

**Applicant: Westfield Farms Manea  
Ltd**

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

**Land South Of Lavender Mill Close, Fallow Corner Drove, Manea,**

**Permission in Principle for up to 9 x dwellings**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1. This is an application for Permission in Principle (first stage) for up to nine dwellings on a parcel of agricultural land in the countryside outside of the existing developed footprint of Manea. There are no material considerations which outweigh the determination of this application in accordance with the adopted policies and in line with the NPPF.
- 1.2. Only matters of location, use of land and amount of development can be considered at this stage. All matters of detail would be subject to Technical Details approval if this first stage Permission in Principle were approved.
- 1.3. With regard to location, the proposal fails to recognise the intrinsic character and beauty of the countryside and the pattern and character of the surrounding natural landscape and sporadic built character of the immediate area to the south of Fallow Corner Drove which is largely open agricultural land. It would be inconsistent with the core shape of the village and would appear incongruous both in terms of the landscape character of the area and in terms of visual appearance. It will inevitably result in an unacceptable urbanising impact and an adverse impact on the verdant rural character.
- 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. The application site is approximately 1.7km from the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site and may provide functional land that is important to the maintenance of populations of Whooper and Bewick's swans and other birds within the designation's assemblage such as Wigeon. The application is not supported by any ecological evidence and as such insufficient information has been submitted to inform the required Habitat

Regulations Assessment.

- 1.6. The application site is indicated as being in an area of potential deep peat, and insufficient information has been submitted to verify the actual soil conditions, as such the application has failed to demonstrate that a development on this site would not impact deep peat with the potential for carbon release.
- 1.7. In addition, if the principle of development in this location were acceptable, the development for up to 9 dwellings does not make efficient use of the land, contrary to the environmental objectives of Paragraph 8 of the NPPF.
- 1.8. Accordingly, the recommendation is to refuse permission in principle for residential development of this site.

## **2 SITE DESCRIPTION**

- 2.1. The application site relates to an undeveloped area of Grade 1 agricultural land, approximately 0.98 hectares in size, situated on the south side of Fallow Corner Drove, Manea. The site, at the time of inspection, appeared to be in current agricultural use, with crops apparent. The site itself is open agricultural land with a drainage channel running along the highway forming its northern boundary and two further drains forming its eastern and western boundaries, the land is open to the south. A small number of mature trees are situated to the northwestern corner, within the highway verge.
- 2.2. Development in the area is predominately concentrated in a linear pattern to the north side of Fallow Corner Drove only. However, a recent approval for 29 dwellings at the former Lavender Mill site (F/YR23/0423/RM), forming an in-depth development, is set behind existing frontage development opposite the site, infilling part of the backland separation between Fallow Corner Drove and Westfield Road to the northwest.
- 2.3. To the south side of Fallow Corner Drove, development is considerably more sporadic. This side is dominated by large expanses of agricultural land with some farm buildings and a very limited number of residential dwellings.
- 2.4. The application site is located entirely within 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. The application is supported by limited details, only committing a location plan; No indicative plans detailing how the development could be laid out and appear were provided. A Planning Statement sets out that the development would comprise two-storey dwellings.
- 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:
  - a) Location,
  - b) Use, and
  - c) Amount of development proposed
- 3.5. Should this application be successful, the applicant would have to submit a Technical Details application (stage 2 of the process) covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission. 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.publicaccess.fenland.gov.uk/publicaccess/>

## **4 SITE PLANNING HISTORY**

- 4.1. No available planning history for this site.

## **5 CONSULTATIONS**

### **5.1. Manea Parish Council**

*MPC could not support this application:*

- *Insufficient information*
- *Outside the Manea building envelope.*
- *Flood zone 3*
- *Loss of agricultural land*
- *Lack of drainage detail.*

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

#### **Recommendation**

*Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, no significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission.*

#### **Comments**

*This application seeks to establish the principle of development at this location only. As such, any highways-related requirements cannot be determined at this stage and will be subject to future planning applications and approvals.*

*Nevertheless, the submitted documentation demonstrates that appropriate inter-vehicle visibility splays can be achieved, and that the proposed vehicular accesses are of a suitable size.*

*Given the scale of the proposed development, the applicant will need to demonstrate how safe and convenient pedestrian access will be provided at the Technical Details Consent stage. This could be achieved by incorporating a crossing point to the footway on the northern side of Fallow Corner Drove, either via the main site access—where the access would be expected to be designed as a bellmouth junction to accommodate a short section of footway—or through a standalone pedestrian link located along the site frontage.*

*Furthermore, at the Technical Details Consent stage, the Local Highway Authority will expect the proposed access to be designed to ensure that surface water from the site does not drain onto or across the public highway. Please note that the use of permeable paving alone does not provide the Highway Authority with sufficient assurance that surface water will be adequately managed in the long term. Therefore, physical measures must be incorporated to prevent such runoff.*

*Additionally, all vehicular accesses should be constructed using a bound material for a minimum of 5 metres from the edge of the public highway into the site. This is to prevent loose material from being carried onto the highway, which could pose a hazard to road users.*

### **5.3. Environment Agency**

*We have reviewed the documents as submitted and we have no objection to this permission in principle application. The following flood risk issues and mitigation measures should be considered and clarified at the technical details consent stage:*

#### **Flood Risk**

*Our Flood Map for Planning shows the site lies within fluvial Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Permission in Principle for up to 9 x dwellings, which is classified as a 'more vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the National Planning Policy Framework.*

#### **Flood Risk Assessment**

*To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 'H10744/MH/mh' and dated 'October 2025', are:*

- *Residual breach flood risk depths, velocities, and maximum hazard rating are not specifically addressed, but our fenland hazard mapping indicates flood risk depths of 1-2 m (a more site specific breach depth can be obtained if desired via our products 5-8), and a maximum flood velocity of 0-0.3 m/s, resulting in a maximum hazard rating of danger for most. This risk should be assessed within the FRA.*
- *Proposed finished floor levels are currently 1.8 m above existing ground level.*
- *0.6 m of flood resilient construction has been proposed.*
- *Two storey dwellings are proposed, with no ground floor sleeping.*
- *Safe access/Egress was not assessed.*

*Where our Fenland breach mapping shows flood depths up to 2m, we would expect finished floor levels to be set above the highest predicted flood depth. If this is not practicable due to other planning constraints, finished floor levels should be raised as high as possible and flood resistance and/or resilience measures should be incorporated up to the maximum flood depth where appropriate. Please note that flood resistance measures should be incorporated up to a maximum of 0.6m above finished floor levels due to the risk of structural damage if the difference between internal and external flood depths is greater than 0.6m. Where internal flooding is unavoidable, no ground floor sleeping accommodation should be provided. Flood resilience measures and the safe access/egress of the development should also be considered within the FRA.*

[...]

Additional comments provided with regard to the sequential test, exception test, flood warning and emergency response, and other flooding sources with advice to the applicant – omitted for brevity.

#### 5.4. **Anglian Water**

##### ASSETS

###### Section 1 - Assets Affected

*New development must comply with Building Regulations and the Water Industry Act.*

*Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary or affected by the proposals.*

*It is highly recommended that the applicant carries out a thorough investigation of the proposed working area to establish whether any unmapped public or private sewers, lateral drains, or other water infrastructure assets are in existence. Due to the private sewer transfer in October 2011, many newly adopted public used water assets and their history are not indicated on our records. Any encroachment zones should be reflected in the site layout. The development site may contain private water mains, drains or other assets not shown on our records. These are private assets and not the responsibility of Anglian Water but that of the landowner.*

##### WASTEWATER SERVICES

###### Section 2 - Wastewater Treatment

*Please be advised that Anglian Water have no foul sewer infrastructure within the vicinity of the proposed development. Consequently it is anticipated that little to no new foul flows will be received by the WRC as a result of this development.*

###### Section 3 - Used Water Network

*Please be advised that there are no public foul sewers within the vicinity of the proposed development.*

###### Section 4 - Surface Water Disposal

*The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.*

*Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.*

*Please be advised that there are no public surface water sewers within the vicinity of the proposed development, and therefore Anglian Water will be unable to serve the sites surface water disposal requirements. Alternative methods of surface water disposal will need to be investigated such as infiltration techniques or a discharge to a watercourse in accordance with the surface water management hierarchy as outlined in Building Regulations Part H. The alternative is that a new surface water sewer is constructed which is used to convey your surface water to a watercourse or as part of a SuDS scheme, where appropriate. Subject to the sewer being designed in accordance with the current version of Sewers For Adoption, the sewer can be put forward for adoption by Anglian Water under Section 104 of the Water Industry Act 1991. If the outfall is to a watercourse, the applicant will be required to obtain consent to discharge via the appropriate body. If your site has no means of drainage due to third party land then you may be able to requisition Anglian Water, under Section 98, to provide a connection to the public sewer for domestic drainage purposes. As part of this option, you may wish to enter into a works agreement in accordance with Section 30 of the Anglian Water Authority Act 1977. This will allow you to design and construct the public sewer using Anglian Waters' statutory powers in accordance with Section 159/168 of the Water Industry Act 1991.*

## **5.5. Natural England**

### **OBJECTION - SITE UNSUITABLE FOR PERMISSION IN PRINCIPLE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS**

*Natural England currently objects to this proposal.*

*As submitted we consider it could:*

- *potentially result in the loss or damage of peat soils, against Draft Local Plan Policy LP26*
- *have potential significant effects on the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site*

*Further detail is needed to fully assess the environmental impacts of the proposal and the scope for mitigating adverse impacts. Natural England, therefore, advises that any development on this site should be considered via a planning application.*

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

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

*In the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in the future, owing to the scale of the*

*proposed development and close proximity to existing residents, this service requests the submission of a robust Construction Environmental Management Plan (CEMP) in line with the template for developers, available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk) The CEMP shall be expected to include working time restrictions to negate the need for a separate condition.*

## 5.7. Local Residents/Interested Parties

### Objectors

The LPA received 31 letters of objection to the scheme, from a number of address points as follows:

- 13 from residents of Fallow Corner Drove, Manea;
- 1 from a resident of Westfield Rd, Manea;
- 1 from a resident of School Ln, Manea;
- 1 from a resident of Wimblington Rd, Doddington; and
- A number of additional address points, including Bury St Edmunds, Walcott, Lairg, Godmanchester, London, Ely, St Ives, Upper Cambourne, Lower Cambourne, Cambridge, and Waterbeach.

Of the objections received, the following matters were put forward as reasons for objection:

Objecting Comments	Officer Response
<ul style="list-style-type: none"> <li>• Will spoil the traditional village feel</li> <li>• Overdevelopment</li> <li>• Loss of agricultural land</li> <li>• Loss of countryside character</li> <li>• Development would set an undesirable precedent</li> <li>• Development beyond the existing built form</li> <li>• Recent development in the area has mostly been redevelopment of existing sites or agricultural dwellings not new builds on greenfield sites</li> </ul>	Matters of the principle of development, location, use and amount are discussed in the below assessment.
<ul style="list-style-type: none"> <li>• Infrastructure unable to cope</li> <li>• Traffic and highway safety concerns</li> </ul>	Matters relating to highway safety, sustainability and infrastructure are discussed in the below assessment.
<ul style="list-style-type: none"> <li>• Concerns over surface water flooding – claims to often have standing water on the land</li> <li>• In flood zone 3</li> <li>• Raising floor levels above flood</li> </ul>	Matters relating to flood risk and drainage are discussed in the below assessment.

level is preposterous	
<ul style="list-style-type: none"> <li>• Would endanger local wildlife</li> </ul>	Matters relating to ecology and biodiversity are discussed in the below assessment.
<ul style="list-style-type: none"> <li>• Residential amenity concerns during construction</li> </ul>	Matters relating to residential amenity are discussed in the below assessment.
<ul style="list-style-type: none"> <li>• Loss of view for existing residents</li> <li>• Loss of value to nearby properties</li> </ul>	Loss of view and/or property values are not material planning considerations and as such are not discussed in the below assessment.

### Supporters

The LPA received 13 letters of support for the scheme. Of these, 2 were noted to be received from address points outside of the Fenland district. The remaining 11 were received from address points as follows:

- 3 from residents of Fallow Corner Drove, Manea;
- 2 from residents of High St, Manea;
- 1 from a resident of Station Rd, Manea;
- 1 from a resident of Westfield Rd, Manea;
- 1 from a resident of Williams Way, Manea (with no reasons for support);
- 1 from a resident of Scholars Cl, Manea;
- 1 from a resident of Wisbech Rd, Manea; and
- 1 from a resident of Straight Rd, Manea.

Of the qualifying letters of support received, the following matters were put forward as reasons to support the scheme:

Supporting Comments	Officer Response
<ul style="list-style-type: none"> <li>• Will improve the overall quality of the road – through additional streetlights, improved drainage, etc.</li> <li>• Will fit into the current development along the Drove</li> <li>• Will balance the road with the development to the north side</li> <li>• Will not impact views or amenity</li> <li>• Will bring new vitality to the locality and help meet housing needs</li> <li>• Will contribute to the local economy</li> </ul>	Matters of the principle of development, location, use and amount are discussed in the below assessment.

<ul style="list-style-type: none"> <li>• Will aid in reducing congestion in the village centre</li> <li>• Good links to public transport</li> </ul>	Matters relating to highway safety, sustainability and infrastructure are discussed in the below assessment.
<ul style="list-style-type: none"> <li>• Flood mitigation (such as finished floor level raising) can be incorporated</li> </ul>	Matters relating to flood risk and drainage are discussed in the below assessment.

### Representations

The LPA received one letter of representation from a resident of Straight Road, Manea (also a supporter). This rebutted to comments made within some published objections regarding claims of standing water, and some claims relating to the developer's motives for submitting the application. It should be noted that these matters, where material to the application, are discussed below.

## **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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

## **7 POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF) 2024**

- Chapter 2 - Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

- Determining a Planning Application

### **7.3. National Design Guide 2021**

- Context
- Identity
- Built Form
- Movement
- Nature
- Homes and Buildings
- Resources
- 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
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments
- LP19 – The Natural Environment

**7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

- Policy 14 - Waste management needs arising from residential and commercial Development

**7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014**

- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

**7.7. Cambridgeshire Flood and Water SPD 2016**

**7.8. 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 49 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
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management

**8 KEY ISSUES**

- **Location**
- **Use**

- **Amount of Development Proposed**
- **Additional Matters Raised During Consultation**

## **9 ASSESSMENT**

9.1. 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**

#### Principle, Form and Character

9.2. Generally, the principle of residential development on this site isn't automatically supported. The land is not allocated for housing in the adopted Fenland Local Plan (2014), and the Council can currently demonstrate a healthy housing land supply of 6.6 years. As such, the national "tilted balance" (set out in paragraph 11(d) of the NPPF) doesn't apply in this case. Accordingly, there is no automatic presumption in favour of granting permission. As such, decisions should be based firmly on how well the proposal aligns with local and national planning policies.

9.3. Policy LP3 sets out the spatial strategy, settlement hierarchy, and approach to elsewhere developments. This is complemented by Policy LP4 which sets out proposed housing targets for Market Towns and Other Locations. The key driver of these policies is to ensure that new development is directed towards the most sustainable locations whilst recognising that smaller settlements will still need to reflect natural population change and may require additional development of a much smaller scale to reflect these changes. Since the Plan was adopted there have been a number of sites permitted and completed in other locations dramatically exceeding the anticipated provision set out in the adopted Plan with no notable improvements to social, educational and health infrastructure to offset the impacts of development or increase the overall sustainability of these locations. As such the principal of additional residential development within 'Other Locations' should not be automatically accepted.

9.4. Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. However, the application site is located outside of the built form of the settlement of Manea on the southern side of Fallow Corner Drove. The built form of the settlement of Manea extends along the northern side of Fallow Corner Drove, however the south remains largely undeveloped.

9.5. Thus, whilst the site is in close proximity to the settlement of Manea, the site being located in open countryside on the southern side of Fallow Corner Drove is considered an elsewhere location. Policy LP3 and the settlement hierarchy note that an 'Elsewhere' location will be restricted to development that is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The application does not include any information to suggest it is related to any of the exceptions outlined by LP3.

- 9.6. The current Local Plan does not rely on defined settlement boundaries but rather requires a physical assessment to be made to determine whether or not a site is within a village for the purposes of Policy LP12. Policy LP12 identifies that to receive support, the site must be in or adjacent to the existing developed footprint of the village, defined as the continuous built form of the village and excludes individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement.
- 9.7. Policy LP12 Part A also requires sites to satisfy additional criteria, including: (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland and (d) is of a scale and in a location that is in keeping with the core shape and form of the settlement.
- 9.8. In addition, Policy LP16 (d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 9.9. The application site is located on the southern side of Fallow Corner Drove outside of the built form of the settlement of Manea which extends along the northern side. It is apparent therefore that development of the application site would clearly constitute the extension of the settlement limit onto greenfield land in the open countryside. The majority of the surrounding area on the south side of Fallow Corner Drove is agricultural in use and clearly rural in nature. Accordingly, the proposal would see residential development in currently undeveloped agricultural land, which would result in an unacceptable incursion into the open countryside. It would therefore have a significant detrimental impact on the rural character of the south side of the road. As such, it is considered that the proposal is contrary to Policy LP12 Part A (c). Furthermore, given that the site is divorced from the main built form of Manea that sits to the north side, it is considered that the location of the proposal is not in keeping with the core shape and form of the settlement, contrary to Policy LP12 Part A (d).
- 9.10. The application site constitutes an area of land located outside the developed footprint of Manea. Development of this site would not respect the rural character or settlement pattern of the village, it would result in an unacceptable urbanisation and set a precedent for future development, further eroding the open character of this area. As such, the proposal is considered contrary to Policy LP12 Part A (c) and (d) which seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and respects the core shape of the settlement. Furthermore, the scheme is considered contrary to Policy LP16 (d) of the Fenland Local Plan and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, by virtue of the unacceptable character impact.

#### Flood Risk

- 9.11. Another pertinent requirement is to ensure that development is located in areas of lowest flood risk.

9.12. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Policy LP14 states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:

- (a) the successful completion of a sequential test, having regard to actual and residual flood risks
- (b) an exception test (if necessary),
- (c) the suitable demonstration of meeting an identified need, and
- (d) through the submission of a site-specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

9.13. National planning policy includes an over-arching principle in the Framework that development should be directed away from areas at highest risk of flooding. To that end, a sequential, risk-based approach is to be taken to individual applications in areas known to be at risk now or in the future from flooding. Planning Practice Guidance (PPG) confirms that this means avoiding, so far as possible, development in current and future medium and high flood risk areas. The PPG furthermore confirms that the underlying purpose includes placing the least reliance on measures like flood defences, flood warnings and property level resilience features. Therefore, even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the Sequential Test still needs to be satisfied.

#### *Sequential Test*

9.14. It is for the decision-maker to consider whether the Sequential Test is passed, with reference to information held on land availability and an appropriate area of search. The latter should be determined by the planning authority. Accordingly, clarification on the LPA's expected area of search for a sequential test is now provided on the Council's website, which states:

*"Applicants must define and justify an appropriate area of search when preparing the Sequential Test. The extent of this area will depend on the location and role of the settlement, as well as the type and scale of development proposed:*

- *For developments within or adjacent to Market Towns and Growth Villages, the area of search will normally be limited to land within or adjacent to the settlement in which the development is proposed.*
- *For all other locations — including Limited Growth, Small and Other Villages, or Elsewhere Locations — the area of search will normally be expected to be district-wide.*

*To pass the Sequential Test, applicants must demonstrate that there are no reasonably available sites, within the defined search area, with a lower*

*probability of flooding that could accommodate the proposed development. A poorly defined or unjustified area of search may result in the Sequential Test being considered invalid.”*

- 9.15. The application includes a Sequential and Exception Test report (dated 13 October 2025) which focuses the area of search on the settlement of Manea. However, as discussed above, the application site is located outside of the built form of the settlement of Manea on the southern side of Fallow Corner Drove in the open countryside, and thus is considered an elsewhere location. The above is clear that the area of search for sites within elsewhere locations over which a Sequential Test should be applied will normally be based on a district wide search area, unless it can be demonstrated that there is a particular need for the development in that location.
- 9.16. The application is not supported by any evidence to justify the need for development in this location and accordingly does not qualify for any variation to the required area of search.
- 9.17. The Council is able to demonstrate a five-year housing land supply, and there remain sites identified as suitable for development in the Local Plan that do not currently benefit from planning permission. It would, therefore, be reasonable to conclude that on the basis of district wide search, there will be other reasonably available sites in Flood Zones 1 and 2 to accommodate 9 dwellings. As such, it is considered that the Sequential Test is failed.
- 9.18. Notwithstanding the above, if, as set out in the above area of search guidance, Manea, as a Growth Village, was considered the appropriate area of search in this case, the Sequential Test would remain failed. The submitted Sequential Test concludes that there are no reasonably available sites to accommodate the development in an area of lesser flood risk within Manea. The Sequential Test considers a number of sites, however the reason for discounting some are given as “Small estate style development so not comparable” or “This is a single bungalow not a two-storey house” and therefore relies on the fact that different types/styles of developments on sites with a lower risk of flooding are not comparable. However, it must be considered that this stage 1 Permission in Principle application is merely focused on establishing whether a site is suitable in principle as such details such as whether dwellings are single or two storey or configured in an estate layout are immaterial to this application, as such details are not committed at this stage. Matters relating to the quantum of units as in some discounted sites within the submitted Sequential Test are also immaterial, as the PPG makes clear that ‘reasonably available’ sites are not limited to single plots, and may include part of a larger site if it is capable of accommodating the proposed development, as well as smaller sites that, individually or collectively, could meet the development requirement. Furthermore, sites do not need to be in the ownership of the applicant to be considered ‘reasonably available’.
- 9.19. Accordingly, in either case, it is considered that insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding when considering reasonably available sites within the wider district

or Manea specifically. On this basis, it is considered that the proposal is not in accordance with Policy LP14 of the Fenland Local Plan, 2014, and Chapter 14 of the National Planning Policy Framework, 2024.

#### *Exception Test*

9.20. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

9.21. In respect of (a); In order to pass the Exception Test the proposal must provide wider sustainability benefits i.e., beyond merely the application site, for the community. Examples of benefits beyond the application site may include:

- Visually enhance a site to the benefit of the character of an area;
- Link development to existing services and facilities bringing communities together sustainably;
- Relocate an existing use closer to existing public transport hubs, thus reducing the amount of traffic on the road; or
- Providing community facilities

All these examples would likely provide some benefit to the community beyond the application site.

9.22. To address the exception test, the application includes the following proposals:

- (1) The proposal will incorporate air source heat pumps and solar panels to the roofs which will be ideal as the rear-view properties will be south facing.
- (2) It is expected that the dwellings would be a minimum of B EPC rating.
- (3) The proposals would comply with Building Regulations.
- (4) With this proposal, within the red line the highway verge is shown as the proposal is to widen out the road or provide a layby at this point, which would be for the benefit of users of Fallow Corner Drove.

9.23. The application, as a stage 1 Permission in Principle, does not commit details in respect of (1) – (3) above. However, it is acknowledged that should these elements come forward within the Technical Details stage, these may contribute to renewable energy usage in line with the sustainability objectives of the NPPF. Considering item (4), whilst it is acknowledged that the localised widening of the highway and provision of a layby could be considered a wider public benefit and thus address the exception test, it may be such that the Technical Details proposal would likely result in a requirement to provide localised widening, a layby and/or a suitable footway as part of the development proposals in any case by the Highways Authority, as stated

within their submitted comments in response to this application. Therefore, this provision cannot be considered to address wider public benefit as required by the exception test, as this 'benefit' would be a standard requirement for development of this scale.

9.24. In respect of part (b) of the Exception Test; The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures within the proposal are highlighted within the flood risk assessment technically address the need for safety in times of flooding at the site, and as such would likely satisfy the Exception Test in this regard. However, notwithstanding the Environment Agency's position on this matter, officers retain concern that the implementation of these measures, such as raising FFLS to 1.8m above existing site level may generate material character and amenity concerns which cannot be addressed until the Technical Details Consent stage of the application process.

#### *Drainage*

9.25. Foul water capacity and surface water flood risk concerns have been expressed by residents with comments that site is often waterlogged and local infrastructure may not be capable of supporting the development. Manea continues to experience ongoing issues with surface water drainage and sewage system capacity at Manea WRC. However, the application site specifically is predominately within an area of low surface water flooding risk on the Environment Agency Surface Water Flood Risk Maps, and comments from Anglian Water note that there is no foul water infrastructure in the area and that as a result it is anticipated that no new foul flows will be received by Manea WRC as a result of the development. Notwithstanding, matters of surface and foul water disposal will be reserved for consideration within any forthcoming Technical Details application.

#### Ecological impacts of location

9.26. The application site is approximately 1.7km from the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. The development triggers Natural England's 'Goose & Swan Functional Land' Impact Risk Zone (IRZ) for the Ouse Washes due to the potential for surrounding agricultural land to provide important winter roosting and foraging habitat for Ouse Washes qualifying bird species. Suitable arable / grassland habitat, particularly in such close proximity to the internationally designated sites, may provide functional land that is important to the maintenance of populations of Whooper and Bewick's swans and other birds within the designation's assemblage such as Wigeon. The application is not supported by any ecological evidence and as such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 187 of the NPPF 2024.

9.27. Furthermore, Natural England's high level indicative mapping shows that the application site is located in an area of potential deep peat, and as such they advise that an Agricultural Land Classification (ALC) survey should be undertaken to verify the actual soil conditions and enable consideration of the

sustainable use and management of peat soils, to ensure their protection and minimise production of carbon emissions through their loss and degradation. Natural England's advice is that new development should avoid peat soils to leave this important carbon sink intact and prevent release of CO<sub>2</sub> and/or methane into the atmosphere. Chapter 11 of the NPPF seeks to safeguard land for carbon storage and Chapter 14 of the NPPF and the aims of Policy LP14 of the Fenland Local Plan seek to avoid carbon emissions in order to mitigate against climate change. The application has not been accompanied by an ALC survey and as such has failed to demonstrate that a development on this site would not impact deep peat with the potential for carbon release, contrary to the aforementioned policies.

#### Location Conclusion

9.28. The above assessment considers the application site for the development of up to 9 dwellings on an area of land located outside the developed footprint of Manea, resulting in unacceptable incursion into the open countryside, harm to the rural character, is positioned in an area of highest flood risk and in an area where Habitat Regulations Assessment 'likely significant effect' screening and Agricultural Land Classification surveys are required. Thus, the location of the scheme is considered contrary to Policies LP3, LP12, LP14, LP16 and LP19 and thus Permission in Principle should be refused on this basis.

#### **Use**

9.29. 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.

9.30. 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. The application site is Grade 1 agricultural land. It should be noted that at the time of site inspection it was clear that this land is in viable agricultural use. No justification was provided in respect of the loss of such land.

9.31. A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess what the loss the land might mean for the district as a whole. However, the Council has rarely refused applications by virtue of the loss of agricultural land, given the quantity of such land within the district. It is therefore considered unreasonable to justify a reason for refusal on this basis.

9.32. 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.

#### **Amount of Development Proposed**

9.33. The application seeks Permission in Principle for up to 9no dwellings on a site of approximately 0.98ha which would equate to a density of approximately 10 dwellings per hectare, if the full quantum was advanced. Although no site plan has been submitted, it is considered that this is not efficient use of land.

Policies LP12 (c) and (d) and LP16 (d) require development respond to the local character and paragraphs 129 set out the need for development to achieve appropriate densities, with paragraph 130 c) stating local planning authorities should refuse applications which they consider fail to make efficient use of land, considering the policies in the Framework.

- 9.34. Densities vary within the local area from the frontage development of Fallow Corner Drove and Westfield Road, and the in-depth development of the former Lavender Mill site; however, in each of these areas, densities are more akin to those typically found within growth villages such as Manea. Notwithstanding its comparably more rural location than the development to the north and taking aside that this location is unacceptable for residential development in principle (as set out above), if this land were to be developed it would not amount to efficient use of land when compared with adjacent residential development.
- 9.35. One of the three overarching objectives that the planning system has is achieving sustainable development. Set out in paragraph 8 of the NPPF is an environmental objective which includes making efficient use of land. This ties with the economic objective of ensuring that sufficient land of the right types is available in the right places at the right time to support growth (it has already been set out in the report above that this is not the right land in the right location and is not needed to support growth).
- 9.36. Efficient use of land and proper planning including good layouts ensure that the wider environmental objectives set out in paragraph 8 e.g. improving biodiversity, using natural resources prudently (best agricultural land is a natural resource), minimising waste and adapting to climate change are maximised. Piecemeal development, inefficient use of land and developments not in accordance with the adopted development plan are individually and cumulatively counter to these aims. The NPPF defines sustainable development as development that accords with an up-to-date development plan. It follows that development not in accordance with adopted policies is most likely to be unsustainable development and this is considered the case here.
- 9.37. In this instance, whilst a lower-than-average density would be more in keeping with its countryside setting, a development of up to 9 houses on a parcel of land of this size resulting in a density of approximately 10 dwellings per hectare is not making efficient use of land and therefore the amount of development proposed is unacceptable and contrary to paragraph 8 of the NPPF.

### **Additional Matters Raised During Consultation**

- 9.38. **Highway safety** – No objection was raised by the highways authority in respect of the principle of development for residential use. Notwithstanding, details regarding safe and convenient access would need to be fully reconciled at the Technical Details stage to ensure the scheme complies with Policy LP15.

9.39. **Impact on biodiversity/BNG** – The LPA duty under Section 40 of the Natural Environment and Rural Communities Act 2006 as amended, has been considered and comments received in public consultation and from Natural England are addressed elsewhere.

In relation to more general ecological issues, such information could be submitted at the Technical Details stage (if this first stage were successful) and considered then, consulted upon and the decision, including potential refusal or conditions, should be based upon the findings of said ecological information.

If this stage of Permission in Principle were successful, it would not therefore prevent proper consideration of ecological issues at the next stage and it would not alter duties of landowners/developers to comply with other legislation such as the Wildlife and Countryside Act in the meantime.

The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent Technical Details consent (as a grant of planning permission) would be subject to the biodiversity gain condition, unless appropriate exemptions were to apply.

9.40. **Residential Amenity** – Some public comments received raise matters of impacts to residential amenity; however, these are matters that could only be determined at the Technical Details stage. It should also be noted that disturbance during construction, the devaluation of properties and the loss of views are not matters attributed material planning weight.

9.41. **Other matters** – Comments have been received that new housing will create temporary employment and contribute to the local economy. This is not a material planning consideration. Some comments points to the national housing shortage, however it is not role of the Local Planning Authority to address under provision elsewhere in the country when Fenland District exceeds its five-year Housing Land Supply with a total of 6.6 years provision.

## 10 CONCLUSIONS

10.1. As indicated above it is only location, use and amount of development that may be considered at the first 'permission in principle stage'.

10.2. The above assessment considers that the location of the site for residential development is unacceptable due to the conflict with the settlement hierarchy of the Local Plan and unacceptable incursion of urbanisation into the open countryside, contrary to Policies LP3, LP12, and LP16. In addition, the site lies entirely within in Flood Zone 3; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

- 10.3. The application site is approximately 1.7km from the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site and may provide functional land that is important to the maintenance of populations of Whooper and Bewick's swans and other birds within the designation's assemblage such as Wigeon. The application is not supported by any ecological evidence and as such insufficient information has been submitted to inform the required Habitat Regulations Assessment.
- 10.4. The application site is indicated as being in an area of potential deep peat, and insufficient information has been submitted to verify the actual soil conditions, as such the application has failed to demonstrate that a development on this site would not impact deep peat with the potential for carbon release.
- 10.5. Furthermore, it is considered that the amount of development proposed does not constitute an effective use of land and is contrary to paragraph 8 of the NPPF.

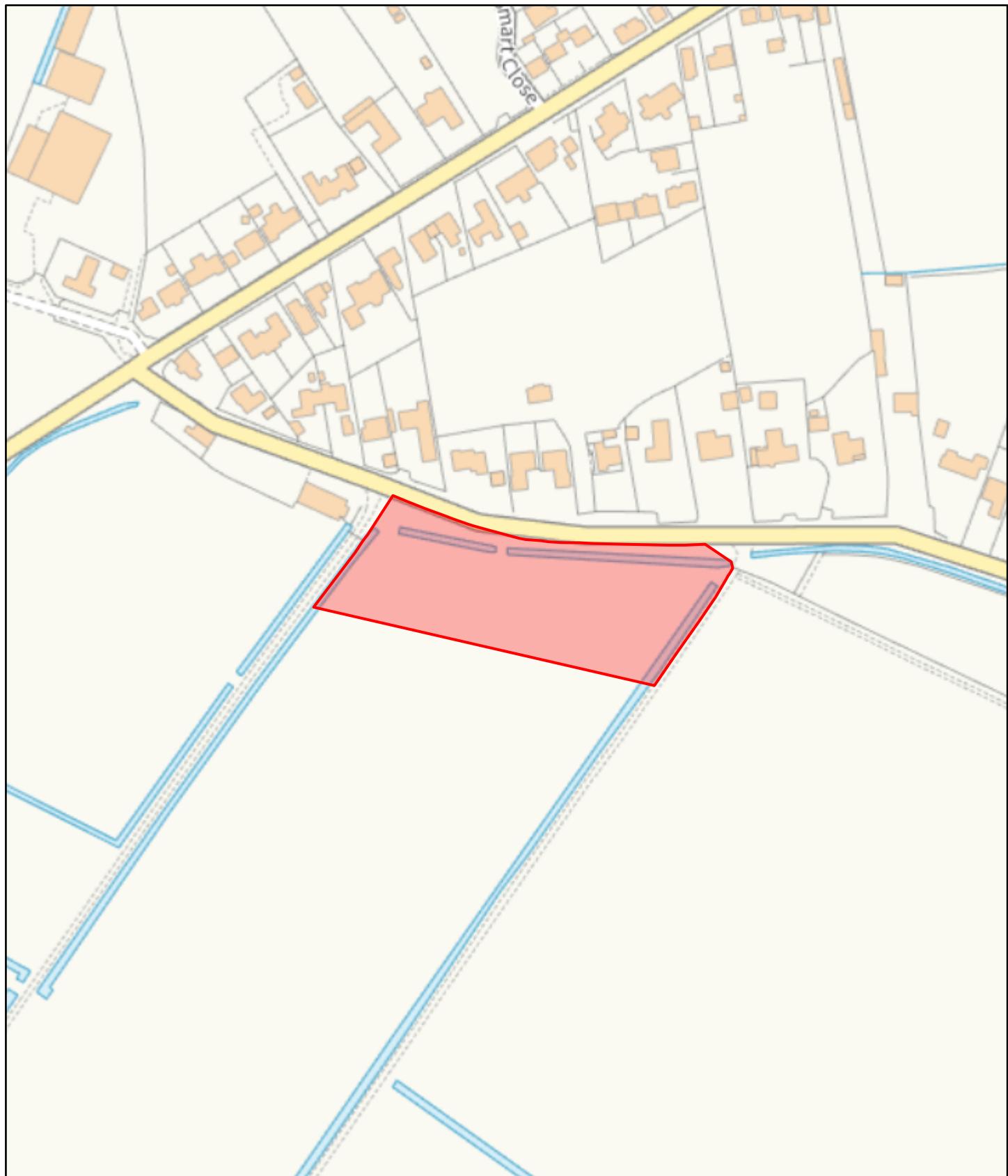
## 11 RECOMMENDATION

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

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. The site is considered an 'elsewhere' location where development should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. The proposed development is located in existing agricultural land outside the settlement limits of Manea, where residential development is not normally supported unless justified. The application does not include any evidence to a clear link to rural enterprise and hence does not demonstrate an essential need for development in this location. Thus, the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014 and in terms of location and use, the Planning in Principle application fails.
2	Policy LP12 of the Fenland Local Plan 2014 seeks to ensure that development does not result in an adverse impact on the character and appearance of the surrounding countryside and Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments specifying that development should make a positive contribution to the local distinctiveness and character of the area. The development of this site for up to nine dwellings fails to recognise the intrinsic character and beauty of the countryside and the pattern and character of the surrounding natural landscape and sporadic built character of the immediate area to the south of Fallow Corner Drove which is largely open agricultural land. It would be inconsistent with the core shape of the village and would appear

	<p>incongruous both in terms of the landscape character of the area and in terms of visual appearance. As such the proposal is contrary to Policies LP12 A (c), and (d), LP16 and paragraphs 135 and 187 of the NPPF and in terms of location and use, the Planning in Principle application fails.</p>
3	<p>The site lies entirely within in Flood Zone 3; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.</p> <p>The application is not accompanied by a substantive sequential test and as such insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and as such the development is contrary to the aforementioned policies.</p>
4	<p>The application site is approximately 1.7km from the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. The development triggers Natural England's 'Goose &amp; Swan Functional Land' Impact Risk Zone (IRZ) for the Ouse Washes due to the potential for surrounding agricultural land to provide important winter roosting and foraging habitat for Ouse Washes qualifying bird species. Suitable arable / grassland habitat, particularly in such close proximity to the internationally designated sites, may provide functional land that is important to the maintenance of populations of Whooper and Bewick's swans and other birds within the designation's assemblage such as Wigeon. The application is not supported by any ecological evidence and as such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 187 of the NPPF 2024.</p>
5	<p>Natural England's high level indicative mapping shows that the application site is located in an area of potential deep peat, and as such an Agricultural Land Classification (ALC) survey is required to verify the actual soil conditions and enable consideration of the sustainable use and management of peat soils, to ensure their protection and minimise production of carbon emissions through their loss and degradation.</p> <p>Chapter 11 of the NPPF seeks to safeguard land for carbon storage and Chapter 14 of the NPPF and the aims of Policy LP14 of the Fenland Local Plan seek to avoid carbon emissions in order to</p>

	<p>mitigate against climate change. The application has not been accompanied by an ALC survey and as such has failed to demonstrate that a development on this site would not impact deep peat with the potential for carbon release, contrary to the aforementioned policies.</p>
6	<p>If the principle of residential development on this site were acceptable in terms of location and use of land, development of up to 9 dwellings would not make efficient use of the land and as such would not constitute sustainable development in accordance with paragraph 8 of the NPPF, and thus, in terms of amount of development proposed, the Planning in Principle application fails.</p>



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 Fenland District Boundary

Fenland District Council

