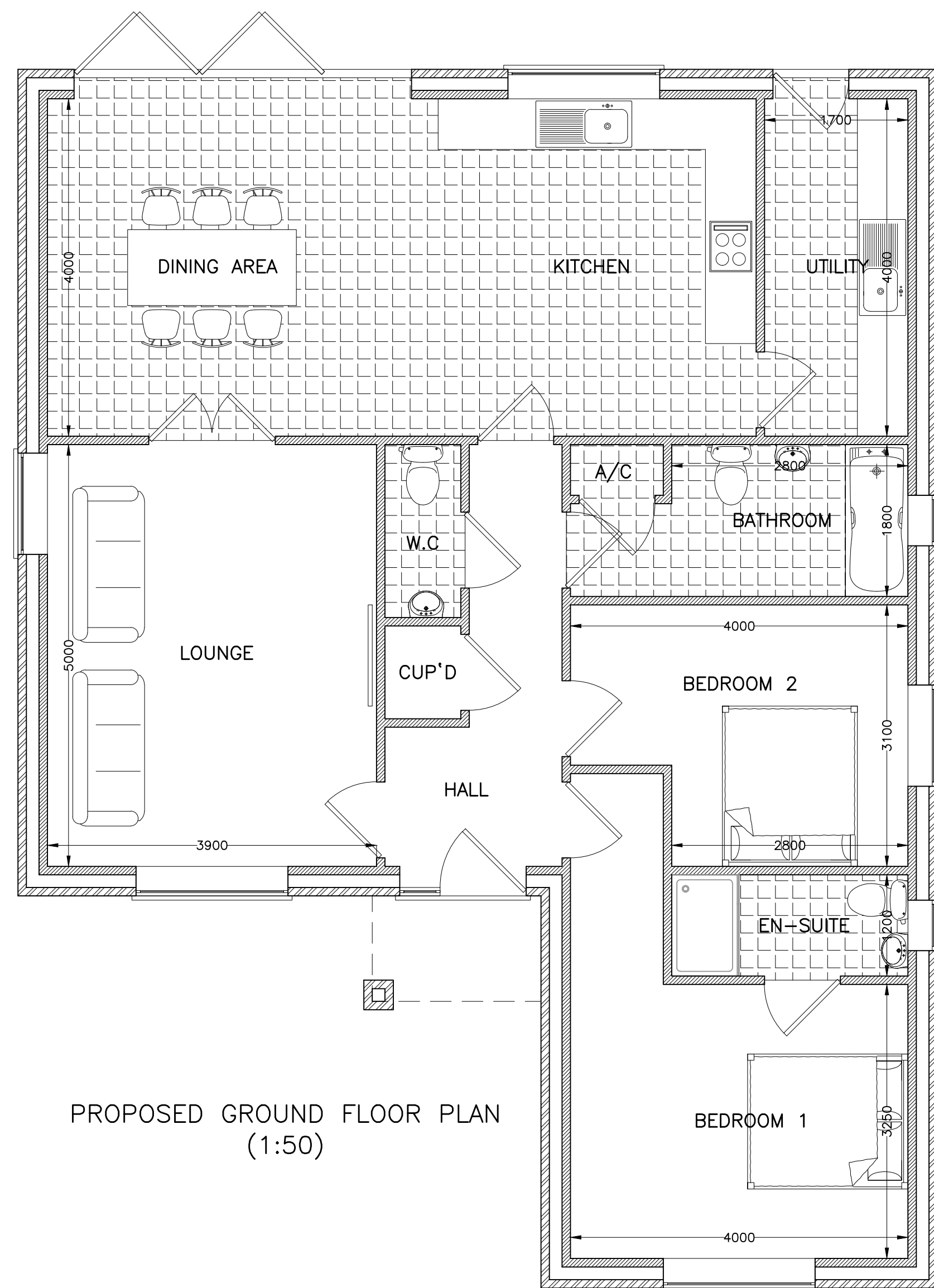
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Fenland District Council
 Building Design Awards
 Building Excellence in Fenland

CLIENT	
Mr & Mrs Dixon	
PROJECT	
The Grange London Road Chatteris PE16 6SF	
TITLE	
Existing & Proposed Site Plan	
DRAWN	DATE OF ISSUE
R.Papworth	
CHECKED	
DATE	DRAWING NUMBER
Nov 2022	H8711/01A
SCALE	
As Shown	

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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
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B	PLANNERS COMMENTS	NOV 22
A	PLANNERS COMMENTS	NOV 22
	REVISIONS	DATE

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LABC Fenland District Council
 Building Design Awards
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CLIENT
 Mr & Mrs Dixon

PROJECT
 The Grange
 London Road
 Chatteris
 PE16 6SF

TITLE
 Proposed Plans
 & Elevations

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Nov 2022	DRAWING NUMBER H8711/02B
SCALE As Shown	