
F/YR22/1387/F

Applicant: Mr Steve Popely

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land East Of 100, Feldale Lane, Coates, Cambridgeshire

Erect 1 x dwelling (2-storey 4-bed) (in association with existing business) with attached office, and erect an extension to existing equestrian building (including an indoor arena and stabling)

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to Officer Recommendation & Number of representations received contrary to Officer Recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a dwelling (2-storey, 4-bed) in association with an existing business. The development would include an attached office as well as an extension to the existing equestrian building.
- 1.2 The application site is situated on Land East of 100 Feldale Lane, to the north of the settlement of Coates and thus is considered to fall within an 'Elsewhere' location. Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities, away from 'Elsewhere' locations. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.
- 1.3 The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with Policy LP3, the justification given does not meet the requirements of Policy LP12(D) in terms of evidencing the viability of the enterprise. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations.
- 1.4 The proposed development is located outside any settlement limits and the information submitted has not evidenced that the existing enterprise is viable. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).
- 1.5 Subsequently, this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on Land East of 100 Feldale Lane, to the north of the settlement of Coates. The application site comprises 147672 sqm of land currently used as a stud farm and paddocks.
- 2.2 The application site is situated within Flood Zones 1,2 and 3 and a public footpath runs adjacent and partially through the site to the east.
- 2.3 The site is accessed via Feldale Lane which is predominantly a private single track with informal passing spaces at sporadic intervals. The area is distinctly rural in character, with sporadic housing segregated by agricultural fields which extends into the open countryside.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a detached 2-storey, 4-bed dwelling to be used in association with an existing business. It appears that the business has been operating since 2017 in breach of a condition associated with the planning permission for the hay/machinery store/stable building on site. In addition, the land does not have planning permission for the change of use from agriculture to stud farm. The proposal before committee does not include the change of use of the land from agriculture to stud farm. The proposed dwelling would include an attached office. The application also includes an extension to the existing equestrian building which would include an indoor arena and stabling.
- 3.2 The proposed dwelling would be situated to the east of the existing equestrian building. The dwelling would accommodate a footprint of approximately 371m² and would have a ridge height of 6.57 metres approx. The proposed dwelling would be finished in a Terca Retro Mayfair stock brick and Imery Clay tiles.
- 3.3 A block paved courtyard is proposed to the front of the dwelling, with garden space to the rear. A 1.5 metre brick wall would enclose the courtyard area.
- 3.4 The extension to the equestrian building would have a width of 6.5 metres and a depth of 59.5 metres and would serve an indoor training area and stables. The materials proposed would match those of the existing building.
- 3.5 The site plan indicates that a native hedgerow would run along the north-eastern boundary of the site to line up with the existing hedgerow surrounding the site.
- 3.6 Full plans and associated documents for this application can be found at: [F/YR22/1345/F | Formation of an access road and the erection a single-storey maintenance building in association with proposed irrigation reservoir \(F/YR22/1248/AG1\) | Land East Of 1A Beggars Bridge Coates Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR16/0903/F	Erection of building for hay/machinery storage and stabling; and the formation of a manège	Granted 09/01/2017

5 CONSULTATIONS

5.1 Whittlesey Town Council (13/01/2023)

The Town Council recommend refusal until the issues relating to the police and county mapping are resolved.

5.2 Whittlesey Town Council (02/03/2023)

The Town Council have no objection and therefore recommend approval.

5.3 FDC Environmental Health

The Environmental Health Team note and accept the submitted information at this stage and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.

It is recommended that the following condition is imposed in the event that planning permission is granted:

UNSUSPECTED CONTAMINATION 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 Local Planning Authority (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.

5.4 FDC Environmental Service Operations

No issues with collections being made from Feldale Lane at the boundary of the property. I was unaware that Feldale Lane was a private road however it is existing customer and practice to collect from the boundary/end of private access road of all properties on the lane with this additional property having no impact.

5.5 CCC Highways

I do not object to this application on the basis that the proposed development is accessed from a private road and by nature of the remote location, it is unlikely to adversely impact upon the public highway beyond the previously approved scheme.

5.6 CCC Definitive Map Team (07/01/2023)

Public Footpath 19, Whittlesey, runs through the land from the south heading northeast. This route is also under a Public Path Diversion Order, to be diverted

around the edge of the same land (P102). To view the location of the Footpath and Public Path Diversion Order please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

The location plan submitted shows the implementation of a new hedge across the field boundary to the north. Because there is no obvious gap in hedge, it appears that Public Footpath 19 will become permanently obstructed by the hedge, for this reason I am putting in an objection.

Should planning permission be obtained, I would ask that the following informatives are considered:

The Public Footpath should be a width of at least two metres, with any new hedge planting having an off-set distance of 2 metres from the public footpath, in accordance with the County Council's boundary policy which is available to view in the guidance for planners and developers document available here [Public Rights of Way - Guidance for Planners and Developers v4 \(cambridgeshire.gov.uk\)](#).

To ensure the Public Footpath is protected, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

- No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

Planning permission is granted we would ask for the following informatives to be included:

Informatives

- Public Footpath 19, Whittlesey 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 [ROW] is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a [ROW] 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 at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.7 CCC Definitive Map Team (06/02/2023)

The amended hedging in drawing 6553/05 Rev B is satisfactory, though please ensure that there is an off-set distance of 2 metres each side of the public footpath.

(...)

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

5.8 CCC Archaeology

Thank you for your consultation in regard to the above referenced application. Our records indicate that the site is situated in an area that was subject to an archaeological trial trench evaluation in 2005 (Cambridgeshire Historic Environment Record reference ECB1888). The evaluation revealed significant activity dating to the Bronze Age/Iron Age. This included areas of settlement with post-built structures and ditches (CHER ref. MCB17259) as well as a cremation cemetery of a contemporary date (CHER ref. MCB17256). The evaluation noted the presence of quarry pitting truncating some of the archaeological remains, however this confined to the south-western area of the development. The proposed new building falls within the potential bounds of the prehistoric settlement undisturbed by later quarrying.

Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;*
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c. The timetable for the field investigation as part of the development programme;*
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

5.9 Natural England (23/01/2023)

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Nene Washes SSSI, SPA, SAC, and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Habitats Regulations Assessment (HRA)*
- Clarification of manure storage plans and associated pollution prevention measures*
- Details of the package treatment plant, and assessment of foul water and SuDS proposals*
- Consideration of potential impacts on mobile species outside the SAC & SPA*

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI).

5.10 Natural England (26/09/2023)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

5.11 PCC Wildlife Officer

Recommendation:

Recommend refusal of application on grounds that there is insufficient information to make a recommendation.

Recommended condition(s)/Reason(s) for refusal:

The documents provided within F/YR22/1387/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.

Following issues require resolution before determination can be provided.

1. Natural England has raised several reasons for refusal which first must be responded to before I can recommend No Objection Subject to Conditions. Please see the Natural England Consultation dated the 23rd the January 2023. To

summarize, Natural England has concerned that aspects of the development will create new negative impacts on the nearby Nene Washes and that without the proper documentation these impacts have not been properly mitigated or compensated for.

At this stage without further information the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1989. Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

*Required amendments/information:
I would therefore recommend that:*

- The concerns raised by Natural England are answered and all relevant reports created.*

Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologist's reports.

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.

The proposed mitigation and compensation within the Preliminary Ecological Appraisal, is considered broadly suitable (sans the points made by Natural England) for the site to result in an overall no net loss of biodiversity. It is likely that an Ecological Management Plan including the recommended compensation, including the hedge, grassland and pond will be conditioned.

Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application.

5.12 CCC Ecology

No comments received.

5.13 Cambridgeshire Constabulary (19/12/2022)

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above ward for the last 2 years. At present, I would consider this to be an area of low risk to the vulnerability to crime.

(...)

There is no information regarding security and crime prevention in the Design and Access Statement, it is important that these measures are considered and discussed at the earliest opportunity, our office would be happy to discuss Secured by Design and measures to reduce the risk to vulnerability to crime.

Although crime is reasonably low, with addition of more horses and high value machinery on site, consideration should be given to external lighting and CCTV, an alarm system linked to the managers house and good boundary treatments. For information, hare coursing is also known to occur in the area.

5.14 Cambridge Constabulary

Thank you for the opportunity to comment on this application.

I appreciate the amendments and additional crime prevention information. Happy to accept the proposed measures and there is scope to increase lighting and CCTV if this is required later. It would be good to see a drawing of the CCTV plan when available.

I have no further comment or objection

5.15 Local Residents/Interested Parties

9 letters of support were received with regard to this application all from address points within Coates (5 from Feldale Lane, 3 from March Road and 1 from Eldernell Lane). The reasons for support are as follows:

- Great addition to the local area with minimal impacts on the area
- Property on site to ensure there is full time adequate care for the horses
- Positioning of dwelling will have no impact on surrounding neighbours
- No detriment to outlook and sympathetic landscaping will enhance local area
- Security
- Little impact on area
- Other businesses on Feldale Lane had no detrimental effect on residents
- Landscaping described should bring in wildlife

2 letters of objection were received with regard to this application from address points along Feldale Lane. The reasons for objection are as follows:

- Access
- Traffic or Highways
- Heavy traffic using Feldale Lane which is unadopted
- Agricultural Land
- Design/Appearance

- Devaluing property
- Does not comply with policy
- Light pollution
- Loss of view/Outlook
- Out of character/not in keep with area
- Traffic or Highways
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Impact on view
- Light pollution
-

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)

Para 11 - Presumption in favour of sustainable development

Para 78 – Rural Housing

Para 83 – Recognise and address specific locational requirements of different sectors.

Para 84 - Development in rural areas

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Lifespan

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 in Fenland

LP15 – Facilitating the Creation of 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

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
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP23 – Historic Environment
LP24 – Natural Environment
LP32 – Flood and Water Management

7.6 **Delivering and Protecting High Quality Environments in Fenland SPD 2014** DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Highways and Access**
- **Flood Risk**
- **Archaeology**
- **Ecology**
- **Other**

9 BACKGROUND

9.1 As detailed within the planning history section above, planning application reference F/YR16/0903/F was granted for the erection of a building for hay/machinery storage and stabling; and the formation of a manège. Condition 2 of the decision notice states:

The development hereby approved shall be used solely for private recreational purposes by the Applicant (Mr Steve Popely) and his family, and shall not be used for any trade, business or equestrian enterprise whatsoever.

9.2 The submitted design and access statement however indicates that Feldale Stud, owned by Mr Popely, has been in operation since February 2017.

10 ASSESSMENT

Principle of Development

10.1 It appears that the business has been operating since 2017 in breach of a condition associated with the planning permission for the hay/machinery store/stable building on site. In addition, the land does not have planning

permission for the change of use from agriculture to stud farm. The proposal does not make provision for this change of use.

- 10.2 The site lies within an area of dispersed, intermittent buildings that are detached from the main settlement of Coates. Feldale Lane is located to the north of the settlement of Coates and comprises predominantly a single-track road extending northwards which does not incorporate pedestrian infrastructure such as a pathway. These characteristics combined with a clear separation denote that the section of Feldale Lane which the site relates more to the rural countryside, than to the built-up area of the nearest settlement of Coates.
- 10.3 As the site is considered to fall outside of a settlement, it is therefore defined as an 'Elsewhere' location under FLP policy LP3; which seeks to restrict development to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. This follows the rationale set out through the relevant policies of the NPPF where the concept of concentrating additional housing within settlements is seen as generally more likely to be consistent with the promotion of "sustainable development in rural areas" than building isolated dwellings elsewhere in the countryside. To do otherwise would result in an urban sprawl or dwellings with poor access and a reliance on private motor car to make essential journeys, contrary to the NPPF's aims of minimising the need to travel and supporting the transition to a low-carbon future.
- 10.4 The NPPF does however support the principle of sustainable rural housing where it would enhance or maintain a vitality of rural communities, and sustainable economic growth in rural locations – where appropriate i.e. the right development in the right location, and it is considered that the requirements of policy LP3 are wholly consistent with the NPPF in this regard.
- 10.4 The application comes forward as a proposal for residential accommodation to serve an existing (unauthorised) stud farm business. The principle of development is accepted through LP3, which recognises that in certain circumstances it is necessary to locate dwellings in otherwise unsustainable locations. However, this is subject to meeting (where residential development is concerned) the strict test of demonstrating an essential need. FLP policy LP12- Part D sets out the requirements as to how this essential need will be demonstrated:

a) The existing functional need for the dwelling

- 10.5 The dwelling is proposed to be occupied by either Mr Popely or his daughter who both currently work on site. The dwelling is to be occupied in conjunction with the business which is used as Feldale Stud Farm. The need for the dwelling is justified in the design and access statement stating that the dwelling will *allow the stud farm to bring in more horses, more breeding capacity and with it more horses to train, which will in turn increase the operation's viability*. The design and access statement also notes that an on-site presence is required full time for security of high value tack, machinery/equipment and horses but also the response time needed during the rearing process for foals and their subsequent ongoing care.

b) The number of part time and full-time worker(s) to live in the dwelling

10.6 It is understood that either Mr Popely or Mr Popely's daughter would occupy the dwelling. The submitted application form states that there are 3 full time equivalent employees working on site, 2 of these whom are Mr Popely and his daughter.

c) The length of time the activity has been established

10.7 The submitted design and access statement states that Feldale Stud farm was formed in February 2017. The business has therefore been operating for over 6 years.

d) The availability of other suitable accommodation on site or in the area

10.8 There are no permanent dwellings on or associated with the land or business. Whilst no evidence has been provided in relation to the suitability of accommodation nearby, it is accepted that for security and animal health reasons, the applicants need to be located as close to the business as possible. Therefore, the site is considered to be acceptable.

e) How the proposed size of the dwelling relates to the viability of the enterprise

10.9 Paragraph 80 of the NPPF advises that isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

10.10 Paragraph 010 of the NPPG notes that when isolated homes in the countryside for essential rural works are being assessed, consideration needs to be given to the degree which there is confidence that the enterprise will remain viable for the foreseeable future and whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

10.11 The Design and Access statement highlights that the Feldale Stud Farm is a relatively new operation, formed in February 2017. The statement notes that the farm has hit a crucial point in its progression and scaling-up where in order to expand further and rear more horses, there is a requirement for someone to reside on site at all times. The statement acknowledges that the development would enable the stud farm to bring in more horses, more breeding capacity and more horses to train, which would improve the operation's viability.

10.12 Further confidential details have been submitted in respect of the businesses position which have been addressed by FDC's accountants as accurate, and while it is reasonable to assume the business may become profitable over the next few years, there is currently no demonstration of an established viable business plan to justify a permanent dwelling on site. The application has therefore failed to demonstrate the viability of the enterprise and is therefore considered to be contrary to Policy LP12 Part D.

10.13 In accordance with Paragraph 80 of the NPPF and Paragraph 010 of the NPPG, the agent was advised to withdraw the application and resubmit the application with a temporary mobile home on site so that they could demonstrate the viability of the business, but the agent confirmed that they wish for the application to be determined as it stands.

Character and Appearance

- 10.14 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The area is agricultural in nature with open fields surrounding the application site. The modest design of the dwelling, with the majority of accommodation situated at ground floor, would not be considered to appear particularly prominent in the landscape, especially considering its location adjacent to the equestrian building.
- 10.15 The proposed extension to the equestrian building would likely have greater visual impact than the proposed dwelling given the large scale of the extension proposed. Notwithstanding this however, the design of the equestrian building is agricultural in nature and is not considered to be an uncommon feature in a rural setting.
- 10.16 New hedge planting is proposed along the north-eastern boundary of the site with the existing hedging retained. This hedging would aid in reducing the visual impact of the proposal and business in general. The development would therefore accord with Local Plan Policy LP16 of the Fenland Local Plan 2014.

Residential Amenity

- 10.17 The closest neighbouring dwelling to the application site is Kennel House, which is situated in excess of 105 metres from the equestrian building.
- 10.18 The dwelling is sited sufficiently away from neighbouring boundaries so as not to result in any overshadowing or overbearing issues. Furthermore, given the lack of surrounding residential amenity, there are no issues to address with regards to overlooking.
- 10.19 Similarly, whilst the equestrian building would introduce a visual change on the site, the building would again be sited sufficiently away from neighbouring boundaries as to not result in any overshadowing, overbearing or overlooking issues.
- 10.20 It is acknowledged that within the letters of objection received, concerns were raised with regard to devaluation of property and loss of view. Both of these issues are not material planning considerations and therefore cannot be considered as a reason to refuse this application.
- 10.21 As per the previous application on site, the associated waste (manure) would be collected and stored on site within the designated area on the site plan. The residential waste is proposed to be collected from the site entrance on Feldale Lane by the Local Authority. Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD states that users should not have to carry their waste and recycling more than 30 metres to storage. FDC Environmental Services Operation have raised no objection to the proposed bin collection point and whilst it is acknowledged that users would have to carry their waste more than 30 metres, given that the dwelling is to be used in association with an existing business on site, it is considered acceptable in this instance.
- 10.22 The future operation of the stud farm, as with most farms does have some potential for disturbance. However, given that there are no residential neighbouring properties within close proximity to the site, it's unlikely that such

disturbance would occur. In addition to this, no objections have been raised from FDC Environmental Health.

Highways and Access

10.23 The Local Highways Authority have assessed the application and raise no objection to the proposal. In this regard, the application presents no technical issues with regards to highways impacts and would comply with FLP policy LP15.

Flood Risk

10.24 The application site is situated within Flood Zone 1, 2 and 3. The majority of the site is situated within Flood Zone 1, with a small area within the north-west corner of the site being situated within Flood Zone 3. The proposed dwelling and equestrian building extension are situated well within Flood Zone 1 and therefore it is not considered that the scheme would introduce any additional flood risks. Issues of surface water drainage would be considered under building regulations.

Archaeology

10.25 The application site is situated within an area that was subject to an Archaeological trial trench evaluation in 2005, revealing significant activity dating to Bronze Age/Iron Age. The proposed new building falls within the potential bounds of the prehistoric settlement. Therefore, due to the archaeological potential of the site, a further programme of investigation and recording has been requested by CCC Archaeology which would be conditioned should permission be granted.

Ecology

10.26 The application is accompanied by a preliminary ecological appraisal which highlights that there is unlikely to be any potential significant ecological impact with regard to protected sites, habitats/plants and protected species and suggests that no further surveys are required.

10.27 The ecological appraisal highlights various mitigations to be provided. Currently the existing muck heap is stored on bare ground with no associated drainage. The proposal indicates that this is to be transferred onto a dedicated store for muck and hay for collection.

10.28 The following precautionary mitigation to safeguard protected species and enhancement to increase the overall biodiversity of the site:

- Native, species-rich hedgerow planting
- Management of grass margin to the north to benefit reptiles
- Creation of biodiversity area to the west of the development area to include suitable management of the grassland, reprofiling of the pond and incorporation of vegetation heap for grass snake breeding
- Installation of bat boxes and bird boxes onto the new equestrian building and surrounding area;
 - 2 bat boxes to be installed on the west and east of the equestrian building at a height of at least 5m
 - 6 externally mounted swift boxes will be installed onto the northern elevation of the new equestrian building extension

- Careful clearance of any suitable bird nesting/reptile vegetation under the supervision of an ecologist or outside of the bird breeding season/reptile hibernation period
- Careful measures of working to protect reptiles, amphibians and small mammals
- Careful removal of soil mounds as not to entomb rabbits

10.29 No lighting is proposed to the extension of the equestrian building. The new dwelling would incorporate some level of lighting and will adhere to the following:

- Any external lighting should be limited to only that absolutely necessary for safety purposes;
- The brightness of the lighting will be as low as possible and kept at a low level and directed away from the boundary vegetation, suitable habitat outside of the application area and any new bat boxes/roosting areas
- Narrow spectrum lighting with no UV light
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats
- Lighting on sensors will not be so sensitive that foraging bats set them off and should be on short timers (1 minute)
- Lighting must not illuminate habitats outside of the application area nor exceed 1lux on the surrounding grassland

10.30 Natural England have raised no objections to the scheme as the proposed development would not have significant adverse impacts on designated sites.

Other

10.31 Due to the constraints of the site and its location within the open countryside, it would be appropriate to include a planning condition that ties the dwelling to the use of the business.

10.32 As aforementioned, a Public Right of Way (PROW) runs adjacent and partially through the site to the east. CCC Definitive Map team originally raised an objection to the application due to the inclusion of hedge planting which appeared to block the PROW, however a new route has been approved through spinney to the existing footbridge. The proposed hedgerow has also been amended to ensure that it does not cross the new route to the footpath. Subsequently, the objection has been removed.

11 CONCLUSIONS

11.1 The site lies within an 'elsewhere' location as defined in the Fenland Local Plan as such, the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the Fenland Local Plan 2014. Furthermore, the scheme fails to evidence the viability of the enterprise as required by Policy LP12 – Part D. In line with Paragraph 80 of the NPPF and Paragraph 010 of the NPPG, the applicant was advised to resubmit the application with a temporary mobile home on site to demonstrate the viability of the business.

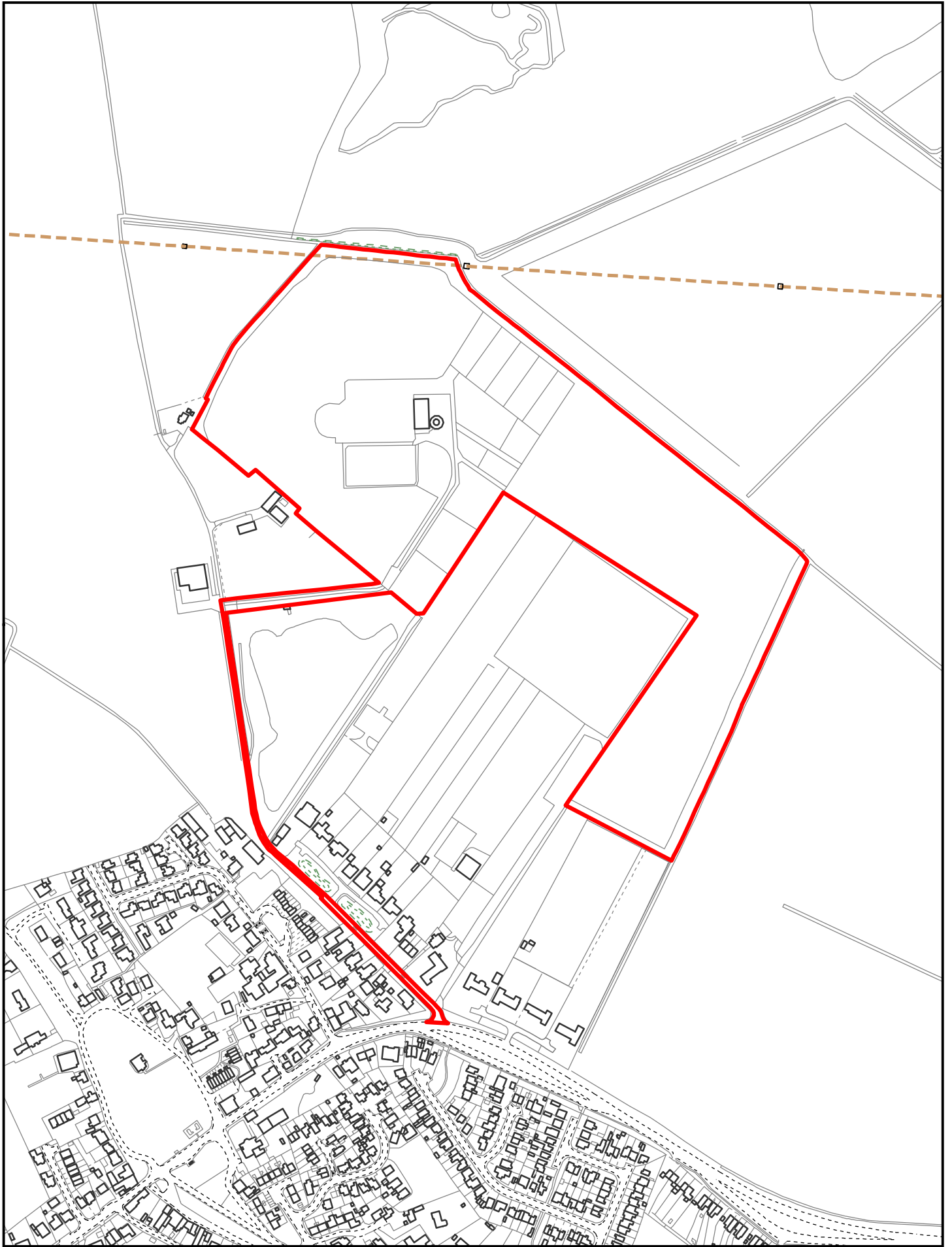
11.2 Given that the scheme is contrary to Policy LP12, Part D, there can be no other response but to recommend refusal.

11.3 It should be noted that the stud farm does not benefit from planning permission in terms of the change of use of land and that there is currently a breach of planning condition in relation to the commercial use of the building on site

12 RECOMMENDATION

12.1 Refuse; for the following reason:

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations. The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with LP3, the justification given does not meet the requirements of LP12(D) in terms of evidencing the viability of the enterprise. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the information submitted has not evidenced that the existing enterprise is viable. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).</p>
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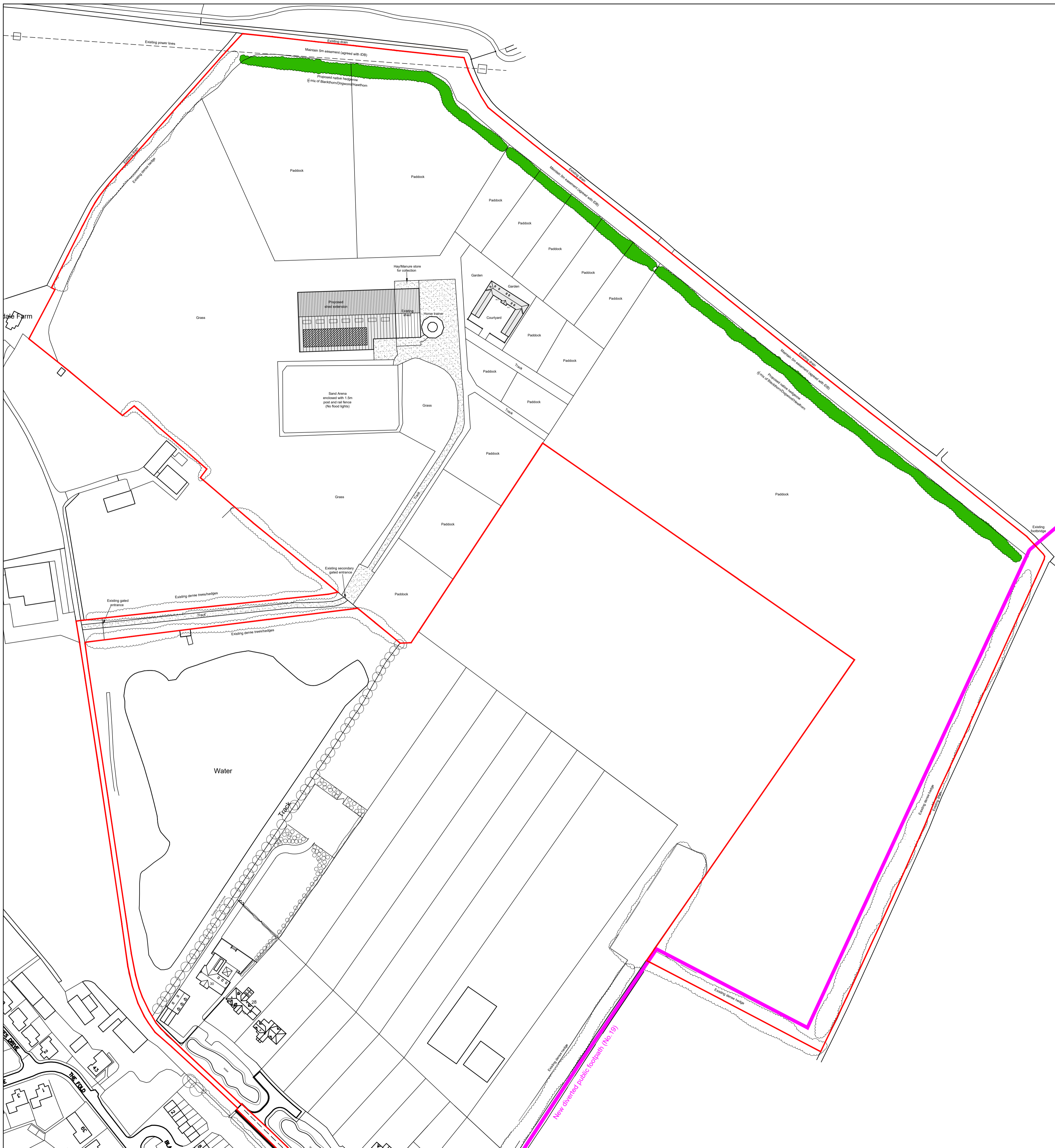
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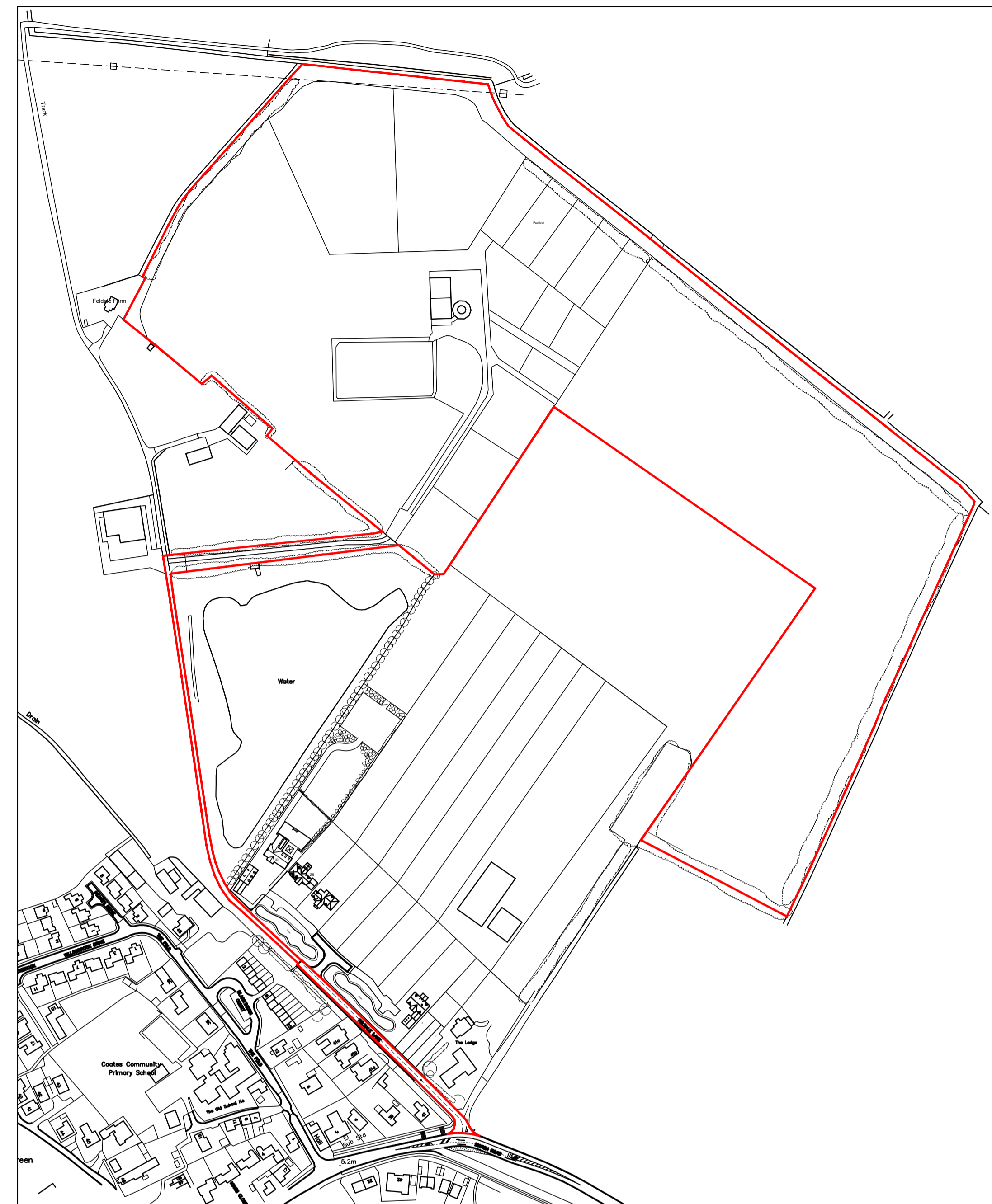
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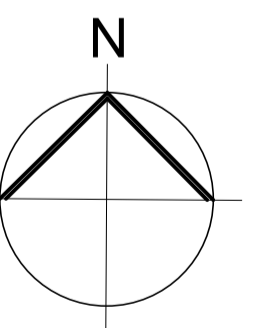




Proposed Site Plan 1:1250



Location Plan 1:2500



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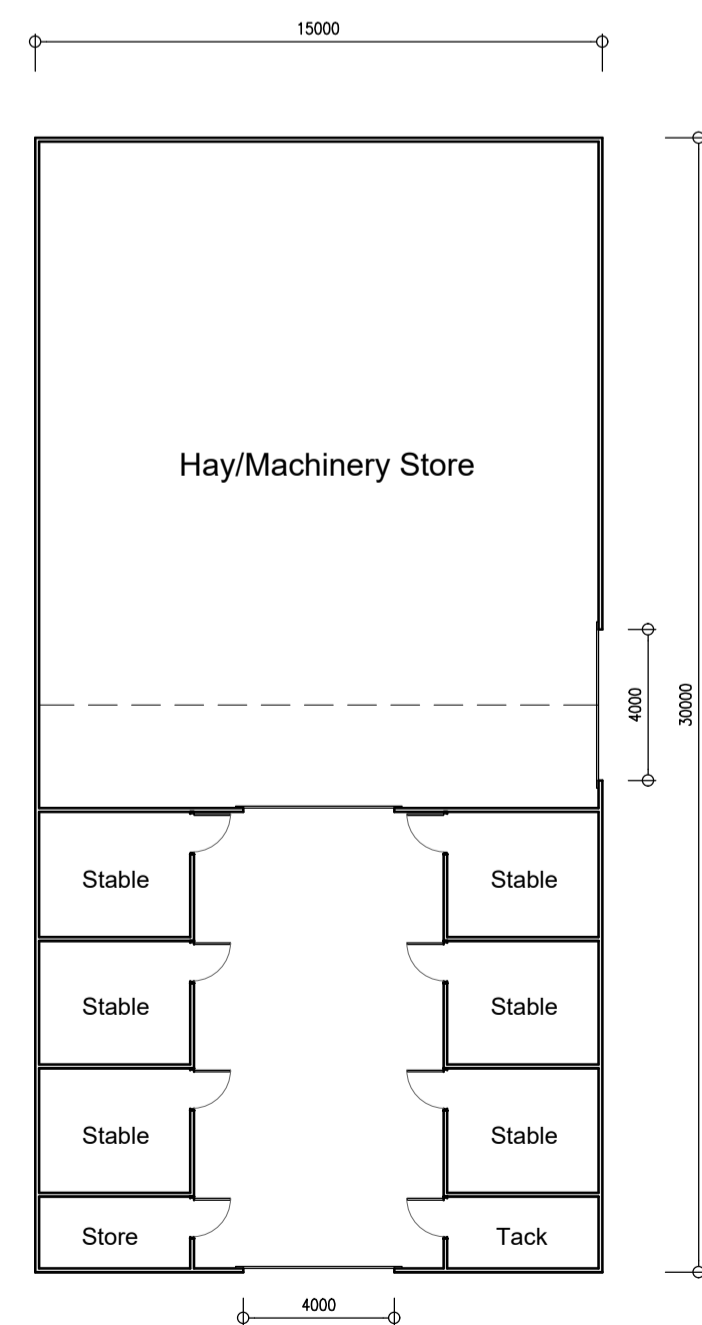
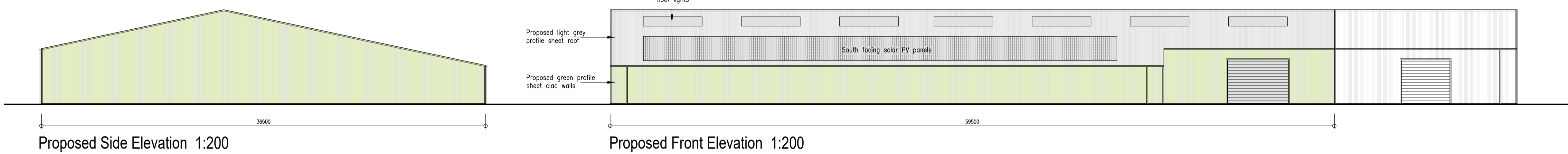
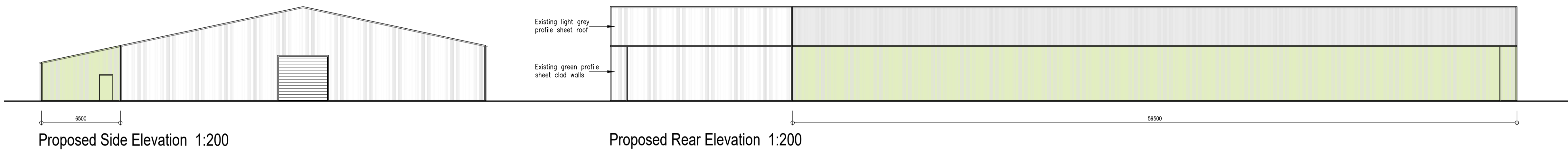
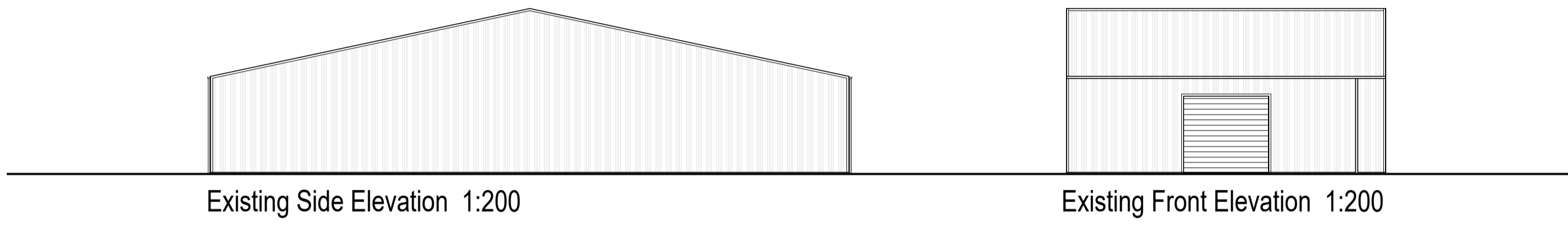
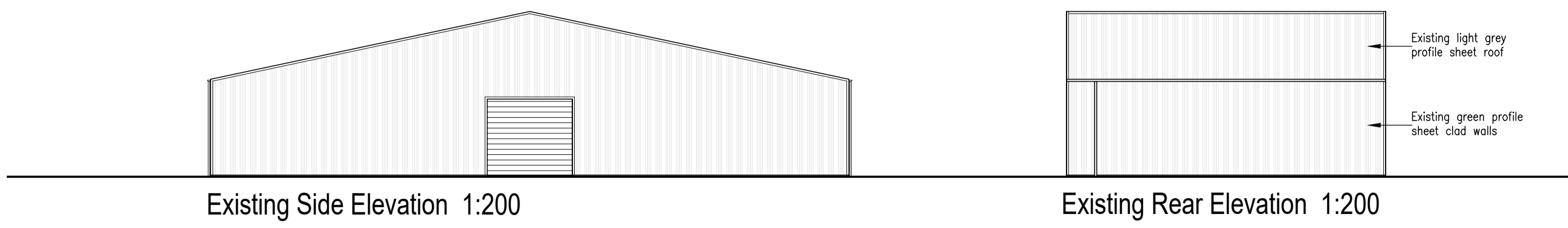
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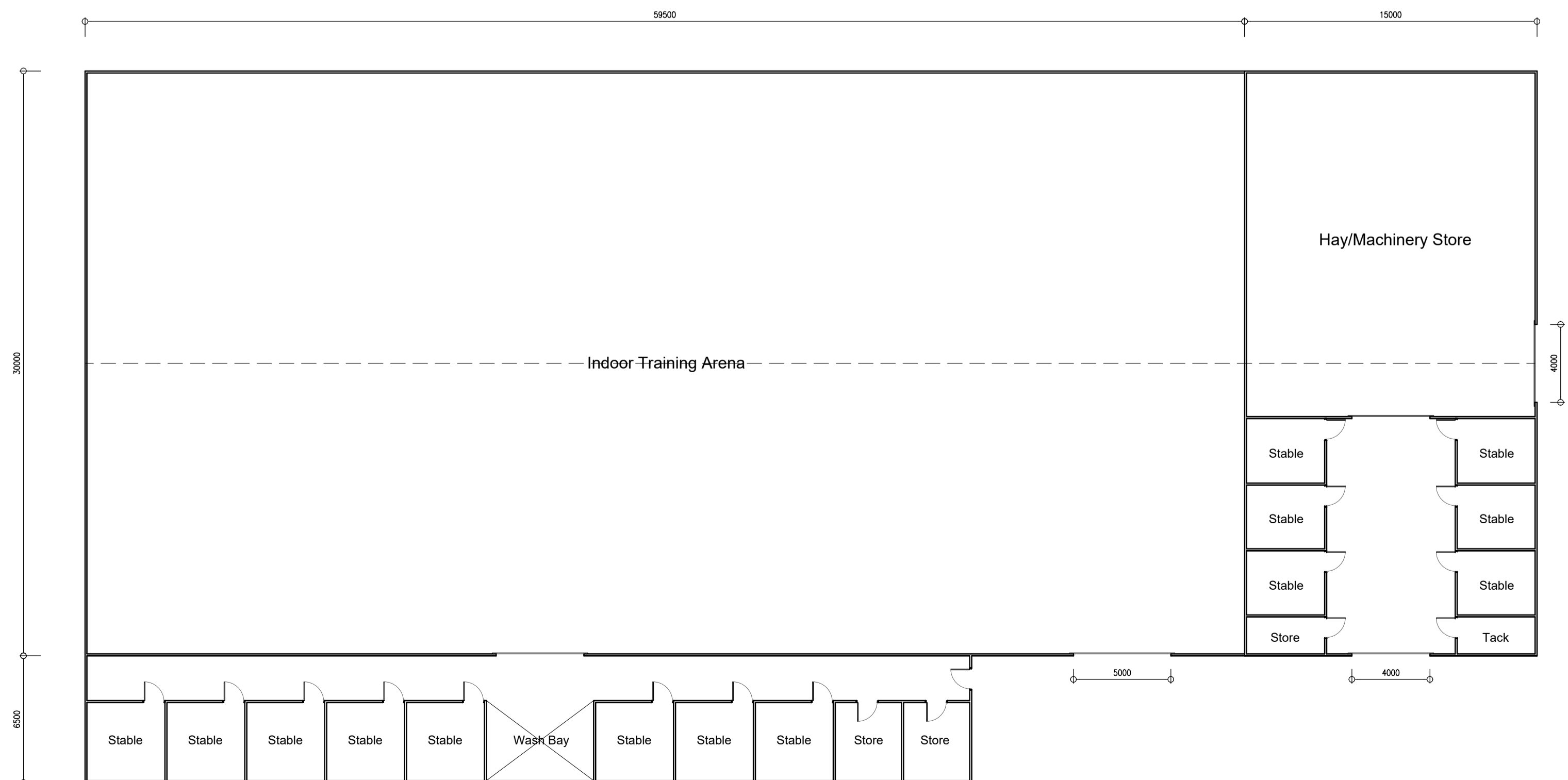


PETER HUMPHREY ASSOCIATES

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



Existing Floor Plan 1:200



Proposed Floor Plan 1:200

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PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466968

E-MAIL: info@peterhumphrey.co.uk

WEB: www.peterhumphrey.co.uk

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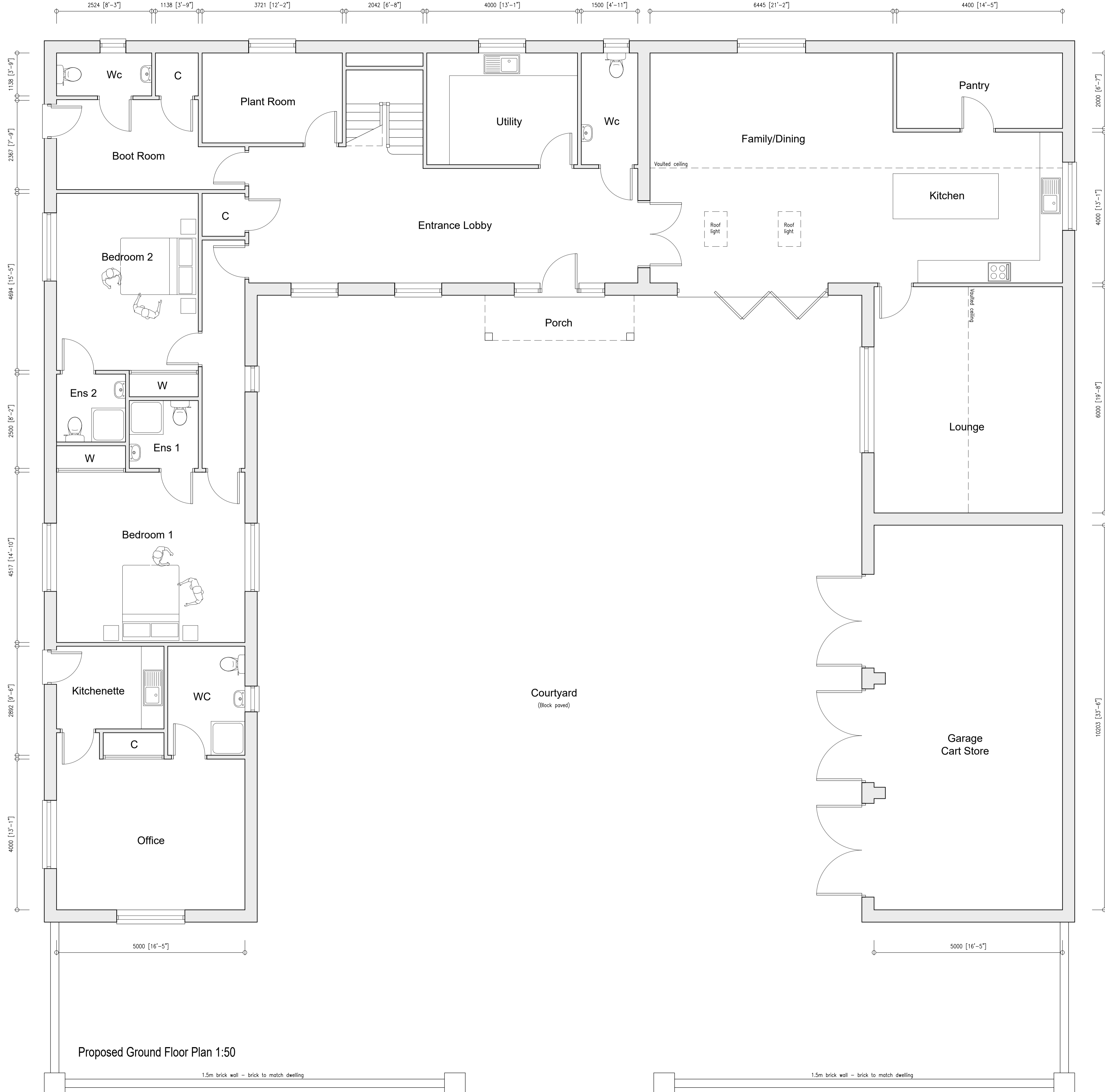
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Proposed Ground Floor Plan 1:50

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PETER HUMPHREY ASSOCIATES
 ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01845 466960
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk

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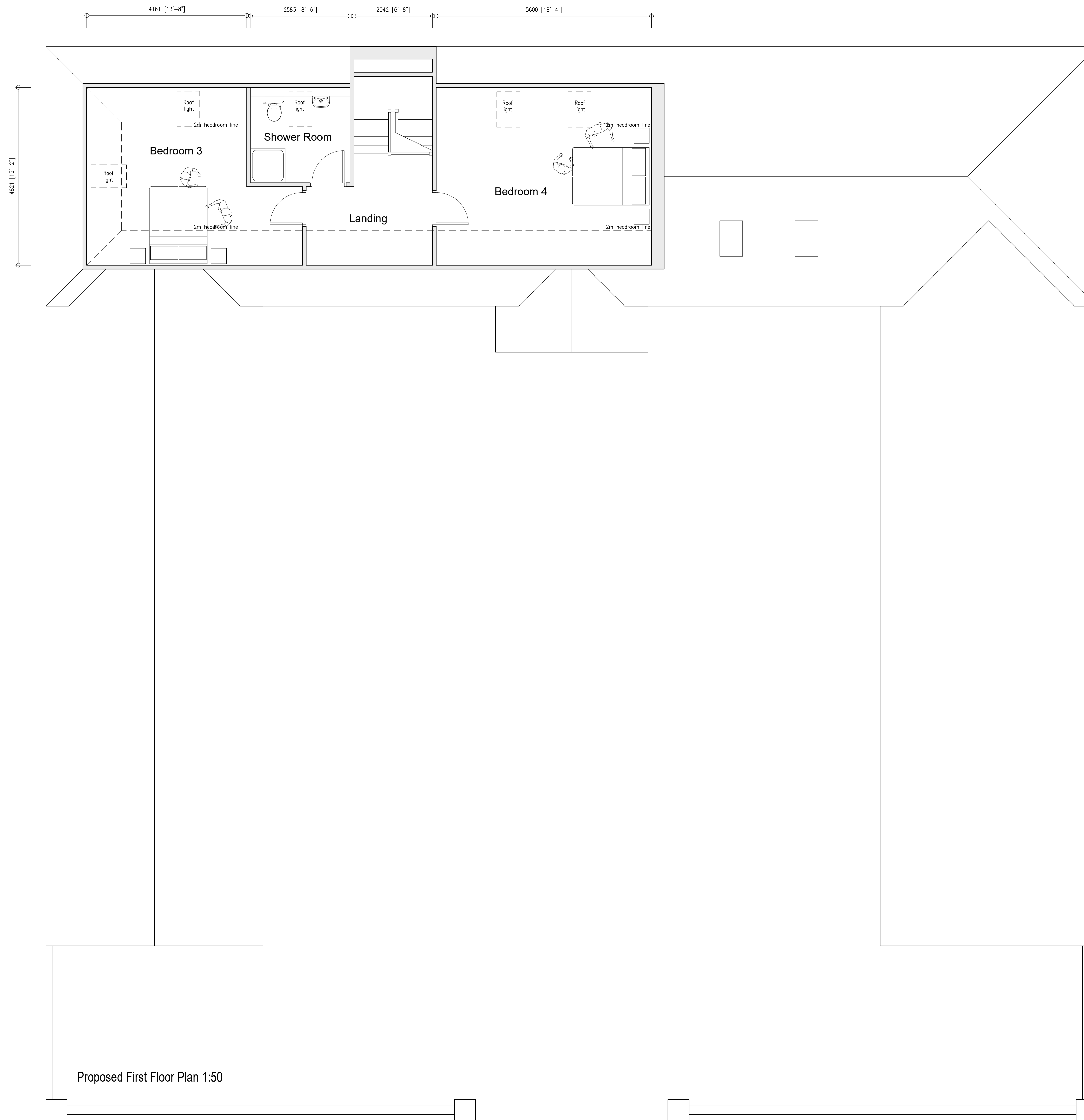
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Proposed First Floor Plan 1:50

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PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01845 466960
 E-MAIL: info@peterhumphrey.co.uk
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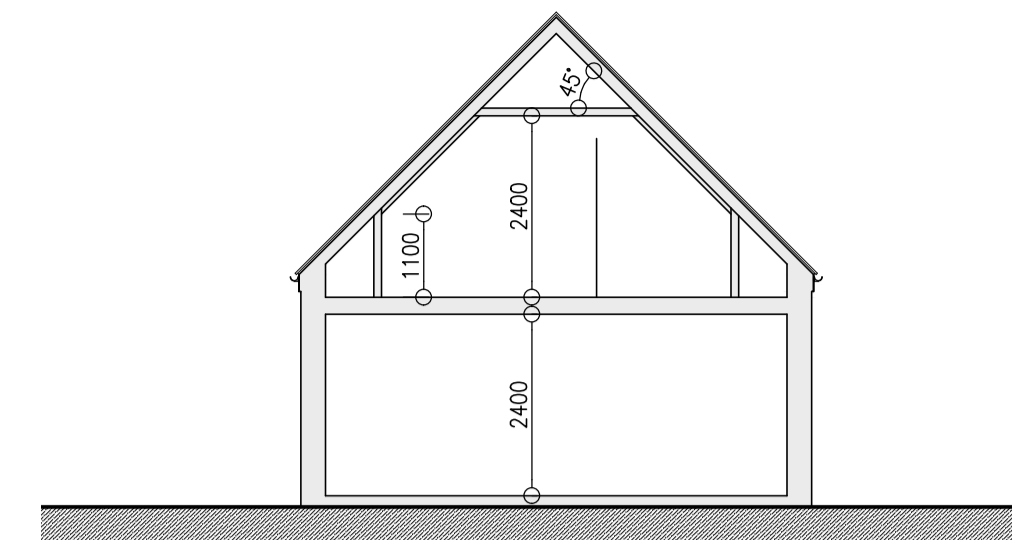
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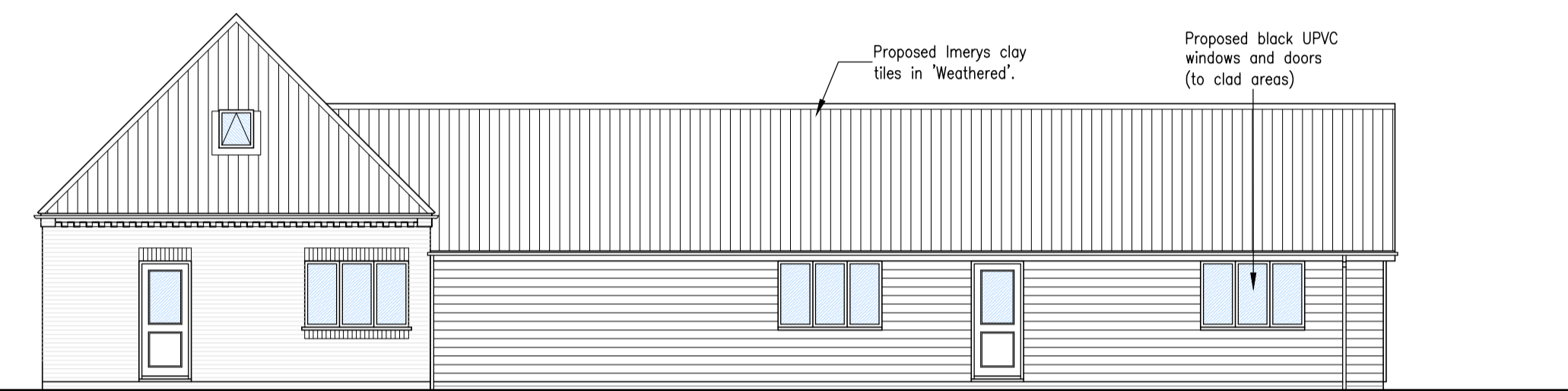
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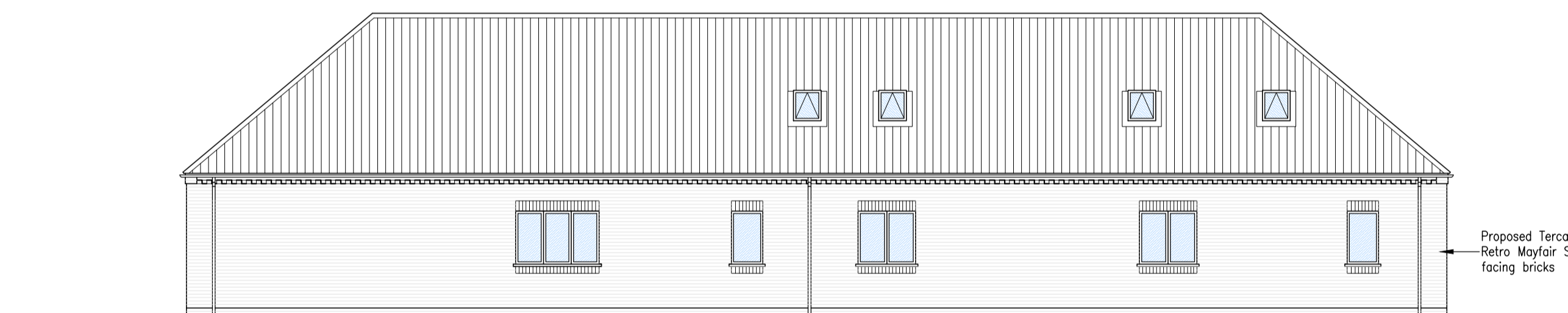
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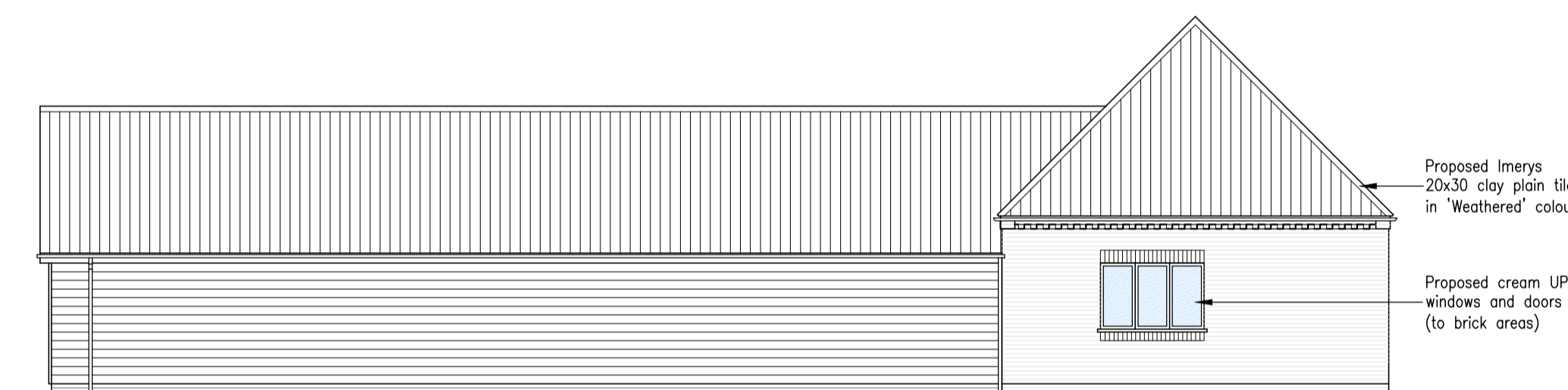
Proposed Front Elevation (Without Courtyard Wall) 1:100



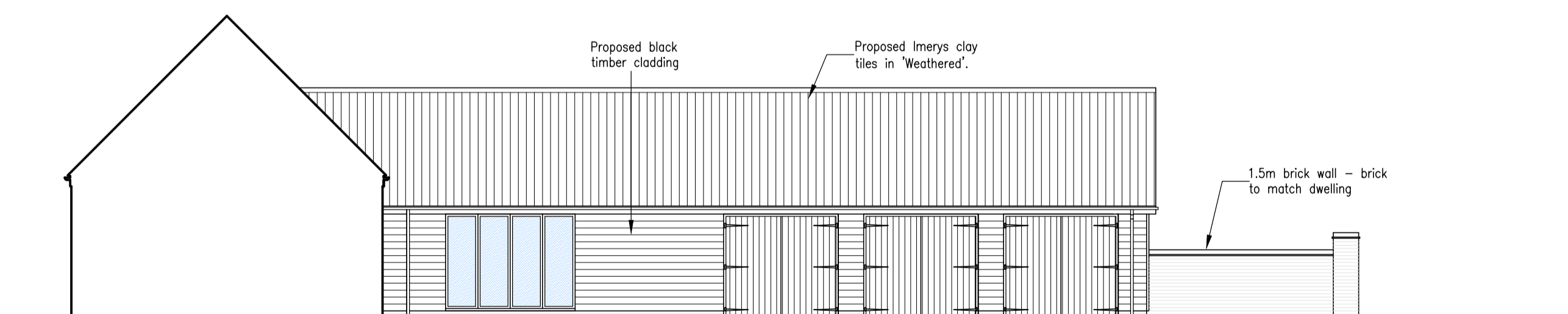
Proposed Side Elevation 1:100



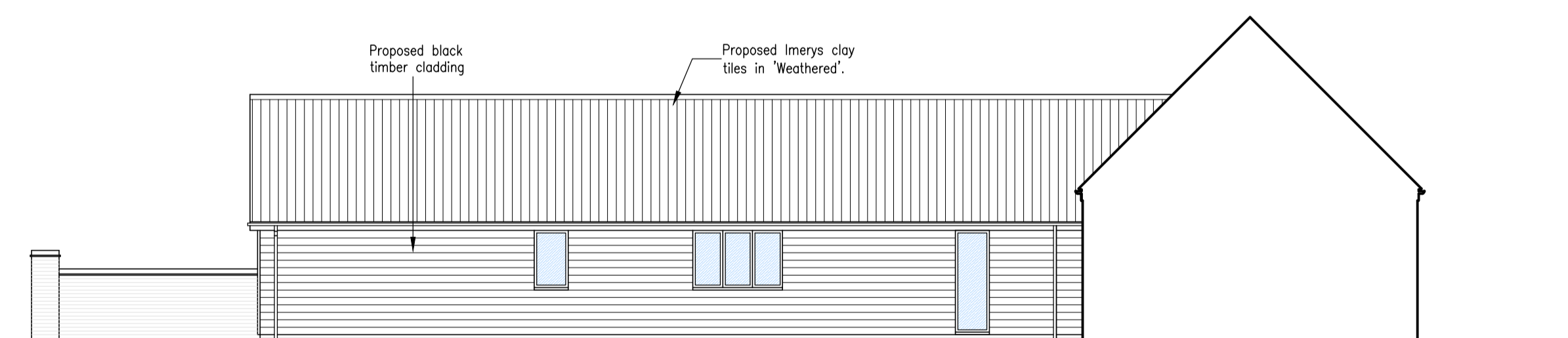
Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Proposed Inner Side Elevation 1:100



Proposed Inner Side Elevation 1:100

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