

***This item comprises EXEMPT INFORMATION within Appendix 1 which is not for publication by virtue of paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)***

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**F/YR25/0527/F**

**Applicant: Mr Steven Davies**

**Agent: Mr Matthew Taylor  
Taylor Planning And Building  
Consultants**

**Cedar Rose Stables, Horsemoor Road, Wimblington, Cambridgeshire**

**Change of use of land for the use of travellers including siting of 6 x static and 6 x touring caravans, change of use of stables to day room/store room (part retrospective)**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council comments contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal seeks full planning permission for the siting of a total of 6no. static caravans and 6no. touring caravans and conversion of a stable block to a day room at Cedar Rose Stables, Horsemoor Road, Wimblington. The proposal is essentially an extension to an existing authorised Traveller site comprising 3no. static caravans and 3no. tourers (approved under F/YR21/0713/F). By virtue of the extant permission, the principle of development is considered acceptable in this location.
- 1.2. The proposal would result in a concentration of traveller development that exceeds the number of conventional dwellings within the area. This conflicts with national and local policy expectations that such sites should not dominate nearby settled communities contrary to FLP Policy LP5 Part D and PPTS, Policy H. However, considering the balance of matters that outweigh this harm, including the shortfall of available pitches, and the personal circumstances of the applicant, and the additional benefits provided in the form of social inclusion, housing provision, and reduced inequality the proposal is considered acceptable on balance.
- 1.3. Whilst located in an area at high risk of flooding (Flood Zone 3), the development could be made safe from the effects of flooding through the proposed mitigation, secured by condition, and would not cause the risk or impacts of flooding to increase elsewhere in accordance with Policy LP14 of the Fenland Local Plan (2014).
- 1.4. The scheme is acceptable in terms of its impact on character and appearance of the area, in accordance with Policy LP5 (a) and (e), Policy LP16 and Paragraph 26 (b) and (d).
- 1.5. Notwithstanding the comments raised by the Highway Authority, it is considered that the proposed quantum of development and the likely traffic

generation therefrom is not considered to give rise to highways conflicts significant enough to be considered severe, and as such, the scheme is considered, on balance, acceptable with regard to Policy LP15 and as such refusal of the scheme on the grounds of highway safety is considered unreasonable in this instance with due regard for Paragraph 116 of the NPPF.

- 1.6. Whilst there are clear policy conflicts relating to community dominance and flood risk, and these are afforded significant weight, they are outweighed by the pressing need for additional traveller accommodation, the absence of alternative sites, the neutral impact on highway safety, and the compelling personal and social circumstances of the applicants. Thus, the application is considered acceptable in planning terms.

## **2 SITE DESCRIPTION**

- 2.1. The application site comprises a roughly rectangular parcel of land measuring approximately 0.52 hectares. The site lies within the countryside and is within flood zone 3 which is the area at most risk of flooding. The rear area of the site includes 3 pitches, each comprising a mobile home and tourer, with parking and turning, approved under F/YR21/0713/F in July 2022. A stable block is located to the northwest corner of the site (approved for recreational horse stabling under application F/YR19/0497/F). The front area of the site is currently paddock land, used as private recreation land by the occupiers of the site.
- 2.2. To the north the site is bordered by a large drainage ditch and open fields, to the west by The Spinney traveller site (granted on appeal), to the south by Horsemoor Road and sporadic development and open fields and to the east by other traveller sites. The front boundary of the site where it adjoins the highway is bounded by a post and rail fence, with hedgerow planting behind. The west boundary contains tall conifers which have been planted on the Spinney side of the boundary. The rear/north boundary is quite open to the fields beyond but there is some hedgerow. The east boundary comprises a close boarded fence.
- 2.3. Access to the site is direct from Horsemoor Road and is situated to the southwest corner and runs along the western boundary of the site that has been constructed in line with the approval of F/YR21/0713/F.
- 2.4. To the other side of Horsemoor Road and in the near vicinity of the site is a builders' storage yard, granted planning permission under F/YR19/0740/F and a residential and storage site for travelling showpeople which includes 3 residential caravans, which was granted planning permission under F/YR14/0213/F. Directly opposite is an area of land recently granted planning approval for the use as a traveller site, with two pitches and two day rooms (F/YR25/0515/F).
- 2.5. Travelling west along Horsemoor Road, particularly after the sharp bend into Hook Road, there are a few sporadic residential properties to either side of the road before reaching more consolidated built form at Eastwood End. The

wider area of land to the north, east and south of the traveller sites, of which this application is one, is otherwise very open, flat and typical of the Fenland landscape.

### 3 PROPOSAL

- 3.1. The proposal seeks the change of use of land to include a further three static caravans and three additional tourers on the land (totalling six static caravans and six tourers) and the change of use of the stable block to be converted into a day room and storage. The development is part retrospective in that at least part of the stable building on site is currently being used as a day room and the access approved under F/YR21/0713/F was not formally discharged under a condition clearance application, and the current application seeks to regularise this along with increasing the number of stationed caravans on the site from three to six.
- 3.2. The paddock area to the front of the site is intended to remain.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

F/YR24/0583/F	Erect a detached outbuilding	Granted 03.09.2024
F/YR23/3059/COND	Details reserved by conditions 6 (landscaping) and 9 (foul drainage treatment) of planning permission F/YR21/0356/F	Approved 10.11.2023
F/YR21/0356/F	Change of use of land for the use as 5no traveller's plots including siting of 5no mobile homes and 5no touring caravans and formation of a new vehicular access (retrospective) The Spinney Horsemoor Road Wimblington	Granted 13.03.2023
F/YR21/0713/F	Change of use of land for the use of travellers including siting of 3no static and 3no touring caravans, water treatment plant and keeping of horses and part use of existing stables as day room	Granted 29.07.2022
F/YR17/0349/VOC	Variation of conditions 2 & 3 of appeal ref APP/D0515/C/15/3008989 relating to permission F/YR14/0854/F to increase the number of static caravans from 5 to 8 and touring caravans from 1 to 5 (to be used by the occupiers of the static caravans only), and to allow each residential pitch to have one associated commercial vehicle not exceeding 3.5 tonnes in weight. The Spinney Horsemoor Road Wimblington	Granted 10.10.2019
F/YR16/3080/COND	Details reserved by condition 5 of planning application F/YR14/0854/F and Appeal Decision APP/D0515/W/15/3008987 The Spinney Horsemoor Road Wimblington	Approved 06.09.2019

F/YR19/0497/F	Erection of a stable block with tack room and 1.0 metre high gate and fence (personal use) The Spinney Horsemoor Road Wimblington	Granted 02.08.2019
F/YR14/0854/F	Change of use of land to residential caravan site for an extended traveller family; siting of 5 mobile homes and 1 touring caravan involving formation of hardstanding, erection of amenity building and use of existing barn as ancillary storage The Spinney Horsemoor Road Wimblington	Refused 10.12.2014  Appeal Allowed 13.05.2016
F/YR00/1084/F	Use of land for the siting of 1 no. mobile home Caravan Cedar Cottage The Spinney Horsemoor Road Wimblington	Refused 04.05.2001

## 5 CONSULTATIONS

### 5.1. Wimblington Parish Council

*Parish Council objects to the proposed expansion of Traveller sites along Hook Lane and Horsemoor in Wimblington. The village has already made a substantial contribution to the provision of Gypsy and Traveller sites and has exceeded policy requirements. Further development at this location would cause significant and unacceptable impacts on the local environment, infrastructure, and community.*

#### 1. Existing Provision and Non-Compliance

- *Wimblington currently has three established Traveller sites along Hook Lane and Horsemoor.*
- *All three sites were granted retrospective planning permission, with some failing to comply with attached conditions.*
- *Several plots have expanded without permission, with brick-built "utility/day rooms" resembling small bungalows in scale.*
- *Construction activities have already commenced on the site associated with application F/YR25/0515/F. Visual inspection indicates that the drainage infrastructure substantially exceeds the capacity required to service two plots!*

#### 2. Infrastructure Damage and Safety Hazards

- *The transport of large static caravans and mobile units has severely damaged the narrow rural lanes, leaving deep ruts that damage vehicles.*
- *Grass verges have been obstructed, narrowing the carriageway and creating hazards for pedestrians, cyclists, horse riders, farm machinery, and emergency services.*
- *High hedgerows and long sections of solid wooden fencing have reduced visibility and eroded the rural character.*
- *There are no passing points along the lane.*

#### 3. Traffic Disruption and Blockages

- *The delivery and removal of large units frequently blocks Hook Lane for extended periods, restricting access for residents, agricultural vehicles, and emergency services.*
- *These activities are undertaken without authorisation or adequate traffic management, causing unnecessary disruption and safety risks.*

#### 4. Overdevelopment and Visual Harm

- *The cumulative impact of existing and proposed sites is disproportionate compared with surrounding areas.*
- *Public verges have been eroded by unauthorised encroachments.*
- *The NPPF seeks to maintain the vitality of rural communities; this overdevelopment is having the opposite effect, degrading the landscape and countryside views.*

#### Conclusion

*Wimblington has already exceeded its share of provision for Traveller sites. Further development at Hook Lane and Horsemoor would be unsustainable, cause further harm to local infrastructure, and permanently damage the rural environment. We therefore urge the Council to refuse this application in the strongest possible terms.*

#### 5.2. **Environment Agency**

*We have reviewed the documents as submitted and we have no objection to this planning application.*

*Our comments from our previous letter, referenced E/2025/130730/01, dated 30 July 2025, remain relevant.*

*We recommend that the Middle Level Commissioners should be consulted on the revised Flood Risk Assessment.*

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

*Initial comments were received objecting to the scheme on the basis of additional traffic and a lack of formal passing places along Horsemoor Road with no mitigations proposed. Revised comments were provided as below following the submission of additional information:*

*Many thanks for the additional information. The concerns I raised were in regard to the increase in numbers from 3 to 6 as per the previous approved application. Horsemoor Road in my opinion is not suitable for any further increase in traffic without appropriate mitigations. As there are no official passing places (passing places in this location associated with this development should be long enough and wide enough for vehicles towing trailers, given that horses will be kept on this site).*

*That said this additional information provides me with some further clarity on the site and its planning history. Given this and on balance I am content to remove my objection. However, I would just note my concerns once again and believe that if approved there may be some negative impacts to the highway and the safety of its users.*

#### 5.4. **FDC Ecology**

*I have no objections to the above planning application on Ecology grounds. Since I understand that the application is retrospective there is no requirement to achieve biodiversity net gain. Nevertheless, the site, which appears previous to the development to have supported modified agricultural grassland, would benefit from biodiversity enhancement. I would suggest*

*that a hedgerow could be required to be planted at the site boundaries (Policies LP16 and LP19 apply).*

**5.5. FDC Environmental Health**

*I confirm receipt of the above application details and have considered the implications of the proposed development in terms of:*

- *Noise*
- *Air pollution*
- *Contaminated land*
- *Artificial light*

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

**5.6. FDC Traveller And Diversity Manager**

Confirmed that the applicant and those residing on site meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS) and that there are personal circumstances that would need to be considered positively in the planning balance. Please see Confidential Appendix 1 for details.

**5.7. Local Residents/Interested Parties – no comments received**

**6 STATUTORY DUTY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024).

6.2. The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**7 POLICY FRAMEWORK**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

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

Determining a Planning Application

**7.3. National Design Guide 2021**

**7.4. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

**7.5. Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)**

Wimblington & Stonea Parish Council has carried out a pre-submission consultation on the draft plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The draft plan has not yet been submitted for examination. Given the very early stage which the draft plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry very limited weight in decision making. Of relevance to this application are policies:

RE1 – Rural Character

NE1 – Protecting the Landscape

NE2 – Biodiversity

SD1 – Development and the Settlement Boundary

SD3 – High Quality Design

SD5 – Flood Risk

TT1 – Car Parking

**7.6. Planning Policy for Traveller Sites (PPTS) December 2024**

Policy B - Planning for traveller sites

Policy C - Sites in rural areas and the countryside

Policy H - Determine planning application for traveller sites

Policy I - Implementation

**7.7. Accommodation Needs of Gypsies, Travellers, Travelling Showpeople, Boat Dwellers and Bargees (GTANA), Fenland District Council, May 2025**

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

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

## 7.10. Cambridgeshire Flood and Water SPD 2016

### 8 KEY ISSUES

- Principle of Development
- PPTS Compliance
- Impact on the amenity of neighbours and dominance of the nearest settled community
- Flood Risk
- Character and Appearance of the area
- Highway Safety
- Biodiversity Net Gain (BNG)

### 9 ASSESSMENT

#### Principle of Development

- 9.1. The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) updated in December 2024 is not opposed in principle to traveller sites in the countryside. It does however state in Policy H (paragraph 26) that Local Planning Authorities (LPAs) should "very strictly limit" new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- 9.2. Furthermore, paragraph 26 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, having regard to Fenland Local Plan policy LP5, acknowledging that the identified need will not be met by land within existing towns and villages.
- 9.3. Therefore, PPTS paragraph 26 does, to a degree, anticipate traveller sites to be located in the countryside (outside the Green Belt). Policy LP5 of the Fenland Local Plan (2014) states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts somewhat with the latest PPTS (post Local Plan adoption). Paragraphs 11 and 25 of the PPTS endorse criteria-based policies where is both a need and no identified need for further pitches. In this particular regard, Local Plan policy LP5 appears to be out of date with latest national policy.
- 9.4. As such, the principle of traveller sites in the countryside is supported. The means by which new traveller development is to be controlled are set out in further policies in the PPTS and in local policies, and these are considered below.
- 9.5. Furthermore, the scheme proposes an increase of the number of pitches at an existing approved site, and as such by virtue of the extant permission, it

follows that the principle of development is considered acceptable in this location.

### **PPTS Compliance**

- 9.6. Under PPTS Policy B planning authorities should, amongst other things, set pitch targets for travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans, they should, inter alia:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
  - b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.
  - c) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
  - e) protect local amenity and environment.

- 9.7. Policy H, paragraph 23 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:
- a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites
  - e) that they should determine applications for sites from any travellers and not just those with local connections.

- 9.8. As such, in respect of Policy H the following is considered;

- (a) *The existing level of provision and need for traveller pitches; and*
- (b) *the availability (or lack) of alternative accommodation for the applicants*

Due regard has been given to Planning Appeal APP/D0515/W/23/3332133 (F/YR22/1029/F – Land North of the Spinney, Gall's Drove, Guyhirn), which was allowed in March 2024 for the use of land for the stationing of caravans for residential purposes and dayroom ancillary to that use. The appeal found that the Council are unable to identify and demonstrate the current need for Gypsy & Traveller plots within the district. As such, the Inspector concluded that the Council were unable to demonstrate a five-year land supply in this regard. In the absence of an adequate supply, significant weight in favour of the proposal must be given as a means of helping to meet the need in the district.

- 9.9. Since this appeal decision, an updated Accommodation Needs of Gypsies,

Travellers, Travelling Showpeople, Boat Dwellers and Bargees (GTANA) was issued by Fenland Council in May 2025. The report concluded that there is a net need for 66 residential pitches within the district from 2024/25-2038/39, with 47 pitches required in the immediate term (up to 2028/29).

- 9.10. In the period from 1st April 2024 – which correlates with the start of the needs assessment period for the GTANA – a total of 24 pitches have been provided. As such, there is a remaining need for 23 pitches up to March 2029.
- 9.11. Given that there is still a shortfall of pitches, it is considered that the conclusion of the aforementioned appeal decision remains relevant and applicable in this instance. Furthermore, Policy H states that where an authority cannot demonstrate an up-to-date five-year supply this should be a significant material consideration in any subsequent planning decision when considering applications. Thus, the provision of additional Gypsy & Traveller plots in this development proposal weighs in favour of the application.
- 9.12. c) other personal circumstances of the applicant  
Initially, the assessment of this application should be carried out on the basis that the application would meet the accommodation need of 3 gypsy traveller households, against a current unmet need - which also captures criteria (c) and (d) of paragraph H of the PPTS. Should it be necessary to consider any personal circumstances, these are to be considered separately but nonetheless added to the planning balance (See Confidential Appendix 1).

**Impact on the amenity of neighbours and dominance of the nearest settled community**

- 9.13. For gypsy and traveller accommodation, FLP Policy LP5 Part D sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS). Decisions are made on a "case by case" basis subject to; no conflict with national planning policy; a peaceful and integrated coexistence with the local settled community; and no unacceptably adverse impact on local character or appearance. PPTS, Policy H also sets out similar criteria for determining planning applications for traveller sites.
- 9.14. With regard to the matter of the dominance of the site on the settled community, regard is had to the PPTS and in particular the approach set out to consideration of the issue by the Planning Inspector in consideration of appeal APP/L2630/C/20/3250478 in South Norfolk. The Inspector in that case determined that the 'nearest settled community' was a different concept to 'nearest settlement' and that it consisted of 'a scatter of houses and farms' that lay within 1km of the site.
- 9.15. In the appeal case, the Inspector was considering a proposal for 8 plots separate from any other development and on that basis a development of that number of plots clustered into a small area represented a significant difference from the typical built pattern of its surroundings. In this case however, the three proposed plots are in close proximity to a number of additional established pitches, with the consequent grouping of development resulting in a density that therefore differs from the appeal proposal by a

significant amount.

- 9.16. In this instance, it is not considered that a 1km radius represents the 'nearby settled community' as this would then include the outlying parts of the settlement of Wimblington, a settlement with a very different character and development density to the development in the countryside beyond. On that basis, it is considered that for this case a radius of 0.5km is more appropriate as this covers the area where development is of a similar scattered nature to the immediate surroundings of the application site.
- 9.17. There are approximately 15 residential properties within a 0.5km distance of the application site. Should the application be permitted, the number of traveller plots in this area would increase from 23 to 26. This level of development (26 plots vs 15 residential dwellings) is considered to result in dominance of that settled community. On this basis, the proposal would be contrary to paragraph 25 of the Planning Policy for Traveller Sites (2015), which requires that sites do not dominate the nearest settled community.
- 9.18. However, consideration of this matter was further considered within Planning Appeal APP/D0515/W/22/3298331 (F/YR21/1244/F – Land south-west of the Garage, The Sanctuary Garden Lane, Wisbech St. Mary), which was allowed in January 2024 for the change of use of land to a traveller's site involving the siting of 2 x mobile homes and 2 x touring caravans, and the erection of 2 x Day Rooms and a 1.8m high (approx.) boundary fence. In the appeal case, the appeal scheme resulted in a total of 11 pitches vs 20 residential dwellings.
- 9.19. The appeal concluded that the scheme would add to an already notable concentration of pitches, and would not respect the scale of, and would dominate, the nearest settled community contrary to the PPTS and Policy LP5 of the Fenland Local Plan that, amongst other matters, seeks to ensure that sites are well integrated with the settled community.
- 9.20. Noting the conclusion of the Inspector on the appeal, in the case of the current application, where the number of plots outweighs that of the settled community (26 vs 15), it follows that the proposal will result in dominance.

#### Planning balance

- 9.21. However, notwithstanding the harm relating to dominance, the Inspector also considered the balance of matters that outweighed that harm, including the shortfall of available pitches, and the personal circumstances of the applicant, to which the Inspector afforded significant weight.
- 9.22. Similarly to the appeal, in this case, the LPA is still unable to demonstrate an up-to-date five-year supply of available pitches, as discussed above.
- 9.23. Furthermore, the application includes details relating to the applicant's extended family, comprising a number of members with additional needs, three school-aged children, and a toddler who require care and support.
- 9.24. The best interest of the children must be a primary consideration in the case; with the provision of appropriate accommodation being in the children's best

interests. In addition, weight must be attributed to family members that have additional needs with on-hand care and support, and that living together helps to facilitate their traditional way of life, having regard to the Public Sector Equality Duty (PSED).

- 9.25. Accordingly, whilst it is acknowledged that the proposal would see an increase in the number of plots within the area, resulting in dominance. This is significantly outweighed by LPA's shortfall in the number of pitches available and the personal circumstances of the applicant, and as such is considered acceptable on balance.

### **Flood Risk**

- 9.26. The site and surrounding area is entirely located in Environment Agency Flood Zone 3 and is therefore considered to be at a high probability of fluvial and/or tidal flooding. National planning policy does not prohibit the granting of planning permission for developments in areas at high risk of flooding. While guidance exists to ensure that flood risk is appropriately assessed and mitigated, there are no absolute legal restrictions preventing development in such locations.
- 9.27. Policy LP14 of the Local Plan as well as Paragraph 172 of the NPPF seek new developments to adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding.
- 9.28. The Planning Practice Guidance (PPG) advises that a Sequential Test is required for planning applications in areas at risk from flooding from any source. In the case of river and sea flooding, this specifically includes land within Flood Zones 2 and 3. The fundamental objective of the Sequential Test is to steer new development to areas with the lowest risk of flooding (i.e. Flood Zone 1), in line with the risk-based approach advocated by paragraph 172 of the NPPF.
- 9.29. The application site lies within an area of identified flood risk and, as such, the Sequential Test is engaged. The application, within the submitted FRA, was supported by a Sequential Test, which concluded that, on a district-wide basis, there are no reasonably available, suitable, and deliverable alternative sites within Fenland District at materially lower flood risk that could accommodate the proposed development.
- 9.30. A recent appeal decision (APP/D0515/W/23/3332133) considered the matter of 'available' sites, citing the national Planning Policy for Traveller Sites (PPTS) document which identifies that to be considered developable, traveller sites should be in a suitable location and that there should be a reasonable prospect that they are available now. The Local Plan does not allocate land for any traveller sites and there is no evidence of alternative, available sites in sequentially preferable (i.e. lower flood risk) locations that could accommodate the proposal.
- 9.31. In this context, and given the acknowledged shortfall in supply, the nature of the development proposed, and the lack of identified alternative sites, it is considered reasonable to conclude that the site may be acceptable in flood risk terms, subject to passing the Exception Test.

- 9.32. 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.
- 9.33. 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')
- (a) Wider community sustainability benefits*
- 9.34. 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. Whilst it is ordinarily the applicant's responsibility to demonstrate compliance with both elements, the Local Planning Authority must still make its own objective assessment of the evidence and reach a reasoned conclusion on whether both parts of the test are met.
- 9.35. In this case, the proposal would make a direct contribution to meeting an identified need for Gypsy and Traveller accommodation within Fenland. The Council is currently unable to demonstrate a five-year supply of deliverable sites for Gypsies and Travellers, as required by both the Planning Policy for Traveller Sites (2015) and the NPPF. The proposed development would therefore assist in addressing the acknowledged shortfall in the provision of suitable accommodation for the Traveller community.
- 9.36. Sustainability objectives are outlined under 2.4 of the Fenland Local Plan and, relevant to this application includes, point 6.1, the aim to thrive in safe environments and decent affordable homes and point 6.3, redress inequalities related to age, gender, disability, race, faith, location, and income. The proposal would align with both objectives by contributing towards a more inclusive and equitable housing strategy, ensuring that the specific needs of the Traveller community – a recognised ethnic minority group – are not marginalised. The provision of appropriate accommodation helps reduce housing inequality and supports the ability of this group to access services and participate fully in society.
- 9.37. Taken together, the scheme would deliver clear and measurable sustainability benefits in the form of social inclusion, provision for a minority group, and reduced inequality.
- (b) Flood safety*
- 9.38. The application was supplemented with a Flood Risk Assessment including intended mitigation measures for which the Environment Agency were consulted and raised no objection, noting that the main source of flood risk at

this site is associated with watercourses under the authority of the Internal Drainage Board (IDB). The IDB were duly consulted, but no comments were received.

- 9.39. Notwithstanding, it is considered the proposed mitigation measures, including raised finished floor levels, along with ensuring that the static caravans are appropriately secured to the ground, additional flood resilient construction methods are employed and a robust Flood Warning and Evacuation Plan secured, will ensure that flood risk mitigation at the site would be acceptable notwithstanding the residual risk. These measures can all be required through the imposition of appropriately worded conditions.

#### Planning balance

- 9.40. It is acknowledged that the application site is contrary to national and local planning policy in respect of flooding, which results in a level of harm of considerable negative weight.
- 9.41. However, this application seeks residential use of the site for 3 additional Gypsy & Traveller plots, which, as considered within the first arm of the Exception Test above, contributes to meeting an immediate unmet need for such sites within the district. Furthermore, delivery of this plot would offer additional benefits in the form of social inclusion, provision for a minority group, and reduced inequality.
- 9.42. These benefits are considered, on balance, to outweigh the flood risk, particularly when considered alongside the safeguards and mitigation measures proposed.

#### *Foul and surface water drainage*

- 9.43. With regard to foul water drainage, this will be managed via a water treatment plant. Further details of the proposed foul drainage scheme can be secured by condition.
- 9.44. It is anticipated that surface water drainage will be managed via soakaways. Further details as to how surface water will be managed will be secured by condition.

#### *Flood risk and drainage conclusion*

- 9.45. It is concluded therefore, that the site, whilst located in an area at high risk of flooding, could be made safe from the effects of flooding through the proposed mitigation, secured by condition, and would not cause the risk or impacts of flooding to increase elsewhere in accordance with Policy LP14 of the Fenland Local Plan (2014).

#### **Character and Appearance of the area**

- 9.46. Part D of policy LP5 of the local plan, sets out a number of criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed, including:
- (a) *the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and*

- (e) *the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated;*
- (d) Policy LP16 requires all new development to make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.47. Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to;
- (b) *sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- (d) *not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*
- 9.48. In this particular instance, the size of the site compared to the number of static and touring caravans proposed is generous. The caravans are to be located alongside the existing caravans on the site, located towards the rear of the land adjacent to the stable building (intended to be used as a day room). The majority of the land, approximately two thirds of its area, is given over to grass for recreational purposes for the occupiers of the site. The western boundary contains high conifer hedging on the adjacent authorised traveller site The Spinney; thus, views of this application site are restricted when approaching from the west along Hook Road.
- 9.49. This site does not diminish the landscape character of the area either when close up to the site or when viewed from a long distance, especially from the east and north when approaching from Horsemoor Road. The existing post and rail fence to the front with hedging behind is appropriate to this rural setting and the positioning of the caravans to the rear of the site assists with them being both as discreet as caravans can be whilst not being segregated by tall fencing and/or brick walls.
- 9.50. As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area. It would therefore comply with Policy LP5 (a) and (e), Policy LP16 and Paragraph 26 (b) and (d).

### **Highway Safety**

- 9.51. Policy LP15 seeks to ensure development proposals include safe and convenient access with no detrimental impacts to the highway network. Paragraph 116 of the NPPF (2024) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

9.52. With regard to general accessibility Hook Road/Horsemoor Road is a single track, C-class highway, which offers limited passing places. The Highway Authority initially objected to the proposed application, on the basis of Horsemoor Road having inadequate passing places to accommodate touring caravans and by virtue that no mitigations have been proposed to facilitate the development.

9.53. Further to this, the applicant provided a transport assessment in response to the initial comments by the Highway Authority, concluding:

- *The site already benefits from an extant planning permission (F/YR21/0713/F, 2021) for the same residential use, which attracted no objection from the LHA.*
- *The site access has been constructed in accordance with highway standards, incorporating a 10-metre setback from the carriageway. This design ensures vehicles enter and exit the site without stopping on Horsemoor Road, directly addressing the LHA's concern about passing places on the road.*
- *The LHA's concern regarding insufficient highway mitigation is not supported by specific technical evidence and fails to acknowledge the existing access arrangement and the approved planning history.*
- *The LHA's concern regarding commercial stable use is factually incorrect. The submitted drawings and Design and Access Statement clearly demonstrate that there are no stables on the site and there is no commercial activity. The former stable building is proposed as a day room and store for residential use.*
- *The development is residential in nature and generates traffic movements comparable to a small housing development. This does not justify the level of transport information typically required for commercial or high-trip-generating developments.*
- *The LHA has not demonstrated that the residual impacts of the development would be severe, as required by the NPPF to justify a highway objection.*

In response, the Highway Authority provided revised comments, noting their previous concerns but acknowledging the planning history and circumstances, and thus, on balance, were content to remove their earlier objection.

9.54. Consideration must be paid to the current lawful use of the site as a Traveller's site for 3 static caravans and 3 tourers, that includes a suitable access from Horsemoor Road, at 5m x 10m with good visibility (as required by the earlier approval of F/YR21/0713/F; to which the LHA had no objection). In addition, there is sufficient space at the site for parking and turning for several vehicles, allowing vehicles to safely manoeuvre within the site and enter/exit in a forward gear, and the access is appropriately dimensioned to allow vehicles to wait clear of the highway on entry/exit so as to not result in undue highway obstruction.

9.55. Whilst it is acknowledged that the current proposal seeks to increase the number of pitches on the site from 3 to 6, it should be noted that the site

appears to have functioned appropriately with the current arrangement without significant impact on the highway network. Furthermore, the LHA did not substantiate their objection with evidence that the increase in the quantum of development would 'tip the balance' from acceptable to unacceptable and/or severe and thus be contrary to Paragraph 116.

- 9.56. In addition, the general assertion by the Highway Authority that there are no suitably sized passing places on Horsemoor Road does not in itself justify refusal; this is a pre-existing condition of the road that would exist regardless of this development, and the site access has been constructed to ensure that vehicles can enter and exit without obstructing the carriageway. Thus, in the absence of a specific and evidenced highway safety concern arising specifically from the development, it is considered that the LHA's request for further mitigation along Horsemoor Road to facilitate the development is not justified in this case.
- 9.57. Therefore, on the basis of the above, it is considered that the proposed quantum of development and the likely traffic generation therefrom is not considered to give rise to highways conflicts significant enough to be considered severe, and as such, the scheme is considered, on balance, acceptable with regard to Policy LP15 and as such refusal of the scheme on the grounds of highway safety is considered unreasonable in this instance with due regard for Paragraph 116 of the NPPF.

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

- 9.58. 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.
- 9.59. 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 this is a retrospective planning application as defined under section 73A of the Town and Country Planning Act 1990.

## **10 OVERALL PLANNING BALANCE and CONCLUSIONS**

- 10.1. Overall, the assessment of this application requires a careful balancing of identified policy conflicts against the material benefits arising from the proposal. It is evident that the development gives rise to harm in certain respects, most notably in relation to the dominance of the nearest settled community and the location of the site within an area of high flood risk. These concerns are not insignificant and must be afforded appropriate weight in the overall planning balance.
- 10.2. In terms of settlement pattern and community impact, the increase in pitches

would result in a concentration of traveller development that exceeds the number of conventional dwellings within the defined area. This conflicts with national and local policy expectations that such sites should not dominate nearby settled communities and should integrate in a proportionate and sensitive manner. This harm weighs against the proposal and reflects a clear conflict with the spatial objectives of both the PPTS and the Fenland Local Plan.

- 10.3. Similarly, the siting of the development within Flood Zone 3 introduces a further policy conflict. National policy seeks to steer development towards areas of lower flood risk, and although the Sequential Test has demonstrated that there are no reasonably available alternative sites, and the Exception Test can be satisfied, the location remains inherently constrained. While mitigation measures would ensure the safety of future occupants, the residual flood risk and policy conflict carry considerable negative weight.
- 10.4. In respect of highway safety, this is a further material consideration in the planning balance. The proposal would intensify the use of the existing access; however, the scale of development—limited to three additional pitches—is relatively modest. There is no substantive evidence to suggest that the local highway network would be unable to accommodate the resulting increase in vehicle movements, nor that the access arrangements would give rise to severe impacts in terms of highway safety. As such, this matter is regarded as neutral in the overall planning balance.
- 10.5. Set against these harms are a number of significant material considerations which weigh in favour of the proposal. Foremost among these is the clear and evidenced shortfall in Gypsy and Traveller pitches within the district. The most recent needs assessment identifies a substantial unmet need, and the Council remains unable to demonstrate a five-year supply of deliverable sites. In accordance with national policy, this shortfall attracts significant weight. The provision of three additional pitches would make a meaningful contribution towards addressing this deficit.
- 10.6. In addition, the personal circumstances of the applicant and their extended family add further weight in support of the development. The presence of young children, including those of school age, and family members with additional needs highlights the importance of providing stable and suitable accommodation. The ability for the family to live together and provide mutual support is a relevant consideration, particularly having regard to the Public Sector Equality Duty.
- 10.7. Furthermore, the proposal would deliver wider social benefits by promoting inclusion and helping to address inequalities in housing provision for the Gypsy and Traveller community. These benefits align with the overarching sustainability objectives of both local and national planning policy.
- 10.8. Taking all matters into account, the planning balance is finely weighted but ultimately falls in favour of the proposal. Whilst there are clear policy conflicts relating to community dominance and flood risk, and these are afforded significant weight, they are outweighed by the pressing need for additional

traveller accommodation, the absence of alternative sites, the neutral impact on highway safety, and the compelling personal and social circumstances of the applicants. Subject to the imposition of appropriate planning conditions, the development is therefore considered acceptable in planning terms.

11

## RECOMMENDATION

**Grant**, subject to conditions;

### Conditions

1	<p>The siting of the 6no. static caravans and occupation of the site must be no later than the expiration of one year from the date of this permission.</p> <p>Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The site shall be limited to six (6) pitches, containing no more than one static caravan and one touring caravan per pitch as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.</p> <p>Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy LP2, LP15 and LP16 of Fenland Local Plan 2014.</p>
3	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, December 2024), namely "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".</p> <p>Reason: The site is in an area where residential development other than in particular circumstances would be contrary to policy LP3 of the Fenland Local Plan, 2014. Planning permission has only been granted in order to provide accommodation for occupation by gypsies and travellers having regard to the specific policies for development of this nature in place at this time.</p>
4	<p>On not more than 28 days in any calendar year, of which no more than 14 shall be consecutive days, not more than 1 additional caravan which is capable of being lawfully moved on the public highway without division into separate parts may be stationed on a pitch.</p> <p>Reason: To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014</p>

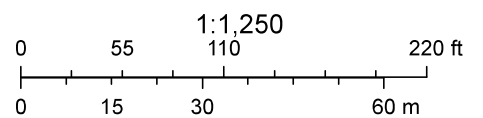
	and Policy H of the Planning Policy for Traveller Sites, 2015.
5	<p>No more than one commercial vehicle per pitch shall be kept for use by the occupiers of the pitches and shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitches to which this planning permission relates shall park or keep laden commercial vehicles on the site.</p> <p>Reason: In order to control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan.</p>
6	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: In the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
7	<p>Within six months of the date of this decision schemes for the following, including a timetable for the implementation of the approved details, shall have been submitted to, and approved in writing by, the local planning authority:</p> <ul style="list-style-type: none"> <li>(a) the proposed method of tethering the caravans, raising the floor level of the static caravans to at least 1m above existing ground level and providing a route for any flood water to pass below the static caravans;</li> <li>(b) details of the flood resilient construction proposed for the day room and static caravans to a level of 600mm above finished floor level;</li> <li>(c) details of a flood warning and evacuation plan for the site;</li> <li>(d) the provision and details of any external lighting proposed on the boundary of and within the site including any mounting, poles, and measures to prevent light pollution;</li> <li>(e) a scheme for the provision and implementation of foul and surface water drainage;</li> <li>(f) full details of soft landscape works (Landscaping Scheme). These details shall include plans identifying the proposed planting; schedules of plants, noting species, plant sizes, and proposed numbers/densities where appropriate; and an implementation and maintenance programme; and</li> <li>(g) a scheme for biodiversity enhancements and habitat improvements at the site.</li> </ul> <p>The approved landscaping scheme shall be carried out in the first planting season following the written approval of the scheme. Details of the proposed hedges as shown on the Block Plan PL01A shall be included within the landscaping scheme. The hedgerow should be stocked with indigenous species suitable to its countryside location.</p> <p>If within a period of five years from the date of the planting out of the approved soft Landscaping Scheme, any of the trees, hedging or other plants used which are removed,</p>

	<p>uprooted or destroyed or dies, another plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.</p> <p>The approved site development scheme shall be thereafter carried out and completed in accordance with the approved timetable and retained in perpetuity.</p> <p>Reason: In the interests of the health and wellbeing of occupants in view of the risk of flooding, visual, and residential amenity of the area, and in the interests of highway safety in accordance with policies LP2, LP14, LP15, and LP16 of the Fenland Local Plan, 2014.</p>
8	<p>Notwithstanding the details on the approved plans, any gate or gates to the vehicular access hereby approved shall be set back 10 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.</p> <p>Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
9	<p>Prior to the first occupation of the development the proposed access and on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced and drained within the site. The access and parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity and shall be made available at all times to enable the turning and parking of all vehicles calling at the site.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site and no areas of hard surfacing installed, other than as hereby permitted.</p> <p>Reason: To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2015.</p>
11	Approved Plans

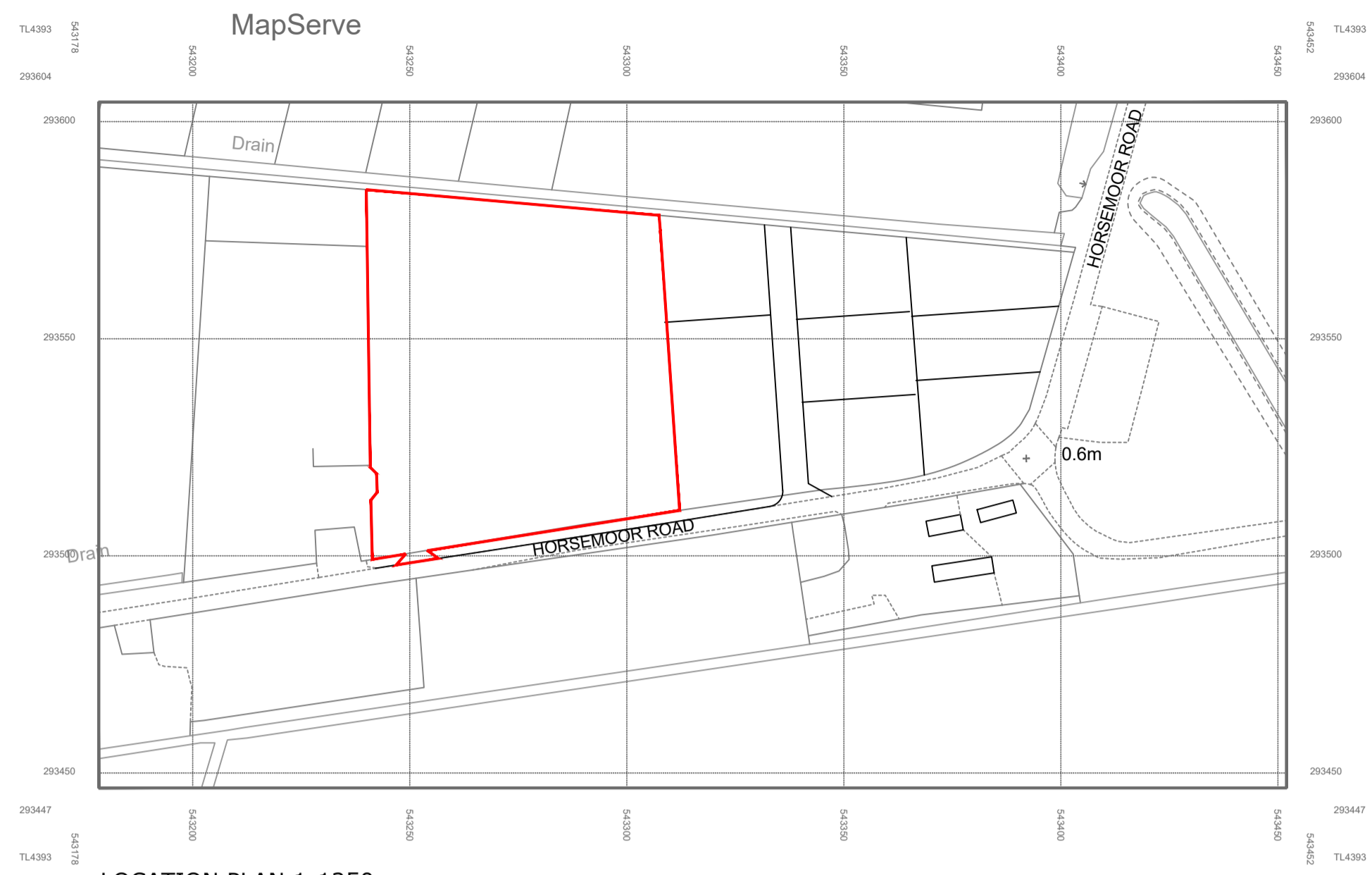


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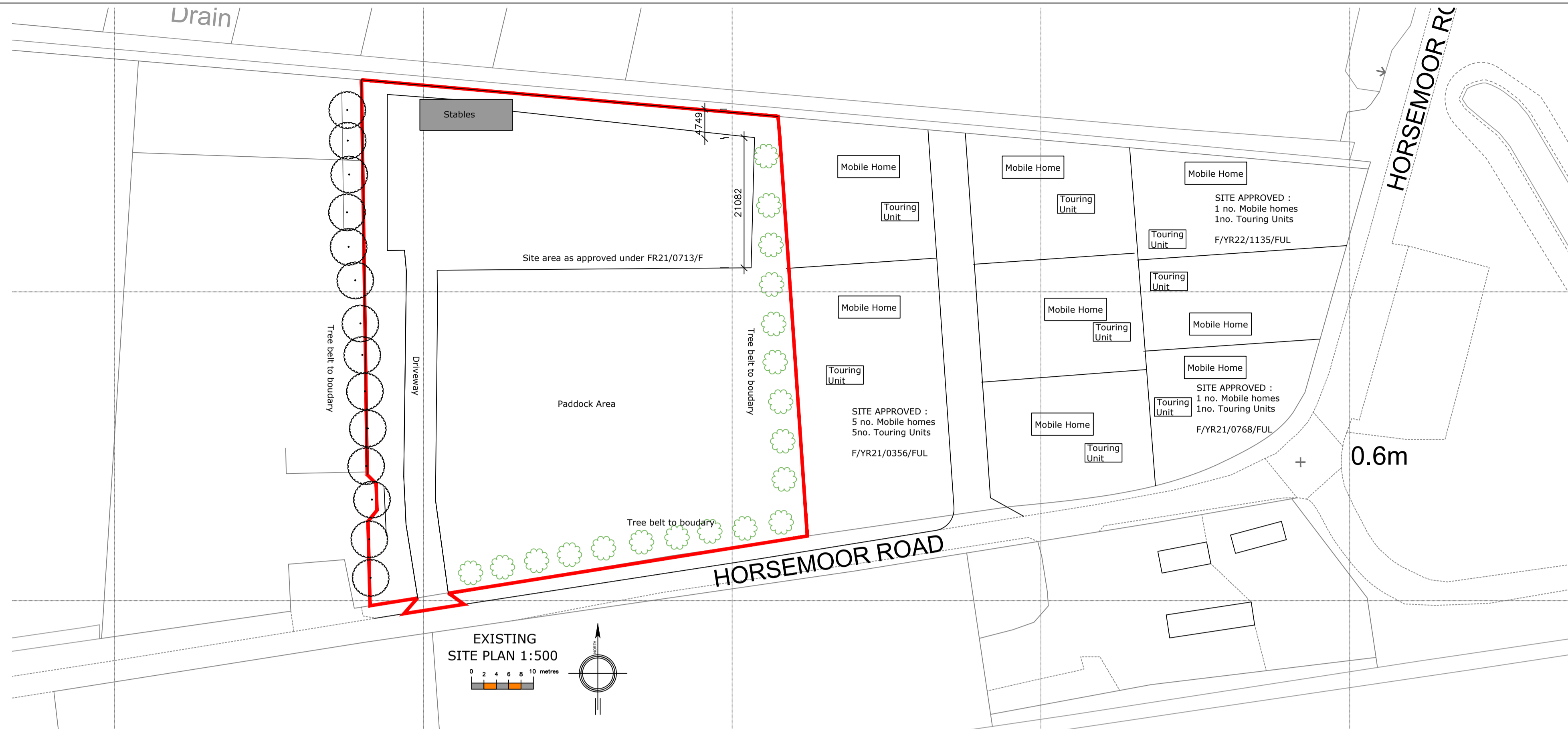
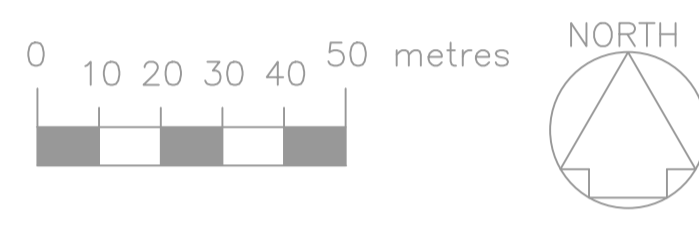
- Public Rights of Way
- Tree Preservation Orders Areas
- Tree Preservation Orders Trees
- Conservation Area Boundary
- Listed Building
- Fenland District Boundary



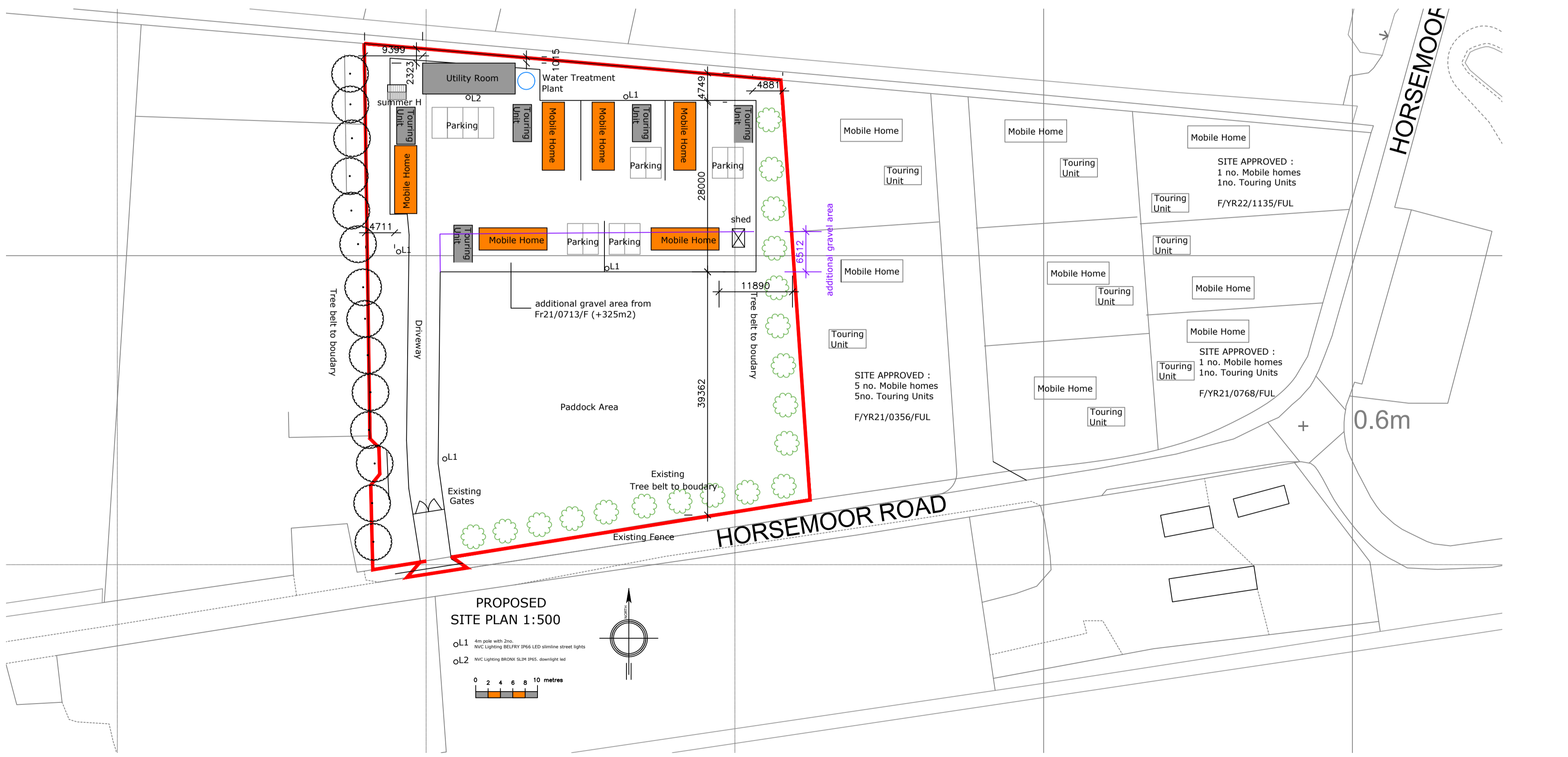
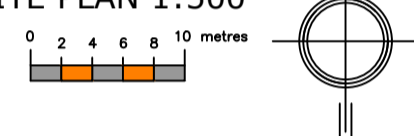
Fenland District Council



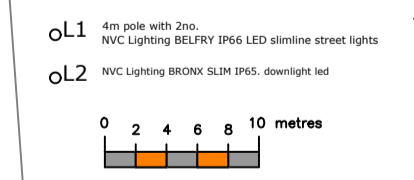
LOCATION PLAN 1:1250



EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:500



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REVISIONS:

STATUS:  
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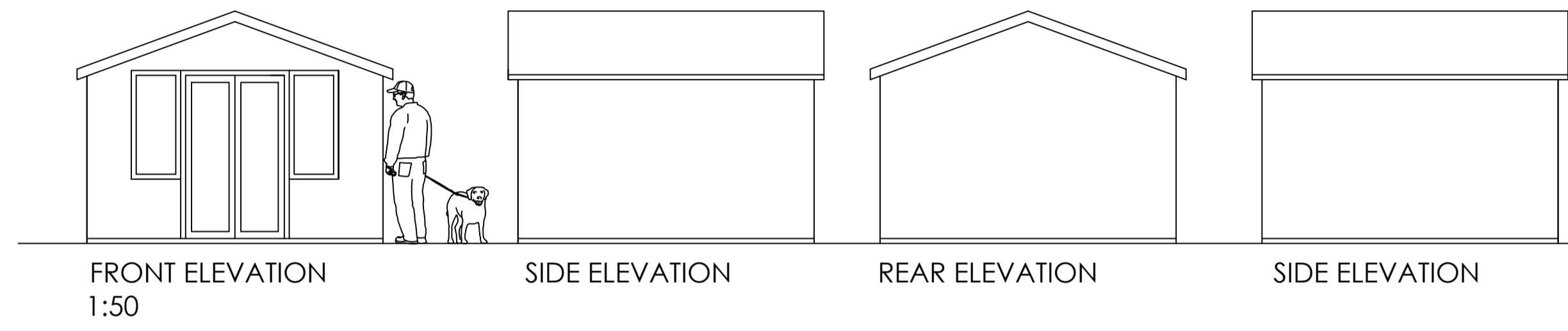
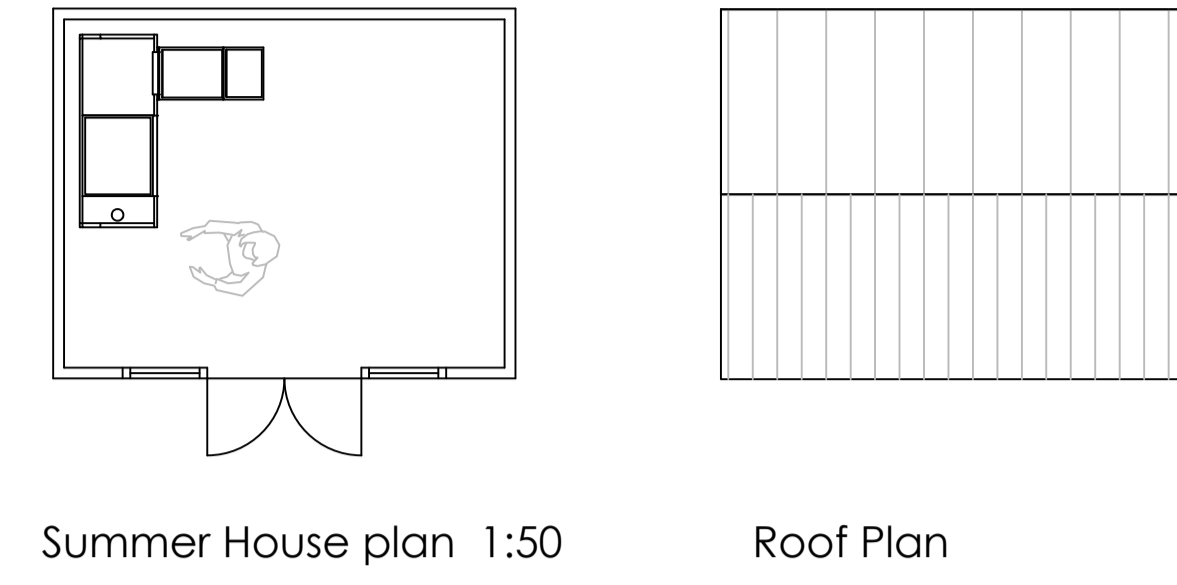
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STABLES**

DRAWING TITLE :  
**SITE PLAN**

DATE:  
30-08-2024

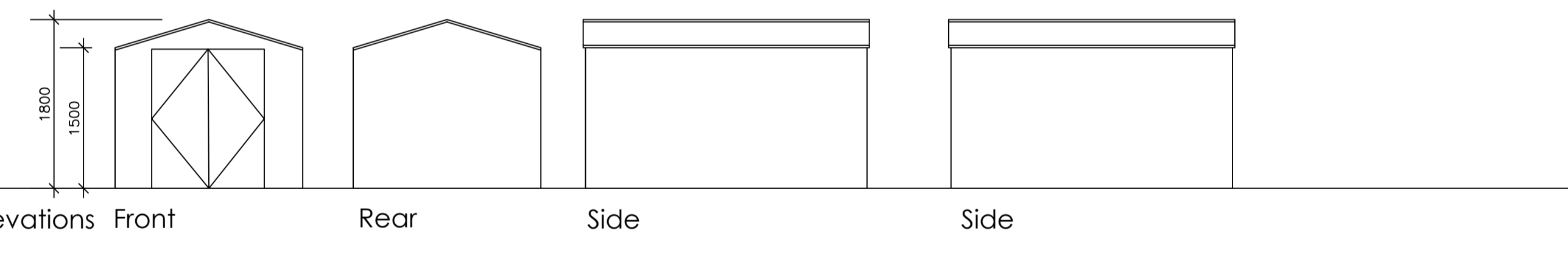
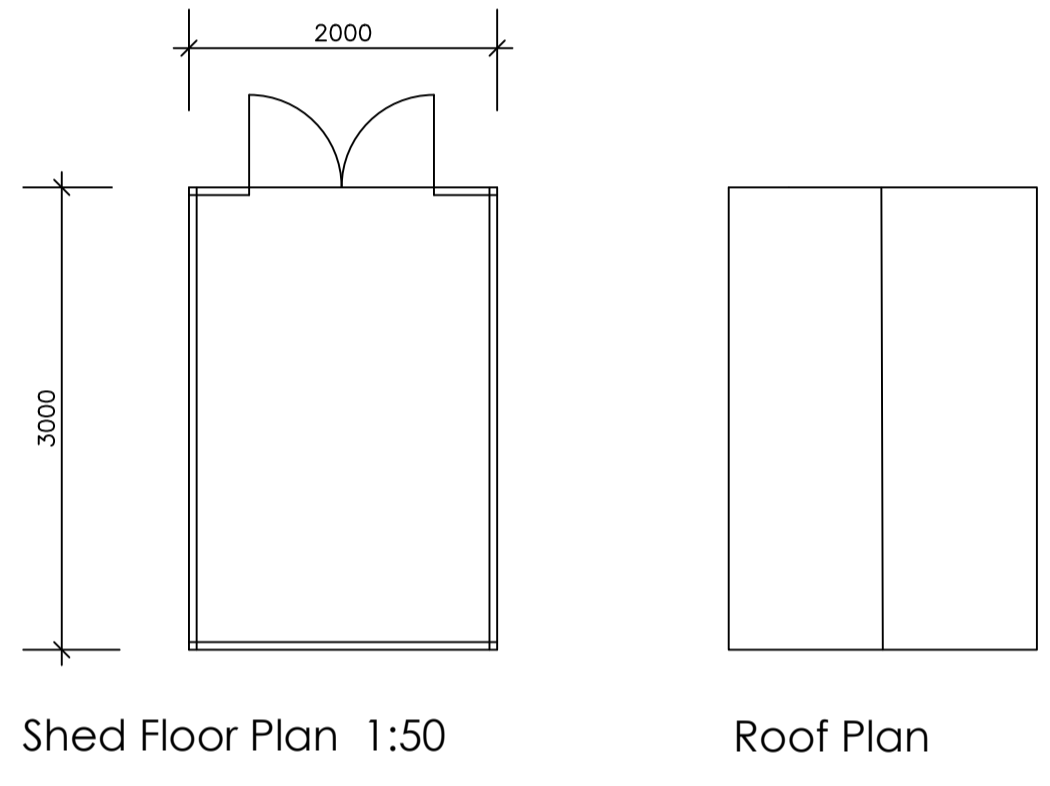
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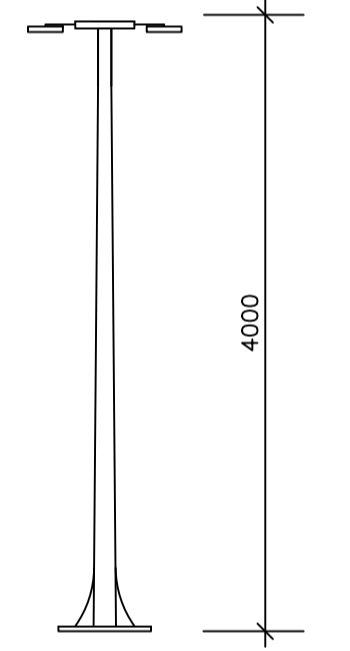


The proposed development consists of a small, single-storey summer house to be positioned within the established grounds of the existing Gypsy/Traveller site at Cedar Rose Stables. The structure is intended for ancillary use by the site's residents as a modest, seasonal garden room providing sheltered space for relaxation, family activities, and daytime social use.

The summer house will not be used for overnight accommodation, residential occupation, or as a separate dwelling. Its purpose is solely to support the day-to-day amenity of the existing lawful residential use of the site. The scale, design, and siting have been chosen to minimise visual impact and ensure compatibility with the character and layout of the wider plot.



**Shed proposed use**  
This shed will be used solely as a small ancillary storage unit to support day-to-day living needs on the caravan site. It will store domestic items such as tools, outdoor equipment, and personal belongings for traveller families residing on the pitch. The structure will not be used for sleeping accommodation, business activities, or any form of habitation. Its purpose is to provide secure, weather-protected storage to help maintain the safe and tidy use of the caravan site.



The proposed external lighting will consist of NVC Lighting BELFRY IP66 LED slimline street luminaires mounted on 4-metre lighting columns. These luminaires are appropriate for the scale and setting of the small traveller site, providing efficient, well-controlled illumination with minimal light spill. The BELFRY's IP66 rating ensures durability and reliable performance in all weather conditions, while the LED design offers low energy consumption and reduced maintenance requirements.

The installation will be designed in accordance with the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (GN01:2021) and relevant British Standards, including BS 5489-1:2020 for road and external site lighting. This ensures that lighting levels are suitable for safety and accessibility while minimizing glare, light trespass, and skyglow, thereby limiting environmental impact on surrounding areas.