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F/YR20/0188/F

**Applicant: Mr & Mrs King**

**Agent : Mrs Shanna Jackson  
Swann Edwards Architecture Limited**

**Land South West Of, 32 Eastwood End, Wimblington, Cambridgeshire**

**Erect a 2-storey 4-bed dwelling with garage**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks planning permission for a detached 2-storey dwelling. The site lies at the south of Eastwood End and comprises a parcel of agricultural land.
- 1.2 This site has a comprehensive planning history with 4 previous applications for a dwelling being refused planning permission, the latest 3 also dismissed at appeal and considered under the NPPF. The reasons for refusal on all applications cited by the LPA were on visual harm and countryside intrusion and the unsustainable location of the site relative to services and facilities of the nearest settlement.
- 1.3 The revisions to this latest scheme are not considered to overcome the visual harm previously found and would still result in a substantial dwelling in the open countryside which conflicts with the settlement pattern of the area.
- 1.4 The latest appeal decision determined that the site was *not* unsustainably linked to nearby settlements which departs from previous Inspectors' findings – notwithstanding that the visual, character harm was still agreed. Officers do not agree with this latest conclusion regarding sustainability of site location and having regard to more recent appeal decisions which focus on this issue, albeit regarding different sites across the District, Officers consider that the site does not accord with the sustainability aims of the Local Plan or NPPF when weighed against the benefits it would derive.
- 1.4 It is concluded that the development results in unacceptable visual harm and is located in an unsustainable location contrary to policies LP3, LP15 and LP16 of the Local Plan and the sustainability aims of the NPPF.
- 1.5 The recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The site is rectangular in shape and approximately 0.109 ha in size. The site is grassland which lies lower than the adjacent right of way with the remains of a derelict Nissen hut in the centre and a dilapidated outbuilding located in an overgrown section of the site. To the north of the site is an existing 2-storey dwelling; to the west is a development of 3 houses and to the south and east is the open countryside. There is a public byway which runs immediately to the west of the site.

### 3 PROPOSAL

- 3.1 The dwelling proposed is 2 storeys with an overall ridge height of 8.4m and provides for 4 bedrooms. The dwelling is approximately 800m higher than No.32 Eastwood End which lies immediately to the north of the site. The site levels fall away from the site frontage in an eastern direction and the proposal will include the levelling of the site. The plans indicate a finished floor level near the centre of the northernmost gable at 1.355aOD (approx. 0.65m above existing land levels at that point).
- 3.2 An integral double garage together with parking and turning is to be provided at the front of the dwelling.
- 3.3 A Walnut tree is found in the eastern corner of the site which is proposed to be protected during construction.
- 3.4 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/1181/F	Erection of a 3-storey 6-bed dwelling with integral double garage involving demolition of existing outbuildings	Refused 01.03.2018 Appeal dismissed 17.10.2018
F/YR13/0755/F	Erection of a 3-storey 6-bed dwelling with integral double garage involving demolition of existing outbuildings	Refused 27.08.2013 Appeal dismissed 19.08.2014
F/YR13/0422/F	Erection of a 6-bed 3-storey dwelling involving demolition of outbuildings	Refused 27.08.2013 Appeal dismissed 11.03.2014
F/YR01/0140/O	Erection of a house	Refused 04.04.2001 Appeal dismissed 25.01.2002

### 5 CONSULTATIONS

#### Wimblington Parish Council

- 5.1 Objects. Considers it is in open countryside and is not in keeping with the character of the area.

#### CCC Highways

- 5.2 Raises no objection subject to a condition regarding on-site parking /turning being provided and retained.  
Recommends CCC rights of way team are consulted in view of the public footpath

#### CCC Rights of way (Definitive map team)

- 5.3 No comments received. **\*\*Note that comments received on former application raised no objection but recommends informative advising of existence of right of way and requirement to keep it clear of obstruction.\*\***

#### **FDC Environmental Protection**

- 5.4 No Objections. Considers the development is unlikely to have a detrimental effect on local air quality or the noise climate. Recommends imposition of unsuspected contaminated land condition as the proposal involves removal of existing structures.

#### **Local Residents/Interested Parties**

- 5.5 13 letters of support received from local residents with the following comments;

- Would be an asset to the area
- In-keeping with neighbouring houses
- Would improve the aesthetics of the street
- Would utilise a piece of unused land
- Will bring another family to the village
- Is infill development
- Wimblington's facilities are easily accessible by foot or bicycle
- Land not suitable for agriculture
- Would bring more trade to the village
- Would have no impacts on the countryside

### **6 STATUTORY DUTY**

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

### **7 POLICY FRAMEWORK**

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

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

#### **7.3 National Design Guide 2019**

Context

Identity

Built Form

Nature

Public Spaces

#### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

## 7.5 Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## 8 KEY ISSUES

- Principle of Development
- Character and Appearance
- Flood risk and the sequential test
- Highway Safety
- Residential amenity

## 9 BACKGROUND

- 9.1 This site has a comprehensive planning history with 4 previous applications being refused planning permission, the latter 3 also dismissed at appeal and considered in-line with the NPPF. The most recent F/YR17/1188/F was refused by the LPA on the following grounds;

*1.The proposed development, which is located outside the settlement of Wimblington is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for a dwelling in this location. Furthermore the dwelling is poorly located for pedestrian or public transport access to services and facilities. It is considered likely to rely upon the use of private motor vehicles and is contrary to the aims of the NPPF in that it is not a sustainable location and therefore constitutes unsustainable development.*

*2.The proposal will result in a prominent large and partly elevated dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. The proposal is therefore considered contrary to Policies LP12(c, d and e) and Policy LP16(d) of the Fenland Local Plan (adopted 2014) and the aims of the NPPF which recognises the intrinsic character and beauty of the countryside.*

- 9.2 The Planning Inspector at the last appeal for this site whilst concluding that Eastwood End was not a defined settlement under FLP policy LP3 considered that;

*“...although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby larger settlements, some day to day trips could be undertaken by sustainable means. Consequently, I conclude in relation to the first main issue that the site would not be in the optimum location to maximise the use of walking, cycling or public transport to access services and facilities to meet daily needs. However, the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas and different policies and measures will be required in different communities.”*



- 9.3 Consequently the Inspector did not agree with refusal reason 1 and in doing so acknowledged that;

*“...this issue departs from the Inspectors conclusion in the appeal decisions on the appeal site in 2014 in relation to the accessibility of the site. However, I have come to my conclusion on this issue based on the circumstances of the appeal scheme and the evidence before me based on the specific circumstances of the appeal site including its location in relation to the facilities and services available in Wimblington.”*

- 9.4 This is considered in more detail below.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The starting point relevant to the consideration of this application is the Fenland Local Plan, 2014. Policy LP3 does not identify Eastwood End within any defined settlement category and consequently development is restricted to that which is essential to the effective operation of the countryside – land based enterprise. The application does not seek to argue that the proposal accords with this requirement. No evidence of justification is given for development in the open countryside. Therefore the proposal is not considered to comply with Policy LP3 or LP12.
- 10.2 Wimblington is identified by Policy LP3 as a Growth Village. However, Eastwood End and Wimblington are separated by the A141 and the services and facilities in Wimblington are a substantial distance away from Eastwood End and in particular the application site. The following table illustrates the walking distances and times to local facilities notwithstanding the A141 which would have to be crossed.

Primary School	1.4km (17mins walking time)
Doctors	1.2km (15mins)
Post Office	1.3 km (16 mins)
Pub	1.2 Km (15 mins)

- 10.3 The Planning Inspector on the 2014 decisions considered the application site to be remote from Wimblington and the only opportunity to walk or cycle to Wimblington would be via unlit road with no footpaths in places and across the busy A141.
- 10.4 Having regard to the latest Inspector’s opinion on this point, it is firstly noted that subsequent appeals in different parts of the District have taken a firmer approach to applying the settlement strategy under LP3. An appeal in June 2019 at a site in Kings Delph (ref: F/YR18/0515/F) found that;

*“Policy LP3 is consistent with paragraph 78 of the Framework, as its hierarchy does identify opportunities for growth in smaller rural settlements. It is simply a fact that the appeal site does not lie within such an identified settlement.”*

- 10.5 A subsequent appeal for 4 dwellings at a site just outside Newton (F/YR18/0888/O) and concluded that;

*“...occupiers of the proposed development would be likely to rely on use of the private car for access to almost all of the day-to-day services and facilities they would require. Therefore the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. It consequently conflicts with Policy LP15 of the FLP, which requires development to be located so that it can maximise accessibility, help to increase the use of non-car modes and provide safe access for all, giving priority to the needs of pedestrians. Additional conflict exists with the transport aims of the Framework.”*

- 10.6 Other such appeals in Four Gotes (F/YR18/0725/O) and Westry (F/YR17/1114/O) concluded that given the distances and lack of adequate pedestrian/ cycle infrastructure to access services and that given the sites are not identified as a settlement under LP3, the development would be contrary to the development plan.
- 10.7 Therefore, whilst the latest appeal decision for this application site is a material consideration, there appears to be several other conclusions made by Inspectors which differ significantly on the matter of defined settlements under LP3 and rural development outside of these and the relevant paragraphs of the NPPF. Officers consider that given the site falls outside of any defined settlement, it is contrary to policy LP3.
- 10.8 NPPF paragraph 77 sets out that;  
*“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”*
- 10.9 No specific evidence has been provided as to why there is a need for housing in this particular area. Such evidence may be a functional need e.g. agriculture, or for example a rural exception site to bring forward affordable housing. This application seeks permission for a single market dwelling.
- 10.10 NPPF paragraph 78 sets out that;  
*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”.*
- 10.11 Given that Eastwood End does not have any services to support, the introduction of a single dwelling would have a negligible impact on any enhancement of the immediate settlement. Furthermore, given the level of existing services in Wimblington and the growth already experienced which exceeds the ambitions set out under the Local Plan, it is difficult to argue that there is a need for this single dwelling to support the existing services in Wimblington which one could reasonably assume is already well supported from established growth within that settlement. Compounding this is the limited opportunities to sustainably access these services with pedestrians and cyclists having to cross the busy A141 with no pedestrian/ cycle priority routes e.g. to access schools, shops, doctors. This would undoubtedly place a heavy reliance on the use of private motor car which runs contrary to the aims of the Local Plan and transport aims of the NPPF.
- 10.12 Paragraph 103 of the NPPF acknowledges that;  
*“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

- 10.13 Officers consider that this means that development in villages may result in less sustainable travel means. However, this is the rationale for policy LP3 which has set out a clear settlement strategy – directing growth to those more sustainable areas in the first place, cascading down to settlements with least opportunity for sustainable travel and limiting their growth accordingly. Eastwood End does not fall within any of these defined settlements and it is reasonable to conclude that Eastwood End was purposely left out due to its limited services and constrained access to nearby services.
- 10.14 In conclusion, it is clear that this particular matter is for the decision maker to take having regard to all material considerations and Inspector's opinions on this point appear to be somewhat divided – at least with this application site. Whilst the previous appeal Inspector's findings for this site are noted, Officers consider that more recent appeal decisions (and the previous appeal decisions of the application site) are more consistent with the aims of the Local Plan and the NPPF and conclude that the site is not a suitable place for general market housing growth.

### **Character and Appearance**

- 10.15 Policy LP16(d) requires development to make a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. Policy DM3(d) of the 'Making a Positive Contribution to Local Distinctiveness and Character of the Area' SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 10.16 The proposal seeks to site a large dwelling on what is predominantly an undeveloped and visually prominent space alongside the public right of way with open countryside abutting the site. It is set back notably from the highway, behind No.32 whereas adjacent dwellings and those extending northwards set out a defined pattern of frontage development. Due to the close proximity to No 32 it will result in a slightly elevated developed footprint infilling the area alongside the public right of way, appearing as an awkward block of development when viewed from the open countryside and the streetscene.
- 10.17 Whilst it is acknowledged that the dwelling has been modified following the previous refusal, its overall scale and massing has only been reduced slightly – most notably through the removal of the 1<sup>st</sup> floor element above the garage and the height of the dwelling has only been reduced by c.200mm, with its footprint increasing by c.20m<sup>2</sup>. Its overall massing is still therefore very prominent on the streetscape and would restrict the current open views across the countryside and vice versa.
- 10.18 It is important to note that the LPA and Planning Inspectors have been consistent in concluding that a substantial dwelling in this location would result in significant and unwarranted harm to the character of the area. This latest application is not considered to have adequately overcome this harm.
- 10.19 It is considered that the scale, layout and appearance of the dwelling is contrary to Policies LP16(d) of the Fenland Local Plan and DM3 of the SPD in that it results in harm to the open countryside, harms the core shape of the settlement

and fails to positively contribute to local distinctiveness and the character of the area.

### **Flood risk and the sequential test**

- 10.20 Policy LP14 considers the issue of Flood Risk. The Flood and Water SPD provides guidance on the implementation of the Sequential and Exceptions Test.
- 10.21 The proposed house is partly within Flood Zone 2 and the northern section of the garden is in Flood Zone 3. The applicant has failed to supply evidence on sequential or exceptions test. However it is a material consideration that planning permission was not refused on this ground previously, and only a small section is within Flood Zone 2. In this instance it is not considered this by itself forms a reason to refuse the application, although it is a negative aspect in the overall assessment of sustainability.

### **Access & Highways**

- 10.22 The Local Highway Authority raised no objection to the previous scheme which was not refused on Highway safety grounds. The proposed parking complies with Appendix 1 Parking Standards and there are no highway safety concerns. The development of the site is considered to accord with Policy LP15.

### **Residential amenity**

- 10.23 Policy LP16(e) considers the impact of development on residential amenity. No concerns are raised in respect of loss of privacy, overshadowing or overbearing impacts in respect of residential amenity impacts due mainly to the adequate separation distance from existing properties. The application is therefore considered to accord with LP16(e).

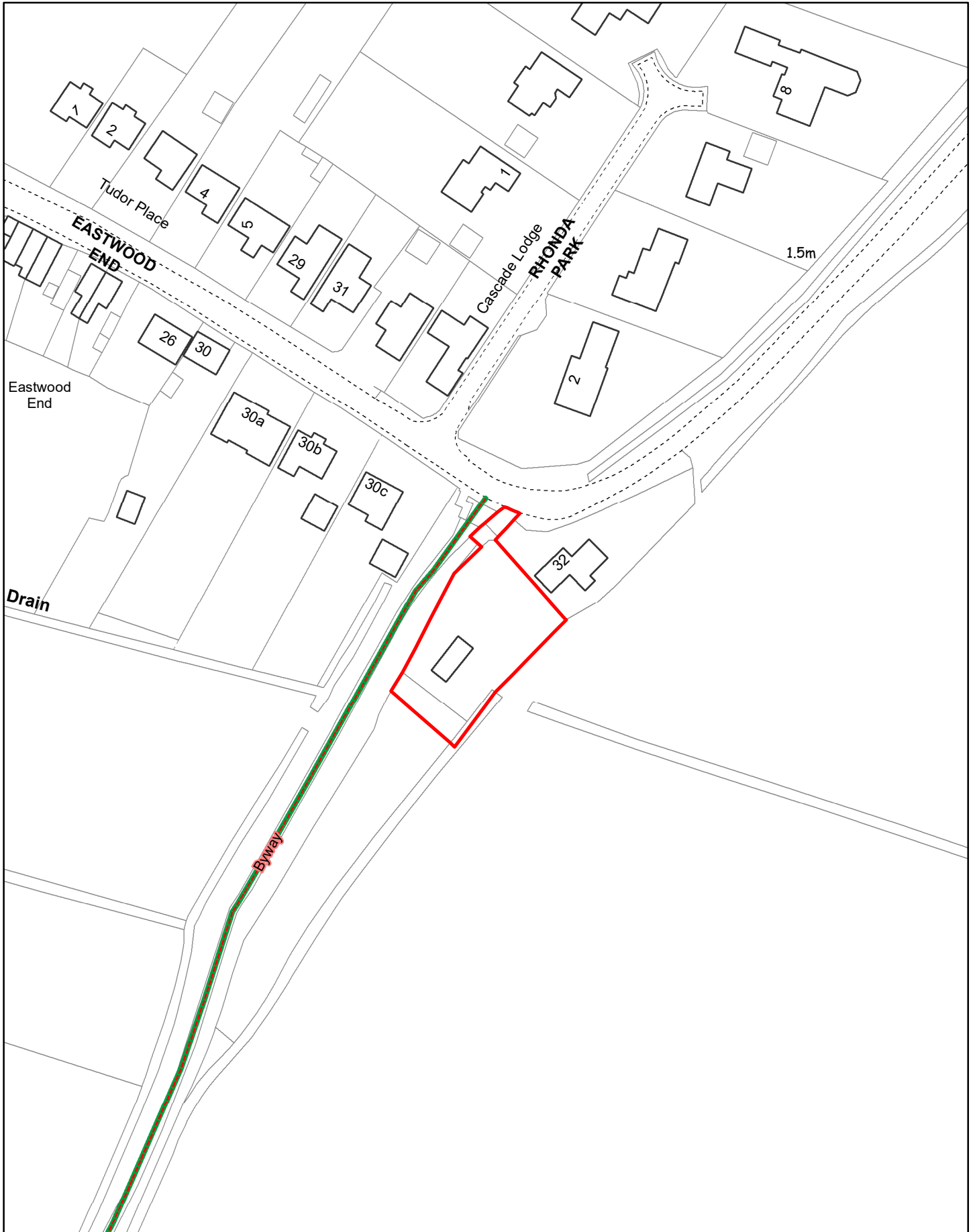
## **11 PLANNING BALANCE AND CONCLUSION**

- 11.1 It is considered that despite modest amendments to the design of the dwelling, the scale appearance and layout of the proposal results in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of a single dwelling are not considered sufficient enough to outweigh this harm, particularly given the location of the dwelling in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.
- 11.2 The meaningful benefits derived from a single market dwelling to the vitality and viability of the nearest settlements would be very modest. Notwithstanding this, there appears to be no demonstrable need for a dwelling in this location which is located in an area not identified for growth, likely due to its lack of facilities and poor sustainable transport links to nearby services.
- 11.3 The proposal is therefore considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of a dwelling in an unsustainably linked area having regard to the development plan when taken as a whole. Likewise the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.

## **12 RECOMMENDATION**

**Refuse for the following reasons;**

1.	The proposal will result in a prominent large and partly elevated dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. The proposal is therefore considered contrary to Policy LP16(d) of the Fenland Local Plan (adopted 2014) and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 in addition to Chapter 12 of the NPPF 2019.
2.	The proposed development, which is located outside the settlement of Wimblington is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for a dwelling in this location. Furthermore the dwelling is poorly located for pedestrian, cycle or public transport access to services and facilities thereby resulting in likely reliance upon the use of private motor vehicles. The development is therefore contrary to Policy LP3 and LP15 of the Fenland Local Plan, 2014 and the sustainability aims of the NPPF.



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**F/YR20/0188/F**

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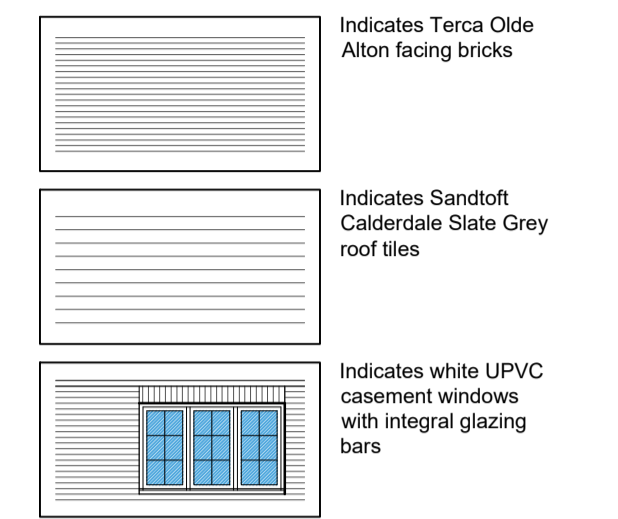




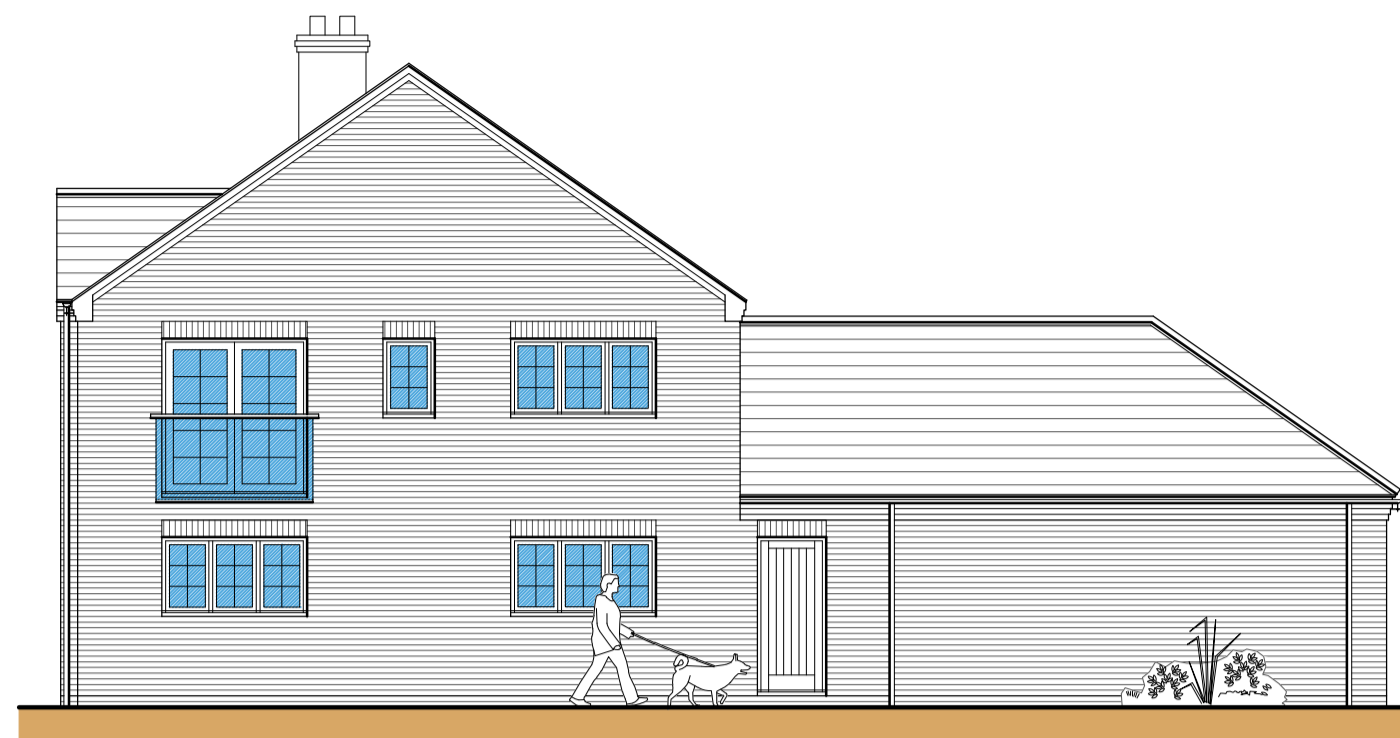


- General Notes**
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

**ELEVATION KEY**



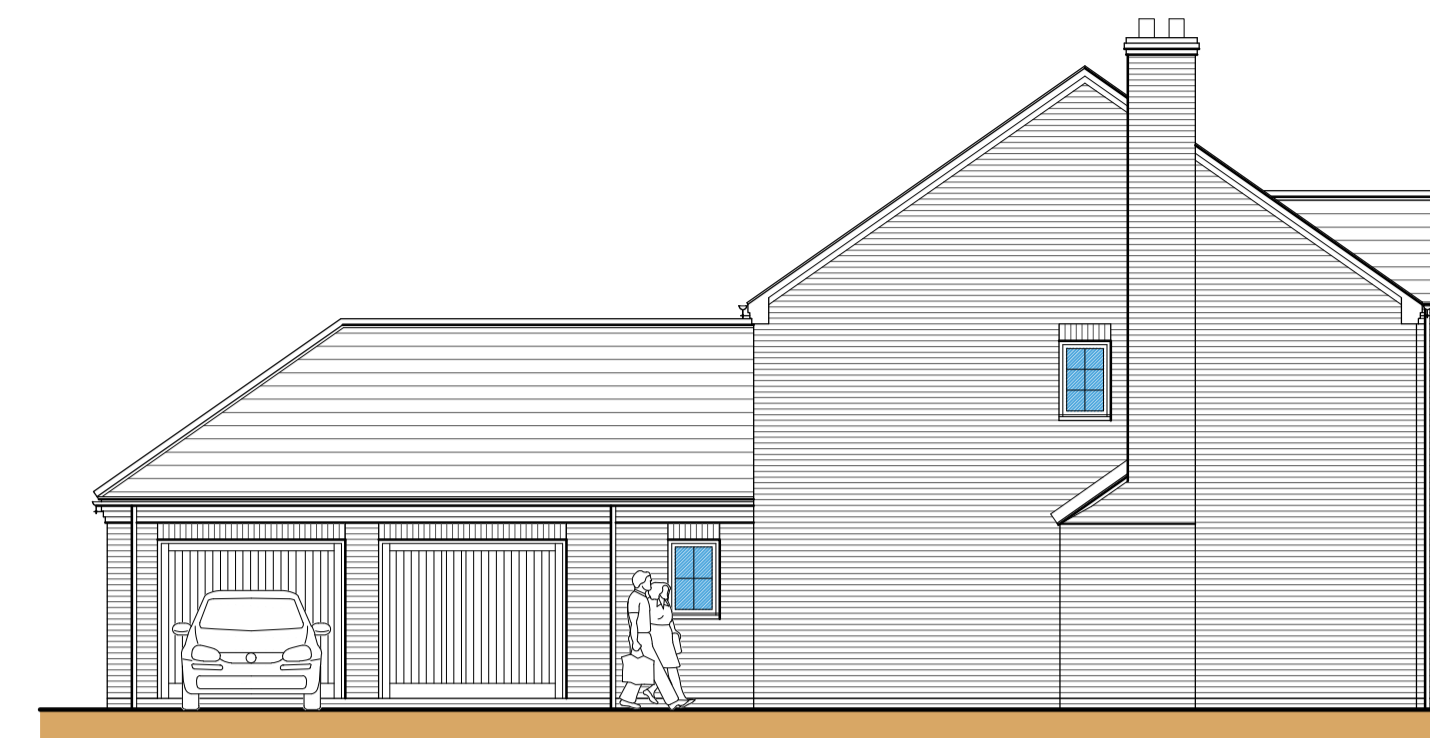
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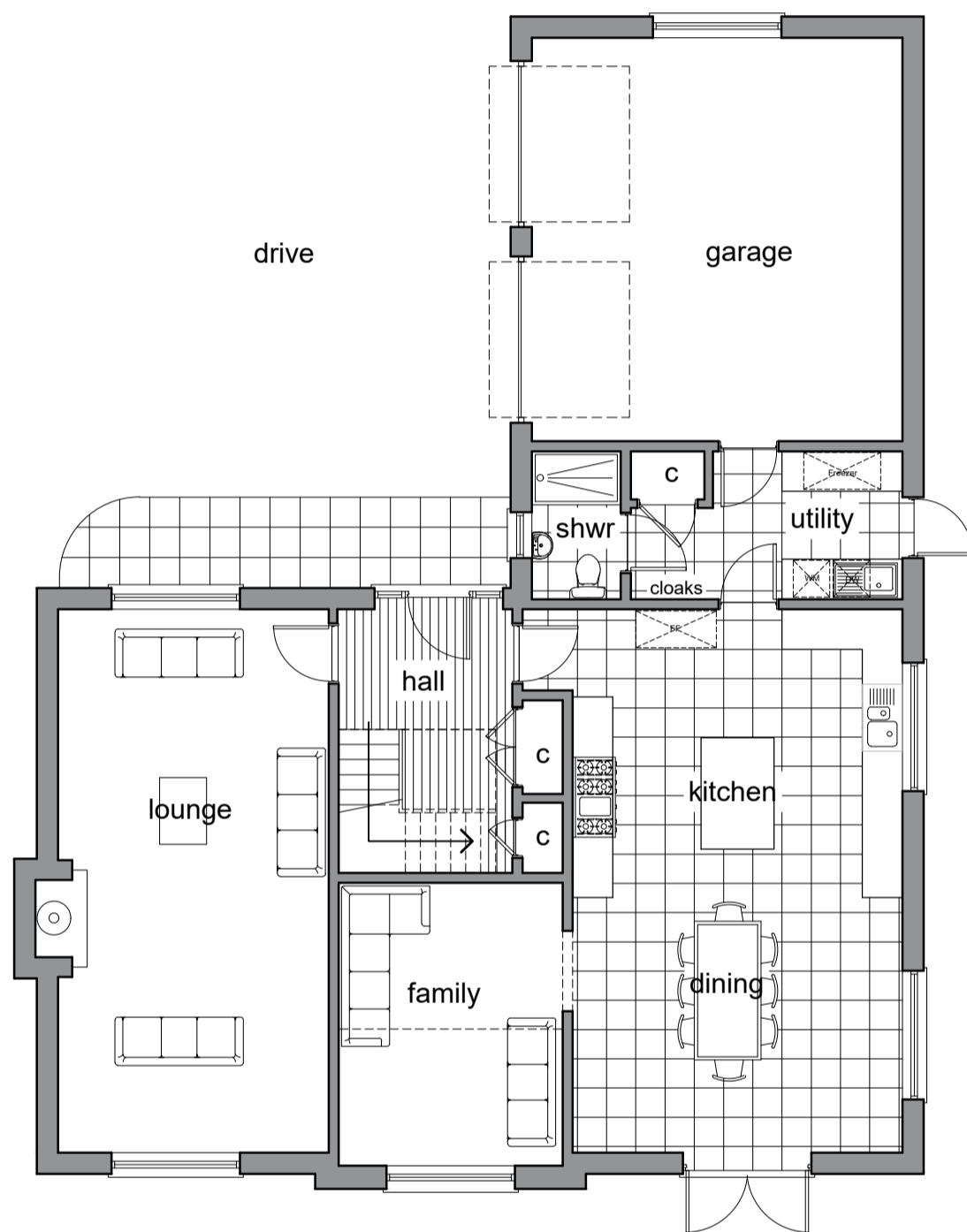
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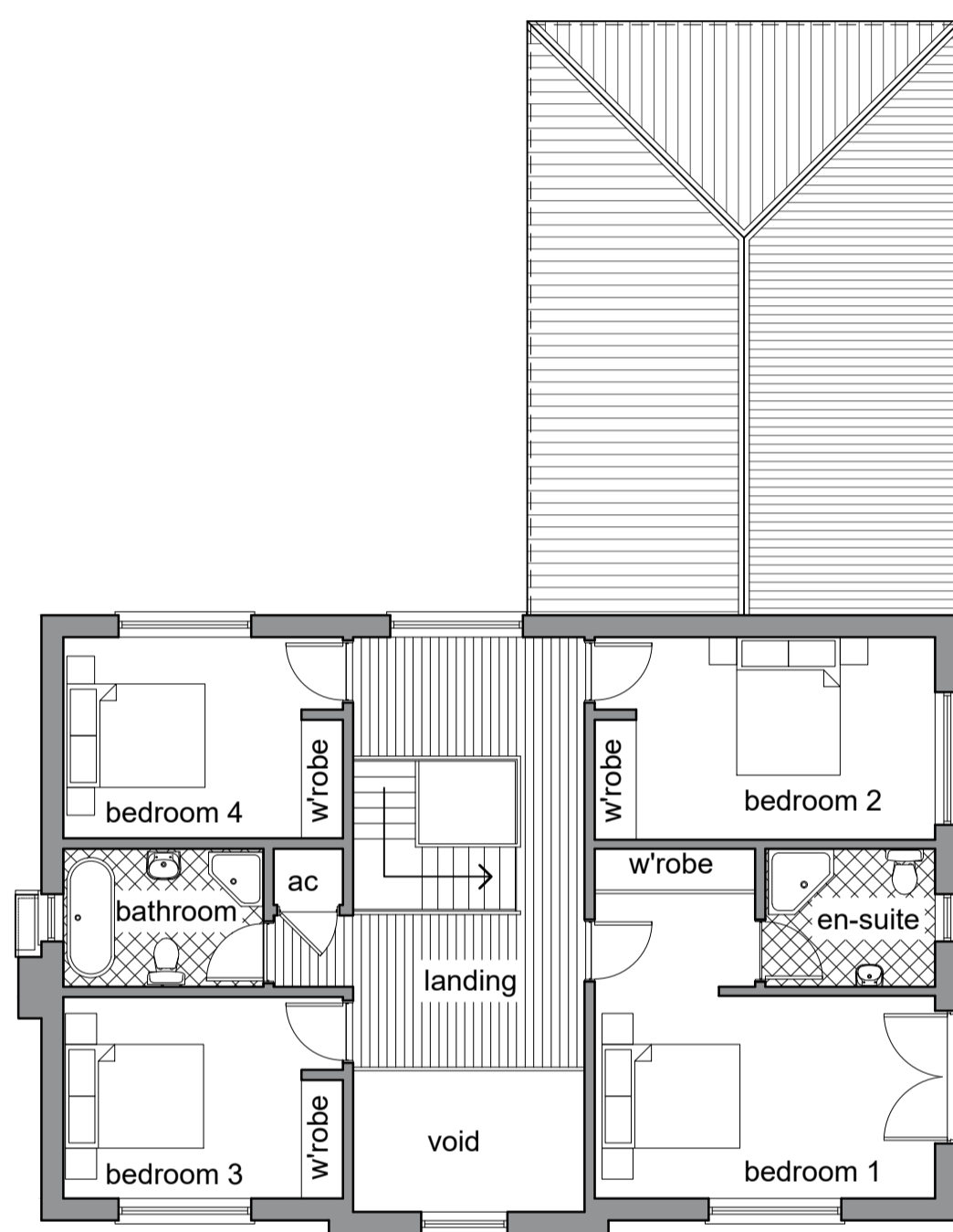
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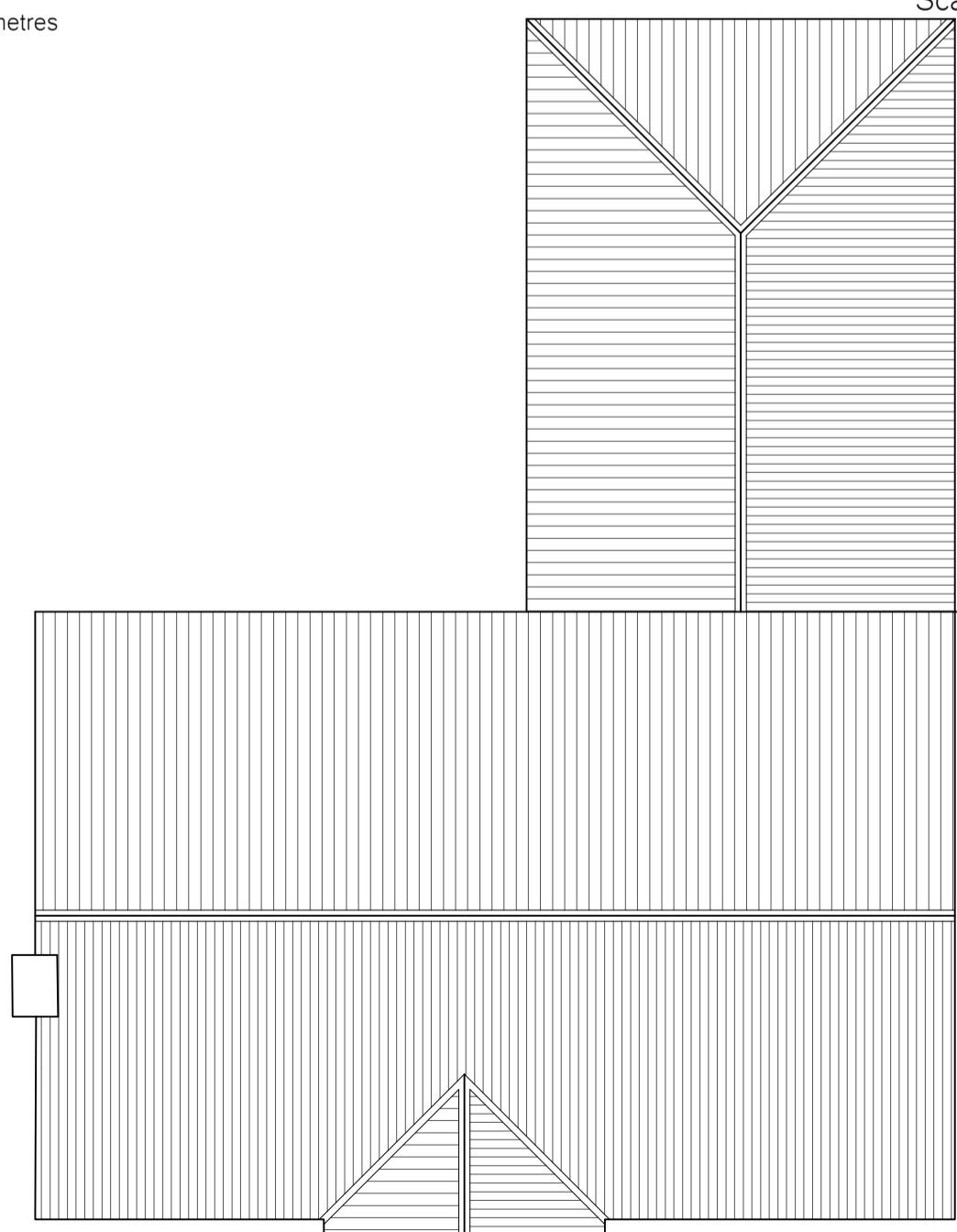
Side (NW) Elevation  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



First Floor Plan  
Scale: 1:100



Roof Plan  
Scale: 1:100



Location Plan  
Scale: 1:1250

Revisions

A	Feb 2020	Scheme amended following clients comments
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Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title Proposed Dwelling Adjacent 32 Eastwood End, Wimblington, March, Cambs. PE15 0QJ for Mr and Mrs King	Date January 2020	Scale As Shown Sheet Size A1
Drawing Title Plans, Elevations & Location Plan	Job No. SE-890	Drawn by AO
	Dwg No. PP1001	Revision A





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SE-890 - Eastwood End, Wimblington

Mr and Mrs King