
F/YR25/0496/F

**Applicant: Mr and Mrs Humphrey
C/o Swann Edwards Architecture Ltd**

**Agent : Swann Edwards
Swann Edwards Architecture Limited**

Land South West Of 2 Beechwood Yard, Cattle Dyke, Gorefield, Cambridgeshire

Erect 1 x self-build/custom build dwelling

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The proposal seeks full planning permission for a detached, self-build three-bedroom dwelling on land to the east of Cattle Dyke, within Flood Zones 2 and 3, outside any defined settlement.
- 1.2 The development would introduce a large dwelling into an undeveloped rural site, resulting in the loss of openness and significant harm to the character and appearance of the area. The scale, massing, and design, including the attached garage, fail to reflect the local context or integrate with the surrounding pattern of development, appearing incongruous and poorly considered.
- 1.3 The applicant has not demonstrated compliance with limb (a) of the Flood Risk Exceptions Test, meaning the proposed development would be at an unacceptable risk of flooding.
- 1.4 While the proposal would provide limited economic and social benefits through supporting an established rural business, these benefits are considered insufficient to outweigh the environmental harm and the failure to satisfy flood risk policy.
- 1.5 For these reasons, the application is considered contrary to Policies LP2, LP3, LP12, LP14, and LP16 of the Fenland Local Plan and guidance within the NPPF and is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site sits to the eastern side of Cattle Dyke and currently comprises a parcel of paddock land with post and rail fencing. To the northwest of the site is a collection of buildings, with the surrounding area predominately comprising open countryside.
- 2.2 The application site benefits from a number of bushes and shrubs to the southern and western boundary of the site with a willow tree to the southwestern corner and is located within Flood Zones 2 and 3.

3 PROPOSAL

- 3.1 Planning permission is sought for the construction of a three bedroom, detached self-build dwelling, to serve as a workers dwelling. The proposed dwelling would have a maximum height of approx.. 8.9 metres with an eaves height of 5.1 metres, a width of 12.02 metres and a maximum depth of 9.55 metres. The proposal includes a link attached garage to the eastern side elevation, the link would have a width of 3.15 metres and the garage would have a width of 6.06 metres and a depth of 6.4 metres with a maximum height of 5.83 metres and an eaves height of 3.175 metres.
- 3.2 The proposed dwelling would provide a total floor area of 210m² and would provide an open plan living, dining and kitchen, a utility room, lounge, study, hallway, WC and garage at ground floor and three bedrooms (two benefitting from ensembles) and a bathroom at first floor.
- 3.3 The proposed dwelling will benefit from a facing brick finish with black concrete tiles and PB panels to the rear roof slope. The existing access serving the wider site will be utilised to provide access to the dwelling.
- 3.4 The wider application site as outlined in blue benefits from an established lawful industrial use.
- 3.5 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 The below planning history includes applications for the wider site as outlined in blue, to give appropriate context, there is no site history pertaining to the site as outlined in red:

Reference	Proposal	Decision
F/0747/80/F	Erection of an agricultural building	Permitted
F/0740/82/F	Erection of an agricultural building	Permitted
F/YR09/0345/F	Erection of an industrial building	Granted
F/YR12/3005/COND	Details reserved by condition 2 of planning permission F/YR09/0345/F (Erection of an industrial building)	Approved
F/YR20/0012/F	Erect a storage building	Granted

5 CONSULTATIONS

5.1 Gorefield Parish Council

Object – development in the Countryside with no justification

5.2 FDC Ecology

No objection

5.3 FDC Environmental Health

No objection

5.4 Environment Agency

No objection, subject to works being carried out in accordance with details in the FRA.

5.5 Local Residents/Interested Parties

Seven letters supporting the application has been received from residents on Wolf Lane, St Paul's Close, High Road, Back Road, Pleasant View and Harold Bank Gorefield and the comments are summarised below:

Supporting Comments	Officer Response
Supports Local Business	Comments noted and discussed in the Principle section of the following report
Employment Opportunities for Local People	Comments noted and discussed in the Principle section of the following report
Improve Security	Comments noted and discussed in the Principle section of the following report
In keeping with the local area	Comments noted and discussed in the Design section of the following report

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014)

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

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

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Uses

Homes and Buildings

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
- LP6 – Employment, Tourism, Community Facilities and Retail
- 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
- LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development**
- **Design and Impact on Character and Appearance of the Countryside**
- **Flood Risk**

9 BACKGROUND

- 9.1 The wider application site as outlined in blue on the submitted location plan benefits from an established lawful industrial use. Further information has been provided within the accompanying design and access statement in regards to the nature of the company.
- 9.2 The business Humphrey Contracting Ltd operates from a site of around 40 acres with no residential dwellings linked to it. As a demolition and site clearance company holding valuable and sensitive equipment, the justification statement advises that it is essential for Mr Humphrey to live on site for security and rapid alarm response and to support their 24/7 emergency call out service as the business provides immediate response to local businesses, councils, including building control departments, which can require urgent access to the yard at any time to prevent danger to the public.
- 9.3 A land registry search has been carried out on the adjacent land where the commercial premises operates which confirms that the father of the applicant owns the land in full although many of the units are tenanted by separate companies, with the Applicants company operating the rearmost part of the site.
- 9.4 During the determination of the application, the Local Planning Authority (LPA) worked constructively with the Agent to address a number of concerns. However, it later came to the LPA's attention that the incorrect ownership certificate had been submitted: Certificate A was completed, whereas the land is in fact owned by the

applicant's father. This issue was raised with the Agent, who subsequently submitted Certificate B. Following this, the solicitor acting on behalf of the Applicant provided confirmation of the land registry transfer to the Applicant. The application, along with the corrected Certificate A (dated appropriately), was then received and re-consulted upon accordingly.

- 9.5 As detailed in the following sections of this report, this ownership discrepancy introduces further complications which are considered to be significant. These matters directly affect the assessment of the proposal and contribute to the conclusion that the amended submission cannot be accepted.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP1 is the overarching policy supporting a presumption in favour of sustainable development, planning applications that accord with the policies within the LDP will be approved without delay unless material considerations indicate otherwise. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. The application site is located in an 'Elsewhere' location, with the closest village being Gorefield approximately 900m to the north of the site (as the crow flies). Gorefield is defined as a 'Small Village' whereby very limited development would be supported normally limited in scale to residential infilling or a small business opportunity.
- 10.2 Policy LP3 advises that development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development.
- 10.3 The applicant, who is currently in rented accommodation to the north of the site, has provided a detailed supporting statement outlining the functional justification and essential need for the proposed on-site residential accommodation. Key points, some of which are included within the background section, include:
- A continuous on-site presence is essential for business operations, particularly for security and rapid alarm response.
 - The business operates a 24/7 emergency call-out service for local authorities, building control departments and other commercial entities.
 - Many call-outs require immediate, round-the-clock access to the yard and plant machinery, including urgent works to prevent structural collapse (e.g., Phoenix Hotel, Wisbech).
 - The site has been subject to multiple break-ins, resulting in thefts of high-value items such as a lorry, diesel, batteries, and scrap metal.
 - Mr Humphrey is responsible for opening and securing gates at various times, often during unsociable hours.
 - He is the designated keyholder and first responder in the event of alarm activations, requiring on-site attendance to reset systems, assess security footage, and support police investigations.
 - Despite modern security infrastructure, the physical presence of a responsible person remains essential.

- The scale of operations and frequency of emergency call-outs has grown to the extent that the business cannot operate effectively without a permanent on-site presence.
- Proximity to equipment and yard facilities is vital to enable efficient and timely response.
- Delayed response times pose a risk to the viability of the business and would constrain its natural growth trajectory.

10.4 Whilst the above is noted, during the determination of the application, namely the signing of a Unilateral Undertaking in regards to securing the self-build nature, it was revealed that the Father is the owner of the land and not the son as on the Application Form. As discussed above, the issue was subsequently rectified and re-consulted upon.

10.5 Notwithstanding the resolution, this ownership discrepancy introduces ambiguity regarding the relationship between the proposed dwelling and the existing business operations. Limited information has been provided on the father's current living arrangements, his connection to the site in terms of ownership or tenure, and the justification for the self-build nature of the proposal in relation to the ongoing operation of the business, which has been successfully operating for over 30 years, as stated within the supporting documentation and justification for the development.

10.6 Paragraph 83 of the National Planning Policy Framework (NPPF) encourages sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 84(a) further states 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.

10.6 Policy LP12 (Part D) of the Local Plan sets out specific criteria for assessing proposals for new dwellings in the open countryside. These include:

- Demonstration of a functional need;
- Number and role of workers required to live on site;
- Length of time the enterprise has been established;
- Evidence of financial viability;
- Availability of alternative accommodation locally;
- Justification for the proposed dwelling size in relation to the business.

10.7 The submitted information provides some background regarding the operation of the business but does not sufficiently address all the relevant policy requirements. In particular:

- The evidence of a functional need for a full-time on-site presence is limited, especially given the business has operated for over 30 years without residential accommodation on the site.
- There is ambiguity over who the dwelling is intended to serve, given the difference in land ownership and occupation details.
- No clear or robust evidence has been provided to demonstrate that the absence of an on-site dwelling would compromise the ongoing viability or operation of the business.

- Details regarding alternative accommodation and its potential to meet operational needs have not been adequately explored.
- 10.8 While Policy LP6 and the NPPF encourage support for rural economic development, this must be balanced against ensuring proposals meet the functional and locational criteria set out within the Local Plan. Limited information has been provided regarding the father's current living arrangements, his connection to the business, or whether other individuals are involved in its operation. This ambiguity, combined with insufficient evidence of a genuine operational need or how the absence of an on-site dwelling would affect the viability of the business, significantly undermines the claimed necessity for the proposed dwelling. Without robust justification addressing business ownership, occupation, and the operational requirements of the enterprise, the proposal cannot be considered to fully comply with the functional and locational requirements of LP12 (Part D) or the broader planning policy framework.
- 10.9 It is acknowledged that demolition, site clearance, and construction businesses often require sizeable storage areas for plant and machinery, which can be challenging to accommodate within settlement limits. However, in this case, insufficient justification has been provided to demonstrate that a permanent on-site dwelling is essential to the continued functioning of the enterprise, particularly given the long-standing nature of the operation and its apparent ability to function effectively without such accommodation to date.
- 10.10 The site's isolated location, limited access to services, and absence of sustainable transport connections further weigh against the proposal. In the absence of clear and compelling evidence of an essential need directly linked to the business, the proposal cannot be justified as a sustainable form of rural development.
- 10.11 Given:
- The lack of clear evidence of functional need;
 - The long-established nature of the business operating successfully without on-site accommodation; and
 - The limited justification regarding alternative accommodation and the self-build rationale;
- 10.12 It is concluded that the proposal fails to demonstrate compliance with Policy LP12 (Part D), Policies LP3 and LP6 of the Fenland Local Plan (2014), and Paragraph 84(a) of the NPPF.
- 10.13 Taking into account the above, based on the information provided, it is not considered that the proposal is policy compliant. Insufficient information has been provided to demonstrate that the dwelling is required in a functional relationship to the existing business. The ambiguity around land ownership, self-build justification, and operational necessity calls into question the validity of the claimed need. Accordingly, the proposal cannot be supported in principle.

Self-Build and Custom Housing

- 10.14 Policy LP5 of the Local Plan also seeks to ensure that housing solutions are provided which meet market expectations, this included self-build homes. Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to

duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand.

- 10.15 As set out in the Regulations, Part 1 of a register comprises those people and organisations who meet all the eligibility criteria, including the local connection test. Part 2 comprises those people and organisations who meet most, but not necessarily all, the eligibility criteria. The Council has a duty to 'give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area' (i.e. to meet the demand for the number of applicants on Part 1 of their register) within a 3 year period, post the end of the base period.
- 10.16 The permissions granted demonstrate that the demand for self-build and custom housing (as identified by the register) is comfortably being met in Fenland. Therefore, no weight will be given to the delivery of self/ custom build housing at this time

Design and Impact on Character and Appearance of the Site and Surrounding Area

- 10.17 Policies LP12 and LP16 of the Fenland Local Plan, sets out a number of criteria which proposals are required to meet, to ensure that high quality environments are provided and protected. Policy LP12 focuses on development in rural areas with Policy LP16 focusing specifically on design criterions.
- 10.18 Further guidance is provided within the Delivering and Protecting High Quality Developments SPD.
- 10.19 The introduction of a dwelling on this site would result in the domestication of what is currently a functional, rural plot. While there is some sporadic agricultural, commercial, and limited residential development along Cattle Dyke, the prevailing character remains open and distinctly rural. This openness is a key component of the area's visual identity and contributes to the rural landscape setting. Policy LP12(d) requires new development to be in keeping with the core shape and form of the settlement; in this case, the introduction of a new dwelling would represent a domestication of the site, eroding its open character and altering the rural appearance of both the immediate setting and the wider landscape.
- 10.20 The proposed dwelling would be located in a prominent roadside position. In combination with its scale, the siting would result in a marked visual change and an interruption to the established rural character of Cattle Dyke. Although commercial buildings are present to the rear of the proposed location, these are set back within the site and visually softened by existing landscaping, meaning they have a reduced presence in the public realm. The proposed dwelling, by contrast, would present as a more conspicuous feature in the landscape.
- 10.21 In terms of architectural quality, the proposed design is relatively limited. While the gable feature on the front elevation offers some articulation, the overall form and massing are considered unduly dominant for this location and lacking in contextual sensitivity. In its current form, the dwelling would read as an overtly domestic element within an otherwise rural frontage. Given the lack of a demonstrated essential functional need for the dwelling, its scale and design further exacerbate its inappropriateness within this setting.

- 10.22 In summary, as the principle of a dwelling has not been justified in policy terms, and given the proposed design and siting fail to respect the area's rural character, the development would result in the unjustified domestication and visual intrusion of an open countryside plot. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the Fenland Local Plan and the design guidance contained within the Fenland Design SPD, which together seek to ensure that new development is appropriately justified, sensitively designed, and in keeping with its rural context.

Neighbouring Amenity

- 10.23 Policy LP2 of the Fenland Local Plan seeks to promote high levels of residential amenity. Similarly, Policy LP16 requires development proposals to not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.24 Given the generous plot size and separation distances, it is not considered that the proposed development would result in any detrimental impact on the amenity of neighbouring occupiers. The orientation and design of the dwelling would ensure sufficient levels of natural light to all habitable rooms, and the site layout would provide an appropriate level of private outdoor space, thereby ensuring acceptable living conditions for future occupants.
- 10.25 The proposed dwelling would be sited in close proximity to a number of commercial and industrial activities associated with the established business operating from the site. As the proposal relates to a worker's dwelling directly tied to the operation of this business, the relationship between the residential and commercial uses is considered acceptable in principle. As such, it is considered that the proposal would not give rise to unacceptable amenity impacts and is compliant with Policy LP16 in this regard.
- 10.26 The site is located in close proximity to commercial units to the east, which form part of the established business that the dwelling is intended to support. A basic noise statement has been submitted which confirms that while the business operates a 24-hour call-out service, its normal working and opening hours are typically between 07:00 and 17:00. Outside these hours, activity would only occur in the event of a call-out. The site does not operate generators or other continuously running machinery during the night, and there are no neighbouring businesses in the immediate vicinity that would give rise to significant noise impacts.
- 10.27 Given the functional link between the dwelling and the adjoining business, and the ability to secure occupancy by persons associated with the enterprise via a planning condition, the proximity to the commercial use is not considered to present an unacceptable impact on residential amenity. On this basis, it is considered that the proposal would provide sufficient, high-quality, and usable private amenity space for the intended occupants, and is compliant with the relevant requirements of Policies LP2 and LP16.

Amenity Space

- 10.28 Policy LP2 of the Fenland Local Plan seeks to promote high levels of residential amenity. Similarly, Policy LP16 seeks to ensure development proposals result in high quality environments for residents, most relevant:

(h) provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

- 10.29 The proposed dwelling would benefit from an amenity area exceeding one-third of the total plot, and is therefore compliant with this aspect of Policy LP16.

Landscaping and Ecology

- 10.30 Policy LP16 requires all development to contribute to high quality environments; in respect of landscaping criterion c) and d) requires proposals to retain and incorporate nature and historic features of the site, such as trees, hedgerow and field patterns, to retain and preserve landscape character and settlement pattern of the surrounding area
- 10.31 The submitted plans indicate that the existing hedgerow along the front boundary of the site is to be removed, with no replacement planting proposed in this location. While supplementary soft landscaping and planting are proposed along the northern boundary, this would not mitigate the loss of the established front boundary vegetation. The removal of the hedgerow would increase the visual exposure of the site to the public realm and reduce its contribution to the rural character of Cattle Dyke. Although the northern boundary planting would provide some localised enhancement, it would not address the change in character and openness caused by the unmitigated loss of the front boundary hedge.
- 10.32 An ecological appraisal by Glaven Ecology has been provided in support of the application. This report concludes that there are no habitats of substantive importance within the site and that it has limited ecological or botanical value. While it is considered unlikely that water voles are present, the site's connectivity to the wider ditch network means that occasional transient individuals cannot be entirely ruled out. The report confirms that the proposed works would not pose a significant risk to protected species or habitats, provided appropriate mitigation measures are implemented. These measures include:
- Covering any trenches overnight, or providing a shallow-graded slope or animal egress board if coverage is not feasible, with all excavations inspected before filling.
 - Barricading areas of wet or drying concrete to prevent animal entrapment.
 - Storing building materials in skips or raised off the ground on pallets to avoid creating refuges for wildlife.
- 10.33 This ecological evidence is considered sufficient to demonstrate that the development would not result in harm to protected species or habitats, subject to the implementation of the mitigation measures outlined above. These requirements can be secured via planning condition should permission be granted. The Council's Ecologist has reviewed the submitted information and raised no objection to the proposal.
- 10.34 The proposal is acceptable in ecological terms, with no significant risk to protected species or habitats identified and mitigation measures proposed to safeguard wildlife during construction. However, the removal of the front

boundary hedgerow without any replacement will result in a permanent loss of a key landscape feature that currently contributes positively to the site's integration within its rural setting. While the proposed supplementary planting to the northern boundary is welcomed, it will not mitigate the increased visual prominence of the site or the erosion of rural character along Cattle Dyke.

Flood Risk

- 10.35 Policy LP14 of the Fenland Local Plan and paragraphs 170-182 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.36 The application site is located within Flood Zone 3. The supporting Design and Access Statement contends that the Sequential Test is satisfied due to a purported need for the dwelling in association with the existing business. While it is acknowledged that it may be challenging to identify sites within the Market Towns capable of accommodating both the business and residential accommodation, the submitted information does not provide sufficient justification for a dwelling in this location. Accordingly, the Sequential Test has not been robustly demonstrated and the approach of the Applicant is fundamentally flawed.
- 10.37 The Planning Practice Guidance confirms that a Sequential Test is required for all development in areas at risk of flooding, including Flood Zones 2 and 3. Its purpose is to steer development to areas at lowest risk (Flood Zone 1), in line with paragraphs 173 and 175 of the NPPF. The presence of potential flood mitigation measures does not remove the requirement for the Sequential Test; such measures are considered only under the Exception Test.
- 10.38 Updated guidance published on the Council's website (June 2025) clarifies the approach to the Sequential Test. It confirms that the applicant must define and justify an appropriate area of search, which will vary depending on the settlement type and scale of development:

- For Market Towns and Growth Villages, the search area will normally be limited to land within or adjacent to the settlement.
- **For all other locations—including Small Villages, Limited Growth Villages, and Elsewhere locations—the search area will normally be districtwide.** (emphasis added)

To pass the Sequential Test, applicants must demonstrate that no reasonably available sites exist within the defined area of search at lower risk of flooding.

- 10.40 Since the publication of the updated guidance outlined above, further revisions to the PPG have been introduced to provide additional clarification on the application of the Sequential Test. In this case, given the proposal is for a new dwelling in an elsewhere location, the area of search should appropriately be district-wide, reflecting the strength of housing supply and the spatial strategy. No evidence has been submitted to demonstrate that lower-risk sites are

unavailable. Several sites within the district, including those with extant consents, exist at lower risk (Flood Zones 1 and 2). Consequently, the Sequential Test is not met.

- 10.41 Notwithstanding the above, it is acknowledged that a degree of flexibility may be justified in certain circumstances. Where proposals are specifically intended to address an identified local housing need, a more localised area of search may be appropriate, provided it is proportionate to the scale and purpose of the development. In the absence of robust evidence demonstrating that this application is required to meet a defined local housing need, it is not considered appropriate to apply a reduced search area in this instance.
- 10.42 It should be noted that there are a number of sites within the District (With extant consents and sites readily available on land which is categorised at a lower risk of flooding (in particular Flood Zones 1 and 2), the proposal essentially involves the construction of a new dwelling on land which is at greater risk of flooding and the Sequential Test has not therefore been met), with a lower risk of flooding than the application site. It is therefore, not considered the sequential test has been met.
- 10.43 Notwithstanding the above, the NPPF confirms that where it is not possible to locate development in zones of lower flood risk, the Exception Test may be applied. This test provides a framework for assessing whether development can proceed safely, whilst recognising the wider sustainability needs of a community.
- 10.44 The Exception Test comprises two elements, both of which must be satisfied:
- a) Development to demonstrate that it achieves wider community sustainability benefits having regard to the district's sustainability objectives, and
 - b) That it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management')
- 10.45 The first limb of the Exception Test requires that the development provides wider sustainability benefits to the community that clearly outweigh the flood risk. The second limb requires that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, reducing overall flood risk.
- a) Wider community sustainability benefits
- 10.46 Given the proposal is to provide one dwelling, in an elsewhere location it is not considered that the proposal, in isolation achieves a wider community sustainability benefit, the supporting design and access statement advises that the wider sustainability benefit would be means of retaining and supporting an existing established business and maintaining Fenland District Council's rural economy, alongside the use of solar panels however, as this is an existing established benefit and the proposal does not increase employment opportunities, this is of limited weight in the assessment.
- b) That it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management')

10.47 Section 5 of the accompanying Flood Risk Assessment sets out the mitigation measures proposed which are summarised below:

- Floor level a minimum of 0.3 metres above ground level of the site with a 0.3 metre flood resilient construction above finished floor level
- Occupiers should register to receive flood warnings

10.48 Based on the information submitted, the development can be made safe for its lifetime and therefore this part of the exception test. However, the Sequential Test has not been satisfied, and the proposal fails to meet the Exception Test due to a lack of wider public or community benefit. As such, the development is contrary to Policy LP14 of the Fenland Local Plan, the NPPF, and associated Planning Practice Guidance.

Access, Parking and Highway Safety

10.49 Policy LP15 requires all new development proposals to contribute to the delivery of the sustainable transport network by providing well designed, safe, convenient access for all. Development proposals should provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring parking provision is provided in accordance with the standards. Appendix A sets out that parking provision for two vehicles is required for three bedroom dwelling. Appendix A also sets out that a garage can be counted as a parking space provided the size of the garage exceeds 7.0m x 3.0m (internal dimensions).

10.50 Sufficient space is provided to the front of the dwelling to accommodate adequate parking provision for a minimum of two vehicles. Furthermore, the driveway area is of a sufficient size to enable vehicles to manoeuvre safely and therefore, enter and exit the site in forward gear

10.51 The proposed scheme provides a driveway area to the front of the dwelling capable of accommodating at least three vehicles in accordance with the minimum parking requirements. The layout also allows for adequate turning space within the site to enable vehicles to enter and exit in a forward gear, thereby ensuring safe manoeuvring. A garage is also proposed; however, its internal dimensions fall short of the minimum requirements set out in Appendix A of the Local Plan and, as such, it cannot be counted as contributing towards the usable on-site parking provision in policy terms.

10.52 Vehicular access to the dwelling would be taken from the existing private track serving the commercial buildings to the rear of the application site. This arrangement would not involve any alterations to the public highway. Furthermore, as the dwelling is intended for occupation by the business owner and is linked to an established functional need, it is not expected to result in a material intensification of vehicular use along this track. It is noted that the Local Highway Authority has not been consulted in this instance, given the absence of changes to the public highway network.

10.53 The proposal meets the parking standards set out in Appendix A of the Local Plan and provides a safe and functional access arrangement without impacting the public highway. While the proposed garage does not meet the dimensional standards to count towards formal provision, sufficient on-plot parking and manoeuvring space is available. The scheme is therefore considered acceptable in terms of Policy LP15.

Biodiversity Net Gain (BNG)

- 10.54 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.55 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain, and should the application be approved, this could be secured via a unilateral undertaking.

Unilateral Undertaking

- 10.56 Recent appeal decisions have consistently dismissed proposals where there was no enforceable mechanism in place to ensure that the approved dwelling would be delivered and occupied as a genuine self-build or custom-build project. These decisions reinforce the importance of securing the self-build nature of such developments through a legally binding agreement.
- 10.57 In this instance, a completed Unilateral Undertaking has now been submitted and is considered to be satisfactory. The UU provides an enforceable mechanism to ensure that the approved dwelling will be constructed and occupied as a genuine self-build project in accordance with the definition set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).
- 10.58 As a result of the satisfactory legal agreement now in place, the proposal is confirmed to contribute to self-build housing and is therefore eligible for the associated policy benefits, including the Biodiversity Net Gain exemption referenced above.

Other Matters

- 10.59 Within the supporting justification statement, reference to a number of recent planning approvals within the district is made to further support the proposal, each one is addressed in turn below:

F/YR24/0365/F – Sims Contract Furniture. 3-bedroom dwelling tied to the furniture business. This provided security and timely access to the business due to thefts and break-ins.

F/YR24/0193/F – 5 Bedroom Dwelling, tied to an existing horticultural business.

F/YR25/0006/F – 5 Bedroom Dwelling, Tied to the agricultural business due to the constraints and safety relating to the independent drainage board.

- 10.60 It is a fundamental principle of planning law that each application must be determined on its own merits. Previous decisions, including F/YR24/0193/F, F/YR25/0006/F, and F/YR24/0365/F, related to different circumstances, site contexts, and operational needs, and are therefore not directly comparable to the current proposal. Each of these cases was considered individually, with appropriate weight afforded to factors such as demonstrable need, scale, design, and impact on local character. While committees in those instances sometimes concluded that a proven need outweighed officer concerns, this does not set a precedent.
- 10.61 In the context of the current proposal, the specific circumstances differ, and no robust evidence of demonstrable need has been provided. Accordingly, the principle of a larger dwelling cannot be assumed acceptable, and the assessment must be based on the merits of this case alone, with all relevant policies and material considerations carefully applied.

Planning Balance

- 10.62 In terms of sustainability the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)
- 10.63 This stance is supported by Local Plan Policy LP1. In respect of the economic objective, the proposal would generate limited short-term benefits during the construction phase through the use of local labour and materials. While it is acknowledged that the provision of a dwelling could, in theory, support the continued operation of the existing business, the lack of a demonstrable essential functional need and the ambiguity surrounding this, as discussed throughout this report, weaken this justification. Consequently, the claimed economic benefits carry very limited weight.
- 10.64 In respect of the social objective, the proposal would deliver one additional dwelling. However, given that the dwelling is not supported by robust evidence of an essential occupational need and there is uncertainty regarding who the occupier would be, the social benefits are also considered limited.
- 10.65 In environmental terms, the proposal would introduce a domesticated and visually intrusive form of development into an open countryside location, eroding the area's rural character and openness. The site lies within an 'Elsewhere' location under Policy LP3, which is not identified for growth and has limited accessibility to local services and facilities. The reliance on private motor vehicles would further reduce the sustainability of the proposal. These environmental harms carry significant weight against the scheme. Furthermore, the Applicant has failed to adequately satisfy the sequential test and no compelling wider public benefits have been identified to satisfy the requirements of limb (a) of the Exceptions Test in relation to flood risk considerations.
- 10.66 Taking all matters into account, and applying the planning balance, it is considered that the limited economic and social benefits of the proposal are clearly outweighed by the environmental harm, policy conflict, and lack of

demonstrable essential need. The development therefore fails to represent sustainable development when assessed against the policies of the development plan and the National Planning Policy Framework.

11 CONCLUSIONS

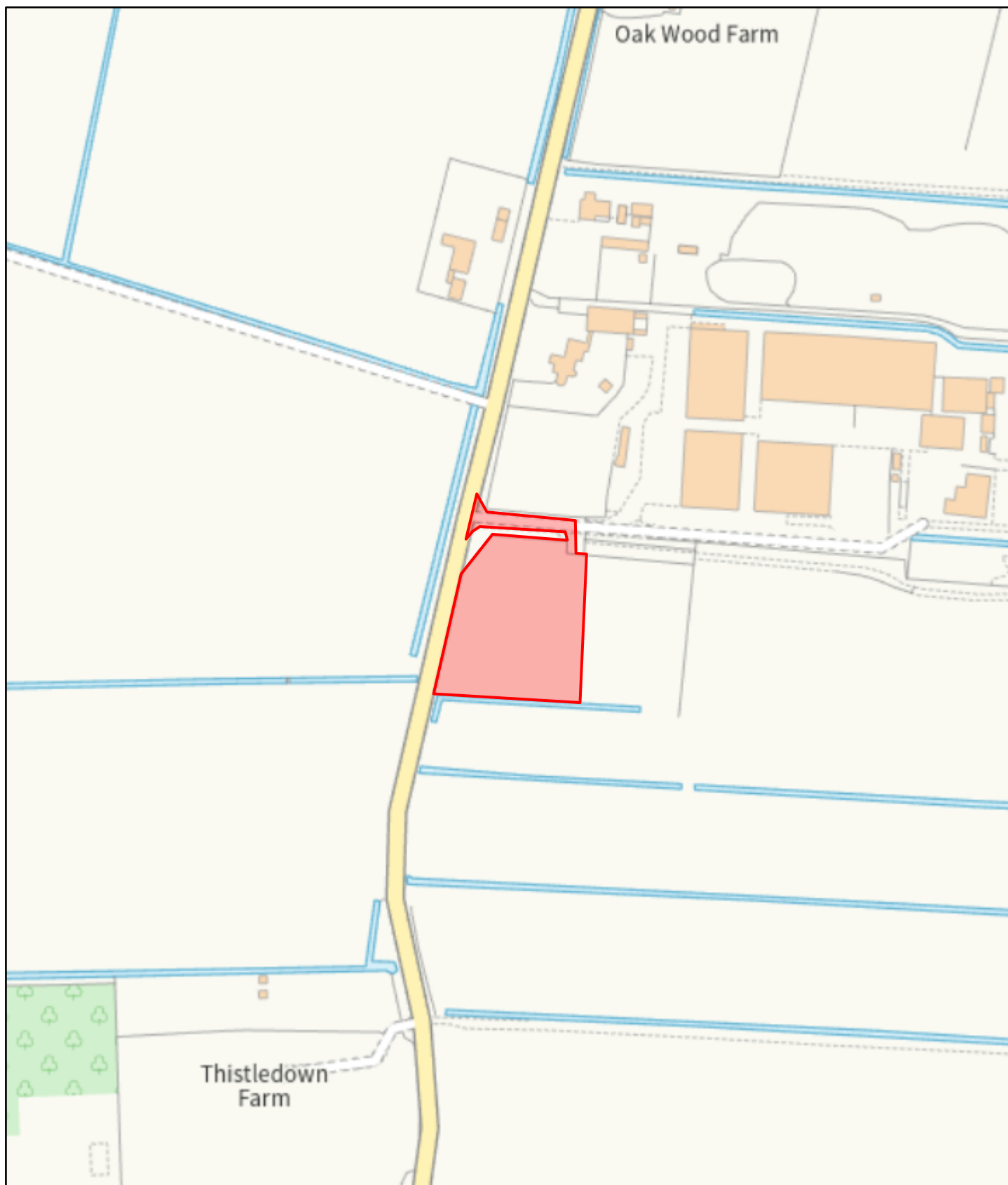
- 11.1 Taking the above into account, the proposed development is considered unacceptable. The applicant has not demonstrated a clear or essential functional need for a dwelling in this location, and there remains significant ambiguity regarding the purpose of the dwelling and the justification for its self-build nature. The design, scale, and siting of the dwelling are unsympathetic to the rural context, resulting in harm to the visual amenity and character of the countryside. The site lies within Flood Zone 3, and the applicant has not adequately satisfied the sequential test or demonstrated that the proposal would deliver wider sustainability benefits sufficient to satisfy limb (a) of the Exceptions Test. Furthermore, no legal mechanism is in place to secure the self-build nature of the dwelling.
- 11.2 Taken together, these issues outweigh the limited economic and social benefits of the scheme. The proposal is therefore contrary to Policies LP1, LP2, LP3, LP6, LP12, LP14 and LP16 of the Fenland Local Plan and the relevant provisions of the National Planning Policy Framework, and is recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

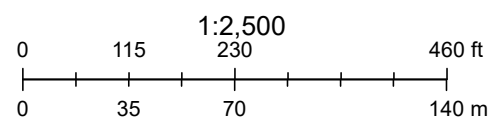
1	The proposal fails to demonstrate an essential functional need for a permanent dwelling in association with the existing business, which has operated for over 30 years without on-site residential accommodation. Consequently, the proposal represents an unjustified form of residential development in the open countryside, contrary to Policies LP3, LP6, and LP12 (Part D) of the Fenland Local Plan and Paragraph 84(a) of the National Planning Policy Framework (NPPF).
2	The proposed development, by virtue of its nature, scale, form, and overtly domestic appearance, would introduce a visually intrusive and incongruous feature into the open countryside. The design and massing fail to respond sensitively to the rural context or reflect the local vernacular, resulting in the domestication and erosion of the area's open and rural character. In the absence of a demonstrated essential functional need, the siting and appearance of the dwelling represent an unwarranted form of development that fails to integrate appropriately with the surrounding landscape. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the Fenland Local Plan and the National Planning Policy Framework, which collectively seek to ensure that new development is justified, sensitively designed, and preserves local distinctiveness and countryside character.
3	The applicant has not adequately satisfied the sequential test or demonstrated that the proposed dwelling would deliver sufficient wider public or community benefits to justify the flood risk associated with its location. The benefits put forward relate solely to private occupational need and to support an existing established business, which is not considered to constitute wider sustainability benefits under the guidance. Consequently, the proposal fails to

	<p>satisfy limb (a) of the Exceptions Test.</p> <p>The development is therefore considered contrary to Local Plan Policies LP12, LP14, and LP16, and the guidance contained within the NPPF, which seeks to direct new development away from areas at highest risk of flooding unless exceptional circumstances can be justified.</p>
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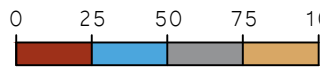
12/8/2025, 1:10:13 PM

 Fenland District Boundary

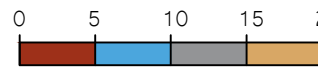




Scale: 1:2500



Scale: 1:500



General Notes

- ### General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
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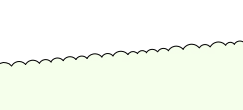
SITE KEY



Indicates unsurveyed
stable on site



Indicates unsurveyed
buildings taken from OS
map



Indicates unsurveyed
overgrown planting



Indicates existing site access



Indicates site risks



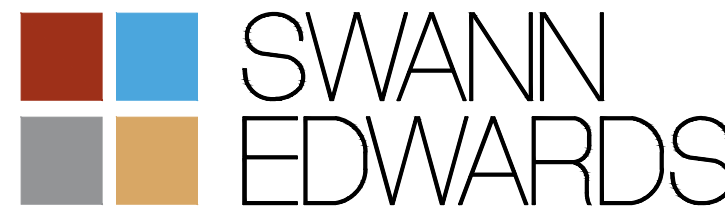
Indicates site levels

To be used with reference to the accompanying Project Risk Register

R01	Overhead Cables	R02	Unknown Services
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Status

AS EXISTING



Swann Edwards Architecture Limited, Black Barn, Fen Road,
Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

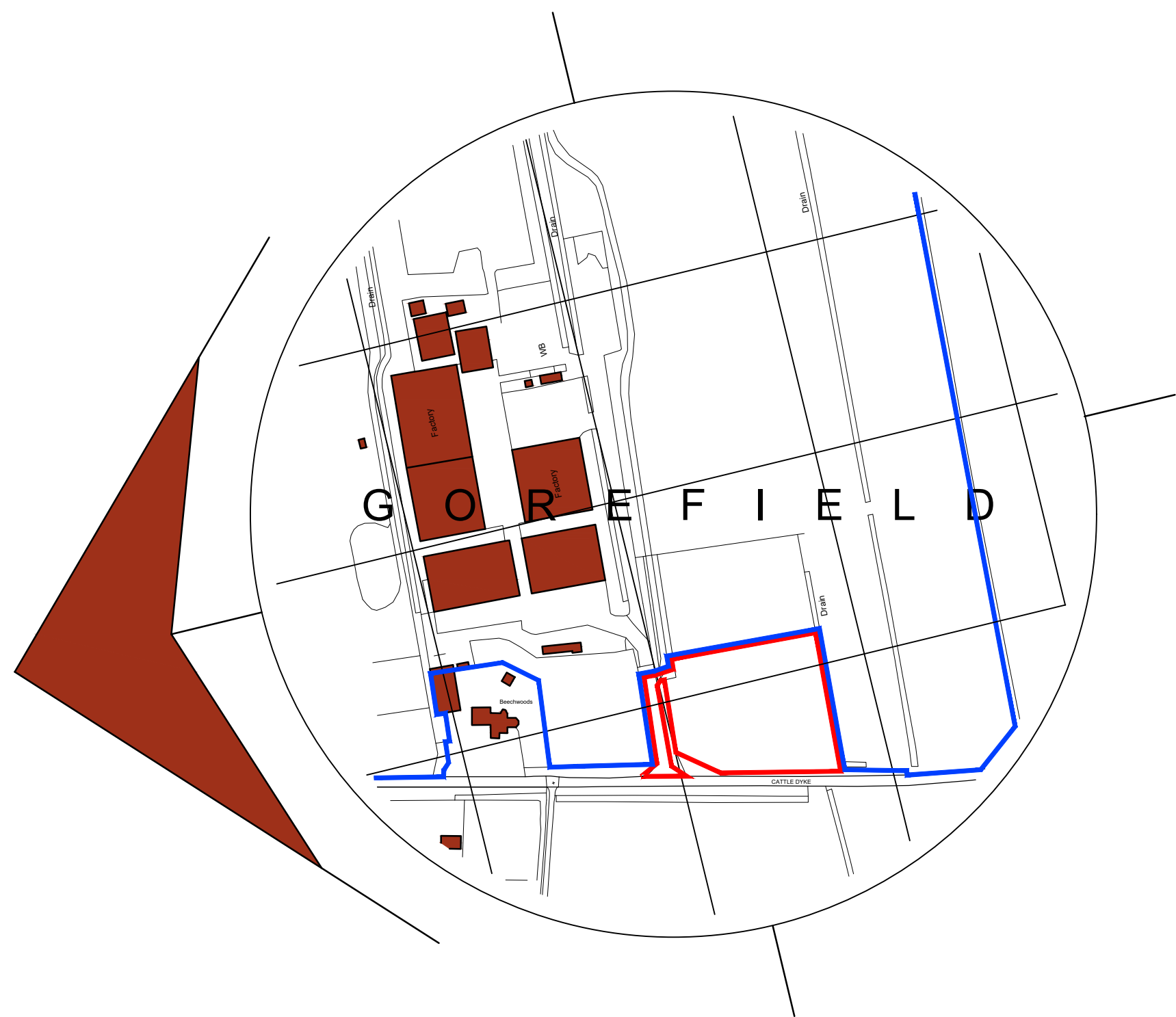
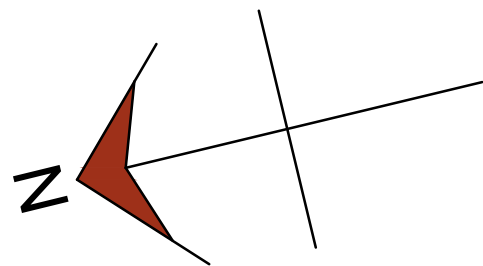
Job Title
Proposed New Dwelling
Beechwoods, Cattle Dyke,
Gorefield, Wisbech
For: Mr D Humphrey

Date February 2025	Drawn by BR Checked by GE
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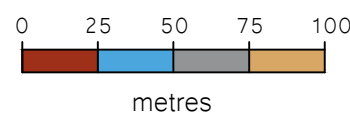
Drawing Title
Survey Drawing

Job No. SE-2266	Sheet Size A1
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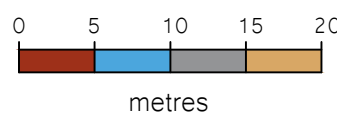
Dwg No.	Revision
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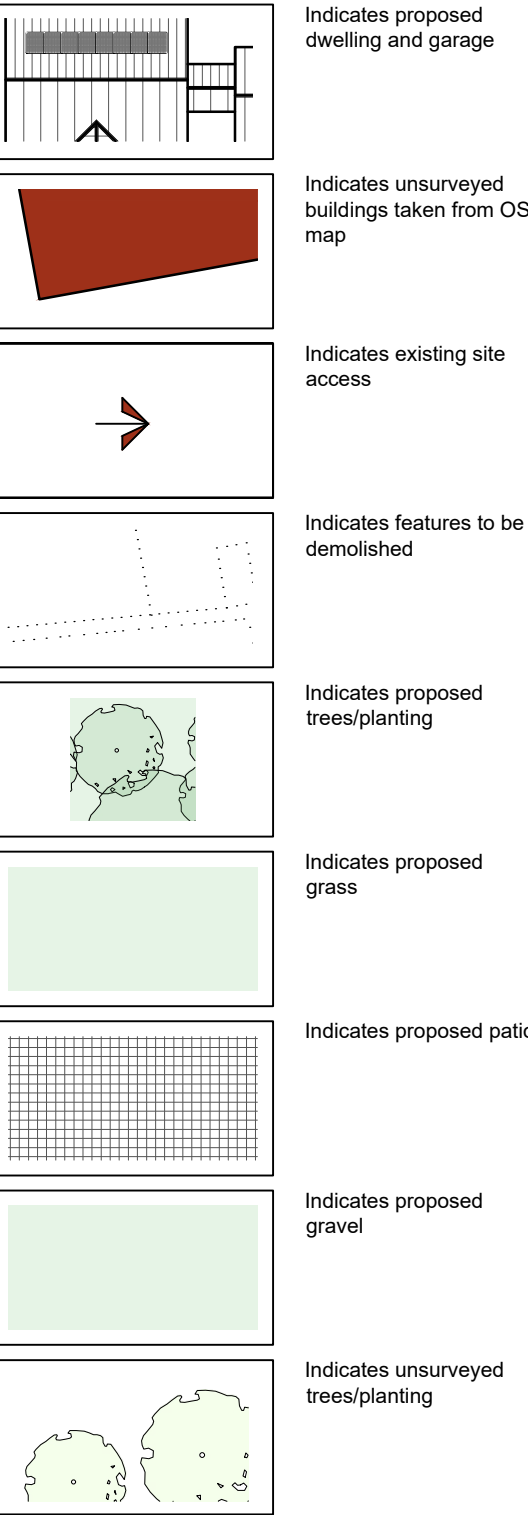


Site Plan
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SITE KEY



Revisions		
A	May 2025	Revisions following clients comments
B	June 2025	Revisions following planners comments
C	June 2025	Revisions following planners comments
D	Sept 2025	Revisions following planners comments
E	Sept 2025	Revisions following clients comments

Status

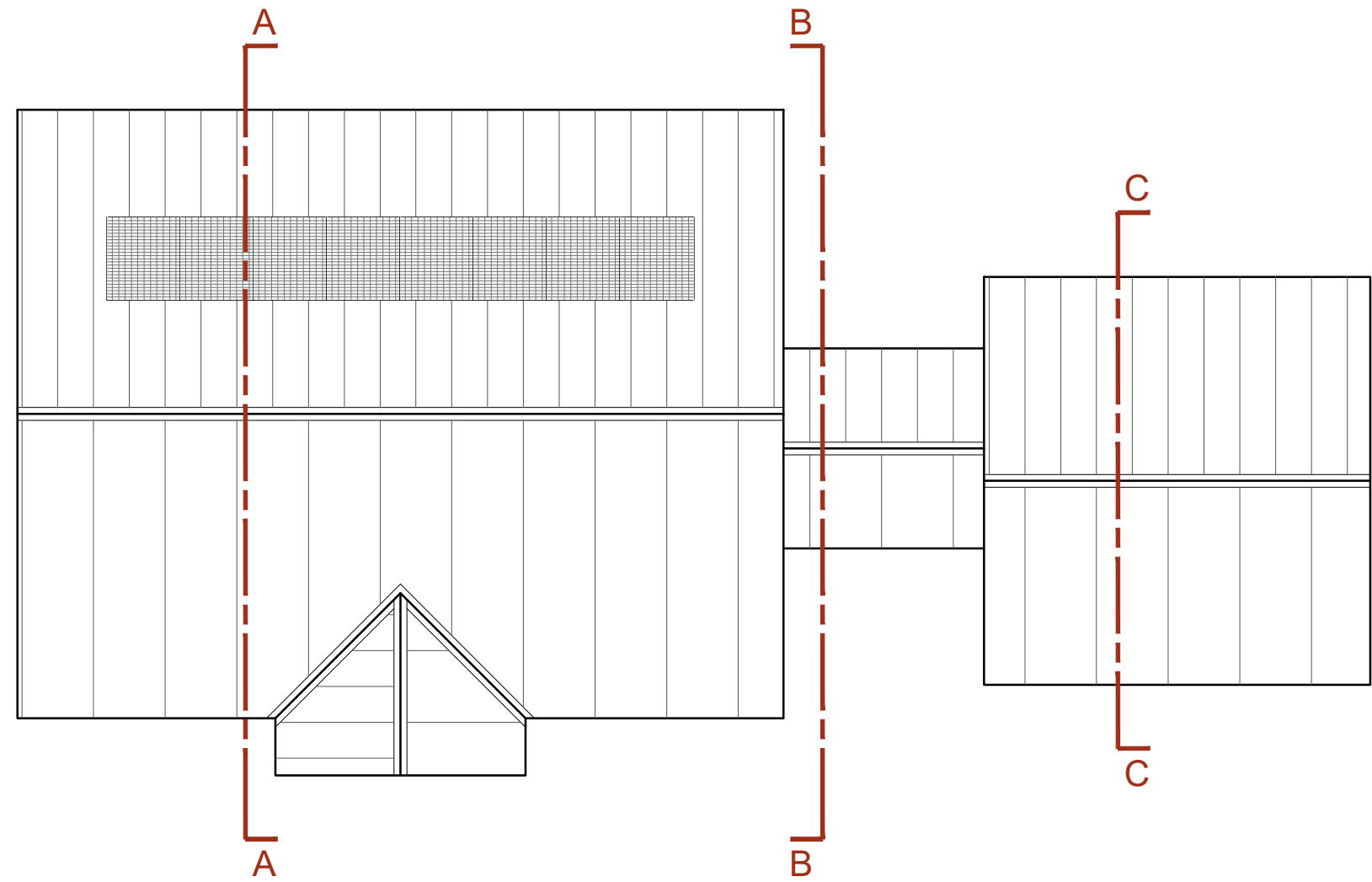
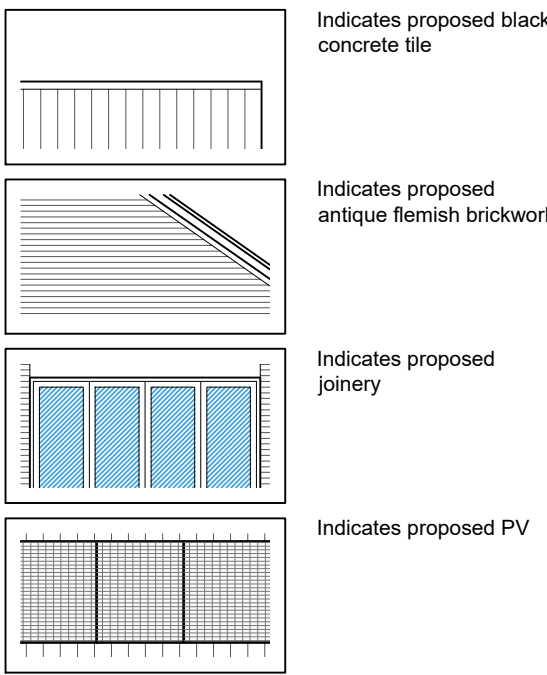
FOR APPROVAL



Job Title Proposed New Dwelling Beechwoods, Cattle Dyke, Gorefield, Wisbech For: Mr and Mrs Humphrey	Date April 2025	Drawn by BR Checked by AK
	Job No. SE-2266	Sheet Size A1
Drawing Title Planning Drawing Site and Location Plan	Dwg No. PP1000	Revision E

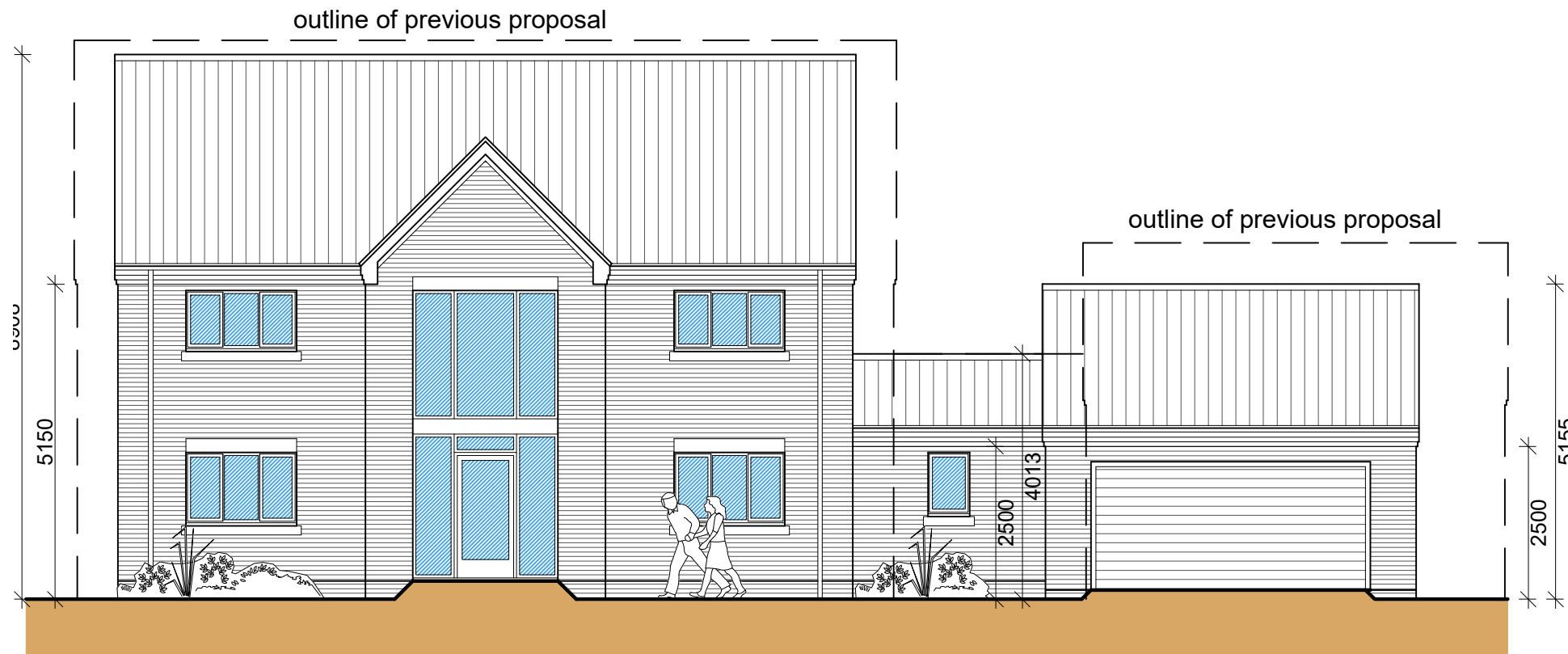
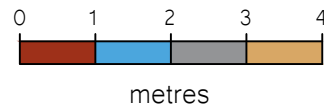
- General Notes
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ELEVATION KEY



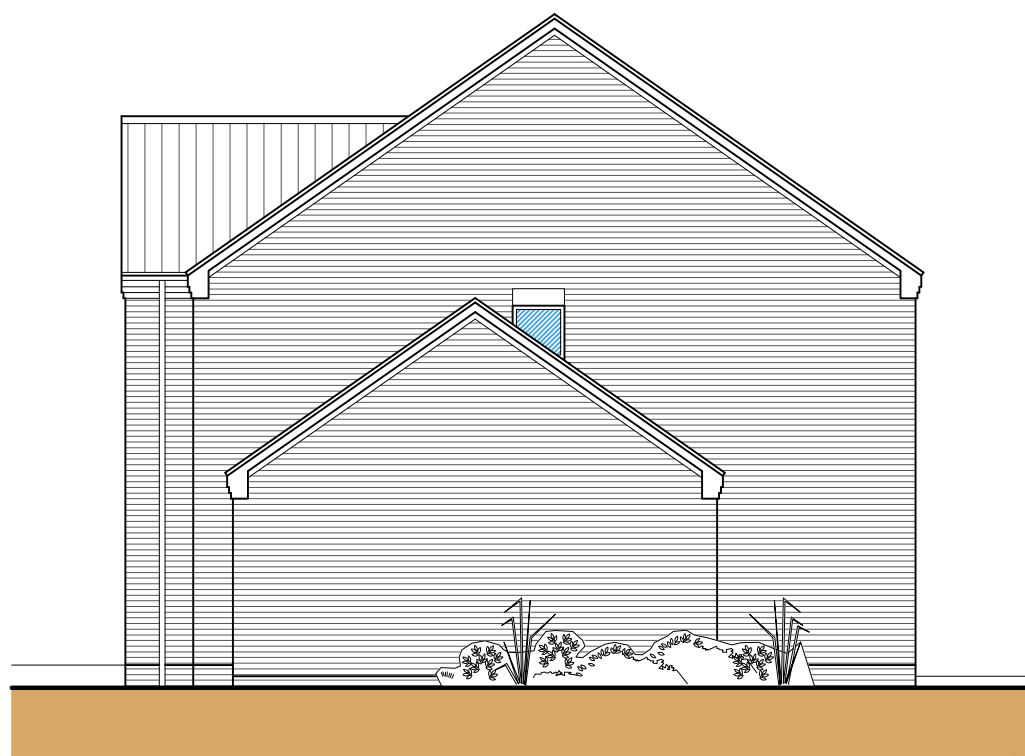
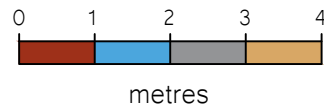
Roof Plan

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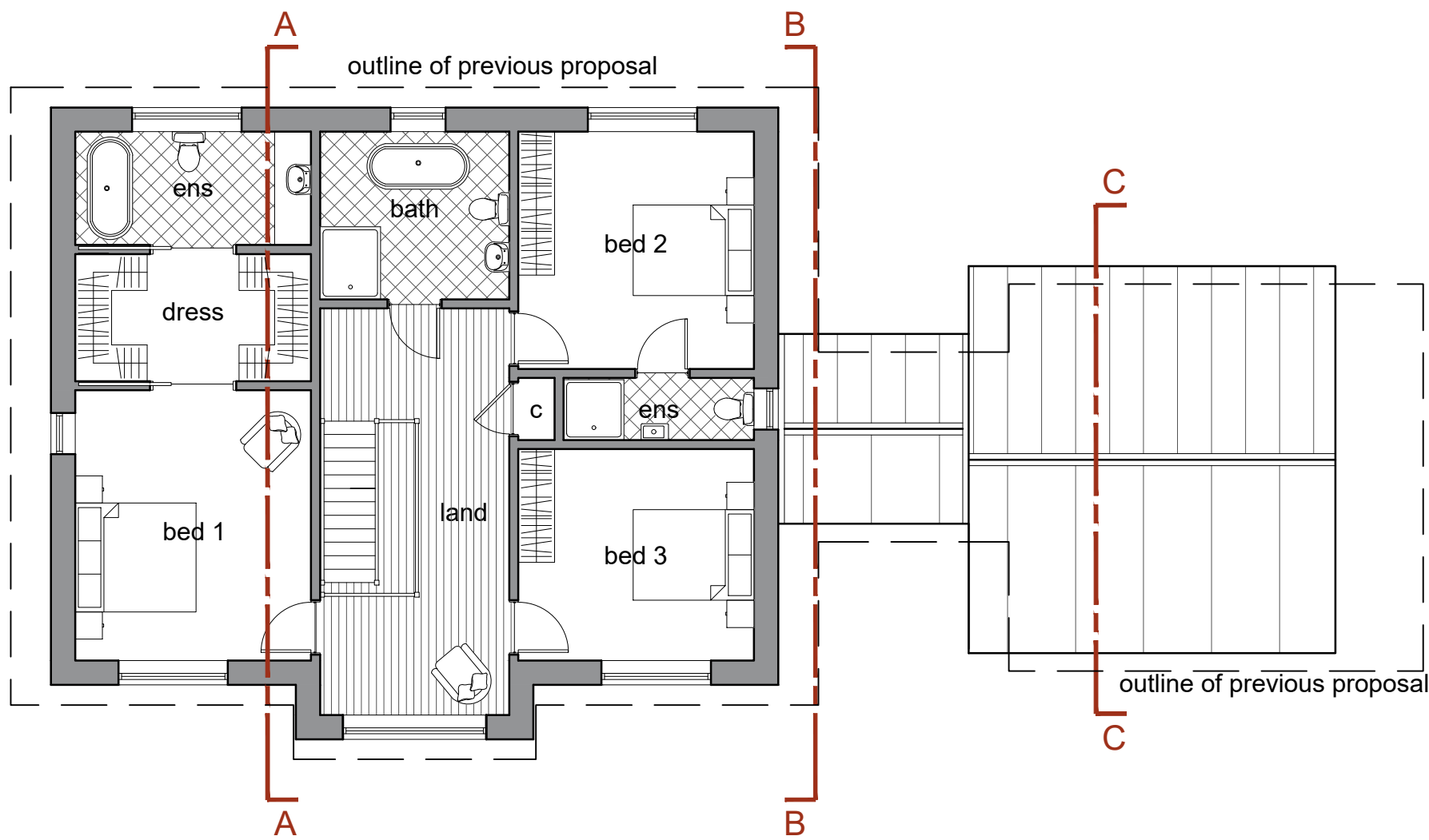
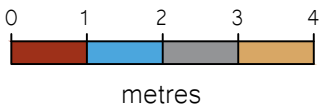
Front Elevation (W)

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Side Elevation (S)

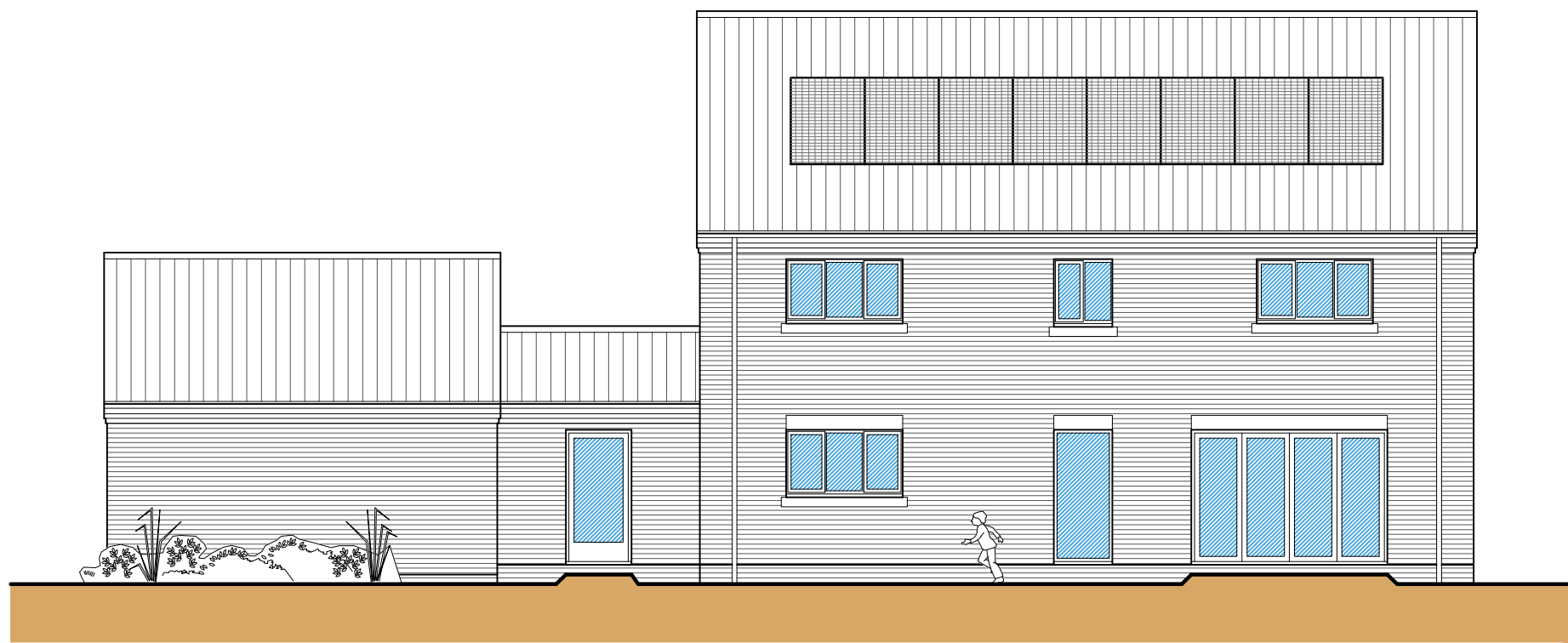
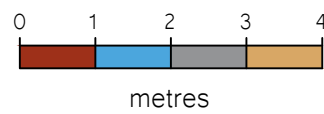
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First Floor Plan

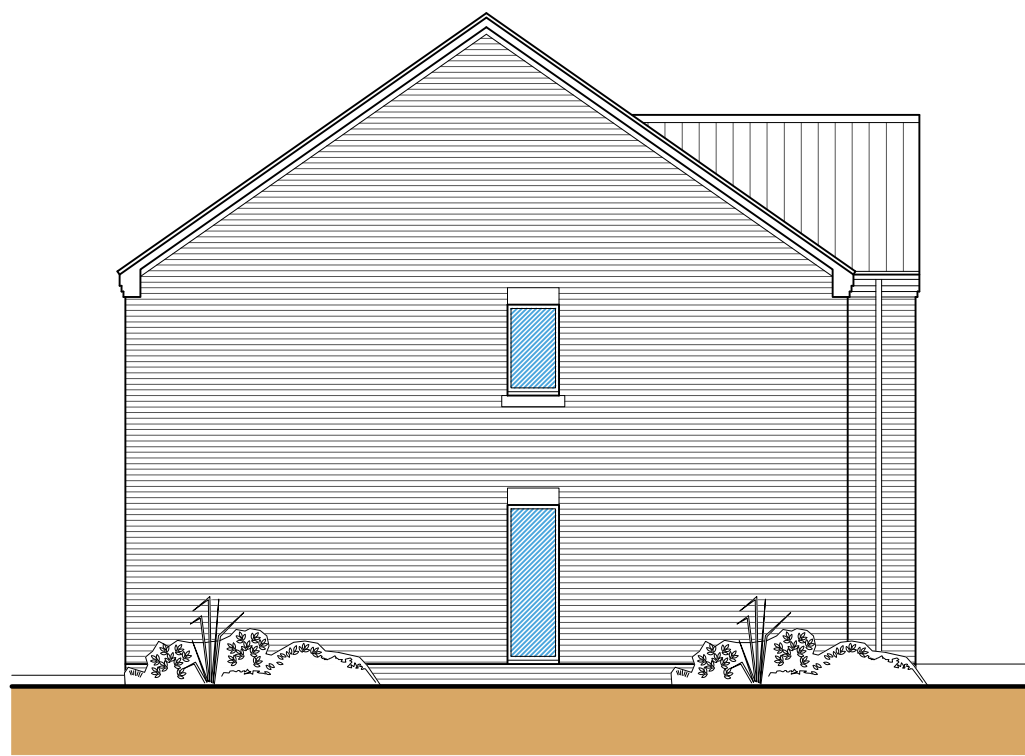
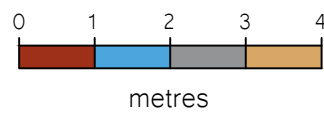
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First Floor area: 101m2



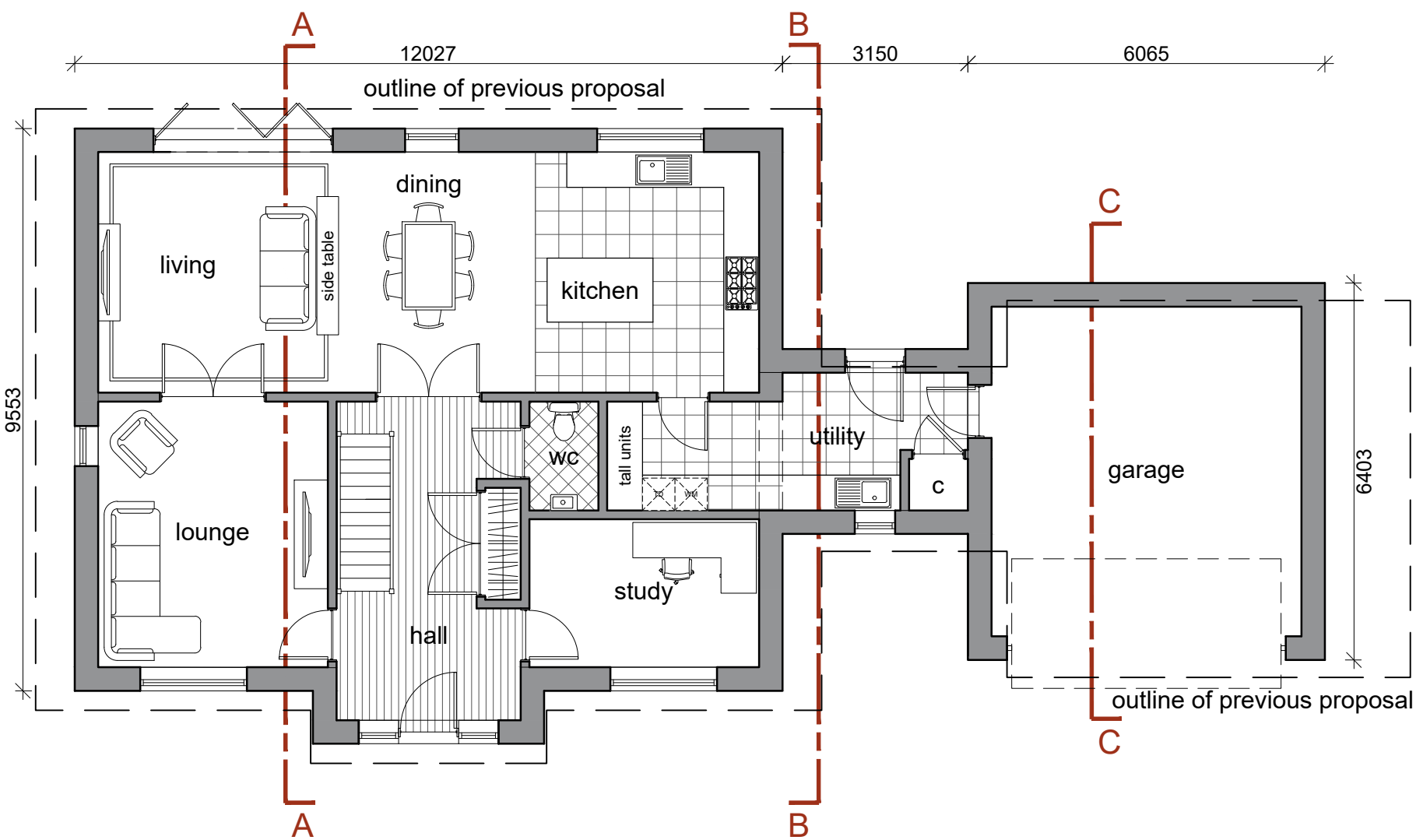
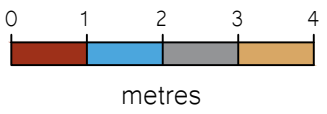
Rear Elevation (E)

Scale: 1:100



Side Elevation (N)

Scale: 1:100

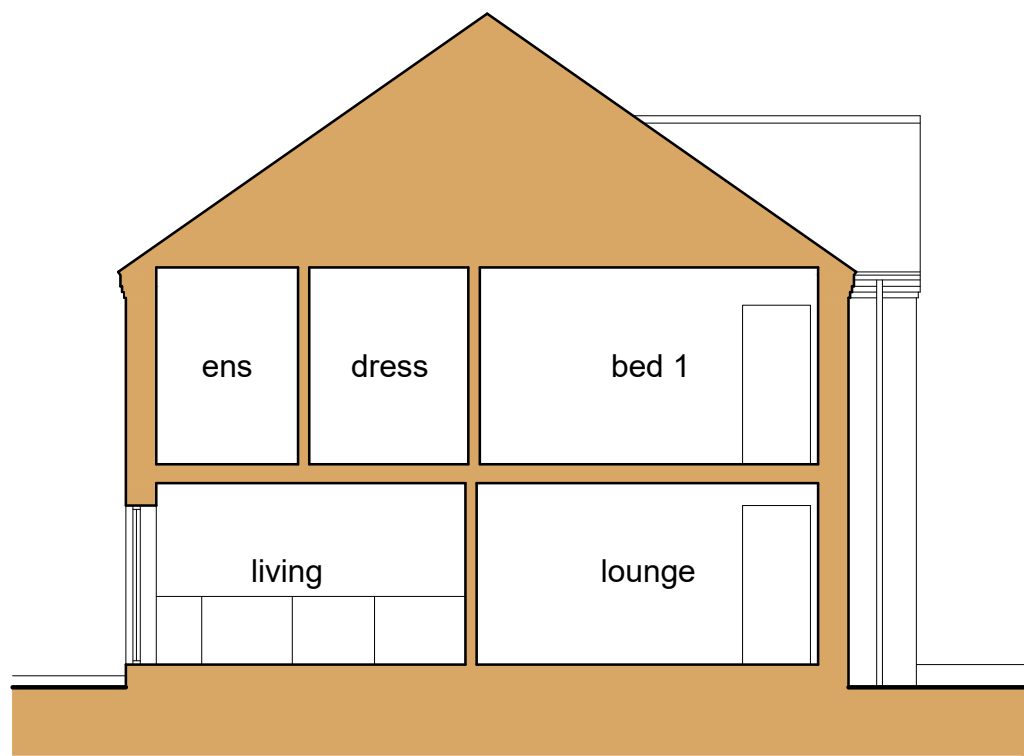
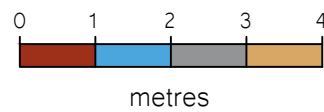


Ground Floor Plan

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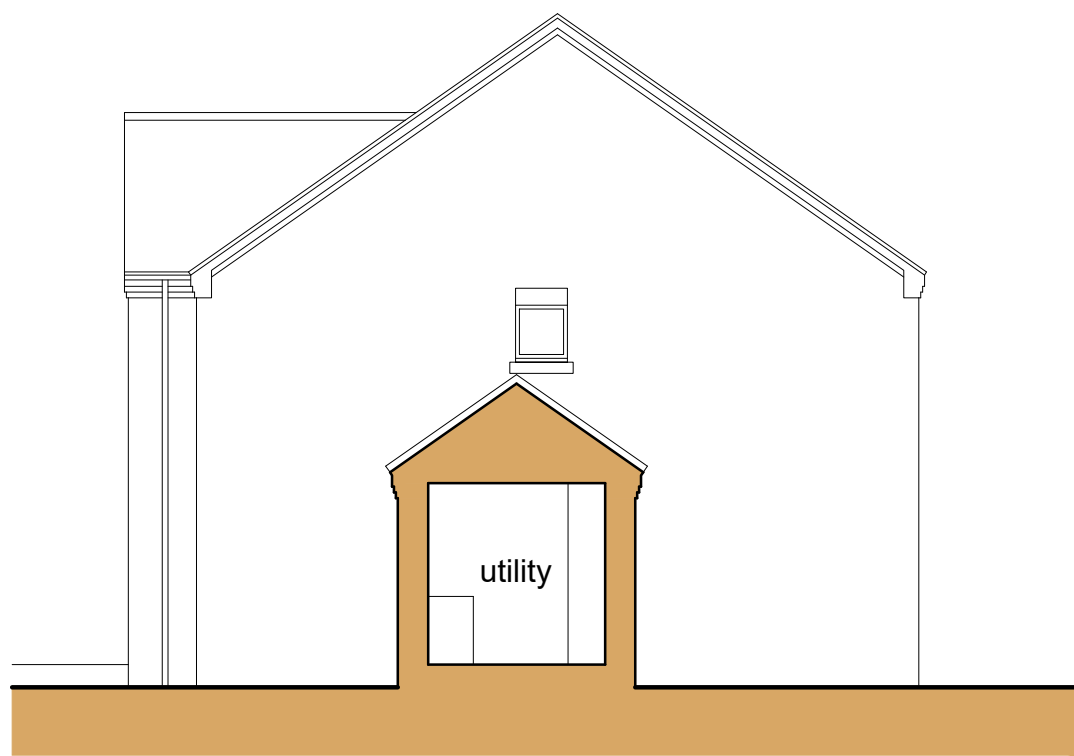
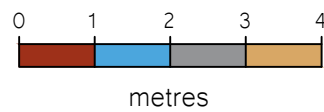
Ground Floor area: 109m2 (excluding garage)

Total Floor area: 210m2 (excluding garage)



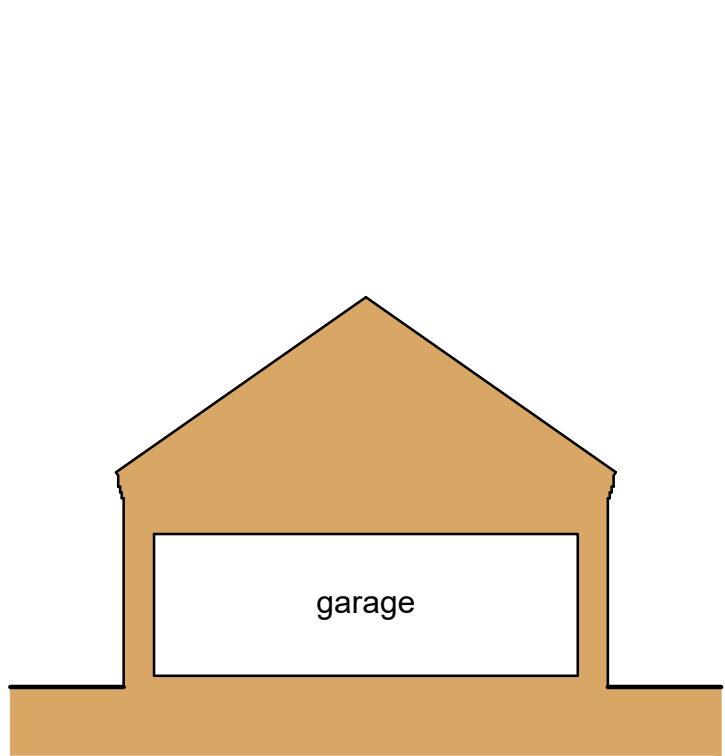
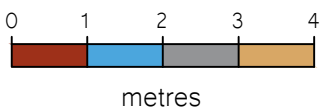
Section A-A

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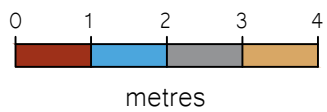
Section B-B

Scale: 1:100



Section C-C

Scale: 1:100



Revisions

A	May 2025	Revisions following clients comments
B	June 2025	Revisions following planners comments
C	Sept 2025	Revisions following planners comments
D	Sept 2025	Revisions following clients comments

Status

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Job Title Proposed New Dwelling Beechwoods, Cattle Dyke, Guyhirn, Wisbech, Cambs. For: Mr and Mrs Humphrey	Date April 2025	Drawn by BR
Drawing Title Planning Drawing Floor Plans, Roof Plan, Elevations and Sections	Job No. SE-2266	Checked by AK
	Dwg No. PP1100	Sheet Size A1
		Revision D