
F/YR21/0387/F

Applicant: Mr & Mrs Fowler

**Agent: Mr Tim Slater
3D Planning Ltd**

Land North East Of The Woodlands, Days Lode Road, Fodder Fen, Manea

Temporary siting of a lodge (single storey, 2-bed) for 5 years in association with existing agricultural contractors business at the site including erection of a post and rail fence (1.2m high max, north boundary) (retrospective)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman.

1 EXECUTIVE SUMMARY

- 1.1. This application is retrospective and seeks to regularise the temporary siting of a lodge for 5 years, associated with an existing agricultural contractors' business at the site, and the erection of the 1.2m post and rail fencing.
- 1.2. The application includes details regarding the use of the lodge on a temporary basis while the applicants continue to work (in semi-retirement) for the existing agricultural contractors business at the site. However, Policy LP3 requires development to be *essential* to the effective operation of such a business. By virtue that the applicants currently reside at the existing dwelling at the site known as 'The Woodlands' which is already associated with the agricultural contracting business at the site and have continued to work within the business whilst doing so, there is not a demonstrable essential need for alternative accommodation to be provided at the site to continue effective operation of the business. Thus, the proposal to provide additional temporary accommodation at the site is unnecessary, and therefore contrary to Policy LP3.
- 1.3. Furthermore, Policy LP12 Part D also considers the availability of other suitable accommodation on site or in the area (noted as e). Given that there is already suitable residential accommodation available within 'The Woodlands', there is no functional need for an alternative dwelling in this location to ensure further development and continuation of the existing business. Thus, the proposal is considered contrary to Policy LP12 Part D.
- 1.4. In addition, the absence of a functional need renders the scheme non-compliant in terms of the sequential and exceptions test and contrary to Policy LP14.
- 1.5. The proposal complies with the necessary policies regarding design and character, residential amenity, and access.
- 1.6. Notwithstanding, the principle of development is such as the proposal is considered unacceptable with regard to Policies LP3, LP12, and LP14 and hence the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is located in Flood Zone 3, on existing land associated with 'The Woodlands'. Located to the south side of Days Lode Road, within the open countryside known as Fodder Fen, Manea approximately 4 miles southeast of March.
- 2.2. The site is predominately grassland, with sporadic trees and a large man-made pond to its centre. It is bounded by a 1.2m post and rail fence to the north, east and south. The northern boundary also includes a substantial hedge blocking views to the site from the road. The site is at a lower level than the existing Days Lode Road that runs to the north. An existing mature hedge also runs along the western boundary between the site and the adjacent 'The Woodlands'.
- 2.3. The site is accessed by a compacted stone driveway to its eastern side that drops down from the bank of Days Lode Road to an area of compacted stone hardstanding apron to the front of an existing building associated with the existing agricultural contractors' business at the site.
- 2.4. To the west of the agricultural building is a single storey, 2-bed lodge. The lodge is finished externally in dark grey cladding with black fenestration. The lodge encompasses a 9.25m x 8.7m footprint, with a pyramid hipped roof reaching 4.419m to the ridge and 3.2m to the eaves.

3 PROPOSAL

- 3.1. This application is retrospective and seeks to regularise the temporary siting of the lodge for 5 years, associated with an existing agricultural contractors' business at the site, and the erection of the 1.2m post and rail fencing.
- 3.2. Information submitted with the application states that the lodge is to enable the applicant to sell their current residence 'The Woodlands' and to use the lodge as on site accommodation to enable them to live on site for limited periods of time while they continue to work at the agricultural contractors business during a period of semi-retirement.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR21/0236/F	Erect a building associated with existing agricultural contractors' business at the site, including hardstanding and formation of access (retrospective)	Granted 11.05.2021
F/YR16/0020/F	Erection of a farm office building and 1.5m high (max height) post and rail fencing (retrospective)	Refused 07.03.2016
F/YR15/0632/F	Erection of a farm office building and 1.4m high post and rail fencing (retrospective)	Refused 13.10.2015
F/YR13/0700/F	Erection of 1 x single-storey 3-bed log cabin for use as holiday accommodation and erection of 1.2m high post and rail fencing	Refused 13.12.2013
F/YR13/0498/F	Erection of 2 x 3-bed log cabins for use as holiday accommodation and erection of 1.2m high post and rail fencing	Withdrawn 22.08.2013

5 CONSULTATIONS

5.1. **Manea Parish Council** – *No objection*

5.2. **Environment Agency** – *We have no objection to the proposed development.*

5.3. **Cambridgeshire County Council Highways Authority**

I have no highway objections subject to the following condition:

Notwithstanding the submitted plans and prior to the commencement of use of the development (or time limited trigger point if this is retrospective) a scheme shall be submitted and approved in writing by the Local Planning Authority which details a sealed and drained access to the site 5mx10m. The use hereby approved shall not be commenced until the access has been constructed and surfaced in accordance with the approved scheme In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan, 2014.

5.4. **Environmental Health (FDC)**

This proposal will not adversely impact upon the local air quality climate. There are no concerns that this proposal creating any noise issues. There no concerns with ground contamination. However, as this proposal is for residential use, I would recommend the attachment of the standard ground contamination condition to any consent granted. Consequently, there are no objections to this proposal receiving consent, subject to the above.

5.5. **Local Residents/Interested Parties**

The LPA received two letters of support for the scheme citing that support of this application would allow an existing employer to retain business links to the area and that the proposal will not impact residential amenity or the environment.

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 to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – a presumption in favour of sustainable development

Para 79 – homes in the countryside

Para 124 – good design is a key aspect of sustainable development

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**
- 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 Area Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP16 – Delivering and Protecting High Quality Environments
- 7.5. **Cambridgeshire Flood and Water Supplementary Planning Document**

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Impact on residential amenity**
- **Flood Risk**
- **Access**

9 ASSESSMENT

Principle of Development

- 9.1. The site is located to the south side of Days Lode Road, within the open countryside known as Fodder Fen, Manea approximately 4 miles southeast of March. As such, Policy LP3 categorises this location as ‘Elsewhere’ where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and will be subject to a restrictive occupancy condition.
- 9.2. Policy LP12 Part D states proposals for new dwellings in ‘Elsewhere’ locations (as set out in Policy LP3), will be supported where the application addresses the *functional need* for a dwelling in this location (noted as a) with supporting evidence and due regard to the necessary criteria of the Policy. Proposals for temporary accommodation will be assessed against the relevant criteria, with consideration also given to a firm intention to develop the enterprise and that this has been planned on a sound financial basis.
- 9.3. The application includes details regarding the use of the lodge on a temporary basis while the applicants continues to work (in semi-retirement) for the existing agricultural contractors business at the site. As such, the link between the lodge and an existing agricultural business is established. However, Policy LP3 requires development to be *essential* to the effective operation of such a business. By virtue that the applicants currently reside at the existing dwelling at the site known as ‘The Woodlands’ which is already associated with the agricultural contracting business at the site and have continued to work within the business whilst doing so, there is not a demonstrable essential need for alternative accommodation to be provided at the site to continue effective operation of the business. Thus, the proposal to

provide additional temporary accommodation at the site is unnecessary, and therefore contrary to Policy LP3.

- 9.4. Furthermore, Policy LP12 Part D also considers the availability of other suitable accommodation on site or in the area (noted as e). Given that there is already suitable residential accommodation available within 'The Woodlands', there is no functional need for an alternative dwelling in this location to ensure further development and continuation of the existing business. Thus, the proposal is considered contrary to Policy LP12 Part D.
- 9.5. Therefore, given the above, the principle of development such as the proposed is considered unacceptable.

Design considerations and visual amenity of area

- 9.6. The site is located to the south side of Days Lode Road. The road is situated on a high bank, with the application site below its southern side. On approach to the site from the west and when directly facing south toward the site from the road, only the upper part of the roof are visible within the streetscene, shielded predominately by the existing mature hedgerow that runs along the road to the north boundary of the site. From the east, views to the lodge are shielded by the existing agricultural building at the site (approved under F/YR21/0236/F).
- 9.7. The lodge is of modest scale and design and is not dominant in the landscape, nor does it appear out of character within the countryside setting.
- 9.8. Therefore, given the above, it is considered that the proposals comply with Policies LP12 and LP16 with regard to design and character.

Impact on residential amenity

- 9.9. Policies LP2 and LP16 of the Fenland Local Plan seek to ensure that development provides a good level of residential amenity.
- 9.10. The lodge is located approximately 60m east of the nearest residential property, known as The Woodlands, which is currently owned and occupied by the applicant. There are other residential properties to the east and west of the lodge, however these are at much greater distances of over 250m. At these distances, there will be negligible impacts from the lodge on the residential amenity of these properties. The site offers considerable open space around the lodge to be enjoyed as amenity space for occupants of the lodge.
- 9.11. Whilst it is noted that the lodge is in close proximity (within approximately 6m) of the recently approved existing agricultural building (F/YR21/0236/F) used in relation to the agricultural contracting business, it is considered that as it is intended for occupants of the lodge to be employed within the business, any impact to amenity from the generation of noise, dust, etc, is accepted.
- 9.12. Therefore given the above, it is considered that the proposals will have limited impacts on residential amenity and therefore accords with Policies LP2 and LP16 of the Fenland Local Plan.

Flood Risk

- 9.13. The FRA supplied with the application suggests that *'The site is protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps. When the Middle Level Barrier Bank is considered the site has a low probability of flooding and is considered to pass the sequential test.'* However comments received from the Environment Agency state *'Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.'*
- 9.14. PPG indicates that *'When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere'* Paragraph: 033 Reference ID: 7-033-20140306; this is not carte blanche to accept that the development is acceptable in flood risk terms. Given that it has not been demonstrated that there is a 'functional' need for the property it is considered that the sequential test on this occasion could not be deemed as met.
- 9.15. Similarly, despite the Environment Agency raising no objection to the scheme and proposed flood mitigation measures at the site, which suggests that the scheme may be considered compliant with the 2nd part of the Exceptions Test, i.e. safe from flood risk, it is not considered that the scheme meets the 1st part of the Exception Test regarding the wider sustainability benefits of the scheme outweighing flood risk.
- 9.16. Details within the application suggest that the wider sustainability benefits to the community may be considered as the continuation of a rural enterprise, in support of the rural economy, advocated by paragraph 83 of the NPPF. However it must be again highlighted that there is nothing to suggest that the business could not continue to operate without the proposed dwelling at the site, nor indeed has it been evidenced that there is a functional need for a separate dwelling at the site, owing to the fact that applicants currently reside at the existing dwelling known as 'The Woodlands' which is already associated with the existing agricultural contracting business.
- 9.17. Therefore, based on the above evaluation it must be concluded that the development does not satisfy either the Sequential or Exceptions test and as such fails to comply with Policy LP14 of the FLP (2014), the Cambridgeshire Flood and Water Supplementary Planning Document and Chapter 14 of the NPPF.

Access

- 9.18. CCC Highway Authority concluded that the access to the site would be acceptable, subject to a scheme regarding surfacing of the mouth of the access to be agreed in writing within an appropriate time period subsequent to the approval of the application (should approval be granted).

9.19. Thus, it is considered that, subject to the adherence to the necessary condition, the access arrangement will accord with Policy LP15 of the Fenland Local Plan.

10 CONCLUSION

- 10.1. Whilst there are negligible impacts from the lodge with regard to visual or residential amenity, or access and it is accepted that there may be some benefits derived from positioning a dwelling on this site, these appear to be largely relating to convenience as opposed to an essential functional need being demonstrated. Similarly, it is apparent that the applicant is a well-respected and well supported business owner who is valued within his local community. However, these factors do not outweigh the planning policy relating to the provision of residential accommodation within 'elsewhere' locations.
- 10.2. Such policy, both national and local, seek to ensure that only essential development is located within the open countryside and that should residential development be proposed to support such 'essential' development there should be a clear functional need demonstrated for its provision.
- 10.3. The applicant failed to justify a functional need for an alternative dwelling in this location to ensure further development and continuation of the existing business, by virtue that the existing dwelling The Woodlands offers sufficient residential accommodation for the proprietors of the agricultural contracting business.
- 10.4. In addition, the scheme fails to satisfy the Sequential and Exceptions test relating to flood risk as no functional need has been demonstrated.
- 10.5. Based on the above evaluation the only recommendation must be one of refusal as there are no material considerations identified that would outweigh planning policy relating to non-essential development within elsewhere locations and flood risk.

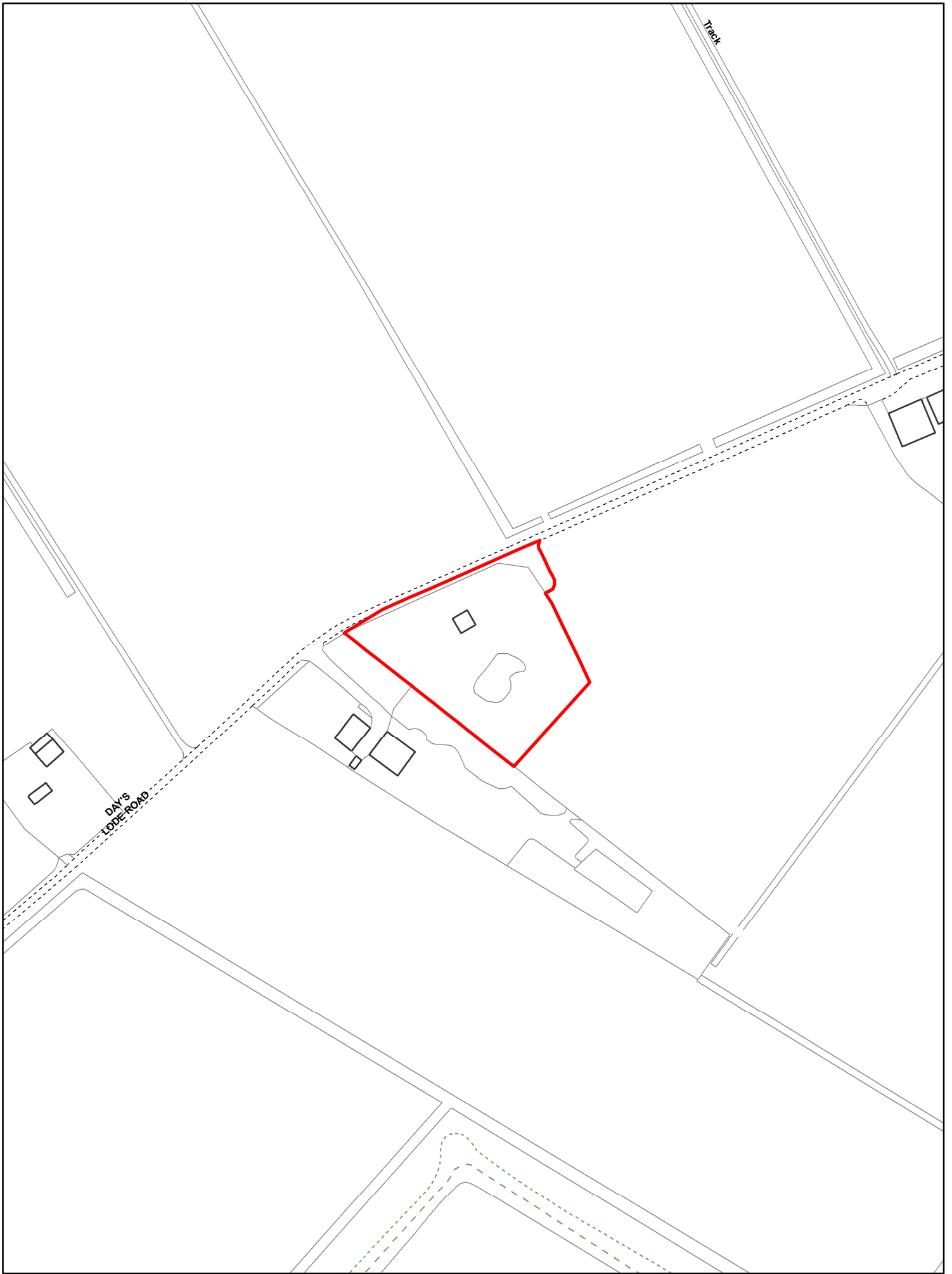
11 RECOMMENDATION

REFUSE, for the following reasons:

1. Policy LP3 requires development in 'Elsewhere' locations to be *essential* to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D states proposals for new dwellings in 'Elsewhere' locations will be supported where the application addresses the functional need for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area. NPPF Paragraph 79 (a) recommends the avoidance of the development of homes within the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. By virtue that the applicants currently reside at the existing dwelling at the site known as 'The Woodlands' which is already

associated with the agricultural contracting business at the site, and have continued to work within the business whilst doing so, there is not a demonstrably essential or functional need for alternative accommodation to be provided at the site to continue effective operation, development or continuation of the agricultural contracting business at the site. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.

2. Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 areas to undergo a satisfactory sequential test to demonstrate that the development cannot be delivered elsewhere in a location of lower flood risk. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area and the scheme proposal fails both the sequential and exceptions test given that there is no functional need for a dwelling on the site and that the submitted Flood Risk Assessment fails to demonstrate that the development will be safe for its lifetime. Consequently, the proposal fails to satisfy policies LP2, LP14 and LP16 of the Fenland Local Plan as it fails to deliver a high-quality environment and unjustifiably puts future occupants at higher risk of flooding. Furthermore the submission does not comply with the NPPF or the Cambridgeshire Flood and Water Supplementary Planning Document, adopted 15th December 2016.



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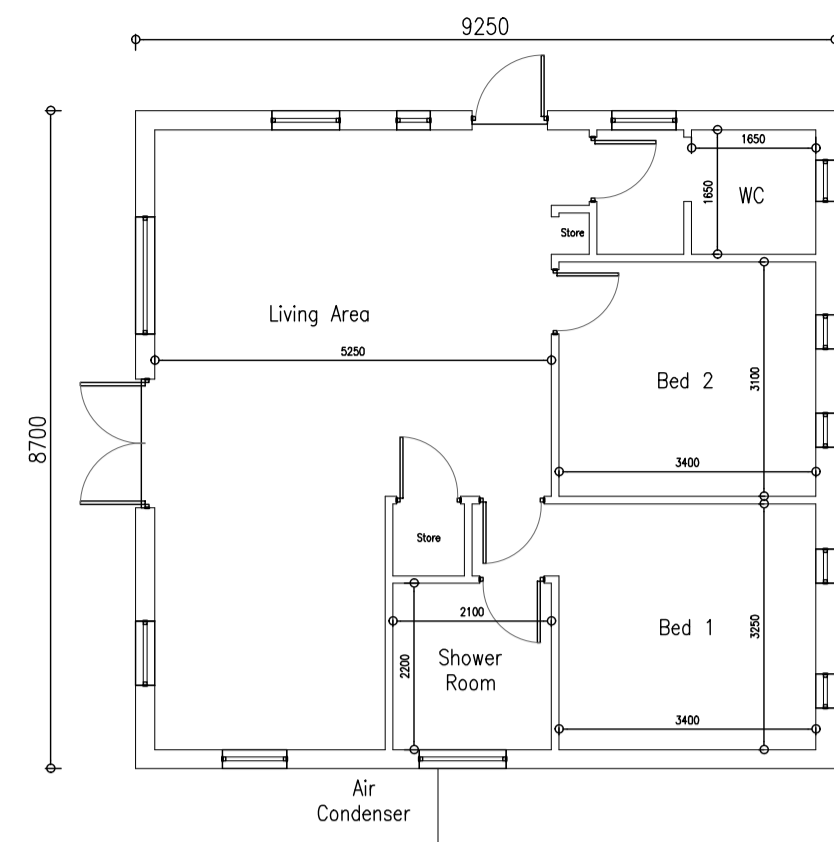
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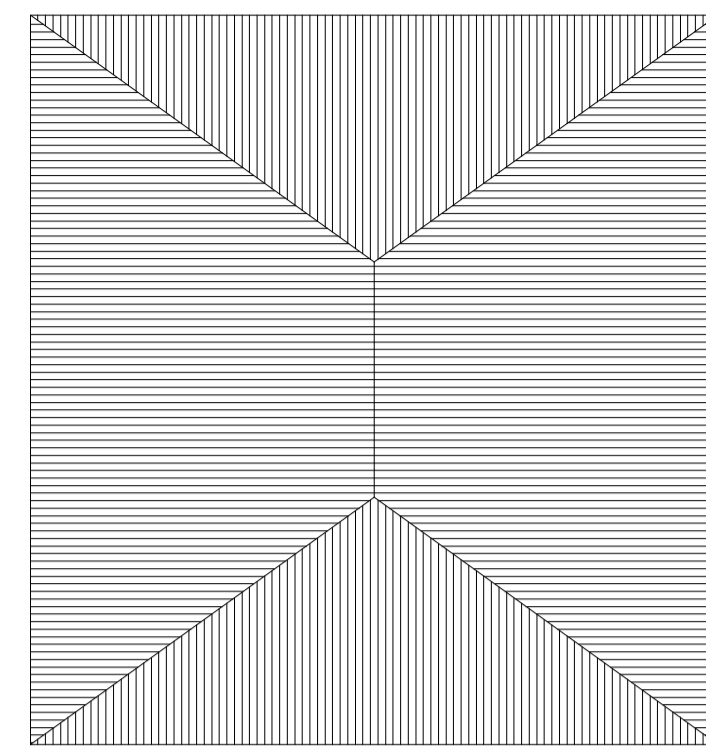


Existing & Proposed (Retrospective) Street View 1:200

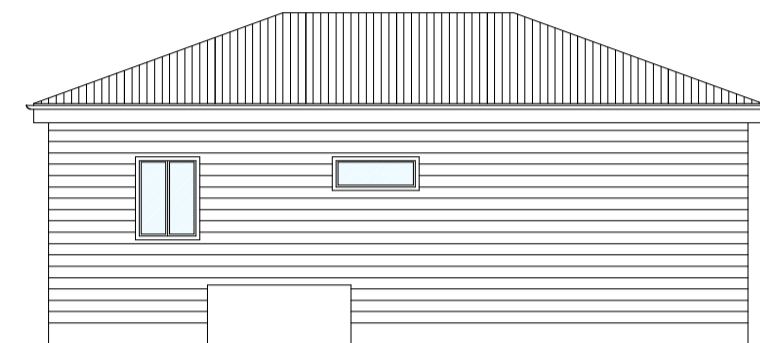
Existing & Proposed (Retrospective)



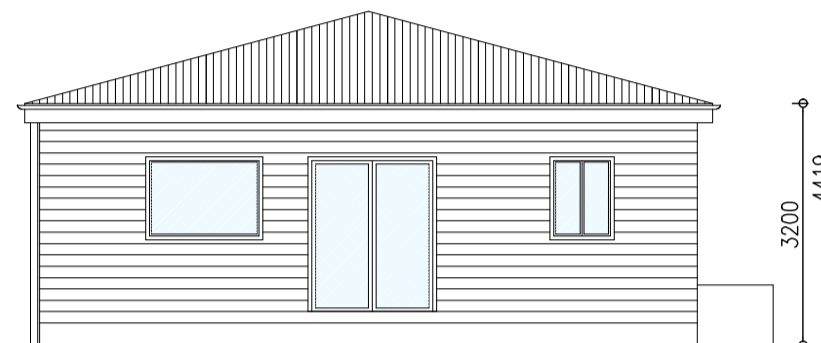
Dwelling Floor Plan 1:100



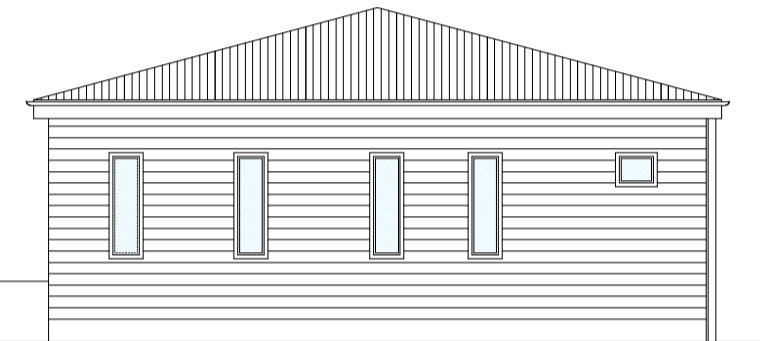
Roof Plan 1:100



Side Elevation 1:100



Front Elevation 1:100

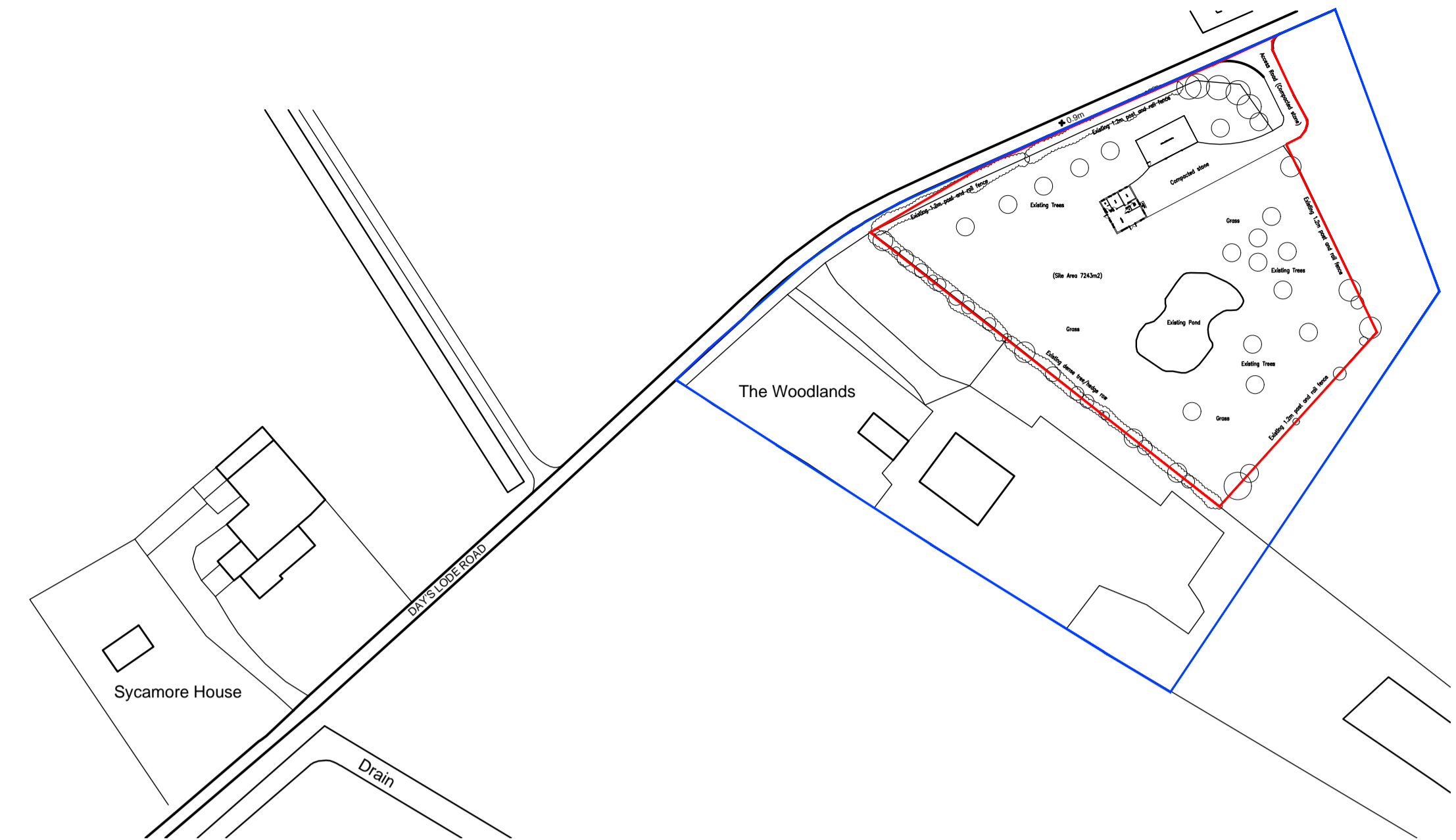


Rear Elevation 1:100

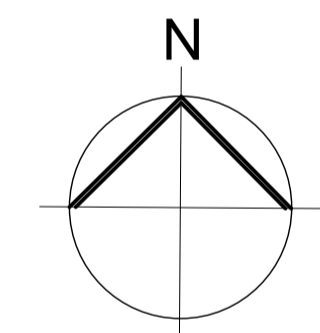
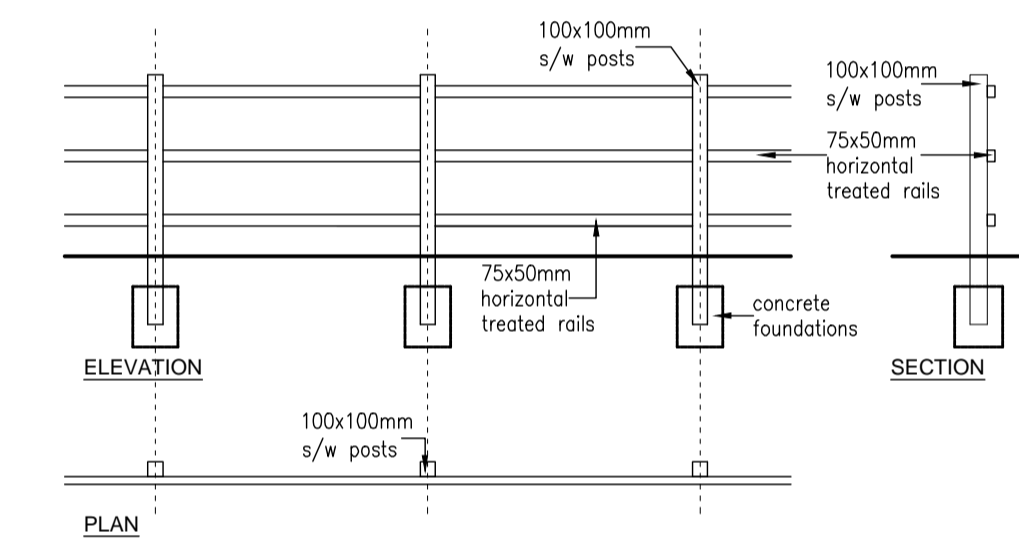


Side Elevation 1:100

Location Plan 1:1250



Fence Detail 1:50



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
RETENTION OF EXISTING DWELLING

SITE
LAND NORTH-EAST OF 'THE WOODLANDS'
DAYS LODE ROAD
FODDER FEN
MANEA
PE15 0HH

DRAWING
Existing and proposed plans/elevations
(Retrospective application)

CLIENT
Mr R Fowler

DATE: January 2021 SCALE: As Shown JOB No. 4969/01F

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Fenland District Council
Building Design Awards
Building Excellence in Fenland
Category Winner 08/09/10
Overall Winner 2010

Existing & Proposed (Retrospective) Site Plan 1:500

