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**F/YR24/0179/PIP**

**Applicant: Mr Shaun Bowles**

**Agent : Mr George Boreham  
Morton & Hall Consulting Ltd**

**Land South Of Dixie Lodge, High Road, Tholomas Drove, Cambridgeshire**

**Permission in principle to erect up to 3 x dwellings and the formation of 3 x accesses.**

**Officer recommendation: Refuse**

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

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### **Government Planning Guarantee**

**Statutory Target Date For Determination: 1 April 2024**

**EOT in Place: Yes**

**EOT Expiry: 10 May 2024**

**Application Fee: £1509**

### **Risk Statement:**

**This application must be determined by 10 May 2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

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## **1 EXECUTIVE SUMMARY**

1.1 The proposal is an application for Permission in Principle to develop the site for up to 3 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

1.2 Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.

1.3 The site lies to the south-east of the existing linear form of residential development at Tholomas Drove. The site forms an existing wood-chip yard.

- 1.4 Policy LP3 clearly indicates that Tholomas Drove is a 'Other Village' where development will be considered on its merits and will normally be restricted to a single dwelling infill site within an otherwise built-up frontage. Having regard to the spatial criteria within the footnote to Local Plan policy LP12, the site is considered to fall outside of the built-up frontage. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as single dwelling infill as the site presents a large undeveloped gap of approximately 100 metres between existing dwellings and is not situated within a built-up frontage.
- 1.5 The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the transition between the open countryside and the main built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the area, including the local built environment.
- 1.6 Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the western side of High Road, to the south-east of the continuous, linear built-up area of Tholomas Drove.
- 2.2 The northern part of the site is currently informally being used for storage of woodchips and the site is bound by post and rail fencing.
- 2.3 A dwelling is located to the north and another to the south of the application site.
- 2.4 The application site is situated within Flood Zone 1 and an Amber Great Crested Newts (GCN) zone.

## **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 3 dwellings. An indicative plan has been provided detailing an indicative site layout and associated accesses.

- 3.4 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,
  - 3) Amount of development proposed
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 Full plans and associated documents for this application can be found at: [F/YR24/0179/PIP | Permission in principle to erect up to 3 x dwellings and the formation of 3 x accesses | Land South Of Dixie Lodge High Road Tholomas Drove Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR24/0179/PIP)

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR07/0333/O	Erection of a dwelling	Refuse 04/06/2007

#### 5 CONSULTATIONS

##### 5.1 Wisbech St Mary Parish Council

*At the meeting of Wisbech St. Mary Parish Council on 11th March 2024, the Council recommended Approval. Councillors considered that the application was in Flood Zone 1 and had community support. A development in this location would enhance the area and would be better for road safety. It was also noted that Councillors have considered changing the speed limit of the road from 40mph - 30mph following representation from residents.*

##### 5.2 FDC Environmental Health

*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.*

*In the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in the future, this service may recommend a condition on working time restrictions during the construction phase due to the close proximity of existing noise sensitive receptors.*

### 5.3 North Level Internal Drainage Board

*Please note that North Level District Internal Drainage Board have no objections in principle to the above planning application.*

### 5.4 Local Residents/Interested Parties

32 letters of support have been received with regard to this development (16 from address points at Tholomas Drove; 6 from Wisbech St Mary; 5 from Guyhirn; 2 from Murrow; 2 from Bunkers Hill and 1 from Leverington). The reasons for support are summarised as follows:

- Infill
- Character of the area
- Reduced speed limit
- Housing for local families
- Flood Zone 1
- Access
- Served by public transport

## 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)

### 7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

### 7.3 National Design Guide 2021

### 7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

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

### 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
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Location**
- **Use**
- **Amount of development proposed**
- **Other matters**

## **9 ASSESSMENT**

- 9.1 The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow local planning authorities to grant permission in principle on receipt of a valid application for housing-led development. The National Planning Practice Guidance (PPG) explains that the Order is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This consent route has two 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.
- 9.2 There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:
- a) Major development.
  - b) Habitats development.
  - c) Householder development.
  - d) Schedule 1 development which is Environmental Impact Assessment (EIA) development that requires an Environmental Statement.
- 9.3 The proposed development is not considered to be Schedule 2 development within the meaning of the EIA Regulations, which would require EIA if the project is likely to give rise to significant environmental effects.
- 9.4 An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission in principle is sought for the erection of up to 3no dwellings.
- 9.5 The PPG states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be

considered at the technical details consent stage." The PPG also advises that applicants may volunteer additional information to support decision making, in particular, to give more certainty about how many dwellings the site is capable of supporting, and whether mitigation of likely impacts is possible. As this is a permission-in-principle application, no plans are required.

- 9.6 The Council is therefore tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the development plan, unless there are material considerations, such as those within the NPPF and the PPG, which indicate otherwise.
- 9.7 The Council can inform the applicant what they expect to see at the technical details consent stage, but it cannot impose planning conditions.
- 9.8 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*

- 9.9 The foot notes of LP12 of the Fenland Local Plan 2014 define the developed footprint of a settlement. Given the application site is separated from the main built form of Tholomas Drove and by a distance of approximately 140 metres. As such, it is not considered to be within the settlement for the purposes of LP3 and LP12 of the Local Plan.
- 9.10 Policy LP3, informed by LP12 therefore considers the site to be an 'elsewhere' location where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services. No justification has been included within the submission to illustrate that the dwellings would be required for such enterprises.
- 9.11 Thus the principle of the development of the site is not supported as the location of the site is not within the developed footprint of Tholomas Drove and is therefore in an elsewhere location and not required for the established uses set out within Policy LP3 of the Fenland Local Plan. The requirements relating to Policy LP3 and LP12 have not been met.
- 9.12 Notwithstanding, the glossary in the Fenland Local Plan defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as single dwelling infill as the site presents a large undeveloped gap (outside of the built settlement) of approximately 100 metres between existing dwellings and is not situated within a built-up frontage.
- 9.13 As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.

## *Use*

- 9.14 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.
- 9.15 Paragraph 180 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.
- 9.16 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.
- 9.17 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 users by reason or noise or disturbance or vice versa.

## *Amount of Development proposed*

- 9.18 The application seeks Permission in Principle for up to 3 dwellings on a site of 0.27ha. Whilst a site plan has been submitted, this is indicative. It is considered that the dwellings could likely be satisfactorily accommodated on-site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount however, the proposal is acceptable, notwithstanding the critical, principle findings above.

## **10 CONCLUSIONS**

- 10.1 The application seeks permission in principle for the residential development of up to 3 dwellings at the site with matters of location, land use and amount of development proposed.
- 10.2 Policy LP3 sets out that Tholomas Drove is an 'Other Village' where development will be considered on its merits and will normally be restricted to a single dwelling infill site within an otherwise built-up frontage. The site is considered to fall outside of the developed footprint of Tholomas Drove having regard to the guiding criteria set out under policy LP12. As such, the site is considered to be in an elsewhere location under policy LP3 and the nature of the development does not meet with the strict land use requirements of 'elsewhere developments'.
- 10.3 Furthermore, the site is rural in character with open fields to the rear and beyond and positively contributes to the rural character of the area. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the transition between the open countryside and the built form of the village, this being clearly at odds with Local Plan policy LP12 and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the area and local built environment.

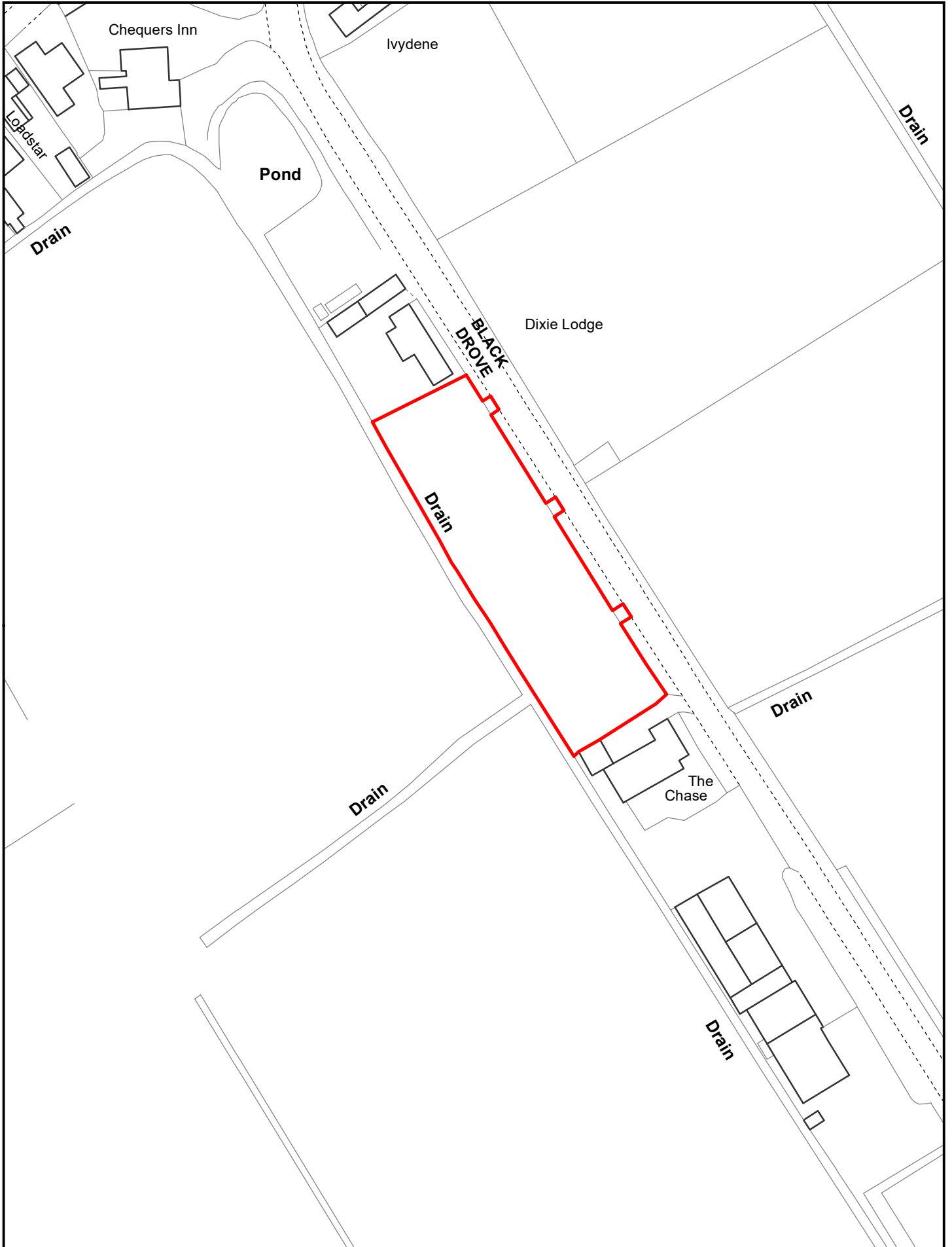
10.4 Overall, the principle of the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## 11 RECOMMENDATION

11.1 **Refuse Permission in Principle;** for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan identifies that Tholomas Drove is a 'other village' where development will be considered on its merits and will normally be restricted to a single dwelling infill site within an otherwise built-up frontage. The location of the site is not within the developed footprint of the village and as such it fails to satisfy this requirement. The proposal is therefore contrary to Policy LP3 and LP12 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP12 of the Fenland Local Plan 2014 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) of the Fenland Local Plan 2014 requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.</p> <p>The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the development plan and thus, in terms of location, the Permission in Principle application fails.</p>





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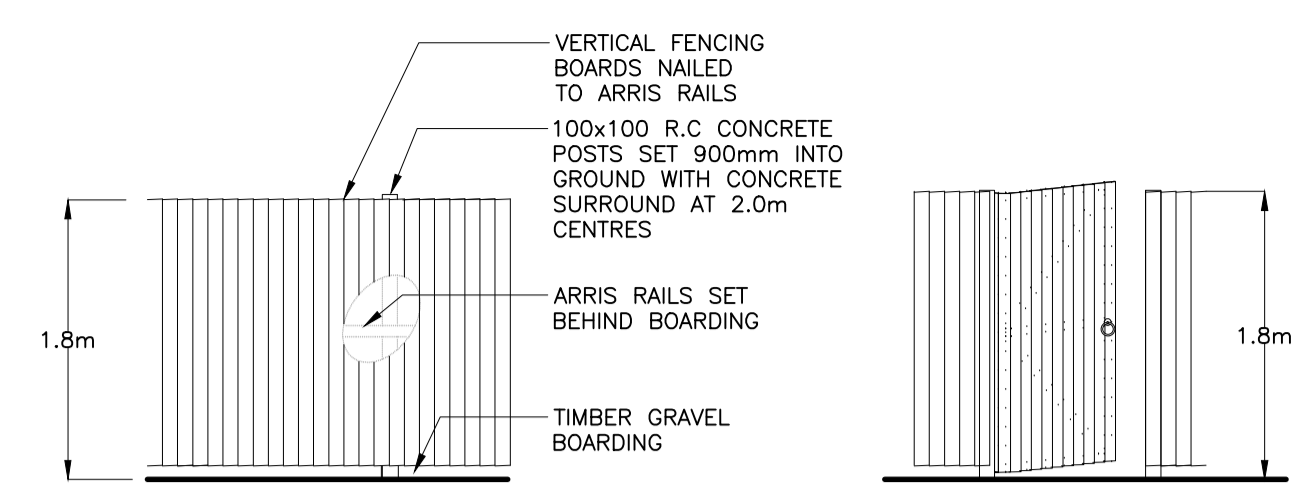
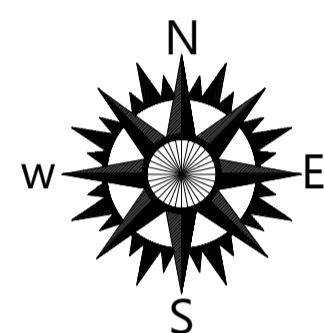




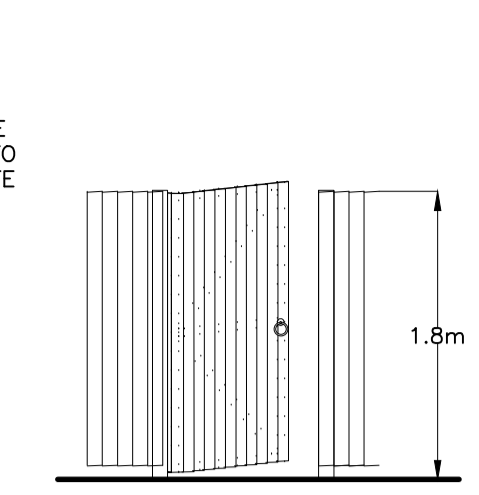
LEGEND:

-  EXISTING DWELLINGS
-  PAVEMENT
-  GRASS
-  PERMEABLE BLOCK PAVING (NON SLIP)
-  TARMAC
-  GRAVEL
-  SLAB PAVING
-  WHEELIE BINS
-  HEDGING
-  VEGETATION

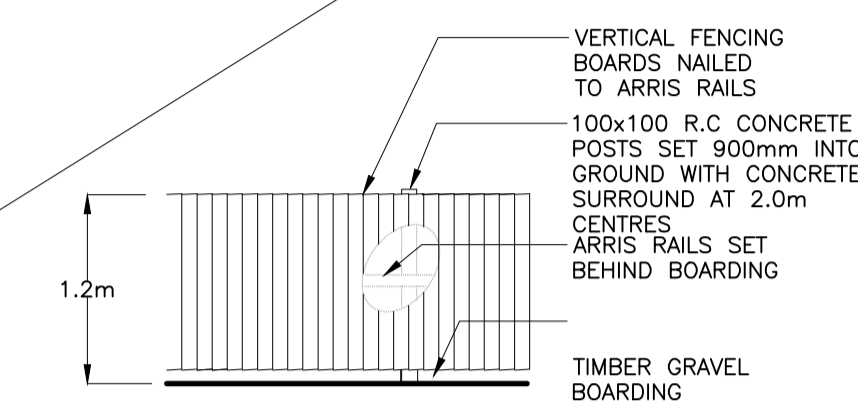
INDICATIVE PROPOSED SITE PLAN  
(1:250)



1.8m HIGH FENCE DETAIL  
(1:50)  
(INDICATIVE)

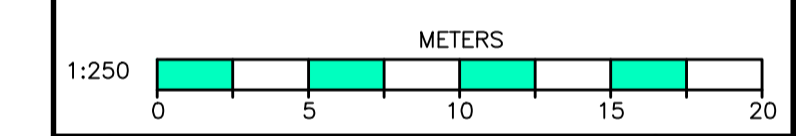


GATE DETAIL  
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(INDICATIVE)



1.2m HIGH FENCE DETAIL  
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(INDICATIVE)


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Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
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.  
All finishes, insulation and damp-proofing to architect's details



B	PLANNERS COMMENTS	FEB 2024
A	ADDRESS AMENDED	FEB 2024
	REVISIONS	DATE

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 Fenland District Council Building Design Awards winner

CLIENT  
Mr Shaun Bowles

PROJECT  
Land North of The Chase  
High Road, Tholomas Drove  
Cambridgeshire  
PE13 4SL

TITLE  
Proposed Site Plan  
INDICATIVE

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE Jan 2024	DRAWING NUMBER H9377/03 <sub>B</sub>
SCALE As Shown	