
F/YR23/0160/PIP

Applicant: Mrs Lorraine Walker

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land South East Of 45, Cattle Dyke, Gorefield, Cambridgeshire

Permission in Principle for up to 4 x dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks Permission in Principle for the residential development of the site for up to 4 dwellings - as to whether the location, land use and amount of development proposed is acceptable.
- 1.2 The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 1.3 Gorefield is defined as a small village with the criteria explicitly stating that only infill sites will normally be considered. The site is considered to fall outside of the built envelope of Gorefield on land set to the south-east of 45 Cattle Dyke and is not infill development by definition, therefore failing to comply with policy LP3 and LP12 of the Local Plan.
- 1.4 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 1.5 As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.
- 1.6 The recommendation is to refuse permission in principle for residential development of this site.

2 SITE DESCRIPTION

- 2.1 The application site lies to the rear of the built up linear form of development to the east of Cattle Dyke and to the southern edge of the 'small village' of Gorefield. The application form describes the site as being an existing paddock area whilst the Agricultural Land Classification Map showing the land to be Grade 1/2 land which is classed as 'excellent' and 'very good'. An existing access is to be utilised that serves the rear of 45 Cattle Dyke.
- 2.2 The site is open in nature and bounded along the southern boundary by mature hedges and trees. The northern boundary is generally open with the site to the west having been built out with modest detached dwellings that front Cattle Dyke.
- 2.3 The site lies in Flood Zone 3.

3 PROPOSAL

- 3.1 Planning in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development, from the technical detail.
- 3.2 As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3 This application seeks planning permission in principle for up to 4no dwellings. The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale with a north point) and the application fee. Whilst the design, layout and access into the site are not required in line with the above regulations, an indicative plan has been submitted. The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the 'principle' issues namely:
- 1) Location,
 - 2) Use, and
 - 3) Amount of development proposed
- 3.4 Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.
- 3.5 The second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.6 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

None relating to the site itself but the following applications relate to land directly to the west and north of the site:

F/YR14/0690/F Erection of 4 x 2 storey 4-bed dwellings with double garages – Granted 5th November 2014

F/YR19/0039/F Erection of a single storey detached 1-bed annexe with integral garage ancillary to existing dwelling (retrospective)- Granted 12th March 2019

5 CONSULTATIONS

5.1 Gorefield Parish Council

Does not support the proposal. *'It is back land development not in keeping with the surrounding area The access is inadequate for 4 dwellings.'*

5.2 Environmental Health

Note and accept the submitted information and have *'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.'*

5.3 North Level IDB

No comment to make with regard to the application.

5.4 Environment Agency

'We have inspected the documents as submitted and have no objection. However, we have provided additional comments below on flood risk.'

Flood Risk.

The site is in flood zone 3 and a Flood Risk Assessment (FRA) should be provided to detail the impacts at the technical documents submission. Appropriate flood mitigation measures such as raised floor levels being raised appropriately should be detailed in the report.

Sequential and Exception Tests - The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are the Councils responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

5.5 County Highways

Raise no objection to the principle of the proposed development. *'While the access is existing, its use will be intensified. The applicant will need to ensure that inter-vehicular visibility splay commensurate with the signed speed limit (or observed 85th percentile speed) can be achieved within their ownership and / or the highway boundary. Based on the extent of highway verge and local conditions, I do not anticipate this being a material barrier to development. The site access will need to be at least 5m wide for a minimum initial length of 8m from the carriageway edge to enable two cars to pass off the Cattle Dyke carriageway. I measure there to be approximately 4.7m within the application boundary but I note that the land to either side is within the same ownership. By virtue of scale of development, the internal roads would not be considered for adoption by the Local Highway Authority. The applicant will therefore need to give consideration to location of bin stores / collection points which are accessible from the public highway.'*

5.6 Local residents/Interested Parties

Five letters of objection have been received from residents of Gorefield with the points summarised below:

- Insufficient access
- Not an infill development his application
- The drawing indicates a dwelling behind number 57 numbered as 59. This is not a dwelling, it is an open sided pole barn for hay and straw storage
- The proposed planning would be an irreversible loss of undeveloped land
- The site is not a brownfield site. There has been no previous development on this land and no previous permanent structures on it. There appears to be no basis to attempt to label this as such. It is a greenfield site.
- The application site is open agricultural land classified as Grade 1 'Excellent' as defined by the DEFRA Agricultural Land Classification.
- Topographical maps clearly show the proposed development on an area previously shown as a water body confirmed by aerial photography and entered on the official maps on the Planning Data Platform; planning.data.gov.uk. In preparation for this development, this has recently been filled-in. This demonstrates a flagrant disregard for the preservation of the natural environment, the biodiversity and the wider ecosystems. There are also several trees growing on the site, specifically one large medium-age tree in good health that would have to be removed.

- The current guidance from Anglian Water is that vacuum pots have limited capacity and are only able to accept connections from 4 properties requiring the addition of a new vacuum pump. This will mean a significant financial investment to the local utilities as the current infrastructure has reached capacity not only in the immediate locality but further along the vacuum main. Anglian Water have confirmed that the current infrastructure along Cattle Dyke has reached capacity and has required several emergency works to be carried out on site.
- The proposed development would significantly increase noise and air pollution.
- The site is within Flood Zone 3, therefore an increase in flooding with more suitable sites within flood zones 1 and 2 within the area.

Six letters of support have been received from residents of Gorefield with the points summarised below:

- The village needs to be more sustainable, and this application can only help that and generate support for established local businesses.
- Will not impact upon the open countryside
- Sustainable location
- Much need of family homes
- Bring jobs to the local area

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)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context
Identity
Built Form

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 development

LP14: Climate Change and Flood Risk

LP15: Facilitating a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments Across the District LP18: The Historic Environment

LP19: The Natural Environment

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
- LP4 – Securing Fenland’s Future
- LP5 – Health and Wellbeing
- LP7 – Design
- LP8 – Amenity Provision

Supplementary Planning Documents/ Guidance

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood & Water SPD (2016)

9 KEY ISSUES

- 9.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether ‘Permission in Principle’ is acceptable for a site, having regard to specific legislative requirements and, in accordance with the NPPG (58-012-20180615) as to whether the location, land use and amount of development proposed is acceptable.
- 9.2 The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The approval of PiP alone does not constitute the grant of planning permission.
- 9.3 The PiP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.
- 9.4 PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimise the upfront and at-risk work of applicants.
- 9.5 The key issues associated with this application are considered to be:
 - Principle of Development
 - Highways & Access
 - Ecology & Biodiversity
 - Other matters

10 ASSESSMENT

- 10.1 Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

Location

- 10.2 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.

- 10.3 The application site is located on the southern edge of the settlement of Gorefield which is identified as a 'small village' within policy LP3. This policy restricts development to limited residential infilling or a small business opportunity. The glossary within the Local Plan defines residential infilling as 'Development of a site between existing buildings'. The Planning Portal defines this as 'The development of a relatively small gap between existing buildings.'
- 10.4 Further to LP3, Policy LP12 Part A supports development in villages where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Criteria (a) of this policy allows for development where 'the site is in or adjacent to the existing developed footprint* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably);' As referenced above, Gorefield is defined as a small village with the criteria explicitly stating that only infill sites will normally be considered.
- 10.5 No settlement boundary for Gorefield is defined within the Local Plan. The application site lies behind the existing residential linear form of development that fronts the eastern side of Cattle Dyke. It is noted there is built form behind the frontages of these properties along Cattle Dyke to the north, however, these relate to ancillary outbuildings associated with the dwellings. Also of note is the site that lies directly to the west of the application site. Permission was granted under reference F/YR14/0690/F for the erection of 4no two storey, 4 bedroom dwellings. This was considered acceptable given the site was deemed to be an area considered appropriate for limited infilling and therefore fulfilling the requirements of the policy.
- 10.6 The presence of the existing built form of residential properties running north to south in a linear fashion along Cattle Dyke concludes that the application site is within the open countryside. As referenced above, it is clear that the application site does not have the characteristics normally associated with infill development and therefore fails to comply. Further to this, and, having regard to the specific footnote to policy LP12, criteria (b), the site has been referred to as an existing paddock on the application form and is currently undeveloped on the edge of the settlement where the land relates more to the surrounding countryside and lies to the rear of the established linear form of development, and, as such, there is no support for the development under LP3 or LP12 - which is only applicable for development within villages as defined.
- 10.7 Whilst the site would not be considered as 'isolated' having regard to paragraph 80 of the NPPF, nonetheless it does not follow the settlement strategy as set out under LP3 and LP12. With regards to paragraph 80 of the NPPF; whilst the future occupiers of the development would likely support the existing facilities and services of Gorefield, these facilities do not appear to be under any kind of threat to justify an exception to the policy in this case, notwithstanding that, this benefit would be very modest through the introduction of 'up to' 4no. dwellings.
- 10.8 Given the aforementioned reasons, the application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character and linear form of development of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014)

Use

- 10.9 Policy LP12 ((i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.
- 10.10 Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category.

- 10.11 A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.
- 10.12 Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding residents by reason or noise or disturbance or vice versa.

Flooding and drainage

- 10.13 The site lies in Flood Zone 3 and therefore at a high risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1).
- 10.14 Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.
- 10.15 Whilst no details of surface water drainage measures have been submitted, these could be secured as part of a Technical Details consent at a later stage. However, policy LP14 which relates to flood risk sets out other than sites allocated in this Plan all development proposals must clearly demonstrate that the Sequential Test, as set out in the latest version of the Strategic Flood Risk Assessment has been applied and that development within flood zones 2 and 3 should be supported by a Flood Risk Assessment. No details have been provided by the applicant in this respect.

Amount of development proposed

- 10.16 The application seeks Permission in Principle for up to 4no dwellings on a site of 0.39ha which would equate to a density of approximately 10 dwellings per hectare. Whilst a site plan has been submitted, this is indicative. This is low density and could comfortably be accommodated on-site without being considered an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

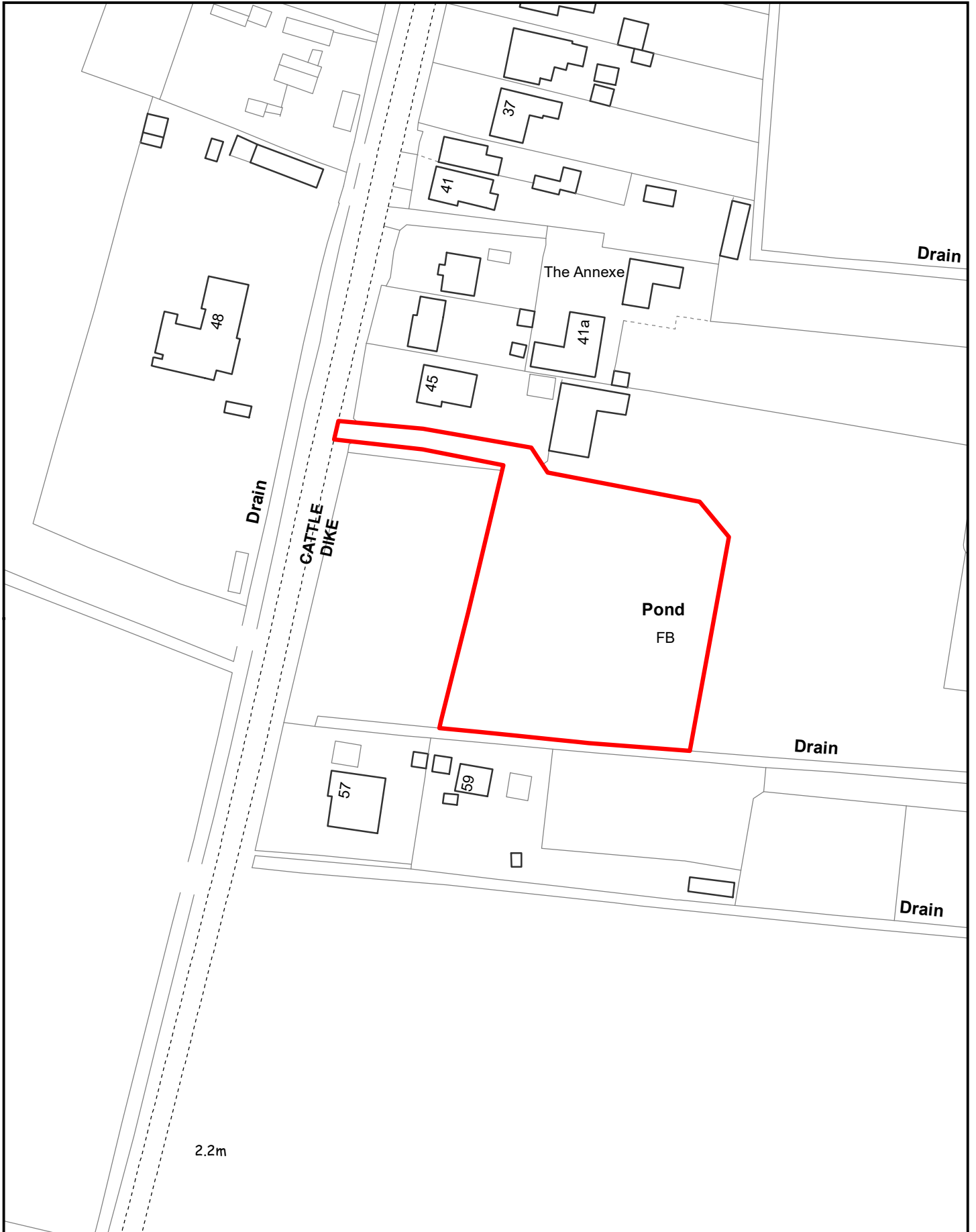
11 Conclusion

- 11.1 The application seeks permission in principle for the residential development of the site with matters of location, land use and amount of development proposed.
- 11.2 The site falls outside the built envelope of Gorefield and development of the site would not constitute residential infilling and instead would result in an erosion of the open rural character of the area. As such, the proposal would conflict with the settlement strategies of the Fenland Local Plan - policies LP3 and LP12.
- 11.3 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 11.4 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.

12 RECOMMENDATION:

REFUSE; for the following reasons:

1	The application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character and linear form of development of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014)
2	The site is located within Flood Zone 3 where there is a high probability of flooding. The applicant has failed to provide a site-specific FRA with application of the sequential and exceptions tests. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.



Created on: 02/03/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

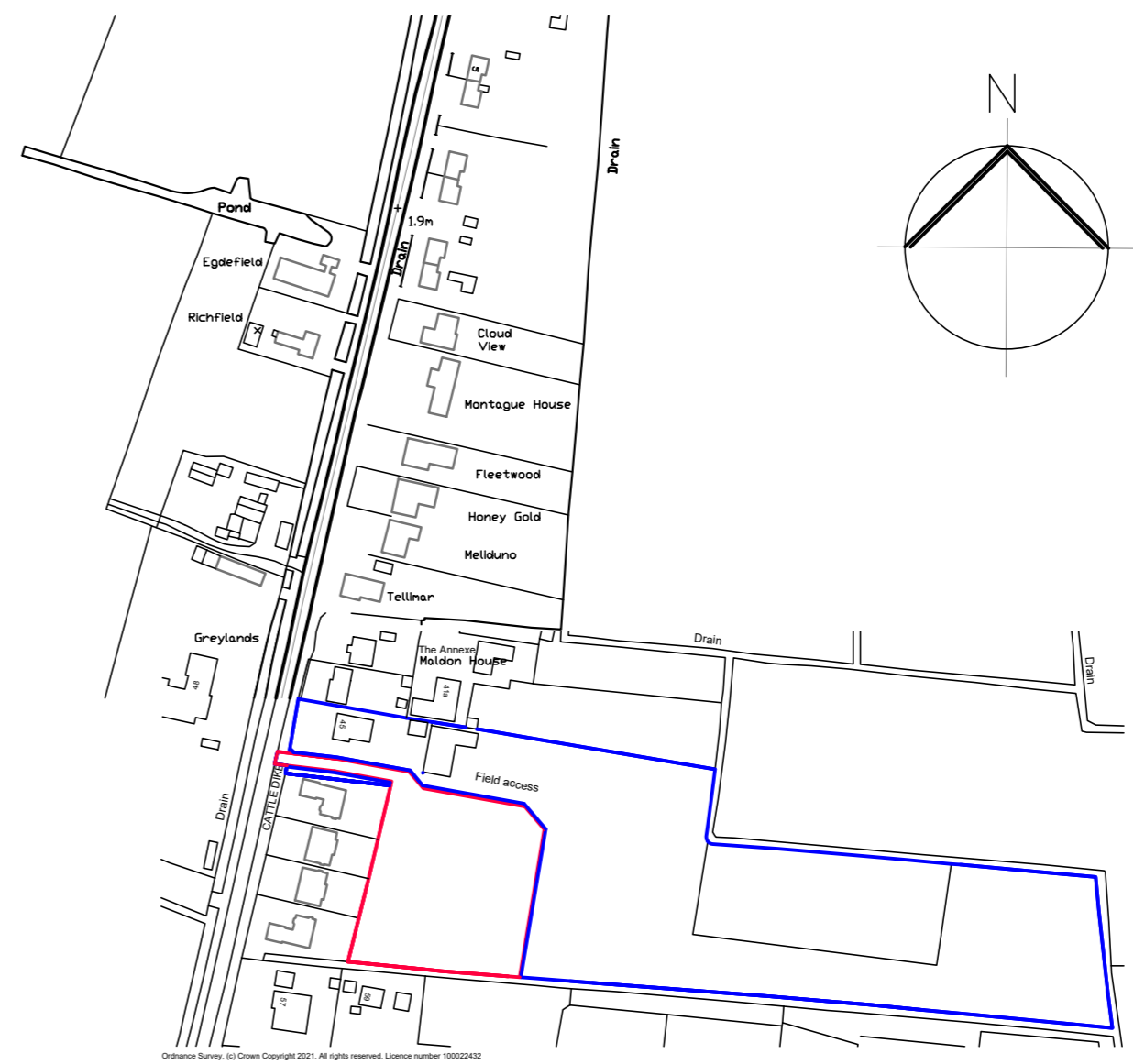
F/YR23/0160/PIP

Scale = 1:1,250





SITE PLAN 1:500(Indicative only)



LOCATION PLAN 1:2500

A -
REVISIONS



PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk

CLIENT
L REES

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
LAND REAR OF GOREFIELD HOUSE
CATTLE DYKE
GOREFIELD
WISBECH

DRAWING
SITE PLAN

JOB NO.	PAPER SIZE	DATE
6384/PIP 01	A2	NOV 2022

Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor.