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**F/YR20/0963/F**

**Applicant: Mr J Crowson**

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

**Land North of Elbow Cottage, Elbow Lane, Church End, Parson Drove  
Cambridgeshire**

**Erect a single-storey 2/3-bed dwelling including conversion of existing stables to  
plant room**

**Officer recommendation: Refuse**

**Reason for Committee: Number of letters of support received contrary to the  
officer recommendation.**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the construction of a single-storey dwelling, including the conversion of the existing stables to a plant room to serve a system for raising the dwelling above ground in the event of a flood on site.
- 1.2. The site has previously been refused consent for the construction of a dwelling, which was subsequently dismissed at appeal in 2018.
- 1.3. The site lies within flood zone 3 and no sequential test has been undertaken in relation to the proposal.
- 1.4. The scheme is put forward on the basis that it is justified under para 79 of the NPPF as being truly outstanding or innovative, in terms of its appearance within the surroundings and the jacking mechanism for raising the property. The nature of the design and innovations has been assessed however the scheme is considered to fail to comply with the requirements of paragraph 79 of the NPPF in that regard.
- 1.5. The proposal results in harm to the character and appearance of the area, is located in an elsewhere location and does not meet any of the identified exceptions to the policies restricting development in such areas.
- 1.6. The recommendation is therefore for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site consists of an open piece of land approximately 400m north of the B1166 Main Road, Church End, and is accessed via a narrow single track road, Elbow Lane. The site contains an existing stable block/tack room that is to be converted as part of the proposal (see section 3).

- 2.2. Elbow Lane itself terminates at the southern boundary of the site, however byways run around the site to both the west and east boundaries, the result being that the site is open to public views despite its relatively secluded location.
- 2.3. The site is located within flood zone 3, and is classed as being an 'Elsewhere' location under the terms of policy LP3 of the Fenland Local Plan 2014.

### 3. PROPOSAL

- 3.1. The application proposes the construction of a single-storey dwelling on the site and the conversion of the existing stable block to provide a plant room to serve the property. The plant room is to be converted to house equipment used to power a set of jacks used to raise the proposed house in the event of the site flooding.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QHRZJ1HE01U00>

### 4. SITE PLANNING HISTORY

20/0054/PREAPP	Erect a single storey 2 bed dwelling and plant room	19.05.2020
F/YR18/0103/O	Erection of a dwelling (outline application with matters committed in respect of access)	Refuse 23.03.2018 Appeal Dismissed
F/YR16/0709/F	Erection of a stable block and tack room (retrospective)	Grant 04.10.2016

### 5. CONSULTATIONS

- 5.1. **Parson Drove Parish Council**  
Recommend approval
- 5.2. **Cllr G Booth (Ward Member)**  
*I believe the application is sensitive and modest in design for the local area and will not cause any harm. I believe the proposed design is in keeping with other properties on Elbow Lane and will fit in with the nature of development in this area. I also believe that this application would help the Council fulfil its statutory duty to ensure there is a 5-year land supply for development and housing targets.*
- 5.3. **Cllr S Bligh (Ward Member)**  
*I have been contacted by the applicant of the above planning application, I have looked at the details available on the public access portal and I feel that allowing this to be built will not cause any significant harm to Elbow Lane or Church End of Parson Drove.  
I believe the design is both innovative and sympathetic to its rural location. The applicant informs me that he has the support of his neighbours both immediate and surrounding.  
With all the above in mind, I support this application fully and also support Cllr Booths call in to committee should officers be minded to refuse.*
- 5.4. **North Level Internal Drainage Board**  
No comments to make

### 5.5. **Environment Agency**

No objection.

The sequential test is the responsibility of the Local Planning Authority to apply to the proposal.

The Planning Authority should be satisfied that the mitigation measures proposed are suitable to assist in making the development and future users safe from the harmful effects of flooding.

The application site is not served by a public sewer, so will need to be served by a non-mains drainage system that may require an Environmental Permit.

### 5.6. **Local Residents/Interested Parties**

8 letters of support for the proposal have been received from properties on Tholomas Drove, Sandbank, Elbow Lane and Bevis Lane. Only one of the responses identifies justification for their support, as follows. The remainder simply confirm they have no objection to the proposal.

- Exciting to see a house built via this method as a way forward to development in the Fens.
- The applicant already owns the land and has a stable on the site.

## 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 in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 14: Conflicts with the neighbourhood plan where adverse impact outweighs benefits

Para 79: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 131: Great weight should be given to outstanding or innovative designs.

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

Para 157: Need to apply the sequential and exceptions tests.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 159-161: Need for the exception test.

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

Determining a planning application

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

Context

Identity

Built Form  
Homes and Buildings  
Resources  
Lifespan

#### 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  
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. **Parson Drove Neighbourhood Plan 2020**

Policy 1 – Housing Growth  
Policy 2 – Scale of Housing Development  
Policy 4 - Maintaining Separation Between Parson Drove and Church End  
Policy 5 – Road and Pedestrian Safety

### 8. **KEY ISSUES**

- **Principle & Sustainability of Development**
- **Impact on Character of the area**
- **Flood Risk**
- **Other Issues**

### 9. **BACKGROUND**

- 9.1. The planning application history on the site commences in 2016 when retrospective permission was sought for the retention of a stable block and tack room. At that time, the application was accompanied by evidence that the land had been used as a 'paddock' for over 40 years, pre-dating planning legislation and therefore the use of the land for the keeping of horses was considered to be lawful.
- 9.2. In 2018, an application was submitted in outline for the construction of a dwelling on the land to the south of the immediate application site, more closely related to the existing dwellings on Elbow Lane. This was refused on two grounds, its 'Elsewhere' location as defined in policy LP3, and its position within flood zone 3. The decision was the subject of an appeal to the Planning Inspectorate, and a claim for costs against the Local Planning Authority. The appeal was dismissed in October 2018 with the Inspector making the following key findings:
- The proposal would represent an isolated home in the countryside in respect of the NPPF (this is significant given the Mar-18 *Braintree* judgement relating to isolation of dwellings)
  - The application site would be in an elsewhere location and would not provide a suitable site for housing, having particular regard to the accessibility of local services and facilities.
  - The development of the site would have a harmful effect on the character and appearance of the area
  - The scheme failed the sequential and exceptions tests in terms of flood risk.

- 9.3. Following the appeal, pre-application advice was sought in respect of the current proposal prior to the submission of an application.
- 9.4. The applicant was advised that officers would be unlikely to recommend an application for approval on the following grounds:
- The application site is an elsewhere location and the proposal fails to meet any of the identified exceptions to residential development in such locations.
  - The development of the site would harm the character and appearance of the area, and the scheme did not have the scope to comply with the sequential and exceptions tests.
  - The striking design lacked sensitivity to its context and the ‘inside out’ nature of the design process does not indicate an attempt to enhance the immediate setting of the proposal.
  - The proposed method of addressing flood risk is innovative, but would not in itself satisfy the sequential test, and instead seeks to resolve a constraint that would not exist should a sequentially acceptable location be considered.
  - Personal circumstances are of relevance, however they often do not outweigh harm arising from proposals, and were not considered to do so in this case.
  - Any formal application should be accompanied by a noise impact assessment, including detail on the regularity with which the jacking system would be likely to be used, and the impacts of noise generated on nearby receptors.

## **10. ASSESSMENT**

### **Principle & Sustainability of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. The site is located beyond the developed part of any of the identified settlements within the district and as such is classified as an ‘Elsewhere’ location where development is to be restricted to certain specific types appropriate to a countryside location.
- 10.2. The proposal is for a residential dwelling not required in connection with an agricultural business or animal husbandry need, and such a use does not meet any of the identified exceptions in policy LP3 to justify a dwelling in such a location. The proposal is therefore contrary to policy LP3 of the Fenland Local Plan.
- 10.3. Policy 1 of the Parson Drove Neighbourhood Plan identifies that for development in Church End, proposals must be able to demonstrate evidence of clear local community support for the scheme, generated via a thorough and proportionate pre-application community consultation exercise or via the support of the Parish Council. No indication is made within the design and access statement that the application was subject to such an exercise, although the responses received during the application do suggest support for the scheme, and the Parish Council recommendation is for approval, which satisfies the requirements of policy 1.
- 10.4. The sustainability of the site must also be considered. The site is located approximately 400m north of Main Road, Church End, along a narrow single-track lane with narrow grass verges to either side of the road, flanked by hedgerows. The site is not physically isolated, however as identified by the Planning Inspector in considering the previous appeal on the land to the south,

the site is approximately 1km from the village of Church End, which lacks the majority of local services and facilities. The site would therefore necessitate the need to travel for day-to-day services in villages and settlements requiring the use of the private car, and as such the site would be functionally isolated. Policy 5 of the Parson Drove Neighbourhood Plan states that proposals for new dwellings will be supported *“provided adequate footways and road widths exist along the site frontage(s) or the developer makes provision for these, unless it can be demonstrated to be impractical due to physical design constraints or would be of detriment to the safety and convenience of all users of the highway.”*

- 10.5. Overall therefore, the proposal is considered to be contrary to the provisions of policy LP3 and LP12 of the Fenland Local Plan, and policy 5 of the Parson Drove Neighbourhood Plan.

#### **Impact on Character of the area**

- 10.6. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.7. The proposal is for the construction of a single-storey dwelling on unusual plan form, with mono-pitch style corrugated metal roof panels finished in light grey (RAL 7035), and a render coating to the dwelling walls finished in Navy Blue (RAL 5002).
- 10.8. The general character of existing development along Elbow Lane is of traditional brick dwellings under dual-pitch roofing with a typical front facing elevation leading directly onto the road.
- 10.9. The previous appeal on the land immediately to the south identified several elements that contributed to the character of the area as it exists at the current time. Specifically, these were identified as being an open and rural character, with a relatively flat topography and a varying degree of visibility due to seasonal changes in the vegetation in the area. The decision went on to state that the appeal site and the adjoining fields *“provides a significant contribution to the visual quality of and an important contribution to, the rural open landscape setting of the area. This positive contribution to the character and appearance would largely be lost by the development, which would urbanise the open and undeveloped nature of the site.”*
- 10.10. Whilst it is accepted that the previous appeal site and proposal are not directly related to the current scheme, the impact of the current development would be of a similar nature to the previous proposal (extending development out into the countryside beyond the existing limits of the village), with the design of the proposed dwelling varying substantially from anything that could be considered to reinforce local distinctiveness in the area.
- 10.11. Whilst it is accepted that the jacking up of the dwelling would be undertaken specifically in response to flooding of the land, and as such would be temporary in nature, this would only exacerbate the negative impact of the design of the proposed dwelling and increase its visibility within the wider setting of the site, resulting in harm over a wider area.

10.12. On that basis, the proposals are considered to represent harm to the character and appearance of the area, failing to enhance its setting or make a positive contribution to local distinctiveness.

### **Flood Risk**

10.13. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

10.14. As has already been identified, the application site is located in an Elsewhere location, and as such in accordance with the FDC approach to sequential test for housing the sequential test is required to be carried out across the whole of the rural area of the district.

10.15. The application is accompanied by a Flood Risk Assessment produced by Ellingham Consulting on behalf of the applicant. This document acknowledges under section 3.3 that if such a search is undertaken that there may be other sites in flood zones 1 or 2 that area capable of accommodating the construction of a single dwelling. On the basis of that information the application fails the sequential test.

10.16. The Flood Risk Assessment goes on to list a number of factors to which it states that weight should be given. These relate to the immediate availability of the site, its ownership status and the personal circumstances of the applicant and their family. None of these matters are factors that are identified as being relevant to the sequential testing of a site under the Cambridgeshire Flood and Water Supplementary Planning Document and therefore do not provide any weight in favour of the application in respect of this matter.

10.17. The proposed means of mechanically raising the house in the event of a flooding event on the site contributes towards the safety of the development with regard to the exceptions test, however this does not take the place of the sequential test with regard to the location of the development in the first instance.

10.18. In order to pass the exception test, the development is required to be safe from all sources of flood risk, and provides wider sustainability benefits to the community that outweigh flood risk.

10.19. The D&A Statement accompanying the application indicates three benefits of the scheme on sustainability grounds. These are the employment and council tax benefits deriving from the construction and occupation of the dwelling itself, the provision of a home to meet the personal circumstances of the applicant and their family, and the construction of the dwelling to the highest insulation standards, whilst the jacking system provides resilience to climate change. The first of these benefits is acknowledged, however the scale of the benefit given the proposal is for a single dwelling is limited. It is accepted that the construction of a custom-designed house to meet specific needs would be of benefit to the applicant and their family, however this relates only to the applicant and their

family, and does not result in a wider sustainability benefit to the community as required by the SPD. Similarly with regard to the final point, insulation measures within the dwelling do not constitute a wider sustainability benefit, and the jacking system whilst innovative and unique in relation to the provision of a permanent dwelling, does not result in a significant benefit to the community. Research projects into such methods are underway in other parts of the country and should they prove successful, economically viable and acceptable for deployment on a larger scale then there may be a resulting community benefit, however the construction of a single dwelling using such methods would not be accompanied by similar benefits.

## **Other Issues**

### NPPF Paragraph 79

- 10.20. The Design and Access Statement accompanying the planning application acknowledges that consideration must be given to paragraph 79 of the National Planning Policy Framework with regard to the acceptability or otherwise of the proposal. This paragraph states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one of a list of special circumstances applies. Sub paragraph e) states that one of those circumstances relates to a design of exceptional quality, that is truly outstanding or innovative, reflecting the highest standards in architecture that would help to raise standards of design more generally in rural areas.
- 10.21. It is the jacking process that is identified as being innovative in this case, stated as being unique to Fenland. Research has uncovered no permissions for permanent residential dwellings utilising such a system, albeit a 5-year permission has been granted on a trial basis to Larkfleet Homes to investigate the practicalities of such a system on a large-scale basis.
- 10.22. The Design and Access Statement also states that the external appearance of the building is considered to be intentionally striking, such that the bungalow will be visible within the open landscape and that this will raise design standards in the area and enhance its setting. This section of the statement then also confirms that the recommendation made at pre-application stage for a more sensitive design is acknowledged but that paragraph 79 is not prescriptive as to how the design relates to its surroundings.
- 10.23. The statement fails to explain however precisely how the design of the property is intended to raise standards in the area, whilst it also fails to acknowledge or explain how it meets the requirement in paragraph 79 that the design “*would significantly enhance its immediate setting **and** (LPA emphasis) be sensitive to the defining characteristics of the local area.*” Instead it seems that the design of the dwelling is deliberately at odds with the defining characteristics of the area, and that its consideration will therefore depend entirely on the subjective estimation of its appearance as to whether or not it enhances its setting rather than an objective assessment of design quality.

### Justification of need for the dwelling.

- 10.24. The application is accompanied by a statement from the applicant containing confidential medical information in respect of the applicant and their family in support of their application. These matters have, insofar as they relate to the applicant, been diagnosed subsequently to the consideration of the previous application and planning appeal according to the statement



10.25. The information has been taken into consideration in respect of the scheme, however it is concluded that the support it provides in favour of the proposal is not sufficient to overcome the policy justification for refusal of this particular scheme.

## **11. CONCLUSIONS**

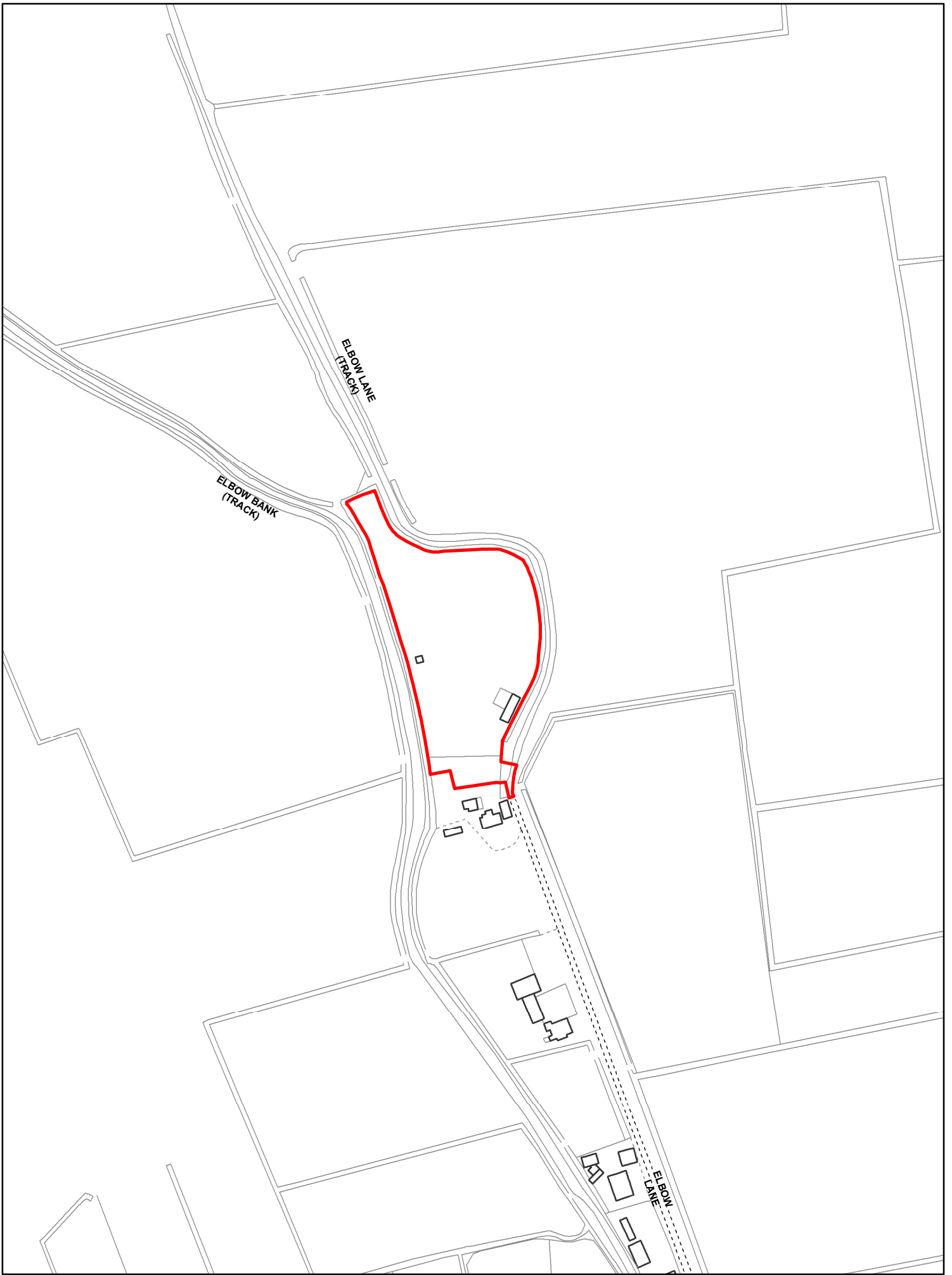
- 11.1. The proposal is in an elsewhere location as defined in the Fenland Local Plan (2014) and does not meet any of the identified justifications for the construction of a dwelling in such a location. The scheme is therefore contrary to planning policy as a matter of principle. The design and jacking mechanism proposed for the scheme would not result in a proposal that is truly outstanding or innovative in terms of paragraph 79 of the National Planning Policy Framework sufficient to justify departing from the relevant policy in that respect.
- 11.2. The scheme is functionally isolated from nearby services, and does not make provision for travel by sustainable means, and is therefore contrary to paragraph 7 of the National Planning Policy Framework.
- 11.3. The scheme is of a design that fails to be sympathetic to the local distinctiveness and character of the area, and would be at odds with the understated, more traditional design of properties within the area. The design and access statement fails to explain how the proposed design is intended to raise the standards of design quality in the area as a result of the scheme and therefore does not satisfy the requirements for consideration under paragraph 79 of the National Planning Policy Framework, and the scheme is contrary to policy LP16 of the Fenland Local Plan with regard to its impact on the character and appearance of the area.
- 11.4. The application site is located within flood zone 3, the zone of highest flood risk and where local and national planning policy requires applicants to demonstrate that there are no sequentially preferable sites capable of accommodating the development. There is no attempt to provide evidence to satisfy the sequential test, and the scheme is not accompanied by wider community benefits that would result in it passing the exceptions test. The scheme is therefore contrary to policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework.
- 11.5. Finally, the application is accompanied by a statement indicating that it should be considered under paragraph 79 of the National Planning Policy Framework as a design of exceptional quality that is truly outstanding or innovative, that would help raise the standards of design more generally in rural areas, and would significantly enhance its immediate setting whilst being sensitive to the defining characteristics of the local area. The matters relating to design are addressed above, and although the jacking system proposed to raise the dwelling in the event of a flood is unique within the district at this time, research has shown that such a system is being trialled elsewhere within the country by a national housebuilder and on that basis does not meet the requirement in paragraph 79 of being truly outstanding or innovative.

## **12. RECOMMENDATION**

**REFUSE, for the following reasons**

### **Reasons**

1	<p>Policy LP3 of the Fenland Local Plan (2014) supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the proposed dwelling is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location which would be harmful to the character of the open countryside. The development therefore does not comply with the requirements of policy LP3 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP14 Part B of the Fenland Local Plan (2014) seeks to direct development to areas of lowest flood risk to ensure the safety of people and property this being further reinforced by policies LP2 and LP12 of the Fenland Local Plan (2014). The proposal would result in More Vulnerable development being located within Flood Zone 3, the area of highest flood risk thereby putting people and property in danger of identified risks to the detriment of their safety and as such it would be contrary to Policies LP14, LP2, LP16 and the guidance contained within the National Planning Policy Framework.</p>
3	<p>Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area. Paragraph 79 of the National Planning Policy Framework requires that in order to support development in a location such as this, its design should be of exceptional quality, significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. The proposed dwelling is of a modern design and is finished in a navy blue render, in a location where traditional brick dwellings make up the surroundings dwellings. The proposed design would fail to be sympathetic to its surroundings, and would result in a property that causes visual harm to its surroundings contrary to the requirements of policy LP16 of the Fenland Local Plan (2014) and paragraph 79 of the National Planning Policy Framework.</p>



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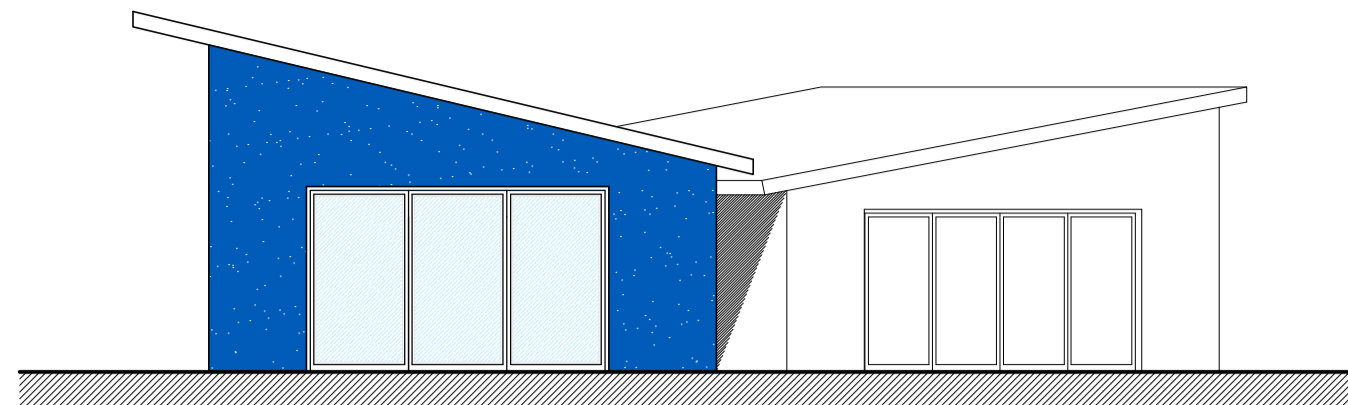
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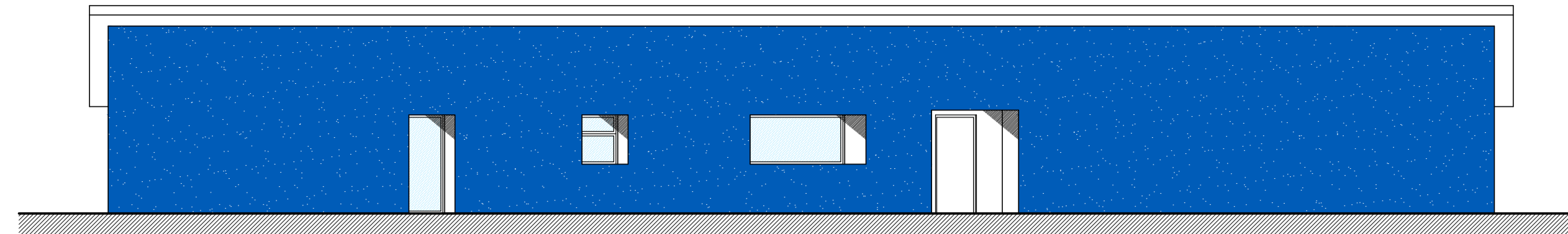
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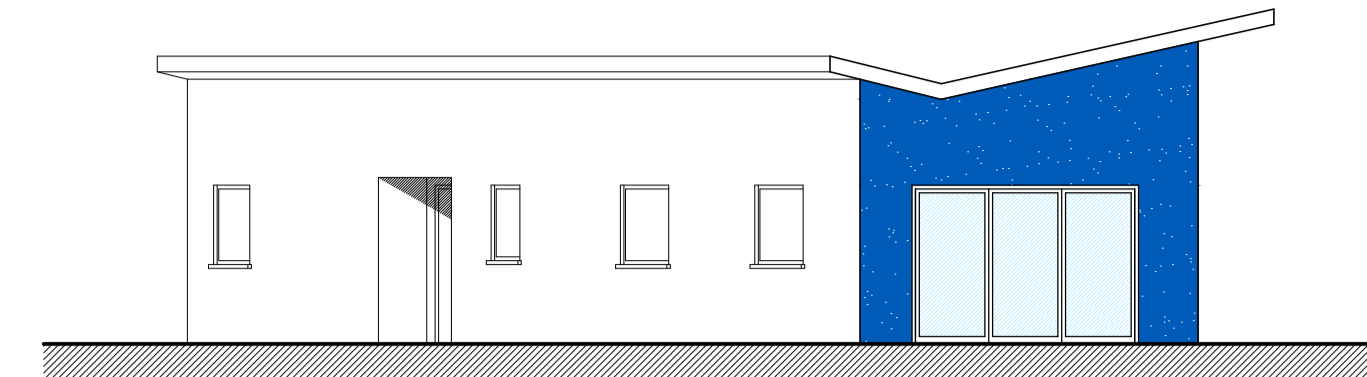




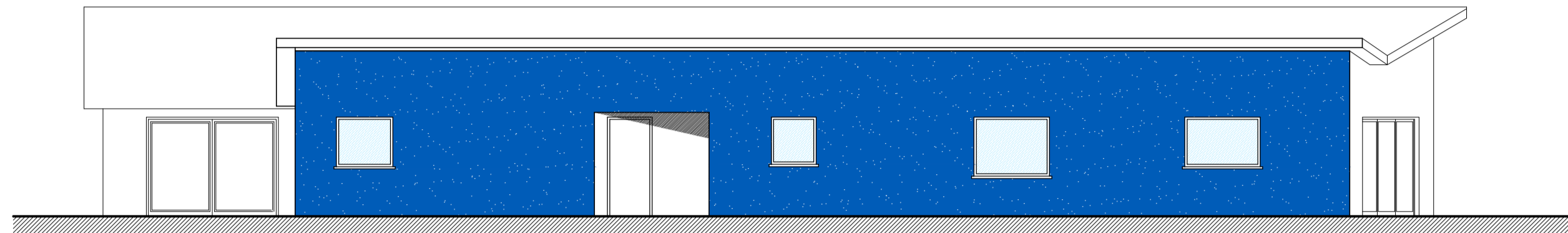
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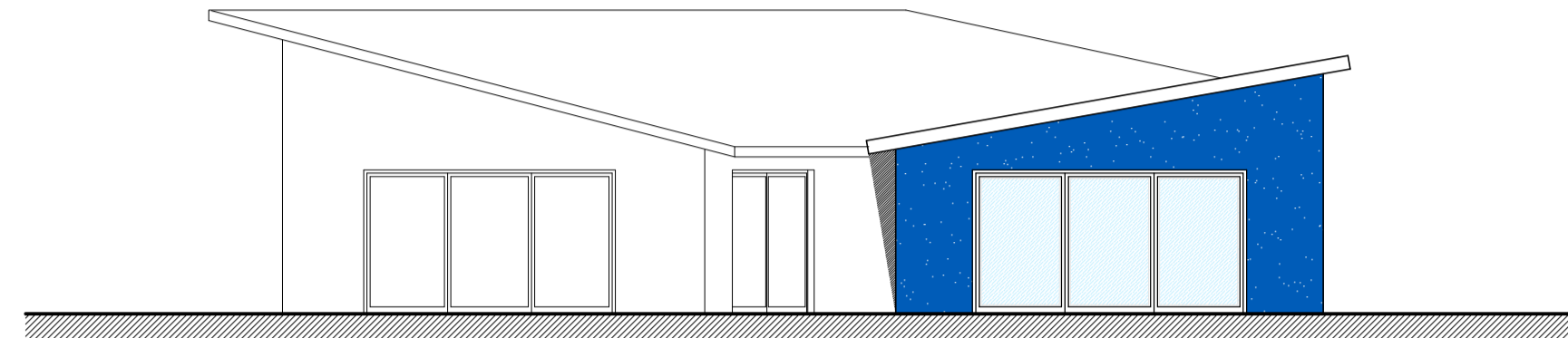
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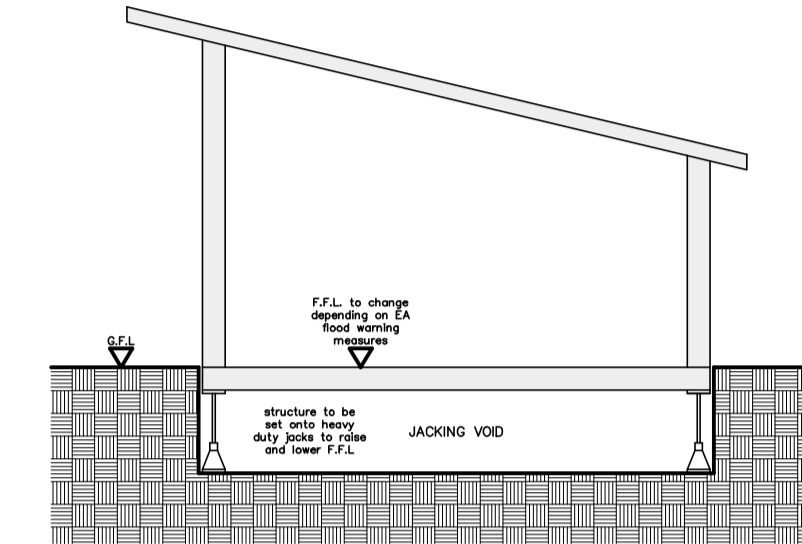
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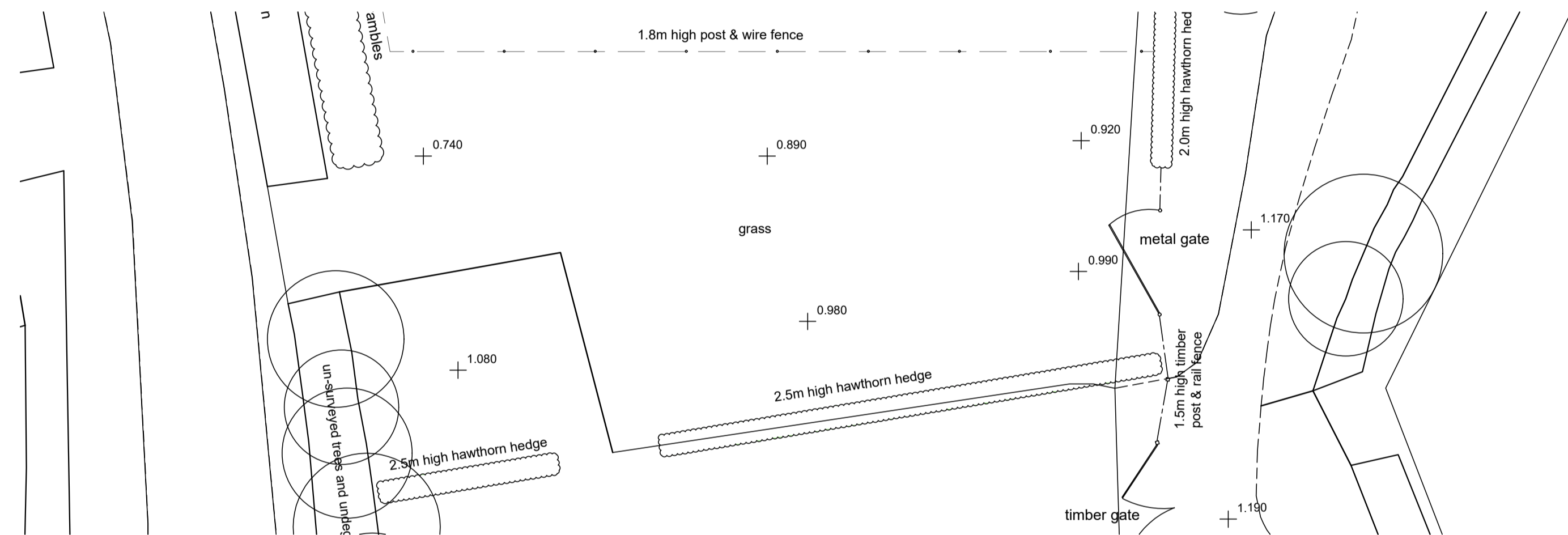
PROPOSED ELEVATION D (South East)  
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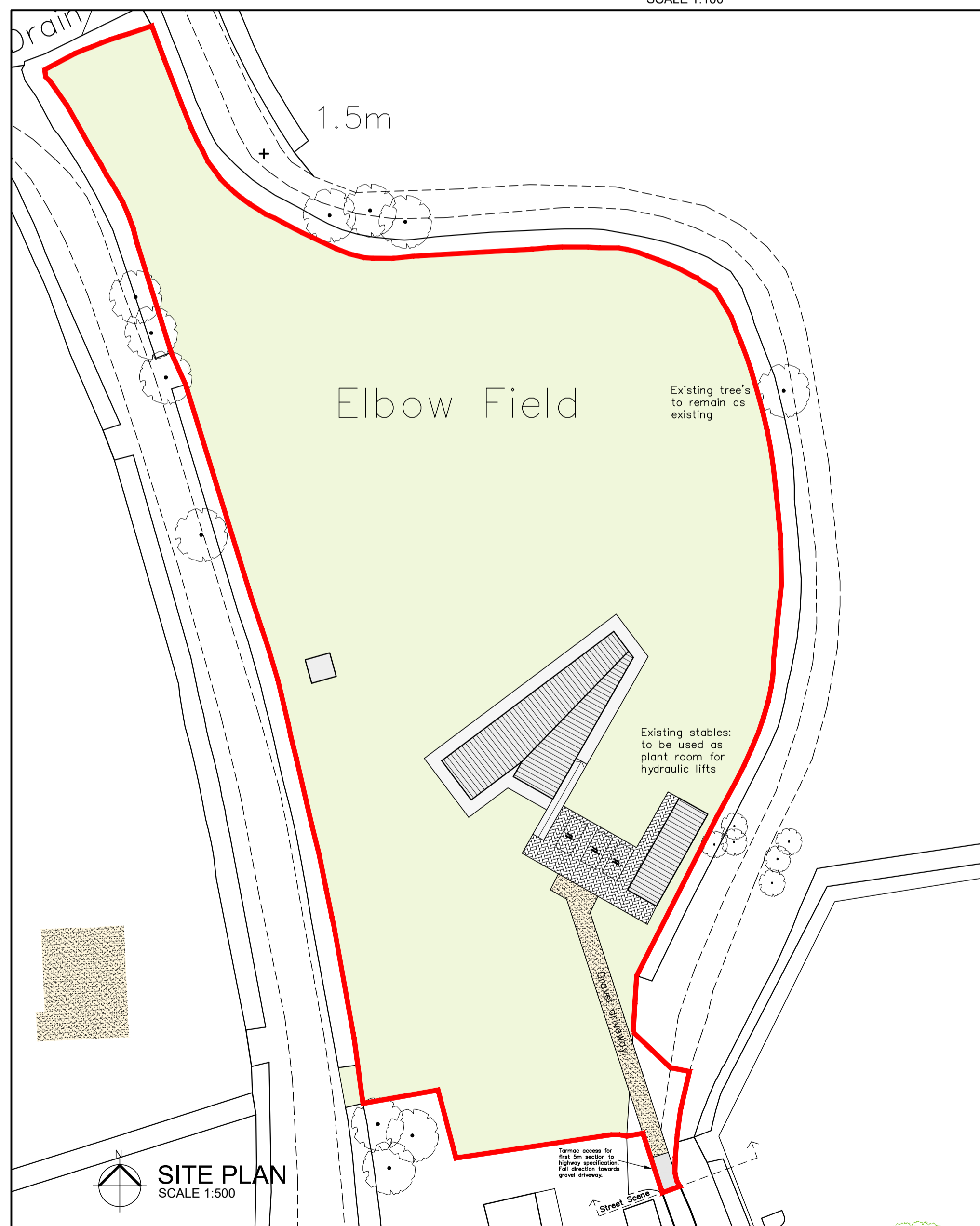
PROPOSED ELEVATION E (South South West)  
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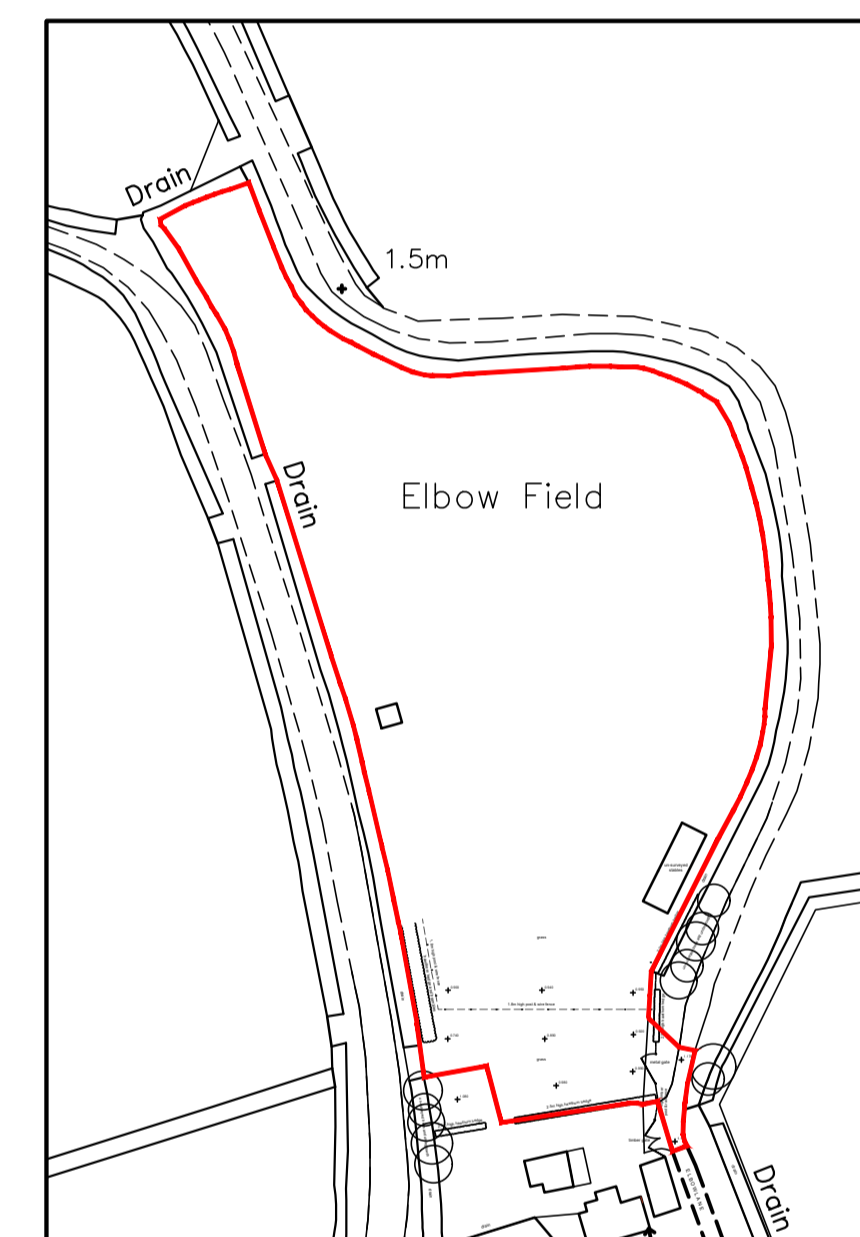
PROPOSED SECTION A-A  
SCALE 1:100



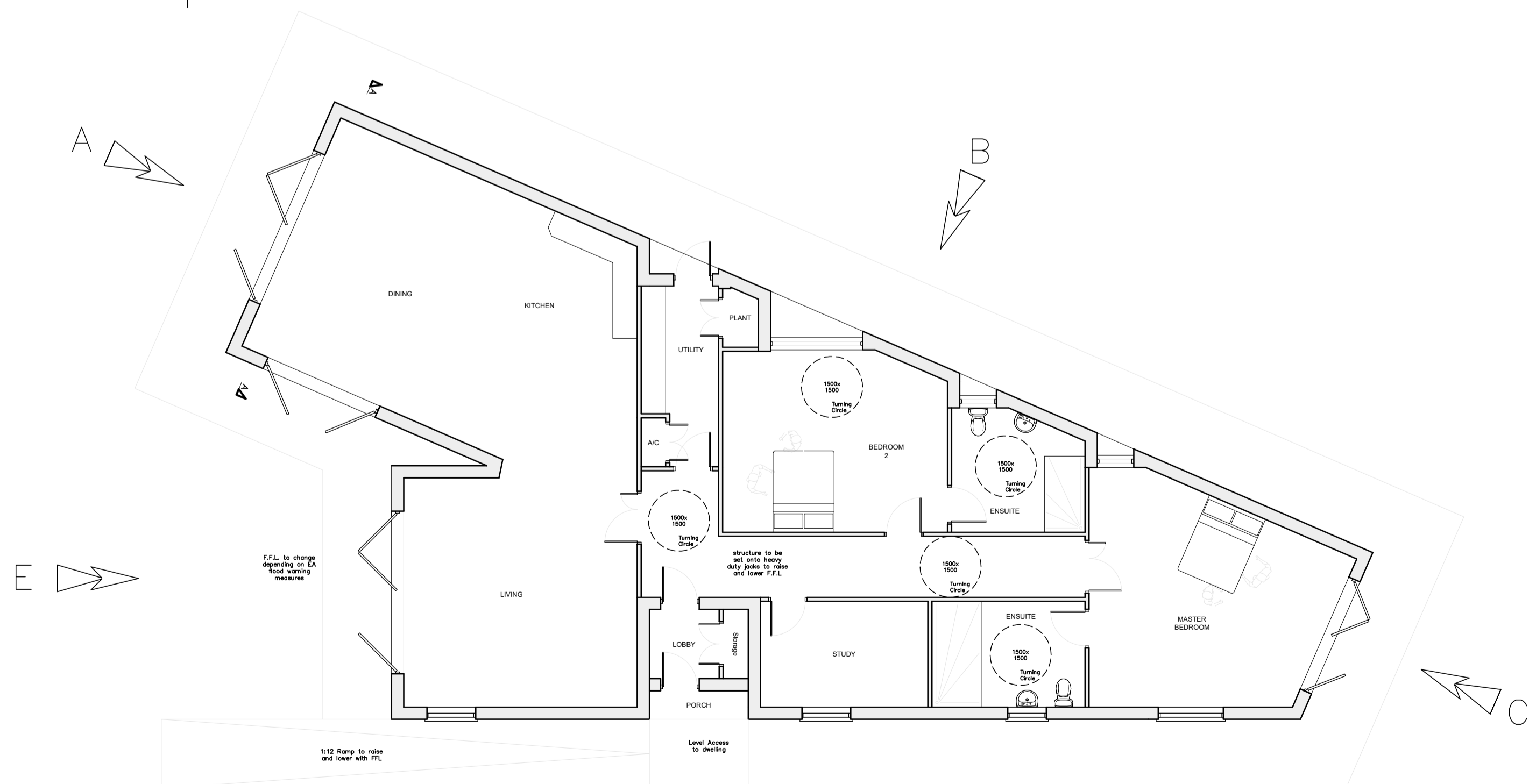
EXISTING SITE DETAILS  
SCALE 1:200



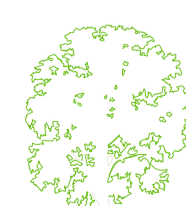
SITE PLAN  
SCALE 1:500



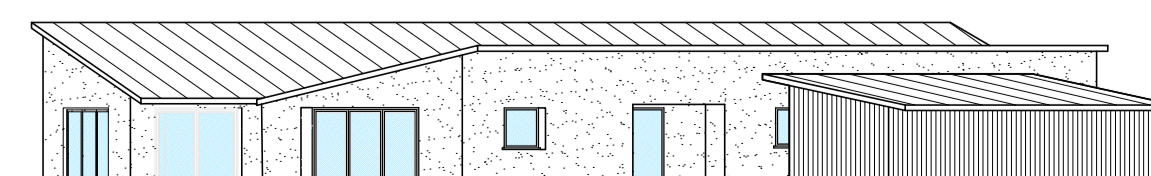
LOCATION PLAN  
SCALE 1:1250



PROPOSED PLAN  
SCALE 1:100



STREET SCENE  
SCALE 1:200



REVISION:  
**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
PROPOSED NEW DWELLING  
LAND OFF ELBOW LANE  
PARSON DROVE  
WISBECH  
CAMBS

CLIENT  
**MR & MRS CROWSON**

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