
F/YR20/1155/O

Applicant: Mr & Mrs Atwell

**Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

Land North West Of Wingfield, Station Road, Wisbech St Mary, Cambridgeshire

Erect up to 1no dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

**Reason for Committee: Referred by Head of Planning on Advice of Committee
Chairman**

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning approval for a single dwelling on garden land currently associated with Wingfield. It should be noted that a proposal for two dwellings on the site was refused in 2014 with this refusal being the subject of an appeal to the Planning Inspectorate.
- 1.2 The Planning Inspectors appeal decision in 2015 was unequivocal in its assessment that the site was not adjacent to the built form of the settlement and its development would be contrary to Local Plan Policy LP12.
- 1.3 Although the agent has endeavoured to rebut the earlier appeal decision in the current submission the argument put forward does not address the matters raised and relies on the presence of development which pre-dates both the earlier refusal by the District Council, the current local plan and indeed the Planning Inspectorate appeal dismissal.
- 1.4 It is contended that there is no material change in circumstance that would render this scheme acceptable through the passage of time given that the development plan against which the earlier submission was considered remains the development plan for the District. Even when giving weight to the NPPF with regard to para. 78 considerations there would be no grounds to support the application noting the earlier planning history.

2 SITE DESCRIPTION

- 2.1 The site comprises garden land associated with Wingfield which is a detached bungalow situated on the periphery of Wisbech St Mary. Located immediately to the south-west of the Volmary site, a large scale nursery business, the area is laid to grass with a low level fence to the site frontage and fencing to the north-east and north-west.
- 2.2 The site is on the periphery of the settlement of Wisbech St Mary some 1.2 km from the village post office and shop, it has previously been deemed by the Planning Inspector as an elsewhere location which does not adjoin the built form of the settlement.

2.3 The site is within a flood zone 1 location.

3 PROPOSAL

3.1 This submission seeks outline planning permission of the erection of 1 dwelling, all matters are reserved for later consideration albeit an illustrative scheme has been submitted which shows a chalet style dwelling.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR14/0684/O	Erection of 2 no dwellings	Refused 16.10.2014 Appeal dismissed 15.04.2015
F/YR14/0143/F	Erection of a single-storey rear extension to existing dwelling Wingfield Station Road Wisbech St Mary	Granted 16.04.2014

5 CONSULTATIONS

5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 11th January 2021, the Council recommended APPROVAL'.*

5.2 **Cambridgeshire County Council Highways Authority:** *'I have no objections to the development in principle. When access is committed the highway access crossover should be set out with tapers [..]'.*

5.3 **Environment & Health Services (FDC):** *'The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposed development.'*

The application site lies in close proximity to an adjacent commercial site whose operations may have a detrimental impact on sensitive development such as a dwelling.

Our records show the adjacent site has in operation 'Bio-mass' boilers that are used to burn recycled wood chip fuel as a heating source for greenhouses. While the use of such boilers are permitted under environmental regulations, the applicant should have regard to this installation when considering this proposal.'

5.4 **North Level Internal Drainage Board:** *'My Board has no objections to the above application. There is a riparian drain to the north and east of the site and the applicant needs to be made aware of their responsibilities in relation to this drain'.*

5.5 **Local Residents/Interested Parties:** None 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).

7 **POLICY FRAMEWORK**

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

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 10 - Presumption in favour of sustainable development

Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 55 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects

Para. 78 – rural housing

Chapter 11 - Making effective use of land

Para. 155 – Flood risk

7.2 **Fenland Local Plan 2014 (FLP)**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

LP14 – Flood Risk and Renewable Energy

LP15 – Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.3 **National Design Guide (NDG)**

C1 – Understanding and relate well to the site, its local and wider context

I1 – Responding to existing local character and identity

H1 – Healthy, comfortable and safe internal and external environment

H2 – Well-related to external amenity and public spaces

8 **KEY ISSUES**

- **Principle of Development**
- **LP12 considerations – settlement boundary**
- **NPPF Para. 78 considerations**
- **Visual amenity and character**
- **Residential amenity**
- **Highway safety**
- **Flood risk**
- **Relationship with commercial premises**

9 **BACKGROUND**

- 9.1 A scheme for two dwellings was refused in 2014 by the LPA for the following reasons:
- 1 The proposed development would result in the extension of the linear features of the surrounding area and would result in ribbon development at a long distance from the main settlement of Wisbech St Mary. As such the proposal is contrary to the provision of policies LP12, particularly parts (a) and (e), of the Fenland Local Plan 2014.
 - 2 The proposed development, by virtue of its location adjacent to an existing established business, would result in the introduction of a sensitive use which would have the potential to constrain the operation and viability of the existing business. As such the proposal does not accord with part (o) of policy LP16 of the Fenland Local Plan, 2014.
- 9.2 This decision was the subject of an appeal where the Inspector upheld the decision with regard to refusal reason 1. However, concerns related to reverse sensitivity were not upheld by the Inspector and a partial costs award was granted to the appellant in this regard. The Inspector considered that there was an absence of any evidence of harm to the living conditions of the future occupiers and that this suggested that the operation of the nursery would not be constrained, nor the viability of the business threatened.
- 9.3 However, this did not outweigh the Inspectors conclusion that the appeal site would not be an appropriate location for the proposed development with regard to the policies for development within the rural area.
- 9.4 Officers would also draw the attention of Councillors to a recent delegated approval for a dwelling on land some 100 metres south-east of the current application site (Planning Reference: F/YR20/0300/F). Whilst not cited by the applicant's agent within the current submission this approval could be deemed relevant to the consideration of the current scheme, and certainly warrants being drawn to the attention of the committee.
- 9.5 Although locationally 'nearby' the dwelling approved at the Fens Falconry site was a component of a wider proposal to enhance an established falconry centre and the scheme included the delivery of aviary and lecture/office buildings. There was an evidenced 'need' for the dwelling and as such the normal locational considerations were not paramount in the evaluation of the application. Both the NPPF and Fenland Local Plan supported the development and whilst the dwelling did not follow the established pattern of frontage development along Station Road no character harm was identified, and a favourable recommendation was therefore forthcoming.
- 9.6 The dwelling to serve the Fens Falconry site was assessed against policies relevant to the nature of that proposal as opposed to being considered solely as a market dwelling and the consent as granted was 'tied' to the operation of the falconry enterprise in perpetuity; as such whilst this approval may be considered as 'relevant' it is not deemed 'material' to the consideration' of the current application before the Committee.

10 ASSESSMENT

Principle of Development

- 10.1 This application falls to be considered against Policy LP3 and LP12 with regard to the appropriateness of the location for residential development; due regard must also be given to the planning history of the site. Whilst Wisbech St Mary is identified in Policy LP3 as a Growth Village it is also necessary to consider the sites relationship to the settlement and particularly relevant is Policy LP12 which gives unequivocal guidance as to what constitutes the 'developed footprint' of a village and the circumstances in which new development may be supported. This aspect of the schemes compliance, or otherwise, is considered in detail below.
- 10.2 Notwithstanding the principle issue highlighted above it is also necessary to consider matters of character, residential amenity, highway safety and flood risk. Given that the site is closely situated to an established nursery business due regard must also be given to whether there would be any reverse sensitivity issues arising from the proposal.

LP12 considerations – settlement boundary

- 10.3 The agent asserts in the submitted design and access statement that although the Planning Inspector considered that the 'built form' terminated some 250 metres from the proposed site, formed by the grounds of the Manor House and field opposite, their view is that there is no break point in development given that the Manor House and its grounds are protected from development.
- 10.4 The evidence given for this is a refusal for development within the grounds of the Manor House in 1993 which indicates that the Manor House and its grounds should be considered as part of the built form which would in turn continue until the last dwelling; this being Wingfield.
- 10.5 The argument postulated is noted however the commentary contained within LP12 to define the continuous built form clearly excludes 'gardens, paddocks and other undeveloped land with the curtilage of buildings that are clearly detached from the continuous built-up area of the settlement'. This is clearly the situation on the ground in respect of the continuous built-up area and as such no weight may be given to the argument put forward. Indeed, the streetscene view submitted in support of the current proposal clearly illustrates the 'break point' previously highlighted by the Planning Inspector.
- 10.6 The agent also identifies that planning permissions were granted in 1990, 1998 and 2002 for residential properties beyond the Manor House, however all these pre-date the current local plan. It is further noted that these properties were in situ when the development of this site was last considered by both the LPA and in turn the Planning Inspectorate and as such are not material to the current proposal.
- 10.7 It is accepted that the scheme has now been reduced in the number of dwellings proposed however given that it is a principle issue rather than issue of the number of dwellings at question this offers no weight to the proposal in terms of its acceptability.
- 10.8 In his consideration of the earlier planning appeal the Inspector placed full emphasis on the policy criteria of LP12 noting that the scheme failed to meet the requirements of Criterion (a) as the site was not adjacent to the existing developed footprint of the settlement. In terms of his supporting analysis of the

site he considered that *'the continuous built form of the settlement along Station Road ends approximately 250 metres south-east of the appeal site. There is a clear physical separation, formed by the grounds of the Manor House and the field opposite, between the group of buildings around the appeal site and the edge of the continuous built up area of the village along Station Road. On this basis, I consider that the location of the appeal site is not within or adjacent to the existing developed footprint of the village, as defined in the footnote to the policy. As such, the proposed development would not accord with criterion (a) of Part A to Policy LP12'*. Moving on to consider criterion (e) the Inspector further noted that that the proposals would extend the linear feature of the line of 6 dwellings to the south-east of the appeal site, whilst the presence of a single dwelling to the north-west side of the nursery entrance was noted this was considered to be 'separate'. Although it was acknowledged that the *'presence of the adjacent nursery buildings and the properties opposite the appeal site would limit any visual harm which the proposed dwellings may cause to the open character of the surrounding countryside'* the proposal remained contrary to the terms of criterion (e).'

NPPF Para. 78 considerations

- 10.9 For the sake of completeness due regard has been given to paragraph 78 of the NPPF which post-dates the earlier consideration of proposals for this site. Para 78 of the NPPF allows for the introduction of housing where it will *'enhance or maintain the vitality of rural communities'* with key emphasis on allowing villages to grow and thrive, especially where such housing will support local services. It is explicitly identified in Para 78 that *'where there are groups of smaller settlements, development in one village may support services in a village nearby'*. Even if it is accepted that Wingfield forms part of a distinct group of houses this does not outweigh Policy LP12 in this instance.
- 10.10 This conclusion again has due regard to the consideration of the earlier appeal which acknowledged that whilst the site could not be deemed as 'isolated' it was not well located in relation to the village, being approximately 1.2 km from the post office and village store in the centre of the village and not served by a pavement, or indeed public transport. In conclusion the Inspector found that these factors would combine to *'make it difficult for occupiers of the proposed dwellings to travel by any other means than the private car to use local facilities' accordingly it was found that the site did not represent a 'particularly sustainable location within the rural area'*.

Visual amenity and character

- 10.11 It is accepted that the site could be developed without significant detriment to the locality, with the earlier appeal decision highlighting that the backdrop of the nursery buildings would limit any visual harm arising. The absence of harm in this regard does not however outweigh the earlier considerations highlighted in respect of Policy LP12.

Residential amenity

- 10.12 The site is of sufficient dimension to accommodate a dwelling without detriment to the adjoining residential occupiers of Wingfield, furthermore there is ample space on which to deliver appropriate private amenity space, parking and turning and to affect a roadside refuse collection.

- 10.13 Accordingly, subject to detailed design the site could be developed to accord with the requirements of Policies LP2, LP12 and LP16 of the FLP (2014) and there are no matters to reconcile in this regard at outline stage.

Highway safety

- 10.14 The LHA have raised no objection to the scheme proposals and as such it is accepted that at the scheme, subject to detailed design, has the potential to comply with Policy LP15 and LP16 of the FLP in so far as they relate to matters of highway safety and layout.

Flood risk

- 10.15 The site is within a Flood Zone 1 location and as such there are no matters to reconcile with regard to flood risk. Surface water considerations will form part of any Building regulations approval for the site.

Relationship with commercial premises

- 10.16 Against the backdrop of the earlier appeal decision and mindful that the Environmental Protection team have not raised an objection to the current scheme it is not considered that a refusal on the grounds of reverse sensitivity could be upheld. Although in the intervening period between the earlier refusal and the current submission consent has been granted to extend the boiler house facility on the Volmary site, immediately rear of the application site, this consent secured noise mitigation measures in a direct response to residential amenity concerns highlighted during the consideration of that scheme.
- 10.17 It is considered therefore considered that it would not be appropriate or warranted to withhold consent on the grounds of Policy LP16(o)

11 CONCLUSIONS

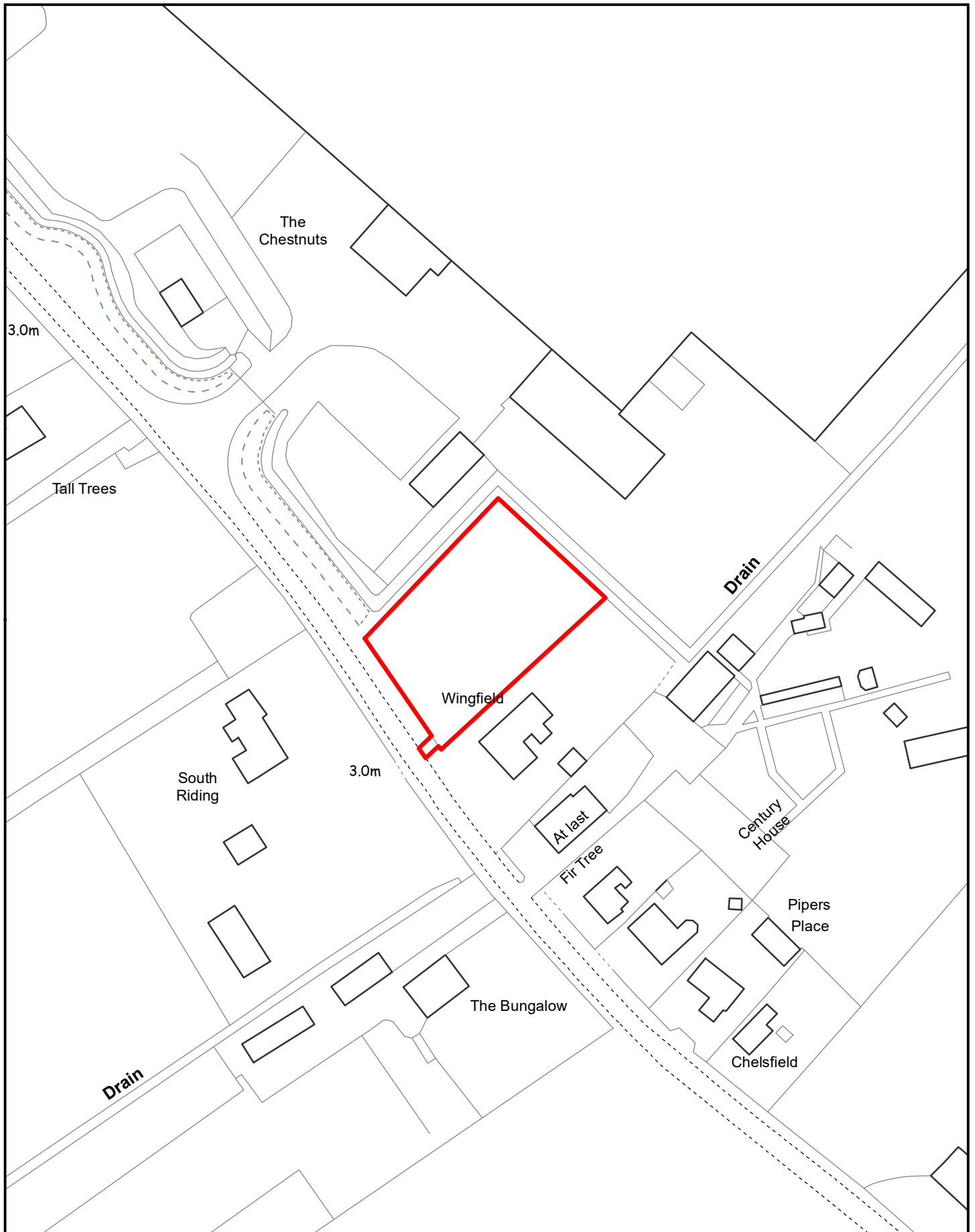
- 11.1 Development of this site remains clearly contrary to Policy LP12 of the Fenland Local Plan and as such this application must be resisted. Whilst it is clear that the scheme would represent any further impacts with regard to other relevant policy framework the absence of 'other harm' does not outweigh the fundamental in principle issues with the location which would represent a development which is unsustainable in the context of both national and local planning policy.
- 11.2 Whilst the agent has sought to make a case for the site being adjacent to the built footprint of the settlement this argument is not convincing when considered against the earlier appeal decision which remains the correct, and only, interpretation of the relevant Policy framework.

12 RECOMMENDATION: Refuse

Reasons for refusal

1	The proposed development would result in development which does not adjoin the developed built footprint of the settlement of Wisbech St Mary and would result in the extension of the linear features of the surrounding area thereby resulting in ribbon development at a long distance from the main settlement of Wisbech St Mary. As such the proposal is contrary to
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	<p>the provision of policies LP12, specially parts (a) and (e), of the Fenland Local Plan 2014.</p>
2	<p>The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, given that it is not adjacent to the developed built footprint of the settlement.</p> <p>Policy LP3 seeks to direct development to the most sustainable areas; as the proposal does not fall within any of the categories which would be considered acceptable under Policies LP3 and LP12, nor does it comply with Paragraphs 78 or 79 of the NPPF it is concluded that the proposed development is not sustainable. As a consequence of the sites location future occupants would be reliant on private motor vehicles to access services and facilities</p> <p>The development would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and the aims of the NPPF 2019.</p>



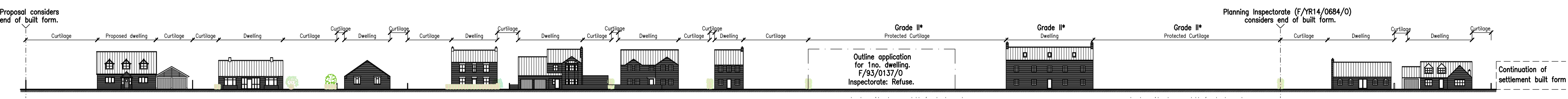
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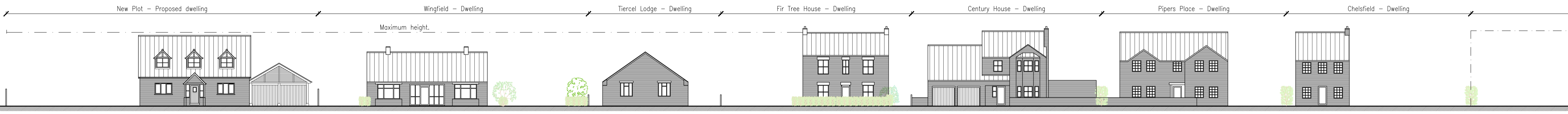
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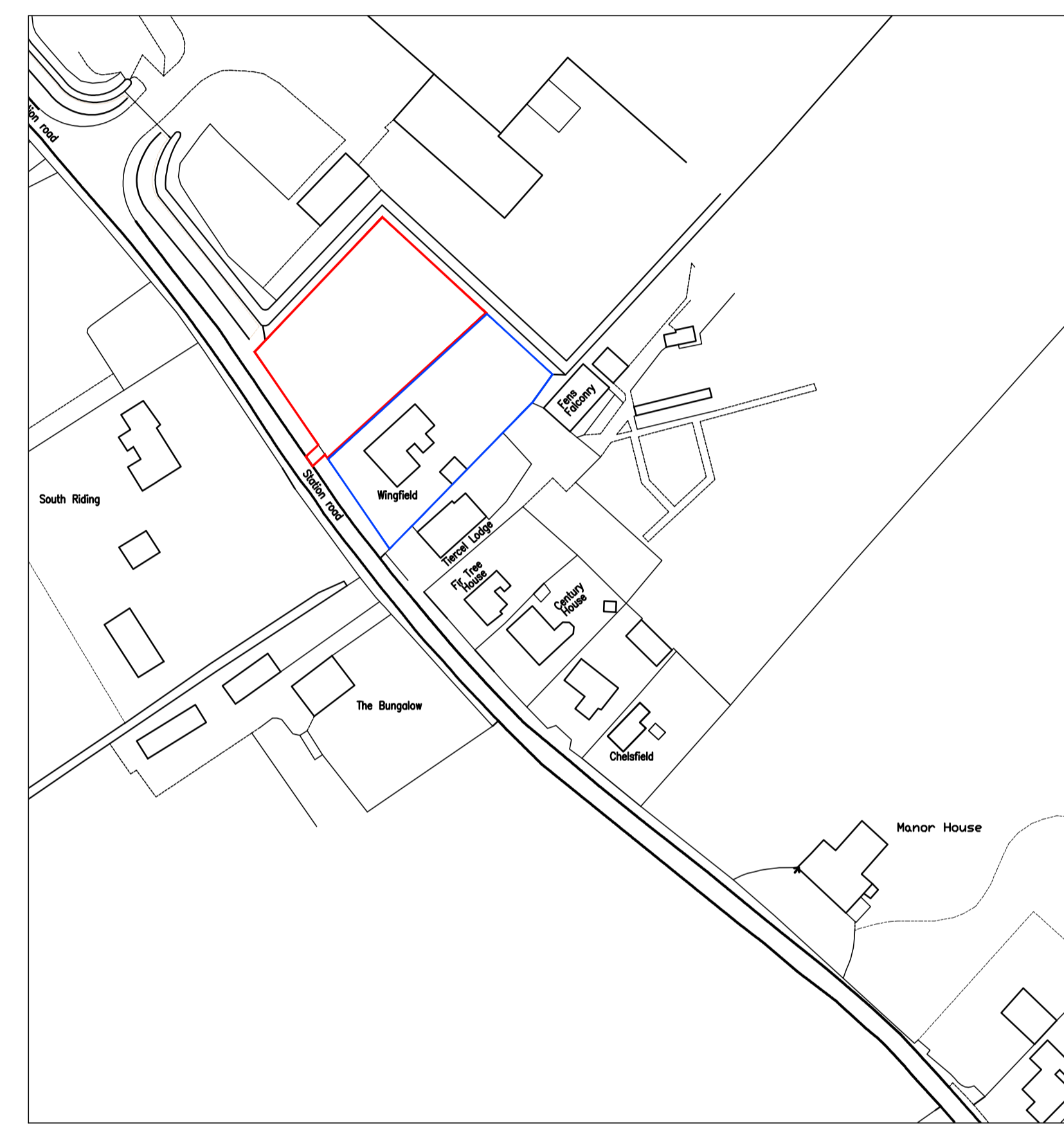
Indicative Street Scene 1:500 (North-East)



Indicative Street Scene 1:200 (North-East)



Indicative Site Plan 1:200



Location Plan 1:1250

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
OUTLINE FOR 1NO. DWELLING.

SITE
LAND NORTH-WEST OF WINGFIELD
STATION ROAD
WISBECH ST MARY
CAMBS.
PE13 4RY

DRAWING
INDICATIVE OUTLINE

CLIENT
Mr & Mrs ATWELL

DATE November 2020 SCALE As Shown at A1 JOB No. 6217/PL01B

Drawing 1 of 1

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