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**F/YR20/0692/O**

**Applicant: Mr & Mrs Cook**

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

**Kitchen Garden Cottage, Coxs Lane, Wisbech, Cambridgeshire PE13 4TD**

**Erect a dwelling involving removal of existing portacabin (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks outline planning approval for the erection of a dwelling on land adjacent to Greenbushes, this is a resubmission of earlier proposals for the site for similar developments which have been resisted.
- 1.2 In respect of the latest submission the agent has identified a number of reasons why they contend the scheme should be approved, these include
- (i) The synergy of the scheme with the Broad Local for Growth renders the development as 'inconsequential development' as per a recent approval relating to a site fronting Barton Road.
  - (ii) That the lack of footpath link should not render the scheme unacceptable or unsustainable based on previous decisions taken within the locality and that to require a footpath would be unviable and unreasonable.
  - (iii) That the site constitutes 'previously developed land' and its redevelopment should be supported in accordance with Paragraph 117 to ensure the effective use of land.
- 1.3 Due consideration has been given to the assertions made within the application with regard to the sites sustainability and accessibility, with particular reference to a consent issued within the vicinity of the location currently under consideration.
- 1.4 However the alternative views put forward do not accord with earlier interpretation of the relevant planning policies; nor do they overcome the earlier reason for refusal which related to the unsustainability of the site

## **2 SITE DESCRIPTION**

- 2.1 The proposed site is situated to the eastern side of Cox's Lane and is currently occupied by a portacabin utilised by a catering business, The site is level and laid to gravel and concrete hardstanding.

- 2.2 There is an existing vehicular access which bridges the existing drainage ditch at the front of the site which runs along Cox's Lane, the access is flanked on either side by low level brick walls with piers and there is mature soft landscaping to the site frontage.
- 2.3 The boundary with Greenbushes is formed by hedging with the rear boundary being fenced between the site and No 4 Barton Green. To the south-eastern boundary are established trees and post and rail fencing forming the boundary with the adjacent land which presents as an orchard.
- 2.4 'Barton Green' a small development of a number of bespoke large detached dwellings lies to the north/north-east of the site; however the general character of Cox's Lane is rural with dense landscaping and sporadic development.
- 2.5 The site is within the West Wisbech Broad Location for Growth and is within a flood zone 1 area.

### 3 PROPOSAL

- 3.1 The application seeks outline planning approval for the erection of a dwelling with all matters reserved.
- 3.2 As a consequence of the proposal the existing portacabin on the site will be removed.
- 3.3 An illustrative drawing accompanies the submission, this indicates detached dwelling sited centrally within the site with a detached garage towards the rear. Access will be via the existing access with the existing landscaping to be trimmed back, all other boundary treatments are detailed as remaining as existing.
- 3.4 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QEHQ50HE06P00>

### 4 SITE PLANNING HISTORY

F/YR19/0557/F	Erect 1 dwelling (2-storey, 3-bed) involving removal of existing portacabin	Refused 22/08/2019
F/YR18/0435/O	Erection of up to 1 no dwelling (outline with matters committed in respect of access) involving demolition of existing building	Refused 22/06/2018
F/YR16/0259/O	Erection of a dwelling, involving removal of existing portacabin (Outline with matters committed in respect of access)	Withdrawn 02.06.2016
F/YR05/0720/O	Erection of a dwelling	Refused 26/08/2005
F/YR04/3158/O	Erection of a dwelling	Refused

F/0490/87/F	Stationing of portable building for commercial catering purposes	Granted 16/07/1987
F/0502/82/F	Alterations and two-storey extension to dwellinghouse (Greenbushes)	Granted 10/12/1982

## 5 CONSULTATIONS

- 5.1 **Town Council:** Recommend *'that the application be supported'*.
- 5.2 **Environment & Health Services (FDC):** *'There are no noise sources close to the site to be of concern and the proposal itself will not be a source of noise to nearby residents. The local air quality climate will not be affected by this proposal. Similarly, there is no suspected ground contamination on site and no reason to suspect a former contaminative use. Consequently, there are no objections to this proposal.'*
- 5.3 **North Level Internal Drainage Board:** *'No objections to this application in principle, however the Boards Cox's drain forms the western boundary to the site and therefore the Board's Byelaws apply. In addition, formal Land Drainage Consent will be required to form the new access to the property'*.
- 5.4 **Cambridgeshire County Council Highways Authority:** *'I have no highway objections to the development in principle subject to the reverse matters'*.
- 5.5 **Local Residents/Interested Parties:** 8 letters of support, 6 of which being pro-forma letters, have been received with 7 being from residents within the immediate locality of the site and 1 being from elsewhere in Wisbech; these may be summarised as follows:
- *'Support application as the proposal would improve the area by removing the portacabin which is in a poor state of repair'*.
  - *'Site within an area where the Council has continually supported new housing'*.
  - *'A new dwelling would fit with the character of the surroundings as it would form part of the existing housing development at Barton Green'*.
  - *'This proposal would massively enhance the existing Kitchen site which is looking untidy'*.
  - *'The new house would complete what looks like a natural infill building plot.'*
  - *One of the proforma letters received is caveated with 'our only concern would be the final position of the property in relation to our house'*

## 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)**  
Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 155: Development should be directed away from areas at highest risk of flooding.

## 7.2 National Planning Practice Guidance (NPPG)

## 7.3 National Design Guide (2019)

## 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

LP8 - Wisbech

LP12 – Rural Areas Development Policy

LP16 – Delivering and Protecting High Quality Environments across the District

## 8 KEY ISSUES

- Principle of Development
- Policy LP8 Implications and comparisons with F/YR18/1016/O
- Connectivity and synergy with Barton Green development
- Re-use of land and retention of commercial premises
- Residential amenity
- Highway Safety
- Flood Risk & Sequential Test

## 9 BACKGROUND

- 9.1 This application comes forward following several earlier refusals the most recent scheme having been refused under F/YR19/0557/F in August 2010 for the following reason:

*Policy LP3 of the Fenland Local Plan 2014 and national planning policy guidance steers new development to built-up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in the proposed location. The site falls within an elsewhere location outside of the main settlement which does not benefit from appropriate pedestrian infrastructure, and therefore the principle of development in this location would not be consistent with this policy and national guidance. Whilst the national planning guidance seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located in an unsustainable location outside any settlement limits where development is not normally supported unless justified. No relevant justification has been submitted to the local planning authority. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014*

It is noted that the applicant has not sought to appeal the earlier decisions.

9.2 Within the design and access statement (D&A) which accompanies the scheme the agent highlights that:

- (i) *'the approach taken in respect of the earlier refusal is at variance to that adopted with regard to F/YR18/1016/O to the north of the site, which appraised the proposal on the basis of its location being within the BLG and acknowledged that 4 dwellings could be carried out as inconsequential development'*
- (ii) Furthermore the agent also considers that *'the proposal can be supported on the basis that it adjoins existing development as it is not considered isolated in the context of paragraphs 78 and 79 of the NPPF'*
- (iii) *'Post decision correspondence with the Head of Planning which advised that the issue with the proposal was not the principle in terms of where the site is located, but was instead due to a lack of footpath'*.
- (iv) In respect of the footpath linkages it is contended by the agent that *'the site physically adjoins an existing development of 5 dwellings at Barton Green which is also positioned along the unlit lane and also does not benefit from a footpath link'*. Noting that *'the proposal is essentially an extension to the Barton Green development and therefore no different in terms of sustainability including its pedestrian linkage to the town centre'*. It is further noted within the D&A that the LPA supported the 5 dwellings within Barton Green without a pedestrian link and that to provide a footpath in this location would cost between £50,000 to £60,000 which would render the proposal unviable'; contending that *'objecting to the proposal due to a lack of footpath link would be unjustified and unreasonable'*.
- (v) More general comments are also made with regard to the site physically relating to the existing development rather than the orchard land to the north, east and south and that the development of the site would result in the redevelopment of previously developed land.

## 10 ASSESSMENT

### Principle of Development

- 10.1 This site lies outside both the main settlements of Wisbech and Wisbech St Mary and as such must be deemed an 'elsewhere' location in terms of the settlement hierarchy expressed on Policy LP3 of the FLP. It is acknowledged that there are no site constraints with regard to highway safety or flood risk and that the site could reasonably bring forward a development which would not compromise the residential amenity of adjoining households subject to detailed design.
- 10.2 The earlier scheme was refused for the reason expressed in the background section above and as such the assessment of the current proposal focusses on these matters and the contending arguments put forward by the agent relating to the BLG, connectivity, character and re-use of land.

### Policy LP8 Implications and comparisons with F/YR18/1016/O:

- 10.3 The earlier refusal acknowledged that whilst the site formed part of the BLG area this was an indicative allocation and would be subject to a Broad Concept Plan which would in turn be informed by an assessment of flood risk and transport issues. To this end it was considered that the earlier application should be evaluated on the basis of its current relationship to the existing settlements in the locality and that whilst there may be opportunities to bring this site forward within

the plan period, should the broad location for growth be realised, the current location was clearly defined as outside the settlements of Wisbech and Wisbech St Mary.

- 10.4 It is a clear tenet of planning policy that each application should be dealt with on its own merits and the particular characteristics of the site approved under F/YR18/1016/O are markedly different to that currently under consideration. As such the assertion of the agent that this application should be approved as inconsequential development is not supported.
- 10.5 In accepting the development proposed under this F/YR18/1016/O it was highlighted that whilst the site in question was detached from the main settlement it did benefit from good links to the town of Wisbech including a footpath immediately opposite. As such it was not considered isolated in the context of paragraphs 78 and 79 of the NPPF. Furthermore it was acknowledged that there would be a choice to use accessible modes of transport to access and support local services and facilities and that the development would not significantly undermine the aims of Policy LP3 to minimise the need to travel and make the best use of existing infrastructure.
- 10.5 *With regard to location it was contended that the site was ‘sandwiched between residential uses and therefore it [was] unlikely that [the] site would be compatible with [...] education or business use[s] and would not likely be sufficient to deliver any kind of road infrastructure. Other than the existing agricultural/ horticultural use the site [was] considered mostly compatible for residential use.’*
- 10.6 Again it is noted that the site currently under consideration does not benefit from such footpath links or access to public transport and this is further considered below.
- 10.7 In addition it is highlighted that the site abuts orchard land and as such the clear cut view that residential development would be the only appropriate opportunity available as part of a developing Broad Concept plan, as taken in respect of the earlier decision evaluation is not appropriate in this instance.
- 10.8 It is maintained that the site is an elsewhere location and that in the absence of an approved Broad Concept Plan it should be assessed on the basis of its existing surroundings and place within the settlement hierarchy.

### **Connectivity and synergy with Barton Green development**

- 10.9 The agent highlights that the site is essentially an extension to the Barton Green Development which was approved without requiring the provision of a footway, further asserting that it would be render the scheme unviable to expect a footway to be provided to serve the dwelling.
- 10.10 Considering the history of the Barton Green development it is noted that this was granted outline planning approval in March 2011 with the original assessment being undertaken against the earlier Fenland District Wide Local Plan. The site was former garden land to Greenbushes, as was the current site under consideration although the current application site was retained with Greenbushes.
- 10.11 The original recommendation in respect of the Barton Green development was one of refusal on the grounds of character and the location of the site being

outside the development area boundary. However Members at that time resolved to grant planning permission as they considered that the proposal would integrate into the pattern of development and would not distract from the open and unique landscape character of the area.

- 10.12 Whilst the observations of the agent are noted in terms of the site being an extension to the Barton Green development it must be noted that whilst the site and No. 4 Barton Green have a contiguous boundary the access to the site under consideration is some 72 metres from the access which serves Barton Green, which in turn is approximately 140 metres from Barton Road.
- 10.13 It is regrettable that the Barton Green development and this site did not come forward as a comprehensive scheme, however perhaps not unsurprising as the site did not lend itself readily to a continuation of that development given the intervening property 'Greenbushes'.
- 10.14 It is maintained that the current application site is not a continuation of the Barton Green development and should be considered on its individual merits, whilst it is accepted that Barton Green does not benefit from a footpath link this in itself does render the lack of footpath link in this instance acceptable. Comments made by the agent regarding the affordability and reasonableness of providing such a link are noted and again this serves to demonstrate that delivering development in such a piecemeal fashion serves as a disincentive to provide supporting infrastructure.

### **Character**

- 10.15 The earlier evaluation of the scheme recognised that the character of development in this location is of open countryside sporadically interspersed with a variety of dwelling styles of differing scales. Whilst the development of Barton Green has altered the character of the area this development presents as a unified complex, situated as it is as an infill of the bend in Cox's Lane just off the Barton Road it does not represent an incursion into the open countryside and has been largely absorbed into the locality.
- 10.16 Furthermore it is accepted that the development of this site would not extend the developed form further into the rural area albeit it would further consolidate the Barton Green development. Such consolidation would be at odds with the character of the collective Barton Green development and Greenbushes which all comprise large dwellings on substantial plots. It is again highlighted that whilst the site currently under consideration is no longer associated with Greenbushes in terms of land ownership it did formerly form part of this planning unit.
- 10.17 Notwithstanding the above concerns raised with regard to character considerations again it is considered on balance that the visual impacts of the development would not be so significant, against the backdrop of the earlier approved and delivered scheme, as to render the proposal unacceptable in the context of LP16

### **Re-use of land and retention of commercial premises**

- 10.18 The earlier submission highlighted that the existing portacabin on site was showing signs of disrepair and was deteriorating with age. In recognition of this it could not be argued that the LPA should seek to retain the premises as required by Policy LP6.

10.19 The agent argues that as this land is previously developed and should therefore be supported by paragraph 117 of the NPPF. It is noted that the NPPF definition of previously developed land is as follows:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

10.20 Looking at the planning history of the site it is noted that the land in question was originally residential curtilage associated with Greenbushes with the portacabin having been granted planning permission for the benefit of the applicant, i.e. Mr C L Cook personally as opposed to the benefit of the land, as such there is no enduring consent for the portacabin which furthermore is not a permanent structure. Accordingly no weight may be given to this strand of justification as postulated by the agent.

#### **Residential amenity**

10.21 Given the size and position of the plot it is considered that a dwelling may be accommodated on the site without significant detriment to residential amenity, subject to detailed design. As such there are no issues to address with regard to Policies LP2 and LP16.

#### **Highway Safety**

10.22 No objections have been raised to the scheme in terms of highway safety given the existing use of the site and the site is of sufficient dimension to provide for on-site parking and turning. Accordingly there are no issues arising with regard to Policy LP15 subject to detailed design.

#### **Flood Risk**

10.23 The site lies within Flood Zone 1 and accordingly there are no issues to resolve with regard to Policy LP14 of the Fenland Local Plan, adopted May 2014.

### **11 CONCLUSIONS**

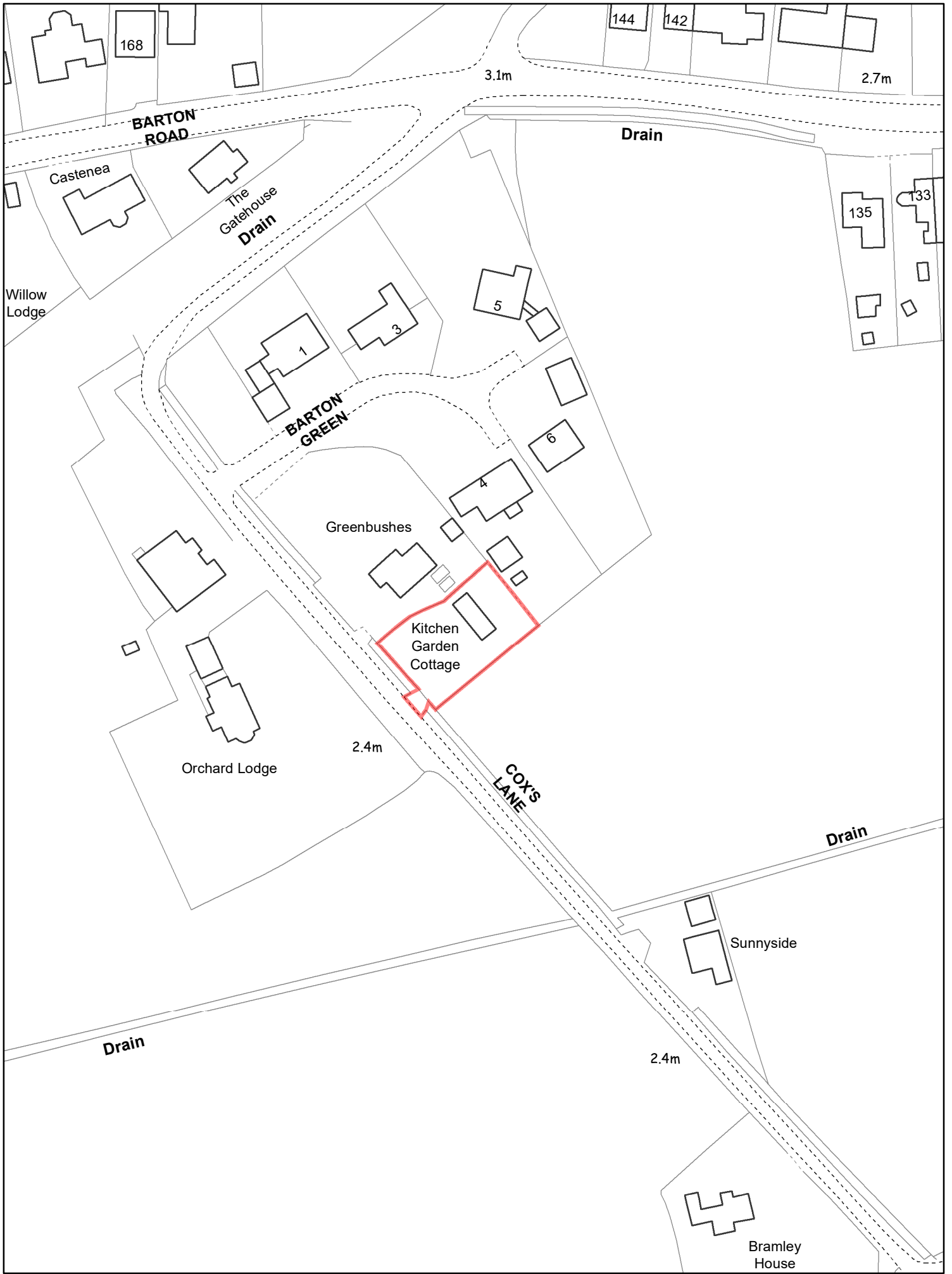
11.1 There is a direct correlation between the aims of the FLP and the National Planning Policy Framework and a clear planning argument to resist this development as unsustainable given that the site lies outside of any settlement.

11.2 The scheme remains contrary to Policy LP3 and should be refused on this basis; there are no material circumstances that could be afforded more weight than this overriding policy.

### **12 RECOMMENDATION: Refuse for the following reason**



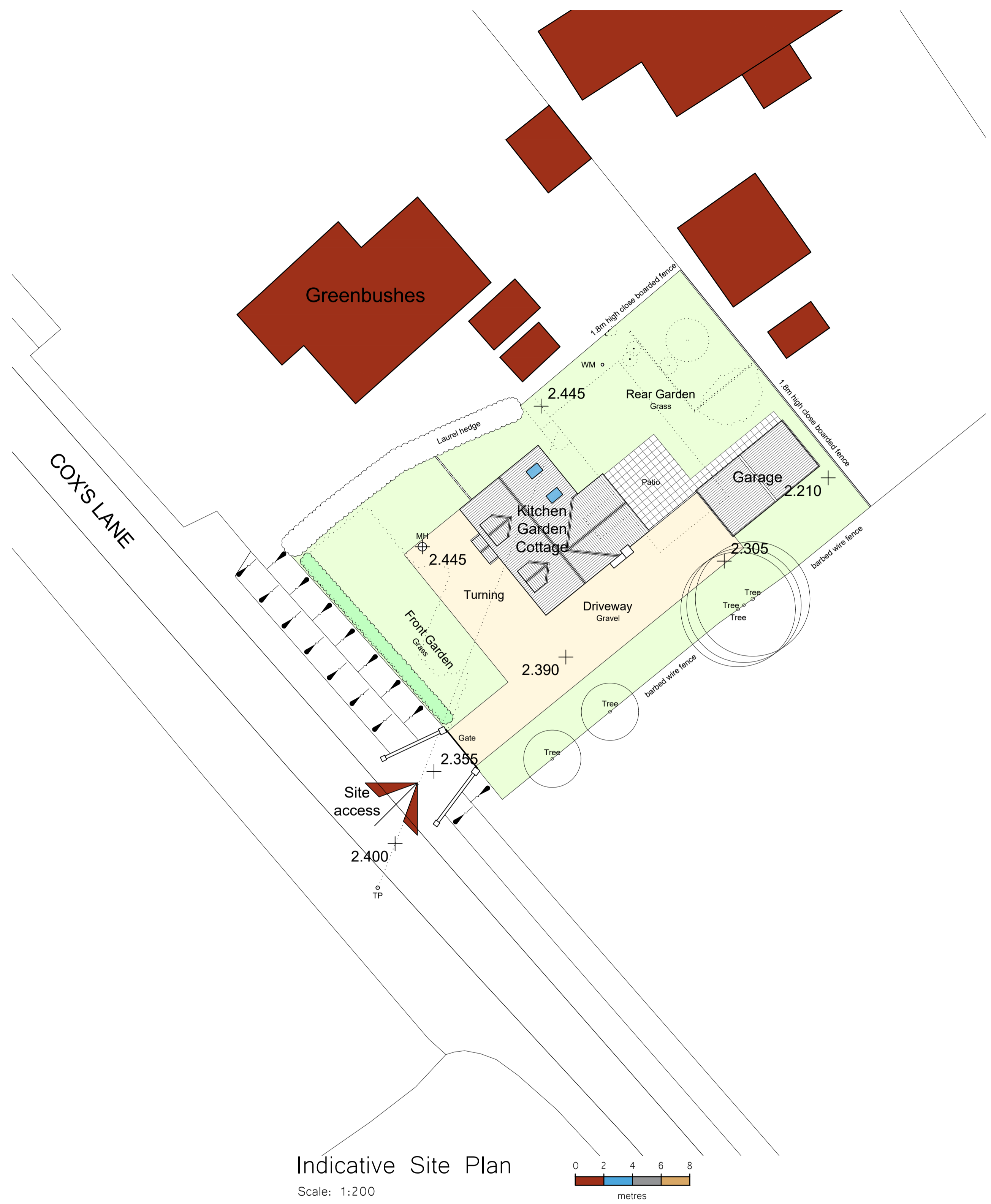
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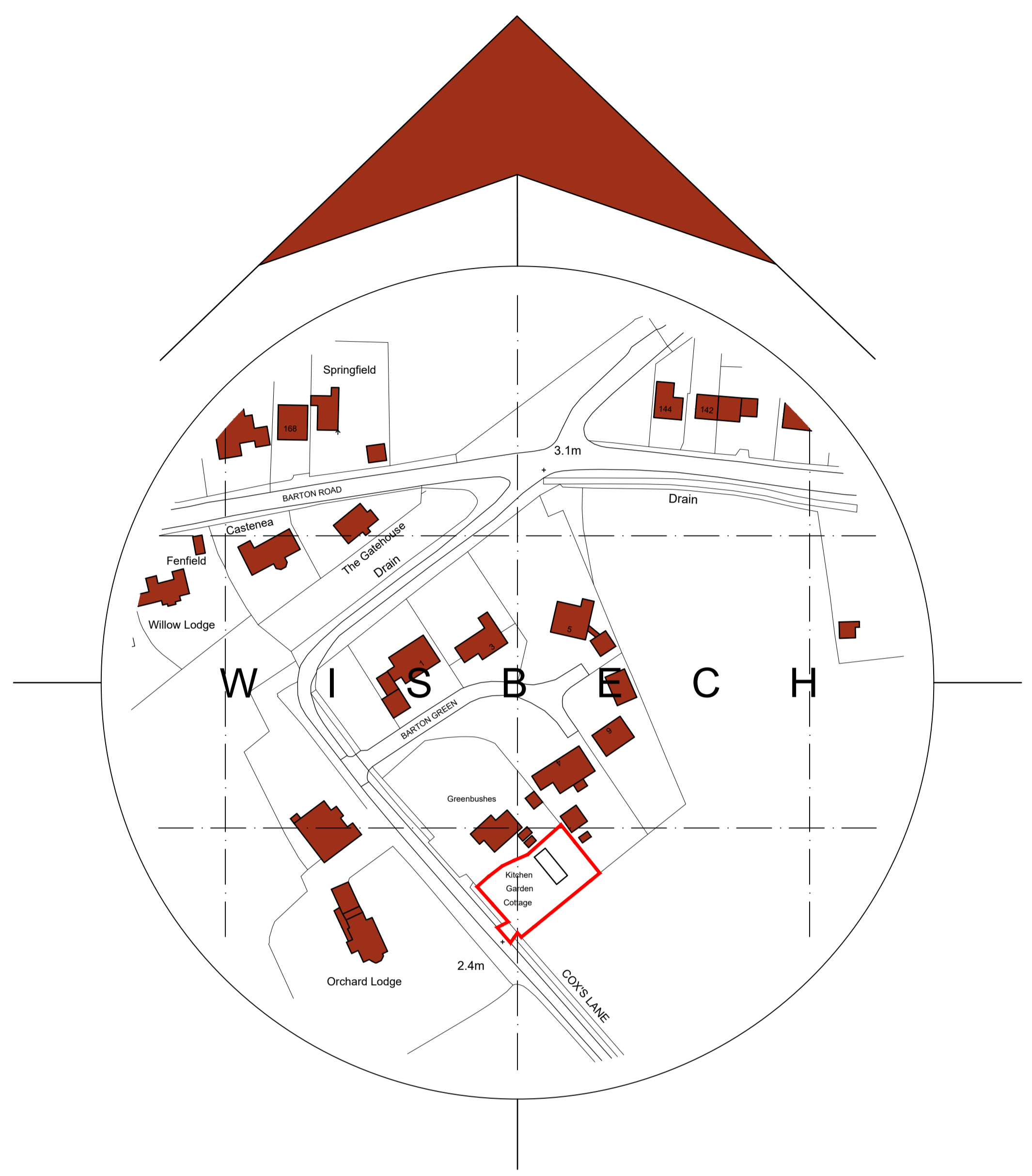
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**F/YR20/0692/O**  
 Scale = 1:1,250

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 Fenland District Council



Indicative Site Plan  
Scale: 1:200

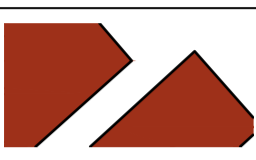
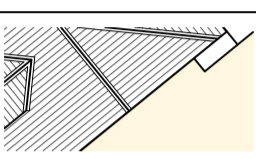
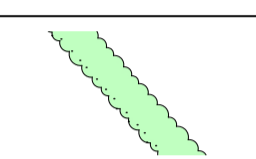
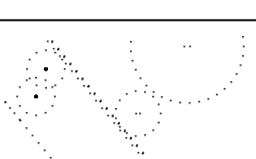
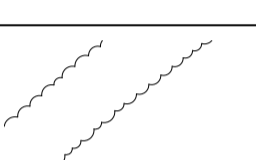
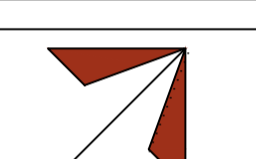
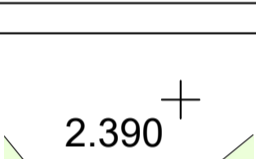


Location Plan  
Scale: 1:1250

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.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015  
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

SITE PLAN KEY

-  Un-surveyed buildings taken from OS map
-  Proposed buildings
-  Proposed vegetation
-  Structures to be demolished
-  Existing vegetation
-  Existing site access
-  Existing site levels

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
 ARCHITECTURE  
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Job Title Proposed New Dwelling Cox's Lane, Wisbech	Date June 2020	Drawn by M.N.
For: Mr and Mrs Cook	Checked by G.E.	
Drawing Title Outline Planning Drawing Indicative Site Plan and Location Plan	Job No. SE-1422	Sheet Size A1
	Dwg No. PP1000	Revision