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**F/YR20/0635/F**

**Applicant: Mr & Mrs King**

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

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

**Erect 1 x dwelling (single-storey, 3-bed)**

**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 5 previous applications for a dwelling being refused planning permission, with 3 of these subsequently dismissed at appeal 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 albeit that the scale and massing has been substantially reduced – the development would still result in a dwelling in the open countryside which conflicts with the settlement pattern of the area.
- 1.4 The Council's previous decision determined that the site was not sustainably linked to nearby settlements and therefore that the site does not accord with the sustainability aims of the Local Plan or NPPF when weighed against the benefits it would derive.
- 1.5 Furthermore, the latest proposal places a dwelling, including habitable rooms partially in Flood Zone 2 and is single storey in nature - meaning there is limited opportunity to seek safe refuge in the event of flooding which is a worse situation than that previously considered.
- 1.4 It is concluded that the development results in unacceptable visual harm, places people and property at an unwarranted risk from flooding and is located in an unsustainable location having regard to contrary to policies LP3, LP14, 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.
- 2.2 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 single storey with an overall ridge height of 4.3m and provides for 3 bedrooms. The dwelling is approximately 2.8m lower than the ridge height of 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 1.11m aOD (approx. 0.4m above existing land levels at that point).
- 3.2 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/YR20/0188/F	Erect a 2-storey 4-bed dwelling with garage	Refused 19.05.2020
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 the site is in open countryside and is not in keeping with the character of the area. Furthermore, the proposed access to the plot is across a much used byway, which is unsuitable for access to a dwelling.

### 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 Definitive Maps Team (Public Rights of Way)**

- 5.3 Raises no objection to the proposal but wishes to raise the presence of the public Byway to the applicant's attention and in the event permission is granted requests informatives be added regarding the following:
- Public Byway No.10 Wimblington must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it.
  - Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries.
  - The granting of planning permission does not entitle a developer to obstruct a Public Right of Way.

### **Middle Level Commissioners**

- 5.4 No comments received

### **FDC Environmental Protection**

- 5.5 Advises that their comments previously provided under F/YR20/0188/F are still relevant and unchanged with this latest application.

Considers the development is unlikely to have a detrimental effect on local air quality or the noise climate but recommends the imposition of the standard unsuspected contaminated land condition as the proposal involves removal of existing structures.

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

- 5.6 12 letters of support received from 11 local households;
- 6 from Eastwood End;
  - 1 from Miller Close, Doddington;
  - 2 from Norman Way, Wimblington;
  - 1 from Horsemoor, Wimblington;
  - 1 from Meadow Way, Wimblington, and
  - 1 from Manea Road, Wimblington

Raising the following comments;

- In-keeping with the surrounding area
- Would utilise a piece of unused land
- Would improve the visual appearance of the area which is currently untidy
- Would make the land more secure from flytipping
- Would provide a family home
- Is infill development
- Land not suitable for agriculture
- Would have no adverse impact 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 (FLP)**

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

LP19: The Natural Environment

### **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**
- **Untidy Land**

## **9 BACKGROUND**

9.1 This site has a comprehensive planning history with 5 previous applications being refused planning permission, 4 of which were also dismissed at appeal; 3 of which were considered in-line with the NPPF. The most recent F/YR20/0188/F was refused at the Council's Planning Committee on [13 May 2020](#) on the following grounds;

- 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.*

9.2 Officers are unaware of any planning appeal having been lodged against this refusal.

## **10 ASSESSMENT**

### *Principle of Development*

10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, 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 or 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 Begdale (F/YR19/0828/F - appeal decided June 2020), 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. Where single dwellings were proposed as with the latest Begdale decision, the modest benefits derived;

*“would have a negligible effect on the vitality of the rural community of Begdale or the vitality of those nearby such as Elm”*

and did not outweigh this policy conflict, nor did the Westry scheme for 8 dwellings.

- 10.7 Therefore, whilst the latest appeal decision for this application site is a material consideration, there appears to be several other more recent conclusions made by Inspectors which differ significantly on the matter of development within defined settlements identified under LP3 versus rural development in ‘Elsewhere’ locations and the relevant paragraphs of the NPPF. As was concluded previously, it is considered 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, unrestricted 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 e.g. to access schools, shops, doctors; with pedestrians and cyclists having to cross the busy A141 with no pedestrian/ cycle priority routes. 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 therefore 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 a judgement for the decision maker to take having regard to all material considerations and Planning Inspectors’ 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.

10.15 The Council in consideration of the previous application in May 2020 concluded that the site was in an unsustainable location for housing. No material considerations have been advanced with this latest submission to indicate that a different conclusion should be drawn, only a change to the design of the dwelling. As such, again it is concluded that residential development of the site would be contrary to policies LP3 and LP15 of the Fenland Local Plan, 2014 and the sustainability aims of the NPPF and contrary to the previous the conclusions of the LPA without any material considerations to suggest otherwise.

### **Character and Appearance**

10.16 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.

- 10.17 The proposal seeks to site a 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 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.
- 10.18 Whilst it is acknowledged that the dwelling has been reduced to single storey - a reduction of c.3.7m in height following the previous refusal, its appearance would still be notable on the streetscape, interrupting the current open views across the countryside and vice versa.
- 10.19 Notwithstanding this, the area is characterised by two-storey dwellings fronting this part of Eastwood End and therefore the introduction of the single storey property in this back land location will appear incongruous to the rhythm and form of the area.
- 10.20 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 respond positively to local distinctiveness and the character of the area.

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

- 10.21 Policy LP14 considers the issue of Flood Risk. The Flood and Water SPD provides guidance on the implementation of the Sequential Test.
- 10.22 The proposed house is partly within Flood Zone 2. It is important to note that the flood zone lines shown in blue on the applicant's site layout plan do not accord with the Environment Agency's latest flood maps for flooding which places the outline of the existing nissen hut fully in flood zone 2. The applicant has failed to supply evidence to pass the sequential test. However, it is a material consideration that planning permission was not refused on this ground previously.
- 10.23 However, the previous proposals were all 2-storey in scale and therefore provided 1<sup>st</sup> floor accommodation for refuge in the event of flooding. This latest proposal offers no such refuge and places part of the bedrooms and other habitable rooms in Flood Zone 2 without justification.
- 10.24 In this regard, the proposal is contrary to policy LP14 of the FLP and Chapter 14 of the NPPF as it places people and property in an unwarranted risk of flooding which has been significantly worsened by the single storey scale of the development.

#### **Access & Highways**

- 10.25 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**

- 10.26 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 on residential amenity due mainly to the adequate separation distance from existing properties and single-storey nature of the development. The application is therefore considered to accord with LP16(e).

### **Untidy Land**

- 10.27 Several residents have commented that development of the site would tidy up the land and improve the visual amenity of the area. Notwithstanding the aforementioned visual harm that the development is considered to cause, the Council has powers under S215 of the Town and Country Planning Act 1990 to tackle untidy land where it is considered prudent to do so - where the appearance of land is concluded to adversely affect the amenity of an area. A review of the Council's database finds no record of any complaints having been made as to the untidy condition of the land to date, but this could be an option for the Council where expedient to pursue.
- 10.28 As such whilst these comments are noted, given the identified harm with this scheme and the Council's ability in any case to tackle untidy land through other means, limited weight is given to this observation. Furthermore, whilst the site may have potential to appear untidy, it nonetheless retains its rural characteristics when compared to the urban grain of the area, which has consistently been a key issue with developing this site with all the previous applications.

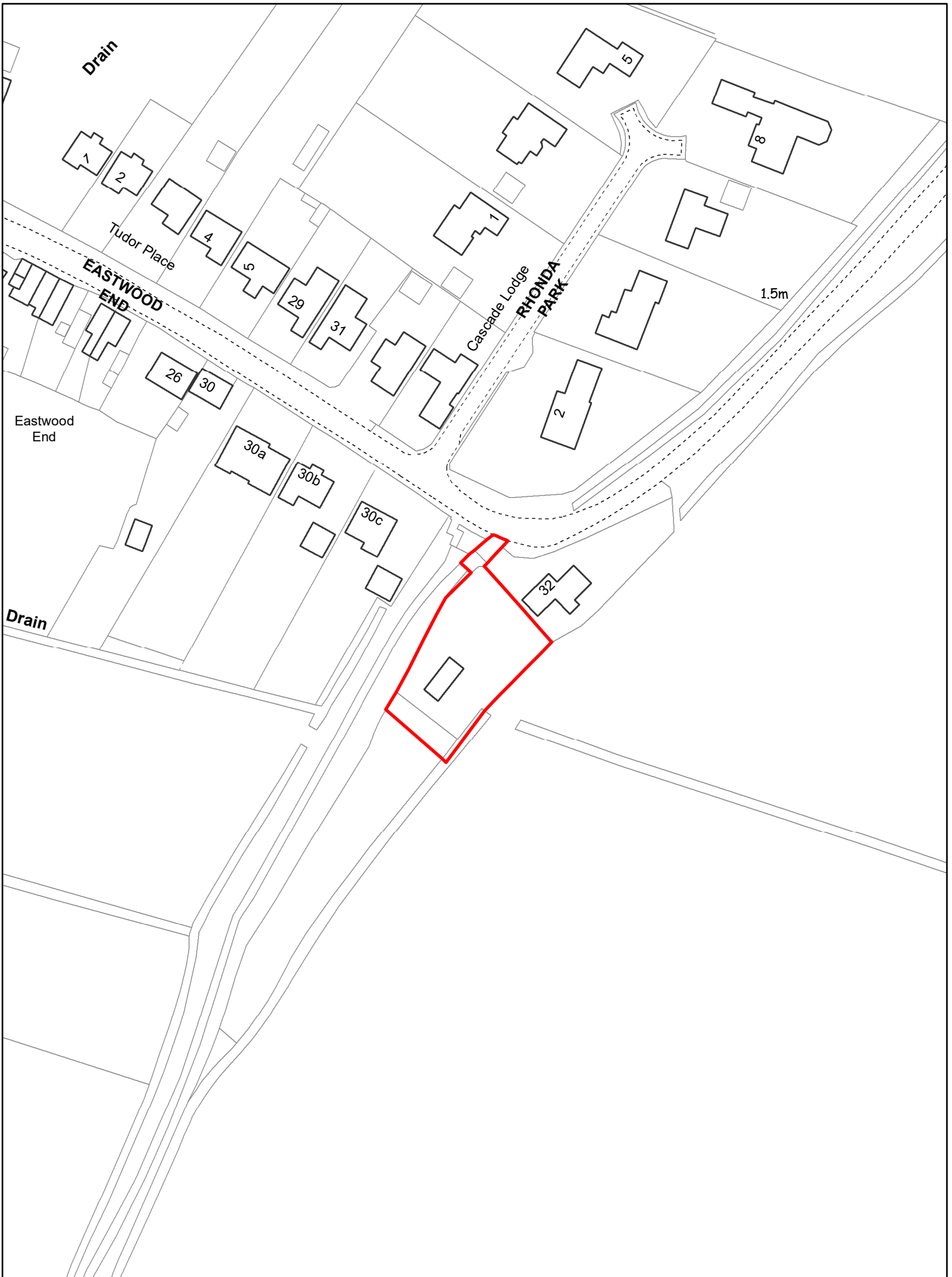
## **11 PLANNING BALANCE AND CONCLUSION**

- 11.1 It is considered that despite amendments to the design and scale of the dwelling, the overall design 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 As was concluded with the previous proposal considered by the Planning Committee in May 2020, the proposal is 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 location 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.
- 11.4 Furthermore, the sustainability aims of local and national policy also seek to steer development away from flood risk impacts where possible to do so. This proposal seeks to place people and property at an unwarranted risk of flooding and is therefore contrary to both local and national planning policy and is therefore deemed to be unsustainable development.

## 12 RECOMMENDATION

### Refuse for the following reasons;

1.	The proposal will result in a single storey dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. Notwithstanding this, dwellings in the immediate locality are 2-storey in nature and therefore the introduction of a single storey dwelling in this location would appear incongruous. 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.
3.	The dwelling is partly located within Flood Zone 2 which is single-storey and habitable rooms are located within this zone. The Sequential test for flood risk has not been met; consequently the application fails to demonstrate that there are no alternative sites which are reasonably available with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.



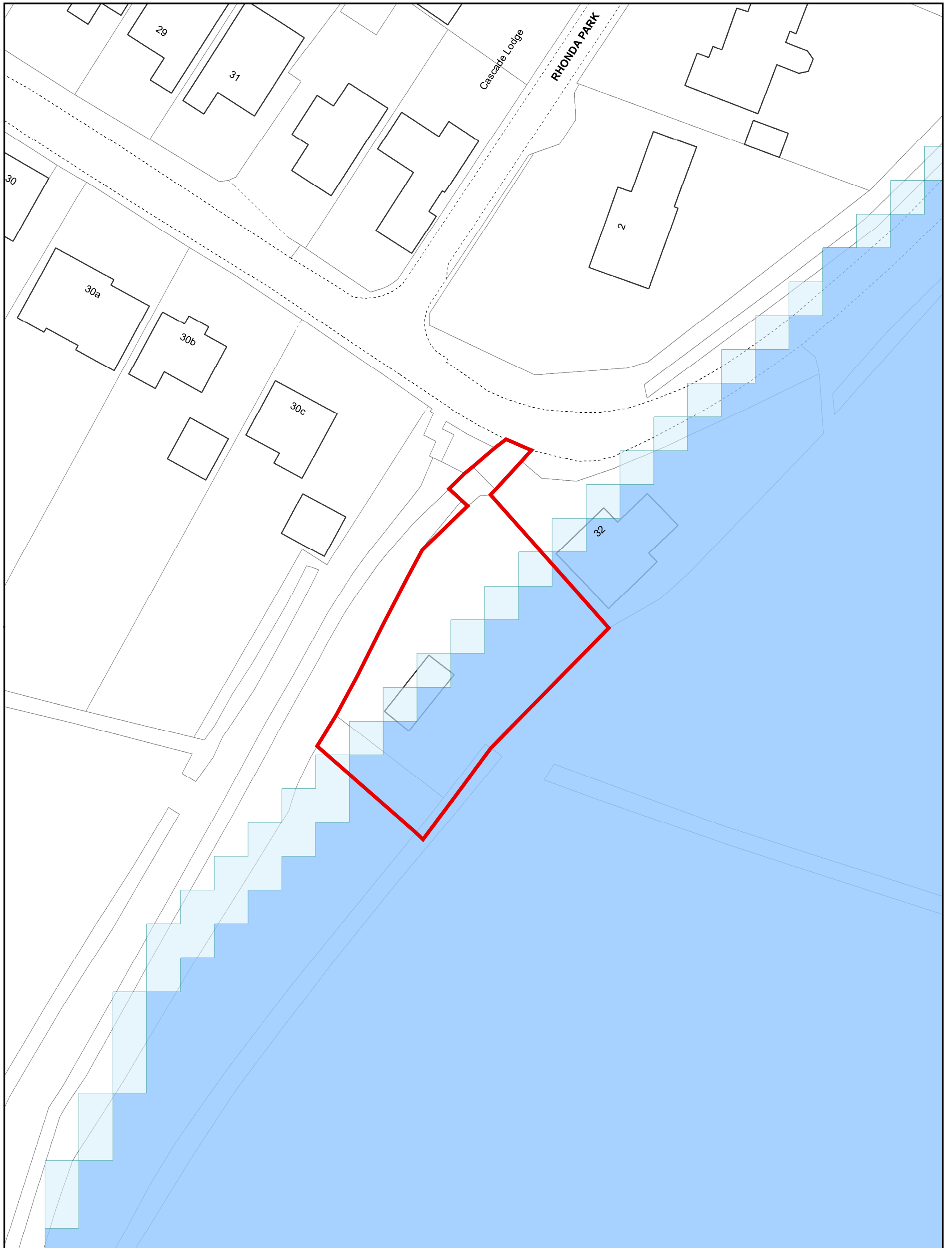
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**F/YR20/0635/F**

Scale = 1:1,250





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**F/YR20/0635/F - Flood Zones**

Scale = 1:500





Eastwood End Elevation  
Scale: 1:200  
metres

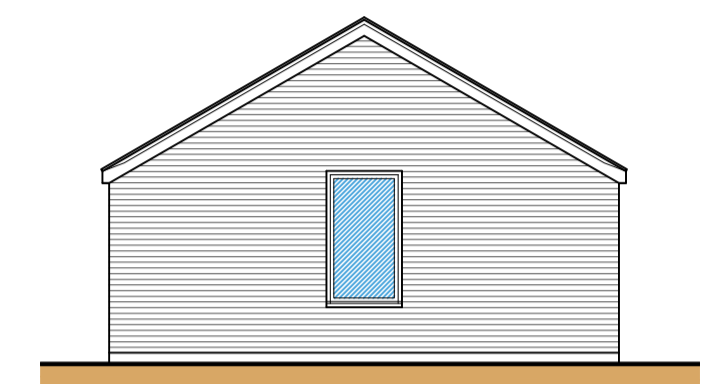
Section A-A  
Scale: 1:200  
metres

- 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.

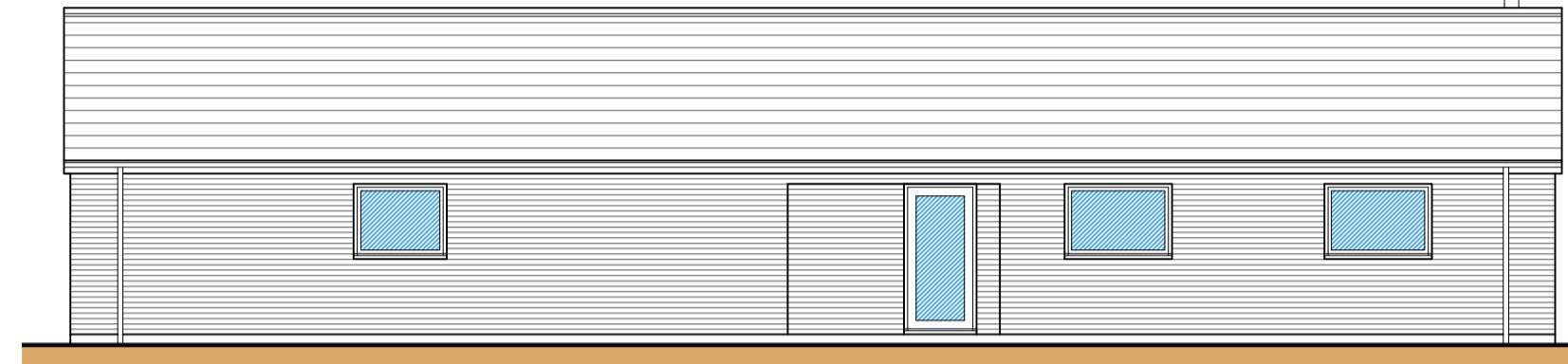
**AREA SCHEDULE**  
Ground Floor = 121m<sup>2</sup>

**KEY**

- Indicates surveyed trees and hedges
- Indicates buildings (from ordinance survey location plan)
- Indicates site access point
- Indicates location of proposed building
- Indicates facing brickwork
- Indicates roof tiles
- Indicates fenestration



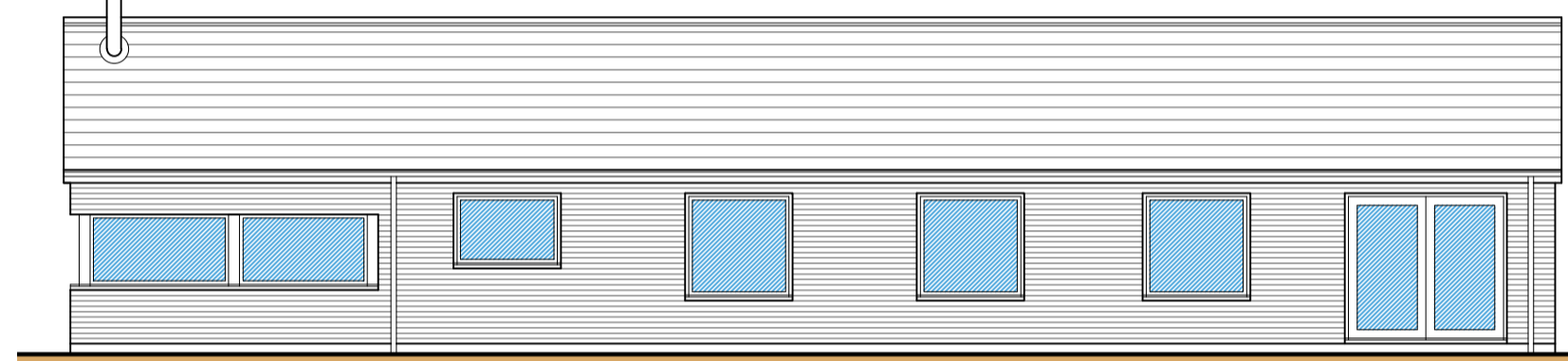
Front (NE) Elevation  
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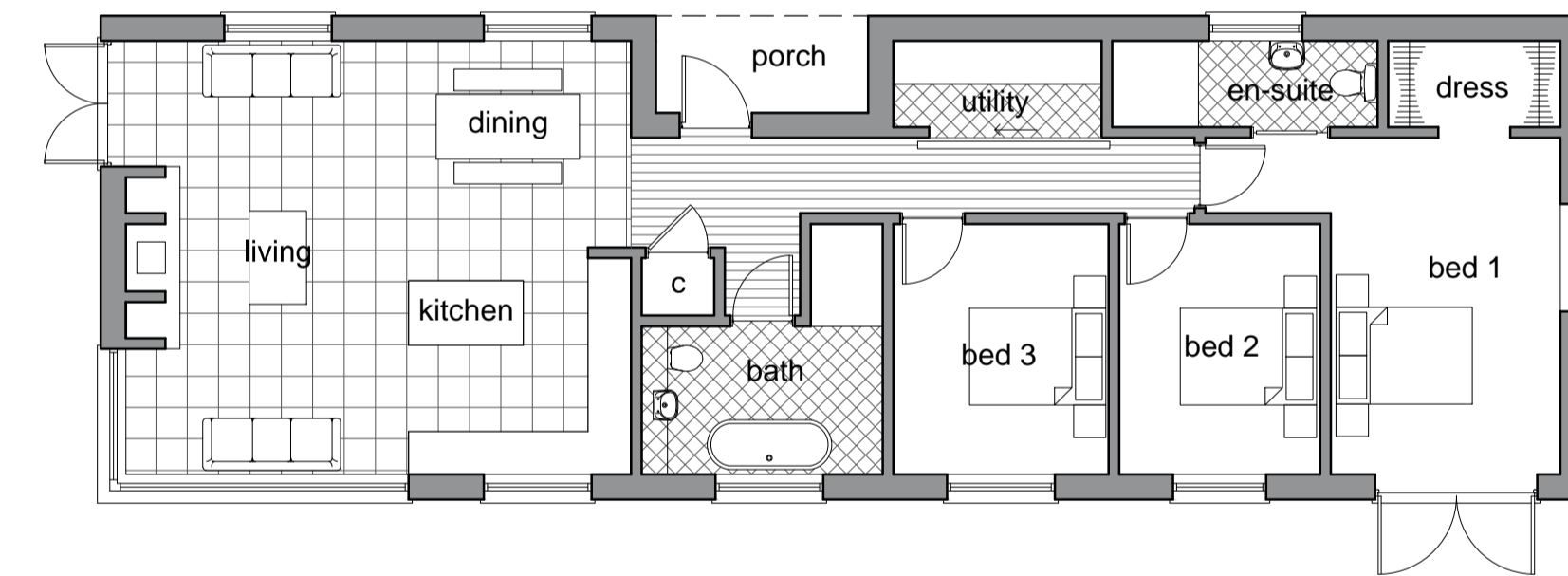
Side (SE) Elevation  
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metres



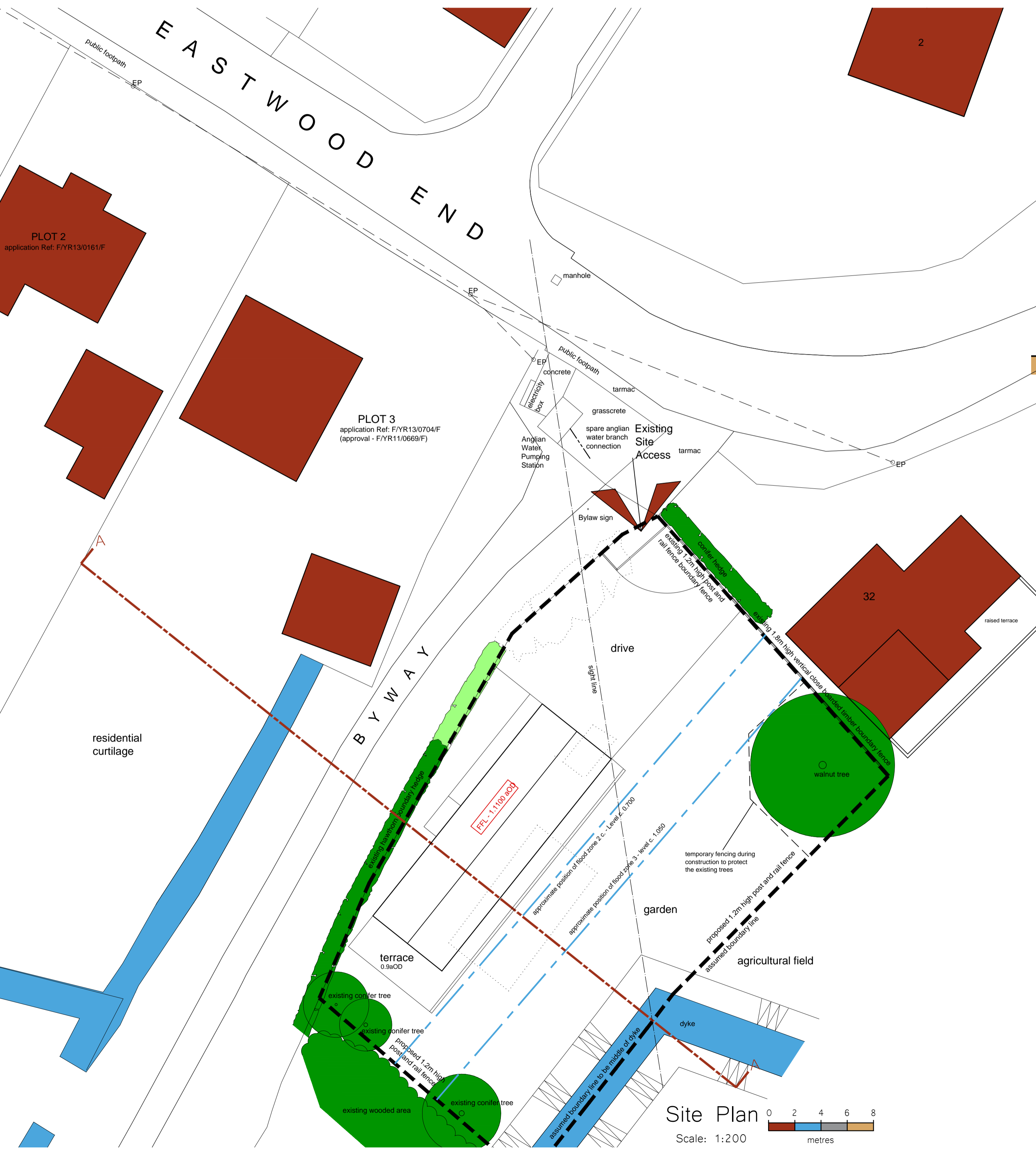
Rear (SW) Elevation  
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Side (NW) Elevation  
Scale: 1:100  
metres



Ground Floor Plan  
Scale: 1:100  
metres



Site Plan  
Scale: 1:200  
metres



Location Plan  
Scale: 1:2500  
metres

Revisions

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Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title Proposed Dwelling Adjacent 32 Eastwood End, Wimlington, March, Cambs. PE15 0QJ for Mr and Mrs King	Date June 2020	Scale As Shown Sheet Size A1
Drawing Title Planning Drawings Plans, Elevations & Location Plan	Job No. SE-890 Dwg No. PP2000	Drawn by JB Revision