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**F/YR25/0089/F**

**Applicant: Mr M Venni**

**Agent : Mr J Scotcher  
Morton & Hall Consulting Ltd**

**Land East Of March Airfield, Cross Road, March, Cambridgeshire**

**Erect x 1 self-build/custom build dwelling in association with a new builders yard (sui generis), including the erection of a shed, and 2.4m high palisade fence and gates, the siting of 6 x containers, and the formation of an access**

**Officer recommendation: Refuse**

**Reason for Committee: Application previously deferred by Committee**

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## **1 EXECUTIVE SUMMARY**

- 1.1. This application was considered by members at the planning committee meeting held on the 15<sup>th</sup> October 2025 where it was deferred to allow further consideration of the safeguarding implications of the proposal on the operational airfield to the west of the site and to allow further consultation with the Civil Aviation Authority (CAA) to obtain definitive comments in respect of the safeguarding issue.
- 1.2. Despite a request for further clarification following the previous Committee meeting, no further comments have been received from the CAA. However, guidance from the CAA states that “aerodrome safeguarding responsibility rests with the aerodrome licence holder / operator, not the CAA. Accordingly, any LPA enquiry concerning a specific development that might have aerodrome safeguarding implications should be forwarded directly to the relevant aerodrome licence holder / operator.”
- 1.3. The applicant has submitted no further information to address reasons for refusal 1-3 & 5 and, as such, these reasons for refusal remain.
- 1.4. An e-mail has been submitted by the applicant from the British Hang Gliding and Paragliding Association, but it is not considered that this would sufficiently address the safeguarding concerns in relation to the airfield operations, particularly given their suggested mitigation relates to avoiding noise disturbance rather than preventing the health and safety concerns previously raised by Officer’s and the operator of the airfield.
- 1.5. The correspondence from the Para and Hang-Gliding Association actually highlights a further concern in respect of noise disturbance arising from existing operations at March Airfield on the proposed dwelling. This would place future operations and viability of the airfield at risk through the introduction of a sensitive use on the application site. The proposal is therefore also considered to be contrary to Policy LP16 (o) of the Fenland Local Plan (2014) in this regard.
- 1.6. As such, the application remains recommended for refusal for the reasons set out at the end of this report.

## 2 CONSULTATIONS

- 2.1. Following the previous Planning Committee Meeting, further comments were sought from the Civil Aviation Authority (CAA), but none were forthcoming.

## 3 PUBLIC REPRESENTATIONS

- 3.1. No further representations.

## 4 UPDATE

- 4.1. This application was considered by members at the planning committee meeting held on the 15<sup>th</sup> October 2025. A copy of the original report to Committee is contained within Appendix A.
- 4.2. Members resolved to defer the application to allow further consideration of the safeguarding implications of the proposal on the operational airfield to the west of the site and to allow further consultation with the Civil Aviation Authority (CAA) to obtain definitive comments in respect of the safeguarding issue.
- 4.3. Following the October 2025 meeting, comments were sought from the CAA on the 16<sup>th</sup> October. However, no further comments were forthcoming. Whilst no comments have been received from the CAA, information on the CAA website in respect of consultations on planning applications states the following:

*In all cases, aerodrome safeguarding responsibility rests with the aerodrome licence holder / operator, not the CAA. Accordingly, any LPA enquiry concerning a specific development that might have aerodrome safeguarding implications should be forwarded directly to the relevant aerodrome licence holder / operator.*

[\(Planning consultations | UK Civil Aviation Authority\)](#)

- 4.4. Therefore, in the context of considering this application, the greatest weight in respect of air safety should be placed on the comments of the aerodrome operator, who strongly objects to the application on the grounds of the safety of users of the airfield.
- 4.5. Given that no further technical information has been submitted as part of the application, there has been no further consultation with the operator of the airfield and, as such, their previous objections are considered to remain relevant.
- 4.6. The applicant has though submitted an e-mail from the British Hang Gliding and Paragliding association, which reads as follows:

*There are two potential issues with a development close to an active airfield.  
Safety and Noise nuisance.*

*Safety: The Air Navigation Order (Airlaw) specifies that no aircraft shall fly closer than 500ft to any person, vessel vehicle or structure unless it is taking off or landing or is a glider hill soaring.*

*Clearly, at an active airfield there will be repeated example of aircraft taking off and landing and potentially passing within 500ft of the proposed structures. From a legal perspective this is specifically allowed. It appears straightforward to operate a circuit pattern which maintains a safe separation distance.*

*There will also be aircraft with student pilots under training who will be practicing circuit flying, which will not always involve an actual take off or landing. Those may potentially be in a position where they are passing within 500ft. Your client could*

*then potentially object to the activity. It is the pilots and airfield operators responsibility to ensure that airlaw is complied with. This may be the airfield operators concern.*

*Nuisance: Paramotors use two-stroke engines, and propellers operating at high revolutions. which, while not particularly loud, do generate a penetrating sound, and as they are above the surface and travel slowly, this can be perceived as a significant noise nuisance, particularly on full throttle as they would be during the initial climb out to the east out from the runway area. Paramotors are best suited to very light wind conditions, which means they often operate early in the morning and late evening. Again this can be a source of annoyance to neighbours.*

*My own opinion is that the airfield operations should be possible to manage in a way that mitigate any risks to safety and to comply with the letter of the law. However I also think that having multiple noisy and slow moving aircraft circuiting around your clients proposed development would be a very significant issue and I fully understand the airfield owners concerns that this would be likely to lead to problems in the future.*

*Mr Venni was very reasonable and conciliatory in his attitude, and seemed sympathetic to the possible concerns of the airfield operators, I can only suggest that some kind of formal and enduring letter of agreement that there will be no objections to the airfield operations could be drawn up that might assist in negotiations.*

*Its always going to be noisy on some busy days, but some easy fixes e.g. No operations before 6.am, and when taking off to the east circuits shall be Right hand. i.e. turn south after climb out, would certainly be “doable”.*

- 4.7. Notwithstanding these comments of the British Hang Gliding and Paragliding Association there is no evidence or information available to the LPA to remove the reason for refusal 4 as set out in the original Officer Committee report, which reads as follows:

*Insufficient information has been submitted to demonstrate that the proposed development would not result in an adverse impact to the safe functioning of March Airfield to the west by virtue of the creation of turbulent area or danger to users arising from the proposed palisade fencing, contrary to Paragraphs 111, 135 and 200 of the NPPF (2024) and Policy LP16 of the Fenland Local Plan (2014).*

- 4.8. Further to this, the comments made by the Hang Gliding and Paragliding Association raise further concerns about the potential impacts on the operations of the airfield, aside from health and safety.
- 4.9. The correspondence highlights that noise disturbance from the operation of paramotors is likely to be significant on the occupiers of the proposed dwelling and, as such, this gives rise to additional concerns in respect of Policy LP16 (o), which states that proposals will only be supported where it:

*“Does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments.”*

- 4.10. Whilst the correspondence from the Para and Hang-Gliding Association states that some mitigation measures may be implemented, no documentation has been submitted by the applicant to suggest how this could be secured. Furthermore, the mitigation could impose restrictions on the way in which the airfield operates that would depart from the way in which it currently operates.

- 4.11. Further comments have been sought from the Council’s Environmental Health team on this matter. Whilst comments are yet to be received, a further update will be provided to members prior to the meeting. However, on the basis of the issues raised by the Para and Hang-Gliding Association it is considered reasonable to amend the recommended reason for refusal regarding the compromising of the operation of the airfield (4) to include the introduction of a noise sensitive receptor.
- 4.12. As such, there is considered to be insufficient information at this time to demonstrate that the operations of the airfield would not be placed at risk by the proposed development, contrary to Policy LP16 (o) of the Fenland Local Plan (2014).
- 4.13. Notwithstanding this, the other originally recommended reasons for refusal remain relevant and the recommendation accordingly remains one of refusal.

## 5 RECOMMENDATION

**Refuse;** for the following reasons:

1.	The application site is located in an ‘Elsewhere’ location as identified in Policy LP3, where development is restricted to that which is essential for agriculture, or other uses requiring a rural location. The proposal is supported by insufficient justification to demonstrate that there is an essential need for the development, as required by Policy LP12 of the Fenland Local Plan (2014) and Paragraph 84(a) of the NPPF (2024). The proposal would therefore result in unwarranted development in an unsustainable rural location contrary to the aforementioned policies.
2.	The proposal, by virtue of the development of a greenfield site in a rural location, along with the excessive size and scale of the dwelling proposed, along with the proposed garage, shed and storage containers, would be harmful to the character of the open countryside, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
3.	The application site is located within Flood Zone 3 and fails to meet the Sequential or Exception Test. It is considered that the proposal is at an unacceptable risk of flooding without sufficient justification. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Section 14 of the NPPF (2024).
4.	Insufficient information has been submitted to demonstrate that the proposed development would not result in an adverse impact to the safe and viable functioning of March Airfield to the west by virtue of the creation of turbulent air or danger to users arising from the proposed palisade fencing, or the introduction of a sensitive noise receptor in the form of the new dwelling, contrary to Paragraphs 111, 135 and 200 of the NPPF (2024) and Policy LP16 of the Fenland Local Plan (2014).
5.	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-built unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).

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**Officer recommendation: Refuse**

**Reason for Committee: Town Council comments and number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new Builder's Yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.
- 1.2. The proposal would result in the creation of an employment and residential use in an inappropriate location that is in conflict with the aims and objectives of Local Plan Policies LP3, LP6 and LP12, particularly as there is no identified justification or need for the development.
- 1.3. The development of the site for residential and employment purposes would result in an encroachment on the open countryside, to the detriment of the landscape character of the area, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
- 1.4. The Highway Authority have highlighted that the highway network in this location would not be able to accommodate further intensification of use without mitigation, but have not objected to the application. Whilst this emphasises the inappropriateness of the location for this type of development, it is not considered that this would justify a reason for refusal in this instance. As such, the proposal is considered on balance to be acceptable in terms of its highway safety impact.
- 1.5. The proposal is located in an area of high flood risk and fails to adequately demonstrate that the Sequential or Exception Test are passed. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan and Section 14 of the NPPF.
- 1.6. The application provides insufficient information to demonstrate that the adjacent airfield to the west could continue to operate safely following the development, in the face of an objection from the Civil Aviation Authority. This would be contrary to the NPPF and the Fenland Local Plan.
- 1.7. Finally, the application is not supported by an appropriate Unilateral Undertaking

to demonstrate that the development would be exempt from BNG as a 'self-build' development. Further, it is not supported by a BNG metric to demonstrate what the BNG requirements for the development would be.

- 1.8. The proposal is therefore considered to be unacceptable in planning terms and is accordingly recommended for refusal on this basis.

## **2 SITE DESCRIPTION**

- 2.1. The application site is located on land off Cross Road, outside the built form of March. The site currently comprises an undeveloped, greenfield parcel of land in a rural area characterised largely by open countryside, with sporadic pockets of development throughout.
- 2.2. The site is located immediately opposite a parcel of land that operates as a small airfield that provides training for paramotors and land gliders.
- 2.3. The site is located to the east of the settlement of March and sits approximately 1.25km away from the built form of the settlement.

## **3 PROPOSAL**

- 3.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new builder's yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.
- 3.2. The dwelling proposed is a 2-storey, 4-bed property with a palette of materials comprising buff brickwork and grey roof tiles. The proposed dwelling measures 9m in height to the ridge, 10m in depth and 11.5m in width.
- 3.3. A detached, double garage is proposed in the same palette of materials, measuring 7.8m in width, 7.7m in depth and 5.9m in height
- 3.4. The proposed containers are of corrugated metal construction and measure 6.075m in depth and 2.45m in width.

- 3.5. The proposed storage shed will measure 15.5m in width, 17.4m in depth and 7.07m in height to the ridge. It will be constructed using grey profile sheeting.
- 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

F/YR12/0554/AG1	Erection of an agricultural building for storage and to house calves	Further details not required 20.08.12
F/YR12/0534/AG1	Erection of an agricultural building to house pigs	Further details not required 20.08.12

#### 5 CONSULTATIONS

##### 5.1. Environment Agency – 14.02.2025

*We have no objection to the proposed development on flood risk grounds.*

##### 5.2. Environmental Health – 14.02.2025

*I can conclude that there are 'No Objections' to the proposal from an Environmental Health standpoint.*

##### 5.3. March Town Council – 18.02.2025

*Recommendation; Approval*

##### 5.4. Civil Aviation Authority – 10.03.2025

*As you may be aware, a general aviation site exists near the proposed development site. In order that flight safety be taken into account in any decision is that is made relating to the proposed scheme, I urge you to ensure a developed understanding of the nature of flying operations at March Airfield is established, ahead of any decision being made.*

*The operation at March Airfield is a known general aviation site for flight training and recreation of paramotors. Such aircraft can be susceptible to phenomena such as unwanted thermal energy at low height which can cause the wings to fold/collapse.*

*Such energy is known to radiate upward from surface-based infrastructure such as buildings, roofs, paved surfaces, metallic surfaces, glass surfaces and others. Indeed, there could be other safety-based concerns associated with the proximity of the proposal to the airfield.*

*I understand that the proposed development site is on an extended line from the grass area used by paramotor pilots for arrival and departure. This means that they currently overfly the proposed site where the phenomena could be created.*

##### 5.5. CCC Highways

## 07.05.25

*Whilst the Local Highway Authority has reservations in respect of the proposed development in relation to this development on the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.*

## 08.09.2025

*Whilst I have some reservations in regard to the capacity of this road and lack passing places. On balance I believe that this development, if approved would be acceptable to the LHA.*

*However, I would just reiterate that Cross Road is very narrow in places. Therefore, any further incremental development along this road would be detrimental to the function of the highway and would likely require highways mitigations works.*

### 5.6. Local Residents/Interested Parties

19 comments received, 14 from various addresses in March, five from Begdale, Chatteris, Coldham, Wimblington and St Ives.

<b>Supporting Comments</b>	<b>Officer Response</b>
Commercial space in town centre is limited	See 'Principle of Development Section'
Approval of such proposals encouraged local businesses to stay in vicinity of March	See 'Principle of Development Section'
Proposal would provide economic growth	Any economic growth generated by the proposal would not outweigh the harm arising from the conflict with local policy due to the location of the site
Well-established local business	This is not a material planning consideration
On-site accommodation will provide security	Security is not generally considered to be a sufficient justification for a rural worker dwelling as there are other means of providing security on site
Would remove construction traffic from town centre, easing congestion	The site currently occupied by the applicant is likely to be replaced by an alternative business, therefore construction traffic is likely to remain in the other location
Provides jobs for local people	The business is existing and therefore the jobs have already been created
Applicant has lost current space for business	See 'Principle of Development' Section

16 objections received, two from within March, including the operator of the adjacent airfield, with the remainder from outside the district.

<b>Objecting Comments</b>	<b>Officer Response</b>
Minimum 500ft safeguarded separation between airfield and closest neighbour – building within these areas would	See 'Other Matters' Section

contravene air law	
Proposal will detriment an existing and established business (adjacent Airfield), which provides economic benefit to Fenland	See 'Other Matters' Section
Owner of airfield has maintained "no fly zones" to help with neighbour relations	See 'Other Matters' Section
Danger to users of the airfield through the introduction of structures and fencing on current flight paths, causing turbulent air	See 'Other Matters' Section
Introduction of construction vehicles using a single-track road is not appropriate	See 'Parking Provision and Highway Safety' Section
Negative impact to walkers and cyclists that currently use road as there is no footpath	See 'Parking Provision and Highway Safety' Section

## 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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

## 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 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

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

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

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
- LP13 – Supporting and Managing the Impact of a Growing District
- 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

### **March Neighbourhood Plan 2017**

- H3 – Local Housing Need

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

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

### **Cambridgeshire Flood and Water SPD 2016**

#### **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
- LP3: Spatial Strategy for Employment Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP6: Renewable and Low Carbon Energy Infrastructure
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP13: Custom and Self Build
- LP15: Employment
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP32: Flood and Water Management

## 8 KEY ISSUES

- Principle of Development
- Character and appearance
- Amenity Impact
- Parking Provision and Highway Safety
- Flood Risk and Drainage
- Biodiversity Impact
- Biodiversity Net Gain (BNG)

## 9 BACKGROUND

- 9.1. The application site lies opposite to March Airfield, which was approved under application F/YR12/0024/F, with a further approval granted under F/YR15/0100/F.
- 9.2. These permissions allowed the use of the land as an air sports activity centre under Use Class D2. Subsequently, further development has taken place on the site to provide additional storage buildings and a residential dwelling for the owner of the business that is tied to the use.
- 9.3. The use of the land relates to training and instruction for the use of paramotors and operates within aviation law to ensure a minimum 500ft safeguarding zone from neighbouring properties, both to avoid detrimental amenity impacts on neighbouring properties and to ensure the safety of users of the facility.

## 10 ASSESSMENT

### Principle of Development

- 10.1. The proposal is split into two distinct elements. The first element seeks the change of use of land to a builder's yard within the Sui Generis Use Class. Works ancillary to this use are proposed, including the erection of a shed, 2.4m boundary fence and siting of 6 containers.
- 10.2. The second element of the proposal is the erection of a self-build dwelling to be occupied in association with the proposed builder's yard business.
- 10.3. The applicant is seeking to relocate his existing business due to the loss of his existing premises at Elm Road, March (approximately 1.5 miles from the site).

### Change of use to Builder's Yard

- 10.4. The site is located on Cross Drove, to the west of the A141. While March is identified as a 'Market Town' in Policy LP3 of the Fenland Local Plan (2014), the nature of the site and surrounding area being rural and generally undeveloped means it is within the open countryside and would therefore be classed as an 'Elsewhere' Location for the purposes of Policy LP3.
- 10.5. Policy LP3 seeks to direct development in the district to higher tier settlements that are more sustainable. In respect of 'Elsewhere' locations, it states 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*".

- 10.6. This is further reinforced by Policy LP6, which deals with Employment development in the district, with the majority of the districts employment growth to be directed to the market towns of Wisbech, March and Chatteris.
- 10.7. As the proposal includes the change of use of land for use as a Builder's Yard, this is not essential for the effective operation of local agriculture, or any of the other exceptions detailed in Policy LP3. Further, with the location being identified as 'Elsewhere', it is the least sustainable location as set out in the settlement hierarchy. Based on the principles set out in Policies LP3 and LP6, the proposal is in conflict with the aims and objectives of these policies for promoting sustainable development.
- 10.8. A search of the Rightmove website identifies a total of 1no. properties/sites that are available to rent on Foundry Way in March that may be capable of accommodating the development in an identified and established location for employment. No assessment has been provided by the applicant to justify why this, or any other alternative site, is not suitable to accommodate the business in a preferable location.
- 10.9. Policy LP12 provides a driver for development in rural areas. Part A of this policy states that "*development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside*". However, it then goes on to state that proposals will need to satisfy the application policies of this document "*including any settlement hierarchy set out in Policy LP3*".
- 10.10. As concluded in paragraph 10.7, the proposal is in conflict with Policy LP3 as it does not accord with the prescribed settlement hierarchy for the district, and therefore it is not possible to comply with Policy LP12. It is therefore considered that the element of the proposal pursuant to a change of use to a Builder's Yard is unacceptable in principle.

#### Erection of Self-Build Dwelling

- 10.11. This element of the proposal seeks the erection of a two-storey, 4-bedroom property to be occupied in association with the applicant's business. As has already been established, the proposal is located in an 'Elsewhere' location and therefore is required to be demonstrably essential for the effective operation of local agriculture etc.
- 10.12. The applicant has provided no justification as to the need for the dwelling in relation to the operation of the business, with no explanation provided as to the applicants current living arrangements in relation to the location of the business.
- 10.13. Policy LP5 of the Local Plan also seeks to ensure that housing solutions are provided which meet market expectations, this includes 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 the Act to have regard to this and to give suitable development permissions to meet the identified demand.
- 10.14. As set out in the Regulations, Part 1 of a register comprises those people and organisations who meet all 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.

- 10.15. The permissions granted demonstrate that demand for Self-Build and Custom Housebuilding (as identified by the register) is comfortably being met in Fenland. Therefore, no weight will be given to the delivery of Self—Build and Custom Housebuilding at this time.
- 10.16. Given the absence of information to support this element of the proposal and the above assessment determining that the principle of the change of use is unacceptable, it is considered that the principle of erecting a dwelling in this location is in conflict with Policies LP3 and LP12 and is therefore unacceptable.

### Summary

- 10.17. It is considered that the proposal to change the use of land from agricultural to a builder's yard, associated works, and the erection of a dwelling to be occupied in conjunction with this business is unacceptable in principle, contrary to Policies LP3 and LP12 of the Fenland Local Plan (2014) as there is no essential need for the development to be in this location.

### **Character and appearance**

- 10.18. The location of the development is on a parcel of undeveloped agricultural land that is greenfield in nature. On the basis that it is not considered to constitute a rural workers development, as per the 'Principle' section above, the proposal should be assessed against Policy LP3, LP12 and LP16.
- 10.19. The site is in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture etc. and therefore the proposal is considered contrary to Policy LP3 of the Fenland Local Plan (2014).
- 10.20. The dwelling proposed is a 2-storey, 4-bed property with a palette of materials comprising buff brickwork and grey roof tiles. The proposed dwelling measures 9m in height to the ridge, 10m in depth and 11.5m in width. The general design approach of the proposed dwelling is considered to be acceptable with the proposed palette of materials considered to appropriate in this location.
- 10.21. Whilst the location of the proposed dwelling is in relatively close proximity to other nearby development – approximately 50m to the west – the next nearest development is approximately 180m away. Further, the parcel of land to which the application relates is undeveloped greenfield land. As such, the development of the site would result in an encroachment on the landscape character of the area. The location of the proposal in such a rural location would result in a site that is not related to a settlement or pattern of development. As such, the proposal is considered to be contrary to Policy LP12 Part (a), (c) & (d) in this regard.
- 10.22. The proposed developable area is set back from the public highway with soft landscaping features proposed to soften and reduce the visual impact of the development on the street scene. However, the development of the site to provide a dwelling, detached garage, commercial storage shed and 6no. containers is considered to be substantial and would appear incongruous on the landscape character of the area and would not be fully mitigated by the proposed soft landscaping.

10.23. The proposal is therefore considered to be unacceptable in terms of its character and appearance impact.

### **Amenity Impact**

10.24. The dwelling is located on a spacious parcel of land that affords a generous level of private amenity space provision, more than sufficient for the size and scale of dwelling proposed.

10.25. There is an existing airfield to the west of the application site which is home to a business providing pilot training. It is understood that the adjoining business operates from dawn until dusk and as such could have lengthy operating hours during the summer months. It is considered that these operations could have some impact on the amenities of the dwelling proposed in this application. However, it is not considered that this alone would be sufficient to justify the refusal of the application.

10.26. The rural nature of the site means that there is a good level of separation from the nearest residential property – approximately 50m. As such, the proposed dwelling itself will not give rise to any detrimental impacts on the amenities of adjoining properties.

10.27. The proposed commercial use of the site as a Builder's Yard is likely to give rise to some noise disturbance arising from deliveries and traffic movements from larger vehicles entering and leaving the site. However, when accounting for the traffic movements generated by the poultry farm further south on Cross road, it is not considered that the noise generated by the additional traffic would be materially increased to an unacceptable level by the proposed development.

10.28. The proposal is therefore considered to comply with Policy LP16 of the Fenland Local Plan (2014) in respect of its amenity impact.

### **Parking Provision and Highway Safety**

10.29. The Highway Authority have considered the proposal and have raised no objections to the development. However, it was highlighted that Cross Road is a single-track road that would not be suitable for an intensification of permanent use, particularly for large commercial vehicles.

10.30. The submission detail is limited in terms of information about traffic movements. However, it states that there are 12no. full-time members of staff with 11no. vehicles on-site associated with the business and would operate five days a week. Assuming each employee undertakes a two-way traffic movement each day to travel to and from work, along with a two-way traffic movement for each business vehicle would equate to 46 daily traffic movements. This increase in traffic movements is considered to be relatively large compared to the existing use of the site, which does not appear to generate any traffic movements.

10.31. The latter comments of the Highway Authority go on to reiterate that Cross Road is narrow in places and that any further incremental development would be detrimental to the function of the highway. As such, mitigation works may be required for any further development in this location.

10.32. Whilst these comments reinforce the inappropriateness of the location for this type of development, it is not considered sufficient to form a reason for refusal in its own right.

10.33. As such, it is considered that the proposal would not result in a detrimental impact on highway safety in the local area, and therefore complies, on balance, with Policy LP15 of the Fenland Local Plan (2014) and Paragraph 116 of the NPPF (2024).

### **Flood Risk and Drainage**

10.34. The application site is located in Flood Zone 3 and is primarily at very low risk of surface water flooding.

10.35. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seeks to direct development away from areas at high risk of flooding in the first instance, unless the Sequential Test and, if necessary, the Exceptions Test can be met.

10.36. The application is supported by a Flood Risk Assessment which has been considered by the Environment Agency, with no objections raised by this body.

10.37. The submitted Flood Risk Assessment states that the Sequential Test is met on the basis that there are limited opportunities to undertake the development on an alternative site. It goes on to say that the site has a low probability of flooding when considering the Whittlesey Washes Barrier Bank and Middle Level Barrer Bank. However, no in-depth analysis is provided to support this conclusion.

10.38. As set out in the 'Principle of Development' section above, the site is considered to be located in an 'Elsewhere' location, as defined by Policy LP3. As per the conclusions of this section of the report, it is not considered that Policy LP3 of the Fenland Local Plan is met on the basis that there is insufficient evidence to demonstrate that the proposal is essential for agricultural purposes. On this basis, the exclusion of other reasonably alternative sites is unjustified.

10.39. The Council's adopted approach to the Sequential Test states that the area of search will 'depend on the location and role of the settlement, as well as the type and scale of development proposed.

A) 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.

B) 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.

10.40. As the application site is located in an 'Elsewhere' location with insufficient justification, it is considered that the search area for the Sequential Test must cover the whole of the rural area. Accordingly, the Sequential Test is deemed to be failed.

10.41. As the Sequential Test has been failed, it is not necessary to consider the Exception Test. Notwithstanding this, the site does not offer any wider public sustainability benefits, and it is therefore considered that the first part of the Exception Test would be failed in any event.

10.42. Overall, on the basis of the site's location in Flood Zone 3 and considering that the Sequential Test is not met, it is not considered that the development is in a suitable location in flood risk terms, and therefore the application is considered contrary to Policy LP14 of the Fenland Local Plan (2014) and Section 14 of the NPPF (2024).

## **Biodiversity Impact**

- 10.43. The application is supported by a Preliminary Ecological Appraisal which concludes that there will be no undue impacts on any protected sites or species. It is suggested that a number of enhancement measures are incorporated into the scheme to provide biodiversity improvements.
- 10.44. As such, the scheme offers no obvious conflict with regard to Policies LP16 and LP19 of the Fenland Local Plan (2014) in this regard.

## **Biodiversity Net Gain (BNG)**

- 10.45. 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.
- 10.46. 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.
- 10.47. Notwithstanding that the application has been submitted as a 'self-build' dwelling that would be exempt from BNG requirements, the application is not supported by an appropriate Unilateral Undertaking that would secure the development as being 'self-build'.
- 10.48. As such, it is considered that there is insufficient evidence to demonstrate the development is exempt from mandatory BNG requirements, and is not supported by any information to demonstrate what the BNG requirements for the site would be.
- 10.49. Therefore, the application is considered to be contrary to Policy LP19 of the Fenland Local Plan (2014) and Section 7A of the Town and Country Planning Act 1990.

## **Aviation**

- 10.50. The comments from the Civil Aviation Authority are noted in respect of the potential impacts of the development on the operations at the adjacent airfield to the west. It should be noted that the airfield operates lawfully as a flying school providing lessons in the use of light aircraft.
- 10.51. The comments of the CAA and the airfield owner highlight the potential dangers arising from turbulent air created by the proposed structures, which would detrimentally impact the use of the current flight paths that the airfield operates within. Furthermore, concerns have been raised as to the erection of the palisade fencing around the site, which could cause severe health and safety dangers to users of the site in the event of an aircraft stall or failure.
- 10.52. The application is silent in terms of considering this issue and with no evidence to the contrary, the proposal is therefore considered to be in conflict with both Local and National Planning Policy in this regard. Paragraph 135 of the NPPF identifies

that new development should have a high standard of amenity for existing and future users, and be appropriate for its location taking into account the potential sensitivity of the wider area to impacts that could arise from it. Paragraph 111(f) of the NPPF refers to the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time, and while this is a paragraph pertinent to policy making it has been referenced by Inspectors when considering development proposals. Additionally, Paragraph 200 of the NPPF and Policy LP16(o) of the Fenland Local Plan identify that planning decisions should ensure that new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

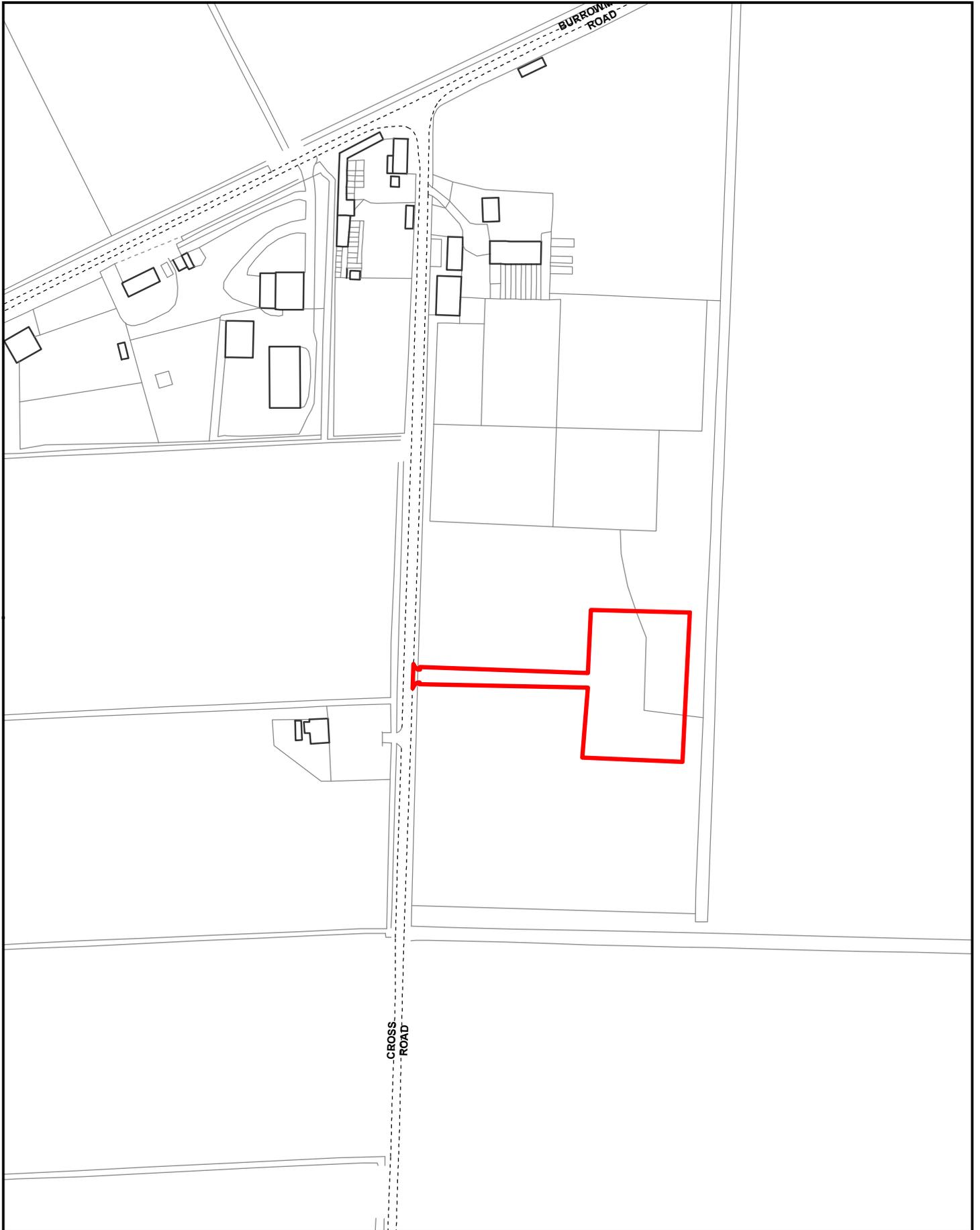
## **11 CONCLUSIONS**

- 11.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new Builder's Yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.
- 11.2. The proposal would result in the creation of an employment and residential use in an inappropriate location that is in conflict with the aims and objectives of Local Plan Policies LP3, LP6 and LP12, particularly as there is no identified justification or need for the development.
- 11.3. The development of the site for residential and employment purposes would result in an encroachment on the open countryside, to the detriment of the landscape character of the area, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
- 11.4. The Highway Authority have highlighted that the highway network in this location would not be able to accommodate further intensification of use without mitigation. Whilst this emphasises the inappropriateness of the location for this type of development, it is not considered that this would justify a reason for refusal in this instance. As such, the proposal is considered on balance to be acceptable in terms of its highway safety impact.
- 11.5. The proposal is located in an area of high flood risk and fails to adequately demonstrate that the Sequential or Exception Test are passed. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan and Section 14 of the NPPF.
- 11.6. The application provides insufficient information to demonstrate that the adjacent airfield to the west could continue to operate safely following the development, contrary to the NPPF and Fenland Local Plan.
- 11.7. Finally, the application is not supported by an appropriate Unilateral Undertaking to demonstrate that the development would be exempt from BNG as a 'self-build' development. Further, it is not supported by a BNG metric to demonstrate what the BNG requirements for the development would be.
- 11.8. The proposal is therefore considered to be unacceptable in planning terms and is accordingly recommended for refusal on this basis.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1.	The application site is located in an 'Elsewhere' location as identified in Policy LP3, where development is restricted to that which is essential for agriculture, or other uses requiring a rural location. The proposal is supported by insufficient justification to demonstrate that there is an essential need for the development as required by Policy LP12 of the Fenland Local Plan (2014) and Paragraph 84(a) of the NPPF 2024. The proposal would therefore result in unwarranted development in an unsustainable rural location contrary to the aforementioned policies.
2.	The proposal, by virtue of the development of a greenfield site in a rural location, along with the excessive size and scale of the dwelling proposed, along with the proposed garage, shed and storage containers, would be harmful to the character of the open countryside, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
3.	The application site is located within Flood Zone 3 and fails to meet the Sequential or Exception Test. It is considered that the proposal is at an unacceptable risk of flooding without sufficient justification. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Section 14 of the NPPF (2024).
4.	Insufficient information has been submitted to demonstrate that the proposed development would not result in an adverse impact to the safe functioning of March Airfield to the west by virtue of the creation of turbulent area or danger to users arising from the proposed palisade fencing, contrary to Paragraphs 111, 135 and 200 of the NPPF (2024) and Policy LP16 of the Fenland Local Plan (2014).
5.	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).



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**F/YR25/0089/F**

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 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specifications. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work.  
 Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCU (or MHC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.



PROPOSED SITE PLAN 1:200

LEGEND:

- GRASS
- TARMAC
- GRAVEL
- SLAB PAVING
- HEDGING
- VEGETATION



PROPOSED ACCESS TO BE TO C.C.C DETAILS, 5m x 10m WITH 4.5m RADIUS KERBS, SEALED AND LAG TO FALL AWAY FROM THE HIGHWAY

AREA FOR WILDFLOWER, PLANTING AND SEEDING

AREA FOR WILDFLOWER, PLANTING AND SEEDING

C PLANNERS COMMENTS	JAN 25
B DWELLING MOVED	OCT 24
A DWELLING MOVED	SEP 24
REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**

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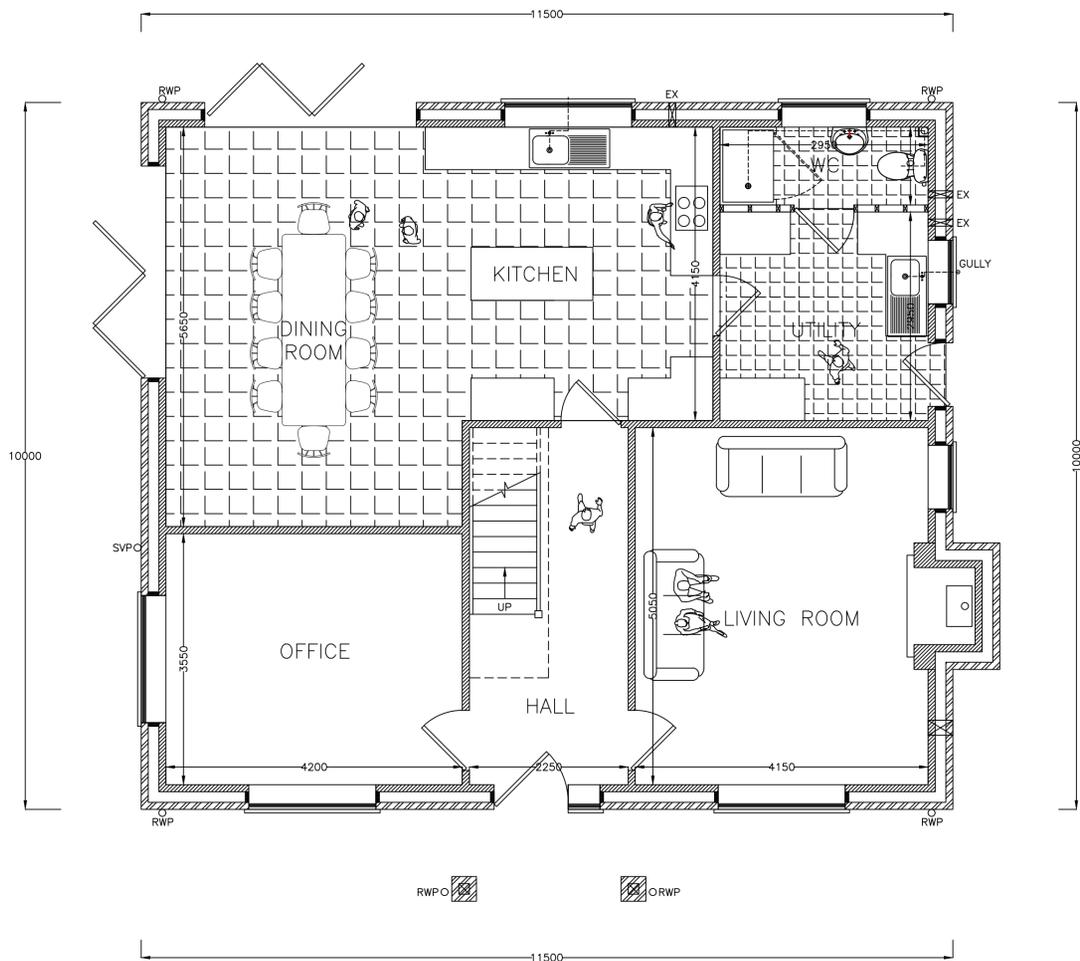
Fenland District Council Building Design Awards Building Excellence in Fenland

Client: Mr M Venni

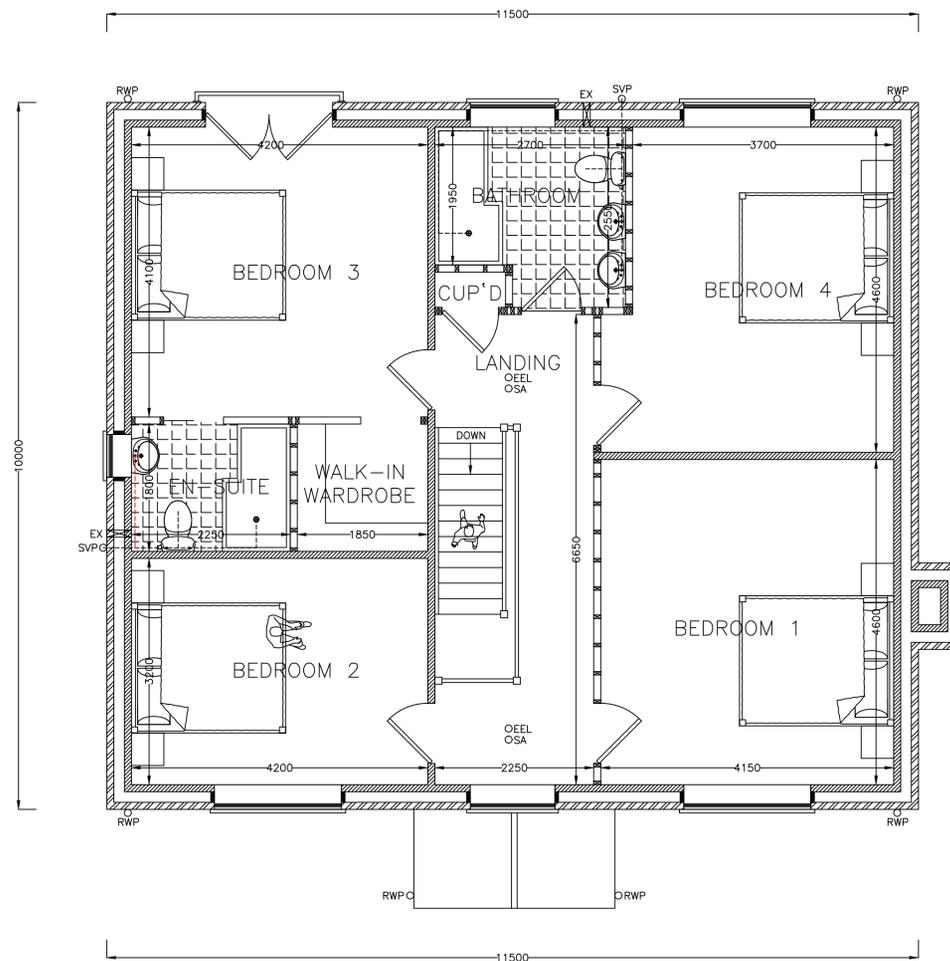
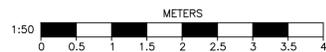
Project: Land South of Pear Tree Farm Cross Road March, Cambs PE15 0YS

Title: Proposed Site Plan

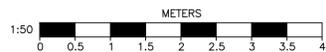
Drawn: MH	Scale of Site:
Checked:	
Date: September 2024	Project Number: H9934/03
Drawn As Shown at AD	



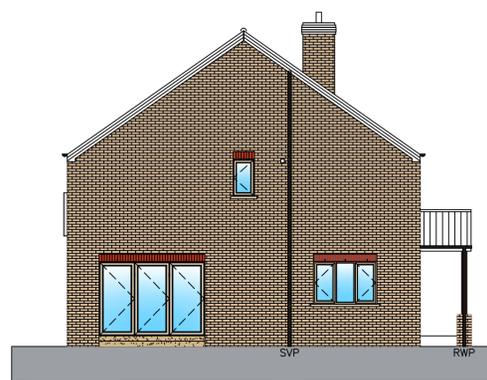
PROPOSED GROUND FLOOR PLAN (1:50)



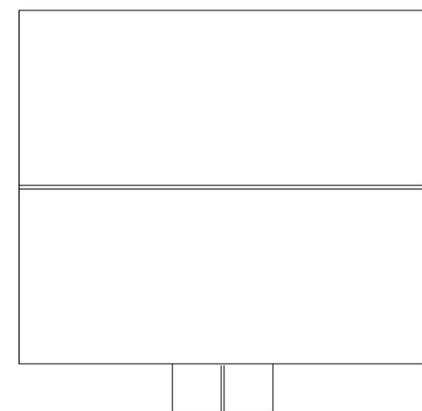
PROPOSED FIRST FLOOR PLAN (1:50)



PROPOSED FRONT ELEVATION (1:100)



PROPOSED LEFT HAND SIDE ELEVATION (1:100)



PROPOSED ROOF PLAN (1:100)



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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
 All finishes, insulation and damp-proofing to architect's details

A PLANNERS COMMENTS		JAN 25
REVISIONS		DATE
<b>MORTON &amp; HALL CONSULTING LIMITED</b>		
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CLIENT		
Mr M Venni		
PROJECT		
Land South of Pear Tree Farm Cross Road March Cambs PE15 OYS		
TITLE		
Proposed Building Arrangements DWELLING		
DRAWN	DATE OF ISSUE	
MH		
CHECKED		
DATE	September 2024	DRAWING NUMBER
SCALE	As Shown - A1	H9934/04 A