
F/YR21/0290/F

**Applicant: Mr Roy Hardiman
Barretts Leisure**

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

Land North East Of 347, Leverington Common, Leverington, Cambridgeshire

Erect a single-storey 2-bed dwelling in association with existing business (Part Retrospective)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks full planning permission to erect a single storey 2-bedroom dwelling in association with the existing business. The dwelling comprises a log cabin structure with a footprint of 17.3 metres long x 6.5 metres deep and an eaves height of 2.7 metres with a ridge height of 4.4 metres, it will be orientated in such a way that its front aspect looks out onto the commercial yard. It is intended that the dwelling will serve two functions; the first to provide security through an on-site presence and the second to act as an example of the product range on offer.
- 1.2 Whilst the existence of other dwellings in the vicinity results in the site not being 'physically' isolated the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Para. 78 of the NPPF and the tests established by the Braintree judgement would not be relevant and as such would not outweigh Policy LP12 in this instance.
- 1.3 Policy LP3 identifies that development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. It is contended that the site does not fall under any of these specified uses and as such the presumption must be against development.
- 1.4 Furthermore, the proposed use is not one which is allowed for under this policy when considering 'elsewhere' locations. Even if it was accepted that the use could be deemed appropriate within such an elsewhere location that scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need there can be no other response but to recommend refusal.

2 SITE DESCRIPTION

- 2.1 The site forms part of the Barretts Leisure complex with an area of circa 1544 square metres (including access) [circa 900 square metres (excluding shared

access)] being detailed within the application site boundary to the northern section of the site fronting Panswell Lane, which includes the location of the proposed dwelling and the access thereto, which is existing. At present the site forms part of the open yard associated with the Barretts Leisure use and at the time of the original site inspection works were underway to construct the log cabin which is the subject of this application; a supplementary site visit was undertaken in mid-June and it was noted that construction of the log cabin was significantly advanced with the walls and roof in situ.

- 2.2 Close boarded fencing forms the site boundary to the front of the site, bounding Panswell Lane and to the northern side of this road is Croft Cottage an attractive detached dwelling which occupies a large landscaped plot. Immediately to the south-west, south and south-east of the proposed dwelling is the open yard associated with Barretts Leisure which features a range of buildings. To the south-east of the site is a two-bay two-storey building constructed of corrugated sheeting, along the northern section of the site appear to be greenhouse units on display, with ad hoc sectional buildings also apparent. The location plan that accompanies the application identifies a wider holding of 18683 square metres (1.868 Ha) and this includes large greenhouse buildings and a bungalow to the south-western section of the site which is no 347.
- 2.3 Access to the site is derived from a wide hard-surfaced area which also provides access to glass house buildings in the central section of the site. The bungalow known as 347 benefits from independent access to its north-western frontage.
- 2.4 The site is located in an area which is both Flood Zone 1 and Flood Zone 2, however the flood zone 2 area extends into only a small section of the western part of the site, including the access, and does not include the area on which the proposed dwelling would be located.
- 2.5 In terms of general characteristics of the wider area this commercial operation sits within an open countryside location which features largely sporadic development along Panswell Lane, with a similar pattern of development along both Garden Lane and Leverington Common.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect a single storey 2-bedroom dwelling in association with the existing business. The dwelling comprises a log cabin structure with a footprint of 17.3 metres long x 6.5 metres deep and an eaves height of 2.7 metres with a ridge height of 4.4 metres, it will be orientated in such a way that its front aspect looks out onto the commercial yard. The drawings indicate that the external walls will be constructed of logs finished in a mid-grey tone, over a timber boarded plinth in a mid-grey finish with the roof being formed by pre-pressed clay pantiles with a navy finish. The roof will have a 600mm overhang to each end.
- 3.2 Drainage is detailed as being to soakaways and septic tank.
- 3.3 The submission is silent in respect of boundary treatment and how the application site would be laid out in terms of parking and amenity space.

Full plans and associated documents for this application can be found at:
www.fenland.gov.uk/publicaccess

4 SITE PLANNING HISTORY

14/0093/PREAPP	Show building with residential use.	Response not favourable
F/YR05/0301/F	Siting of log park home for display purposes	Granted 18.04.2005
F/0704/87/O	Erection of one dwelling in connection with nursery business	Permitted 12.11.1987

5 CONSULTATIONS

5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 12th April 2021, the Council recommended APPROVAL'*

5.2 **Environment & Health Services (FDC):** *'There are no concerns that this proposal will adversely impact upon the local air quality climate. This development will not cause any concerns for the occupiers of local residential properties.'*

There no known contaminants on site and no known former contaminative uses. However, I recommend the attachment of the attached standard unsuspected ground contamination condition be attached to any consent.

Consequently, there are no objections to this proposal, subject to the [unsuspected ground contamination] condition [being imposed]'

5.3 **North Level Internal Drainage Board:** *'North Level District IDB has no comment to make with regard to this application'*

5.4 **Environment Agency:** *'We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make'*

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)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

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

Para. 78 - Introduction of housing where it will 'enhance or maintain the vitality of rural communities'

Para. 79 - Planning [...] should avoid the development of isolated homes in the countryside unless [...] there is an essential need of a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Para. 83 - Planning policies should enable sustainable growth and extension of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings; [...]

Chapter 9 - Promoting sustainable transport

Para. 127 - achieving well designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context C1 - Relationship with local and wider context

Uses U1 A mix of uses

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

LP6 – Employment, Tourism, Community Facilities and Retail

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

8 KEY ISSUES

- Principle of Development
- Justification of need
- Character and visual amenity of the area
- Residential amenity
- Highways and access
- Flood risk

9 BACKGROUND

- 9.1 A pre-application enquiry was submitted in 2014 for a show building with residential use; in response to this enquiry the then agent (not the current agent) for the scheme was advised that:

'A log house for domestic accommodation would be classified as 'highly vulnerable' development and as the site lies in Flood Zone 2/ 3 there is a strong steer against such development. Indeed, the Technical Guidance which accompanies the NPPF states that development of this type should not be permitted in Flood Zone 3 and should only be allowed in Flood Zone 2 if the exception test is passed. In order for the exception test to be satisfied it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment will

also be necessary to demonstrate that the development will be safe for its lifetime, without increasing flood risk. From the information provided it would not appear that the proposal provides any sustainability benefits to the community and as such it is considered that the scheme would attract an 'in principle' refusal in accordance with policy.

Whilst I note that you intend to provide a business plan/appraisal to support any subsequent application, this is considered essential and should cover all the criteria outlined in Part D of LP12. I must highlight that the onus rests with the applicant to provide sufficient justification as to why it is essential for someone to live on the site, it is not considered that security alone should be relied upon to form the basis for such justification as there are other mechanisms which could be employed to act as a deterrent to criminal activity. It would also be of benefit to understand how the proposal would operate in practice when it comes to promoting the product range offered on site.

I am unable to comment on scale and design given that only an illustrative footprint has been shown, however careful consideration will need to be given to this aspect and any such proposal should also incorporate landscaping and clearly indicate any associated domestic curtilage if this is envisaged. I would also note that the earlier grant of permission for the stationing of a log cabin for display purposes, which does not appear to have been implemented, is not considered material to the consideration of the revised proposal highlighted.'

- 9.2 It is further noted that the wider site, which formally operated as garden centre, had an associated dwelling approved in 1987; however again this consent was not implemented.
- 9.3 In addition to the above it should be acknowledged that the wider site 'blue land' includes a bungalow with the postal address 'The Romes', Garden Lane.

10 ASSESSMENT

Principle of Development

- 10.1 This is an 'elsewhere' location when applying the criteria outlined in Policy LP12; given that it is clearly outside the built-up settlement of the nearest villages of Leverington and Wisbech St Mary. Whilst the existence of other dwellings in the vicinity results in the site not being 'physically' isolated the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Para. 78 of the NPPF and the tests established by the Braintree judgement would not be relevant and as such would not outweigh Policy LP12 in this instance.
- 10.2 As identified under Policy LP3 development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. It is contended that the site does not fall under any of these specified uses and as such the presumption must be against development.
- 10.3 Even in the case of a dwelling to serve one of the specified uses, there would be a need to meet the tests laid down in Part D of Policy LP12 which would require the application to demonstrate:
- (a) An existing functional need
 - (b) The number of part time and full-time worker(s) to live in the dwelling

- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling would relate to the viability of the enterprise

10.4 Notwithstanding the above 'principle' matters it is also necessary to consider the acceptability of the proposal in terms of visual impact, residential amenity, highway safety and flood risk as required by Local Plan Policies LP2, LP12, LP14, LP15 and LP16.

Justification of need

10.5 The submission comes forward with only cursory reference to 'need', with only the following statement in the submitted design and access statement addressing this aspect:

'This application is seeking approval for the erection of a new 2-bed dwelling for residential use.

However, the dwelling serves purposes in relation to an existing business. First, in association with the business, for continuous site security over the business property and its assets. Second, it acts as an advertisement for the business, this is due to the business selling buildings of this nature, thus, to show one currently in use offers greater perspective towards the building for customers.

The applicant is agreeable to a condition that redistricts [stet: restricts] the dwelling to only be used in association with the existing business'.

10.6 Accordingly the submission largely fails to address the requirements of Policy LP12 – Part D, not only in terms of providing details of the operation of the business and its viability (albeit it is stated that the business has been on site for in excess of 15 years) but also in terms of a functional need for the dwelling; noting that case law indicates that security alone will seldom be sufficient justification in this regard. With regard to security, no justification or evidence regarding this has been submitted with the application, and a view has been sought from the Crime and Design team regarding the prevalence of crime within the vicinity, and any specific issues arising in this location, and this will be reported to the committee. It is further noted that no clarification is provided as to the occupation of the existing dwelling, situated within the blue land, and why this is not able to perform a security function.

10.7 Furthermore the 'added value' to the business derived from the log cabin being occupied, over and above that secured by virtue of the 2015 consent (which it is noted was never implemented) is not clear. It is also questionable as to how the property would co-exist with the existing operation as a 'show-home' if it was occupied as a permanent residence.

Character and visual amenity of the area

10.8 In accepting the earlier 2015 submission, which was a smaller unit sited at the western end of the site currently under consideration, no issues were raised regarding character and visual amenity, albeit at the time of this submission it was acknowledged in the officer report that the site boundary was well screened by conifers and poplar trees. Although this landscaping no longer appears as a

feature of the locality with the northern boundary being formed by close boarded fencing it is considered that against the backdrop of the wider site that no issues may be raised with regard to visual amenity or character with no matters to reconcile with regard to Policies LP12 and LP16.

Residential amenity

10.9 Whilst the placement of the log cabin in this location is unlikely to have any adverse impact on the residential amenity of existing residents given the single storey nature of the proposal, the existing characteristics of the site and separation distances involved it has not been clearly established as to the level of residential amenity that will be derived from the proposal in terms of its intended occupants. That said the intended resident may have a lesser expectation with regard to the amenity available to them when 'traded-off' against business benefits. Given that there are fundamental 'principle' issues arising from the proposal details of the private amenity space allocation within the site and the intended boundary treatments have not been sought. It is not considered that there would be grounds to withhold consent on the grounds of residential amenity.

Highways and access

10.10 There are no matters of highway safety arising from the proposal given that it will utilise an existing/established access and sufficient land is included within the application site to provide parking commensurate with the use; accordingly there are no matters to reconcile with regard to Policy LP15. Notwithstanding this the submitted site layout fails to detail the precise areas to be made available for parking. However, considering the fundamental 'principle' issues relating to the scheme it was considered unwarranted to secure further details in this regard.

Flood risk

10.11 Since the earlier pre-application advice was given the flood risk classification of the site has changed, as such there are no longer matters of flood risk to reconcile as part of the evaluation of the scheme. The dwelling will be positioned solely within a flood zone 1 area and as such compliance with Policy LP14 is achieved.

11 CONCLUSION

11.1 The site lies within an 'elsewhere' location and as such the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the FLP. Furthermore, the proposed use is not one which is allowed for under this policy when considering 'elsewhere' locations. Even if it was accepted that the use could be deemed appropriate within such an elsewhere location that scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need there can be no other response but to recommend refusal.

12 RECOMMENDATION: Refuse

Reason for refusal

1	Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the
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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 otherwise unsustainable locations. The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with LP3, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available . Whilst the NPPF 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 outside any settlement limits and the justification given in terms of site security and display purposes is not sufficient to warrant the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).



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SITE
PROPOSED DWELLING IN ASSOCIATION WITH EXISTING BUSINESS
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PE13 5JR

ARCHITECTURAL DESIGN AND BUILDING
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30 OLD MARKET WISBECH CAMBS PE13 1NB

Building Design Award
Winner of the year 2010
October 2010

DRAWING: PLANNING DRAWING 1



Proposed Front Elevation (South) 1:100



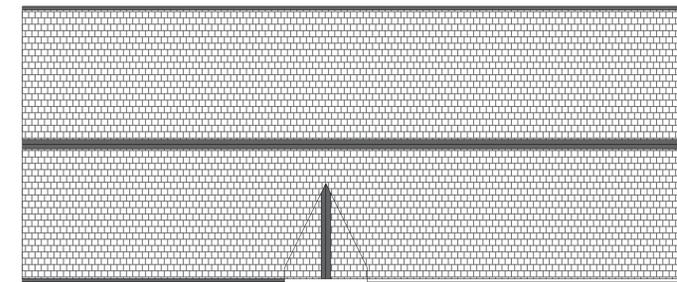
Proposed Side Elevation (West) 1:100



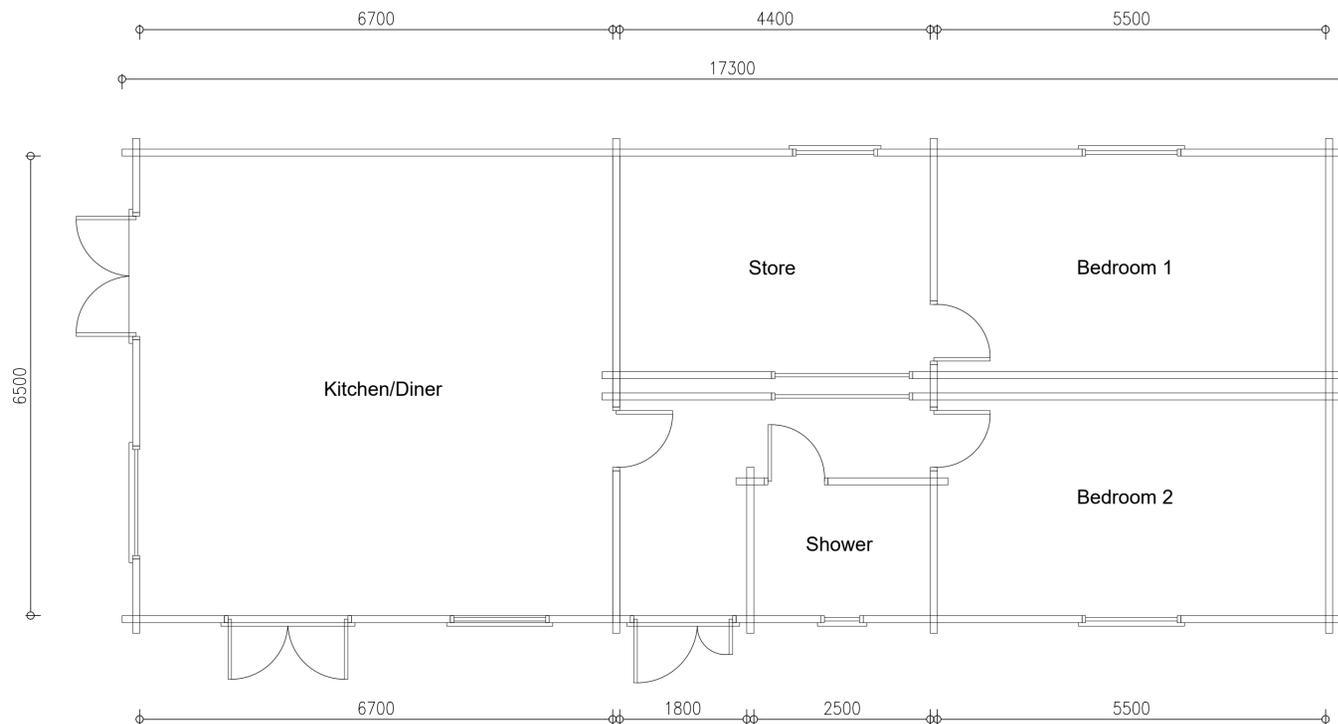
Proposed Rear Elevation (North) 1:100



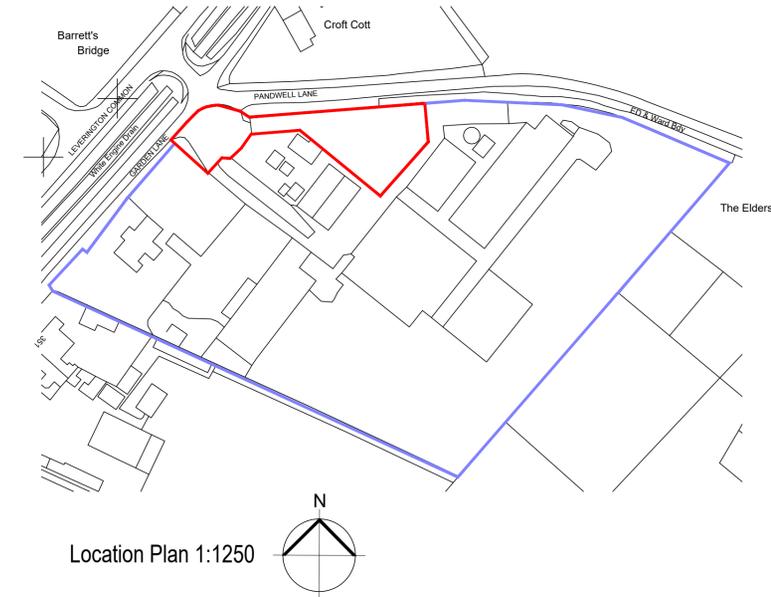
Proposed Side Elevation (East) 1:100



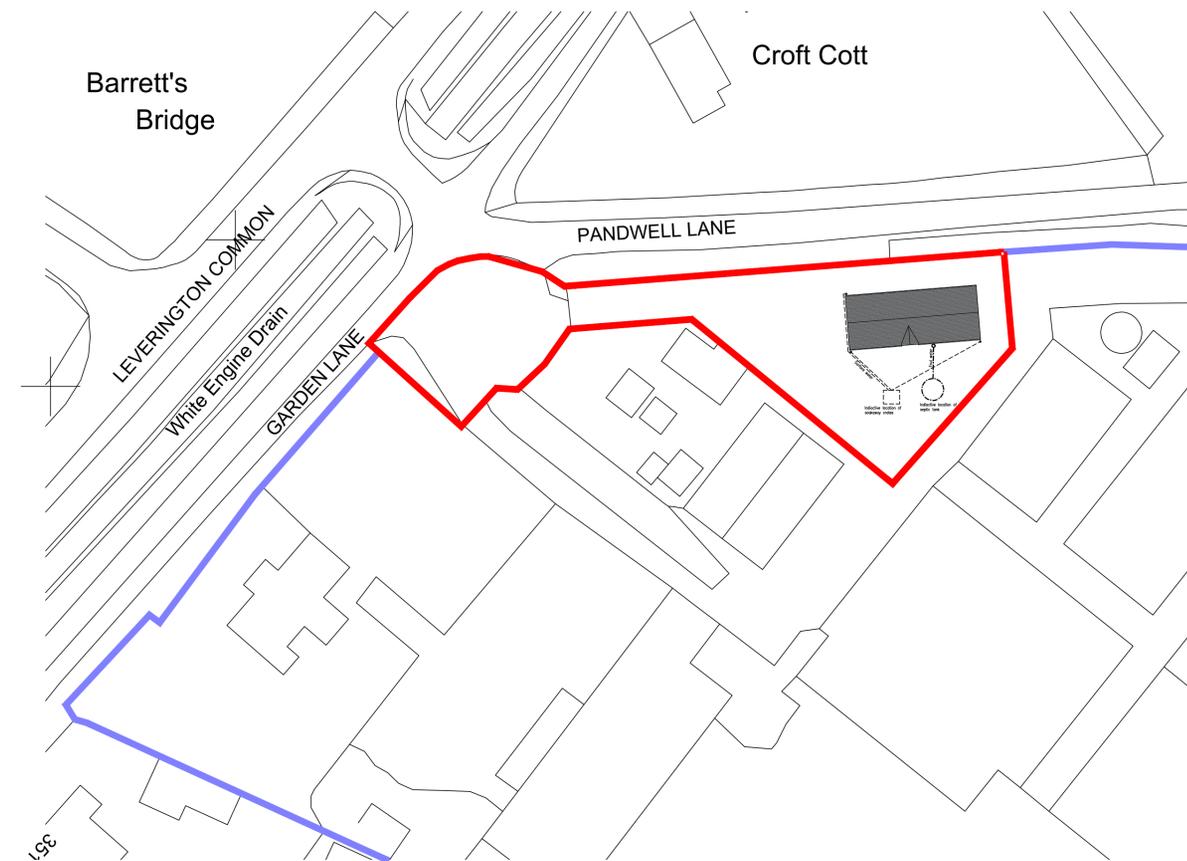
Roof Plan 1:100



Floor Plan 1:50



Location Plan 1:1250



Proposed Site Plan 1:500