

Applicant: Mrs Claire Butcher

**Agent : Mr Adam Sutton
A L S Design Services**

Land West Of Antwerp House, Gosmoor Lane, Elm,

Erect a 3/4-bed 2-storey dwelling with detached double garage

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This submission seeks full planning permission for the erection of a detached dwelling and garage in an elsewhere location, as defined under Policy LP3 of the Fenland Local Plan (2014).
- 1.2 Whilst no substantial harm has been identified in terms of character and visual amenity considerations and there are no adverse impacts identified in respect of residential amenity in terms of existing residents these do not obviate the harm that arises by virtue of the sites location within an 'elsewhere' location.
- 1.3 Future residents of the property would be entirely dependent of private motor vehicles to access goods and services which is clearly and fundamentally odds with both national and local planning policy, as evidenced by the appeal case quoted below in respect of the site at Crooked Bank. To allow the scheme would set an unacceptable precedent for development in this unsustainable location and would be stridently at variance to the prevailing planning policies.
- 1.4 Accordingly, the application is recommended for refusal as unsustainable development within an elsewhere location.

2 SITE DESCRIPTION

- 2.1 The application site is located to the south of Gosmoor Lane and is currently garden land serving Antwerp House, a detached two-storey dwelling situated to the east. There is a single storey dwelling, Darley Dale to the west. Opposite the site, on the northern side of Gosmoor Lane are open fields; albeit properties addressing Colletts Bridge Lane are readily visible to the north/north-west.
- 2.2 Gosmoor Lane features sporadic development along its most easterly stretch as it approaches the County boundary with Norfolk, with development concentrated just over 1 kilometre (0.64 miles) to the western end of this lane.
- 2.3 It is further noted that there are no footways or lighting between the site and Oldfield Lane; and that Gosmoor Lane itself, along the stretch between Check Cottage, 30 Gosmoor Lane (being circa 80 metres east of Oldfield Lane) and the site, is subject to the national speed limit.

2.4 The site is within a flood zone 1 location

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a two-storey 3/4 bedroom detached dwelling with a footprint of 14 metres by 8.2 metres, supplemented by a rear two storey outshoot which will project 4.7 metres rearward with a width of 5.45 metres. The main section of the property will have an eaves height of 5.1 metres and a ridge height of 7.7 metres, with the rear offshoot having a marginally lower ridge.
- 3.2 Also proposed is a detached garage which includes a workshop/store. This element is shown located to the eastern side of the plot and it will have a footprint of 7 metres wide x 9 metres deep. It will have a maximum height of 4.5 metres.
- 3.3 Materials have not been specified within the submission.
- 3.4 An updated site plan has been received which details the proposed access and visibility splays, the drawing notes that it will be necessary to remove the existing boundary hedge to the front of the site and indicates that a native hedge will be replanted outside of these visibility splays. The location of the existing telegraph pole to the north-eastern corner of the site is also shown.
- 3.5 The new access to serve the property is proposed to the north-eastern end of the site with a driveway leading to the proposed garage and provision made for turning to the front of the proposed dwelling.
- 3.6 Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

20/0151/PREAPP	Erect 1 x dwelling	Non-favourable response 24.11.20
F/1185/89/O	Erection of 2 houses Land West of Antwerp House, Gosmoor Lane, Elm	Refused 14.12.1989 Dismissed at Appeal 16.07.1990

5 CONSULTATIONS

- 5.1 **Parish Council**
'Elm Parish Council raises no objection to proposals submitted under planning application ref. F/YR21/1494/F'
- 5.2 **Cambridgeshire County Council Highways Authority**
'The site is located in a rural location without footways or streetlighting. It is likely that almost all journeys will be made by private motor transport. FDC to consider the general location in terms of sustainability and the lack of supporting infrastructure.'

The plans are not showing visibility splays and they need to be updated accordingly appropriate to the speed limit. The frontage vegetation would be a constraint and will need extensive removal to provide a splay. Plans also to be updated to show the pole position to demonstrate that this is not a constraint to access.

Please ask the agent to provide the additional information and consult with me again when the revised details are received.'

Following receipt of an updated site layout the LHA comments as follows:

'I refer to the revised plans which are showing visibility splays. To the west this is 215m and to east visibility to the junction is achieved. This requires some cutting back of hedge including within blue line area. I have no objections to the planning application subject to the following conditions:

1. *Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

2. *The access shall be sealed and drained away from the highway to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.*

Reason: To prevent surface water discharging to the highway.

3. *Prior to the first occupation of the development the proposed on-site parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

4. *Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted Proposed site and Location Plan 001 rev A. The splays shall thereafter be maintained free from of any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.*

Reason: In the interests of highway safety.

5.3 Environment & Health Services (FDC)

'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.'

5.4 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 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The 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 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 79 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Para. 80 - Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for 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;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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

7.2 National Planning Policy Guidance (NPPG)

7.3 National Design Guide

Context C1 - Relationship with local and wider context;
Identity I1 - Respond to existing local character and identity
Built Form B2 - Appropriate building types and forms
Movement M1 – An integrated network of routes for all modes of transport
Uses U2 - A mix of home tenures, types and sizes
Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities
Lifespan L3 - A sense of ownership

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 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**
- **Visual amenity and character**
- **Residential amenity**
- **Highways safety and sustainability**
- **Flood risk**

9 **BACKGROUND**

- 9.1 In 1989 a proposal for 2 dwellings in this location was refused and the decision was taken to appeal. Although this is a historic decision which pre-dates the current development plan it does remain pertinent to the consideration of this current scheme.
- 9.2 The Planning Inspector felt that the main issue in that case was whether the development would be intrusive development in the open countryside. Whilst the bungalow to the west was noted it was considered that the 'gap' of circa 100m resulted in the bungalow being 'one of a number of scattered dwellings' and therefore the proposal not deemed to be infill.
- 9.3 The Inspector also considered scheme would detract from the predominantly open appearance of the surrounding rural area, although it was noted they would be 'a limited harmful effect on the general appearance of the countryside'.
- 9.4 However, it was considered that a precedent would be set which would make it more difficult for the Council to resist similar proposals noting that 'the cumulative effect of a series of such developments could be the serious erosion of the open character of the rural area'.
- 9.5 It must also be noted that the applicant submitted a pre-application enquiry in late 2020 and was advised that:
- The site was within an elsewhere location outside of the main built settlement (as defined under Policy LP12) of Elm where development was

restricted to that essential for a range of defined uses, i.e. agriculture, horticulture etc (see Policy LP3).

- Although due regard has been given to the latest iteration of the NPPF, especially with regard to paragraphs 78-79 of the NPPF (which identified that housing should be located where it will enhance or maintain the vitality of rural communities; with paragraph 79 going on to identify a number of criteria which would allow for the development of isolated dwellings in the countryside - none of which are applicable in this instance).
- The locational disadvantages of the site, i.e. distance from main services and facilities and the lack of footpath routes were such that it could not be argued that reinforcing this small enclave of housing would support services in nearby settlements at a level which would override the settlement hierarchy outlined in Policy LP3.
- Of particular relevance to the consideration of the pre-application proposal was an appeal decision for a dwelling at Crooked Bank, Elm (F/YR19/0828/F). This appeal decision highlighted that whilst the intended dwelling was not 'physically isolated' (as there were other dwellings present in the immediate vicinity) it was 'functionally isolated' in that future householders would be dependent on private motor vehicles to access services resulting in unsustainable development.
- With regard to character considerations a further dwelling in this location was also considered to be at odds with its rural surroundings as it would extend the built form along this rural lane. The established 'soft' frontage which extends to the west was considered to be a key component of the existing character of the area which is essentially open countryside interspersed by sporadic development. Whilst it was accepted that there were a number of dwellings to the north in Colletts Bridge these were not considered to dictate the overall character of the wider area as they were read as a separate component in terms of character and context.
- Based on the above evaluation the development proposal was also considered at odds with Policy LP12 which seeks ensure that development proposals do not have an adverse impact on the character and appearance of the surrounding countryside.

10 ASSESSMENT

Principle of Development

- 10.1 As outlined in the 'Background' section above the site is an elsewhere location away from the main settlement of Elm and does not benefit from any functional links, in terms of footways and lighting, to the village centre and services.
- 10.2 In accordance with Policy LP3 there can be no policy support for the development as it is clearly at odds with the settlement hierarchy and would result in housing within the open countryside. Notwithstanding the existence of other dwellings within the area this scheme has a direct parallel with the appeal decision at Crooked Bank quoted in the background section above.
- 10.3 The agent rebuts this within their submission noting that '*with regard to Policy LP3 of the FLP (2014) the proposal located in Collett's Bridge which is listed in*

'other village' . The policy details that development in these 'other villages' will be restricted to single infill sites. This proposal complies with policy LP3 on this basis'.

- 10.4 In response it is noted that whilst the current local plan does not draw boundaries around settlements the earlier iteration of the development plan (the Fenland District-Wide Local Plan (amended 2004) drew the Colletts Bridge 'Development Area Boundary' around housing located to the eastern side of Colletts Bridge Lane and clearly excluded Antwerp House from this 'settlement'.
- 10.5 The current development plan clearly identifies under Policy LP12 that 'the developed footprint of [a] village is defined as the continuous built form of the settlement and excludes: (a) individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement'. This scenario is clearly the case with regard to the relationship of Antwerp House and the 'settlements' of both Elm and Colletts Bridge.

Visual amenity and character

- 10.6 The application site is commensurate with the adjacent property curtilages in terms of its dimensions and the proposed dwelling is of an appropriate scale and design. Whilst the existing hedge to the front of the site is to be removed it is to be replaced with a native hedge maintaining the 'green frontage' of the site and accordingly with the rural setting.
- 10.7 Mindful of the earlier appeal decision it is accepted that although a level of harm will accrue from the consolidation of dwellings in this location this harm would not be so acute as to justify refusal on these grounds when considering the scheme in the context of Policy LP16 of the FLP (2014).

Residential amenity

- 10.8 With regard to residential amenity considerations, it is noted that appropriate separation is achieved between the proposed dwelling and its neighbours and ample provision is made for private amenity space for both the host dwelling (Antwerp House) and that proposed. Furthermore, there will be no issues arising with regard to refuse collection as a roadside collection is achievable.
- 10.9 Accordingly, there are no matters to reconcile with regard to Policies LP2 and LP16 of the FLP in so far as they relate to residential amenity issues.
- 10.10 The unsustainable nature of the site is however contrary to Policy LP2 in that residents of the property will be largely reliant on private motor vehicles to access local services and this matter is considered in detail below.

Highways safety and sustainability

- 10.11 The technical detail of the proposed access and the associated highway safety considerations have been accepted by the Highways Officer, subject to conditions.
- 10.12 However, within his consultation response the CCC Highways Officer highlights that *'the site is located in a rural location without footways or streetlighting. It is likely that almost all journeys will be made by private motor transport. FDC to*

consider the general location in terms of sustainability and the lack of supporting infrastructure'. Sustainability and accessibility are key tenets of planning policy and the location of the site, and the absence of any safe pedestrian routes clearly results in unsustainable development at odds with prevailing national and local planning policies.

- 10.13 Such a stance is reinforced by the appeal decision at Crooked Bank, with the relevant section of that appeal decision being reproduced below as entirely relevant to the consideration of this current scheme:

'5. Paragraph 78 of the National Planning Policy Framework (the Framework) makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 states decisions should avoid the development of isolated homes in the countryside. Therefore, having regard to the appeal decisions and judgement put before me, I find the proposed dwelling being within a group of other dwellings and buildings in Begdale would not be isolated.

6. One new dwelling would be a social benefit to the area. Furthermore, new customers and potential employees for local businesses and services and the construction of the development would also generate economic benefits. However, given the scale of development these combined benefits would be modest. Therefore, without specific evidence to the contrary I find the proposal would have a negligible effect on the vitality of the rural community of Begdale or the vitality of those nearby such as Elm.

7. Furthermore, whilst I acknowledge there are some services, facilities and employment opportunities nearby, these do not include healthcare or education. Overall without any substantive evidence to the contrary it seems to me that Begdale and its immediate surroundings contain only limited services, facilities and employment opportunities. Moreover, I am not provided with any substantive evidence which allows me to fully assess access to bus services or the frequency of those services connecting to larger centres. I also note many of the roads in the area do not benefit from footpaths or street lights.

8. Thus, based on the evidence before me I find that future occupiers of the proposed dwelling would have limited transport choice other than to rely on private motorised transport to access services, facilities and employment. Whilst one new dwelling would only give rise to a small number of trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm. I accept the travel circumstances of any future occupants of the proposal would be similar to those experienced by many existing residents living in the area. However, this does not justify the proposal.

9. Therefore, whilst recognising the overall national objective to boost the supply of housing, the combined benefits of the scheme are still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole.

10. For these reasons the proposed development would not provide a suitable site for housing, having particular regard to the accessibility of local services and facilities. It would therefore be in conflict with Policies LP3 and LP12 of the LP and the Framework which taken together seek to ensure a sustainable pattern of development.'

- 10.14 There is a direct correlation with the site at Crooked Bank and that now under consideration and it is clear that the proposal will not deliver sustainable development and must be refused on these grounds.
- 10.15 The scheme is also at odds by default with Policies LP3 and LP12 of the FLP (2014) in that it is not adjacent to the settlement of Elm and is detached from the 'other village' of Colletts Bridge.

Flood risk

- 10.16 The site is within a flood zone 1 location, the area of lowest flood risk and as such there are no matters to reconcile with regard to Policy LP14 of the FLP (2014).

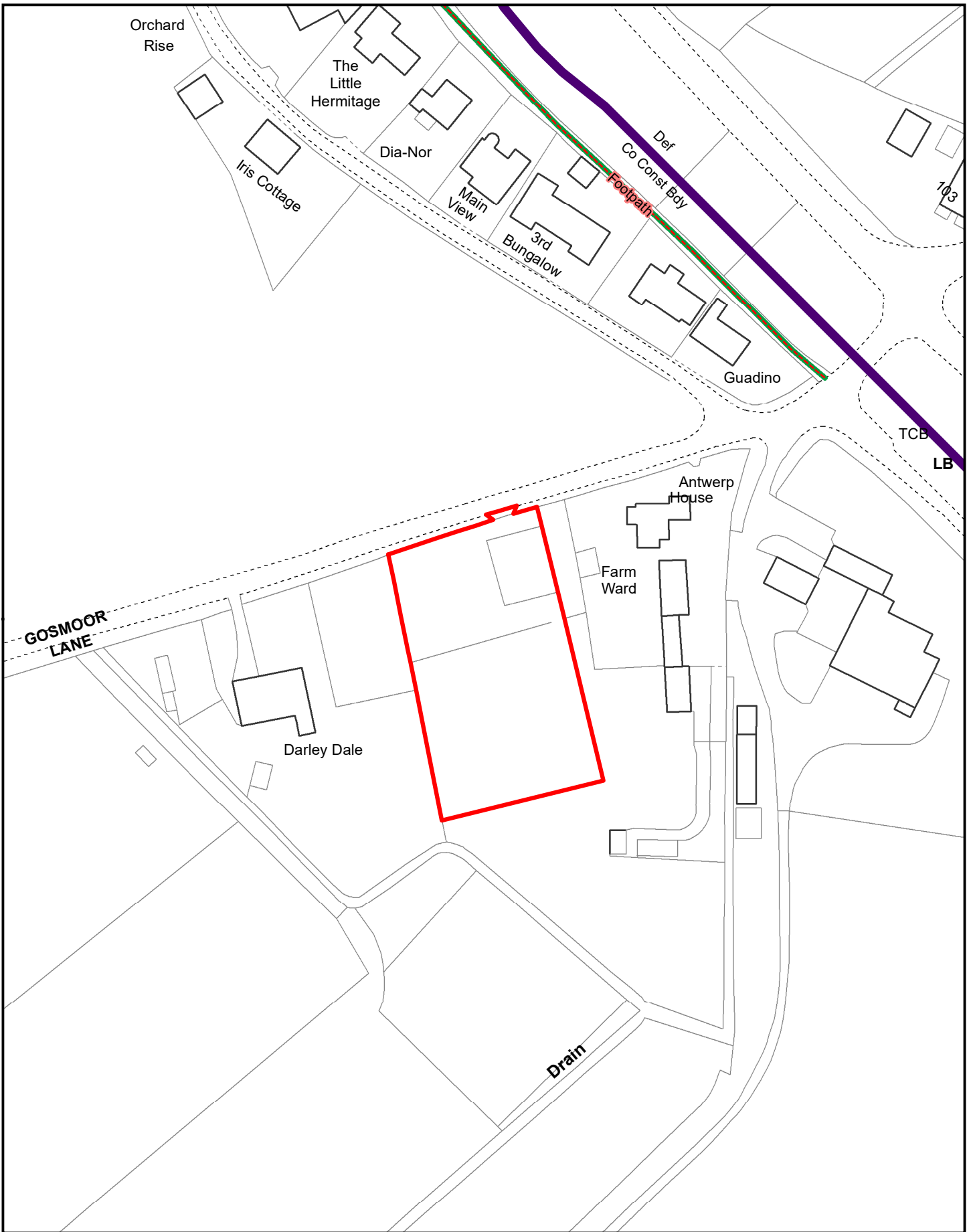
11 CONCLUSIONS

- 11.1 Whilst no substantial harm has been identified in terms of character and visual amenity considerations and there are no adverse impacts identified in respect of residential amenity in terms of existing residents these do not obviate the harm that arises by virtue of the sites location within an 'elsewhere' location.
- 11.12 Future residents of the property would be entirely dependent of private motor vehicles to access goods and services which is clearly and fundamentally odds with both national and local planning policy, as evidenced by the appeal case quoted above in respect of the site at Crooked Bank. To allow the scheme would set an unacceptable precedent for development in this unsustainable location and would be stridently at variance to the prevailing planning policies.

12 RECOMMENDATION: Refuse

Reason(s)

1	The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, which seeks to direct development to the most sustainable areas; 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. The site is located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. As such the development would be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and the aims of the NPPF 2021.
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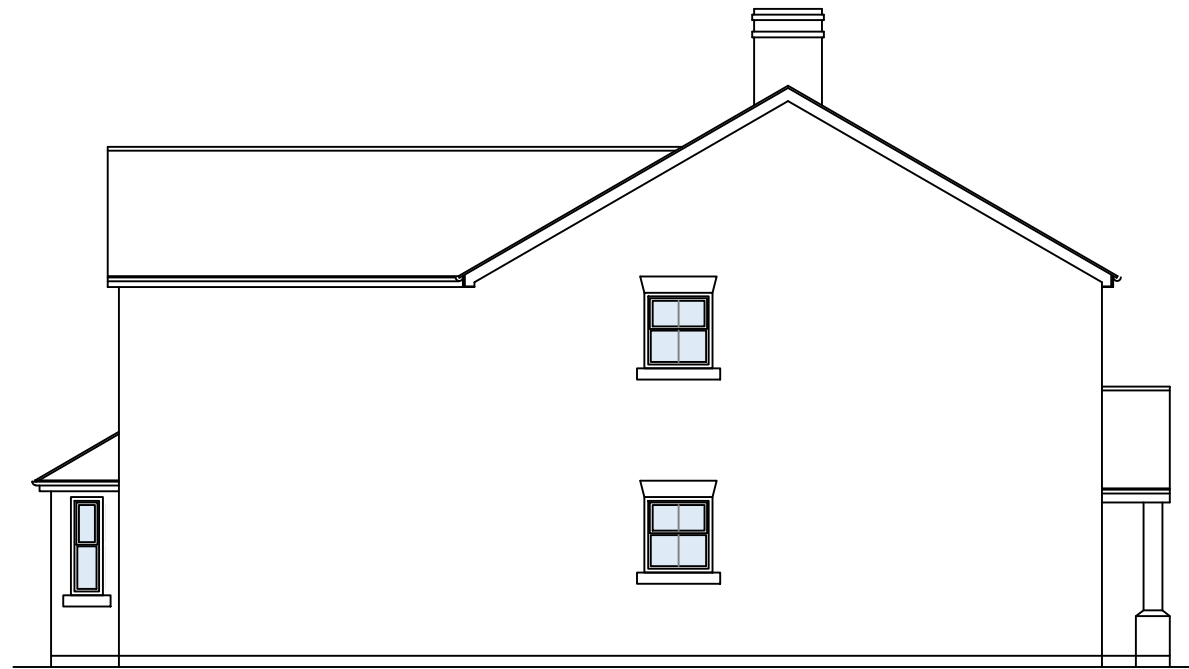
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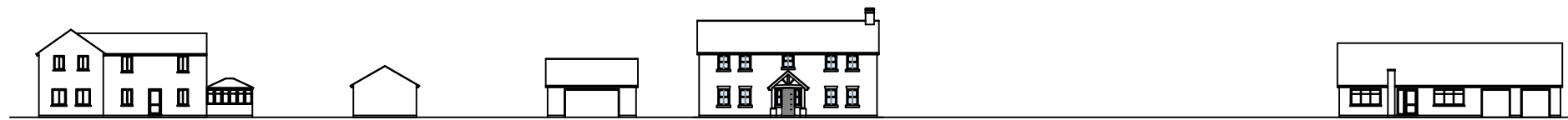
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Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



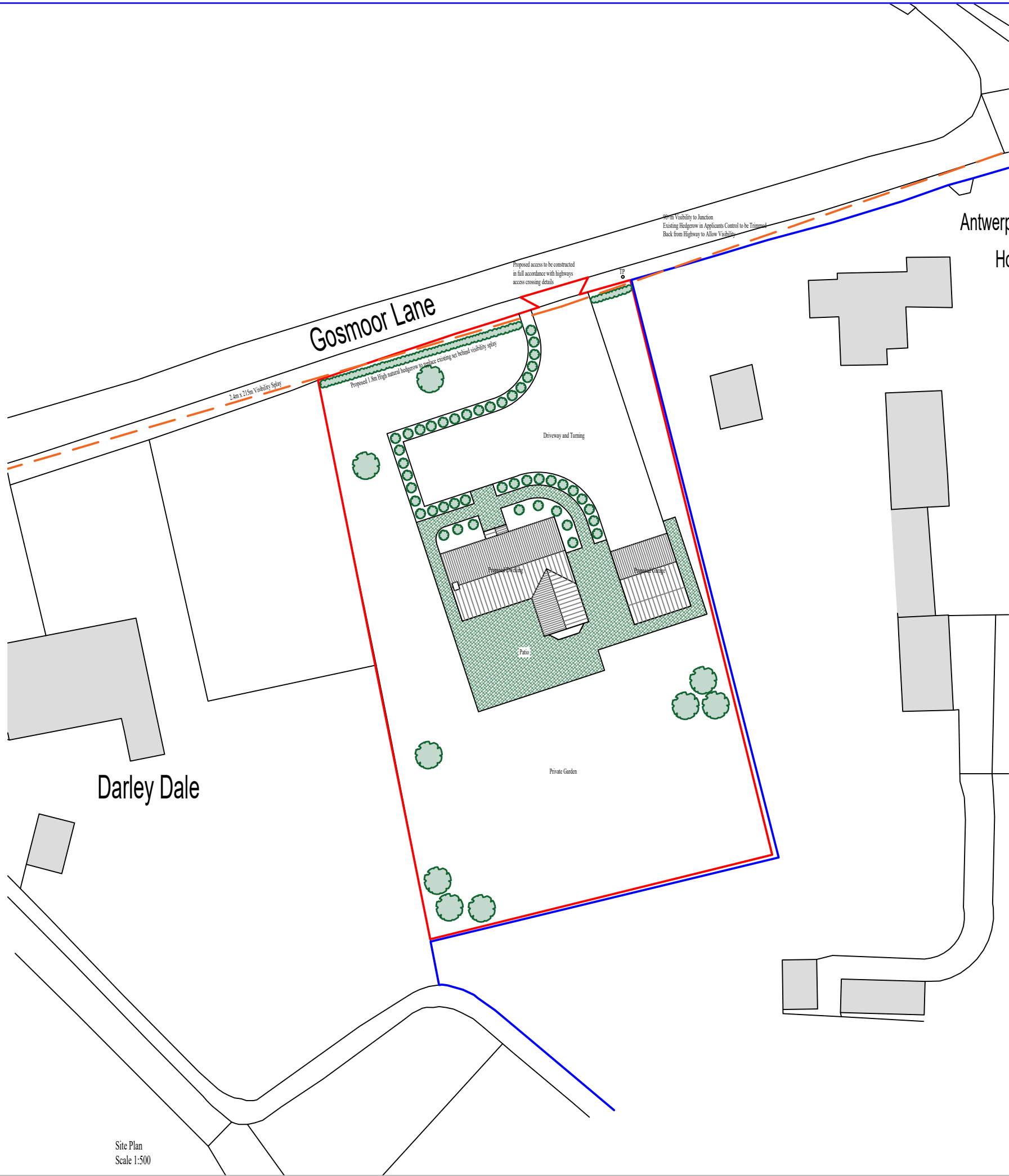
Proposed Street Scene
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Revision	Description	Date	Revised By

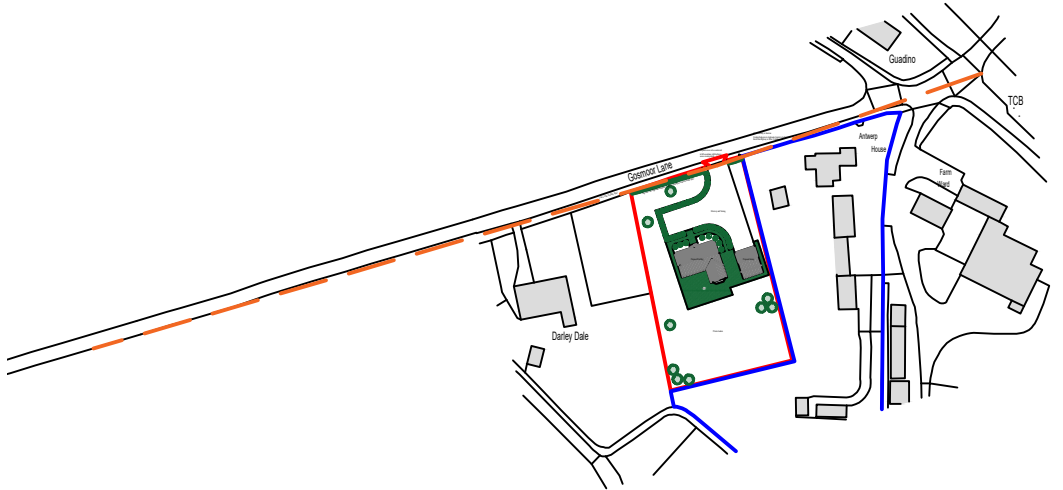
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

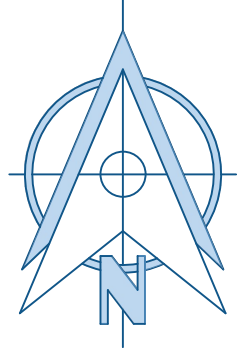
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Drawing Title Proposed Elevations		
Address Land Adjacent Antwerp House, Colletts Bridge		
Drawn By A. L. Sutton	Paper Size A3	Date October 2021
Project Name 022	Drawing Number 003	Revision -



Site Plan
Scale 1:500



Location Plan
Scale 1:2500

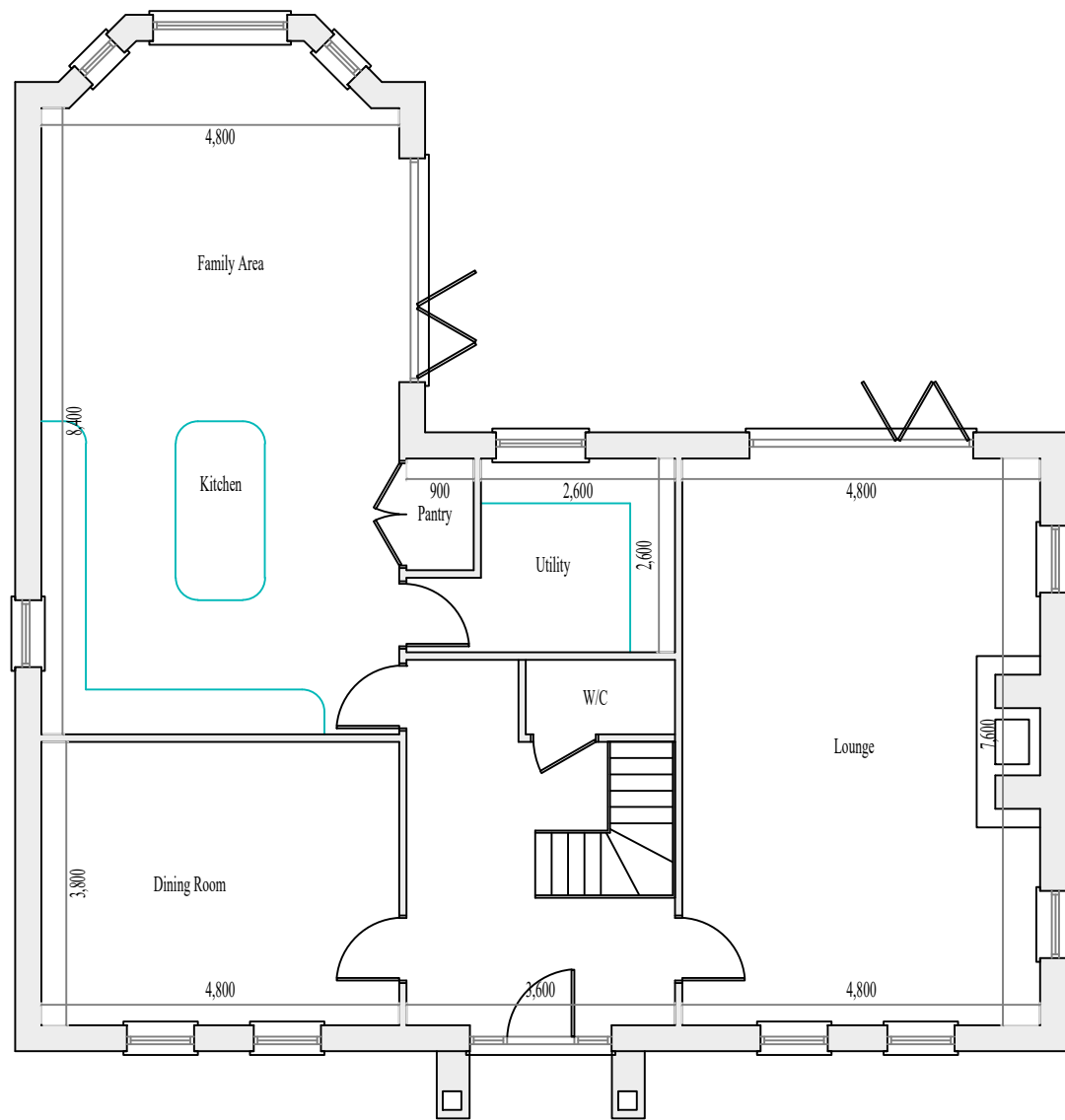


Revision	Description	Date	Revised By
A	Visibility splay added to plan	10/02/2022	A. L. Sutton

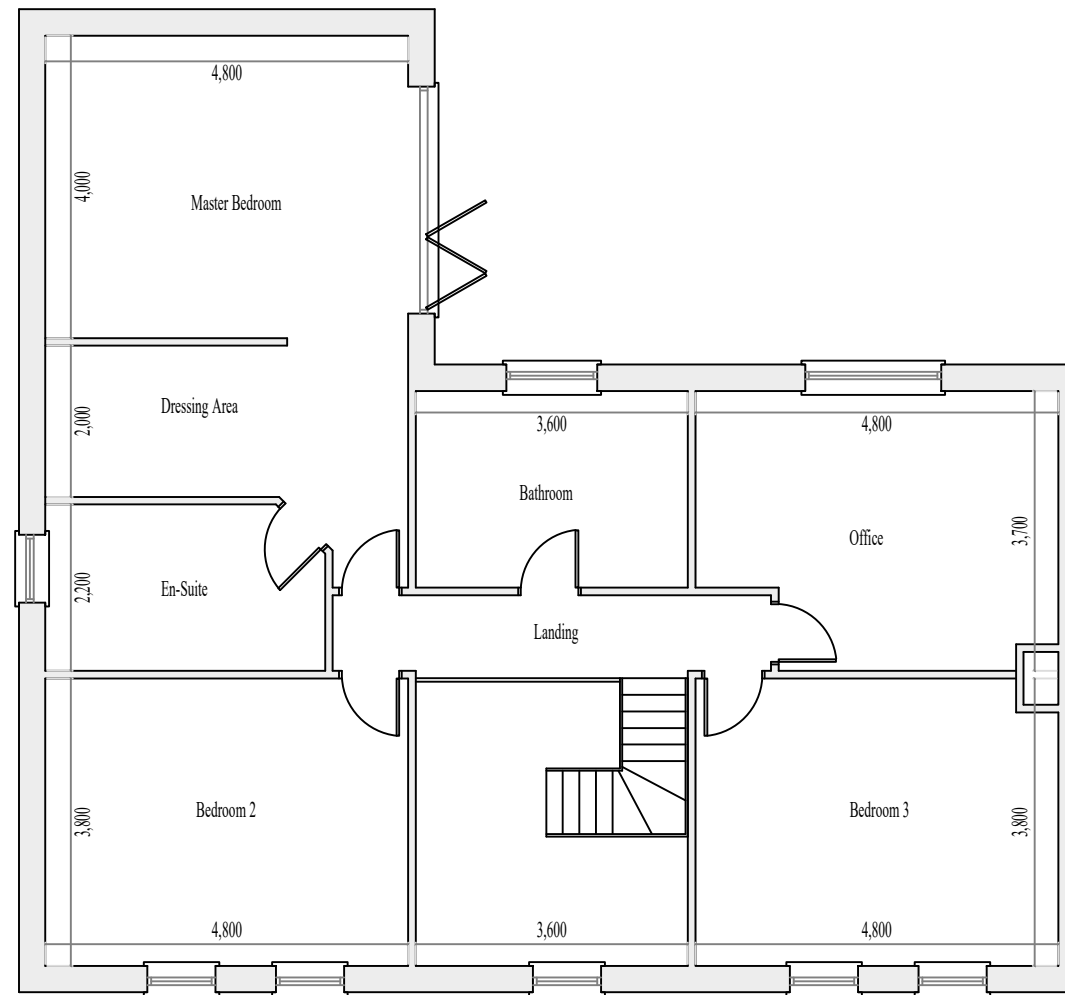
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project Proposed Dwelling		
Drawing Title Proposed Site and Location Plan		
Address Land Adjacent Antwerp House, Colletts Bridge		
Drawn By A. L. Sutton	Paper Size A3	Date October 2021
Project Name 022	Drawing Number 001	Revision A



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

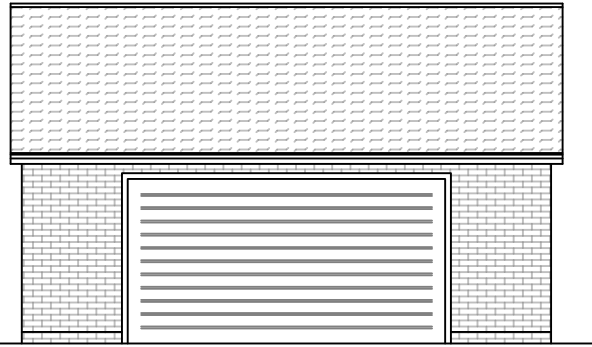
Project: Proposed Dwelling

Drawing Title: Proposed Floor Plans

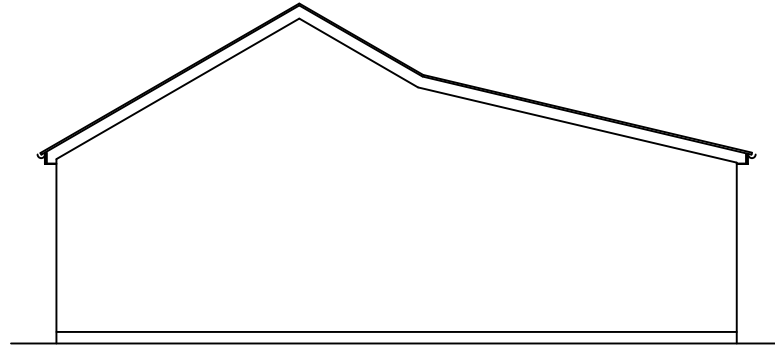
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Drawn By A. L. Sutton	Paper Size A3	Date October 2021
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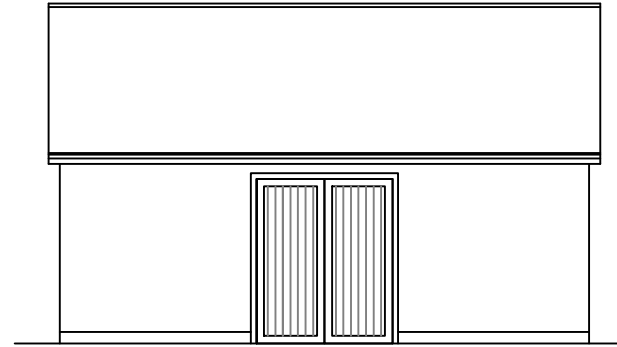
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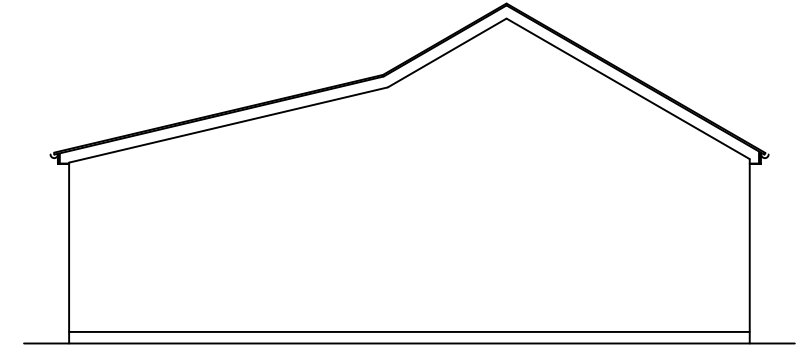
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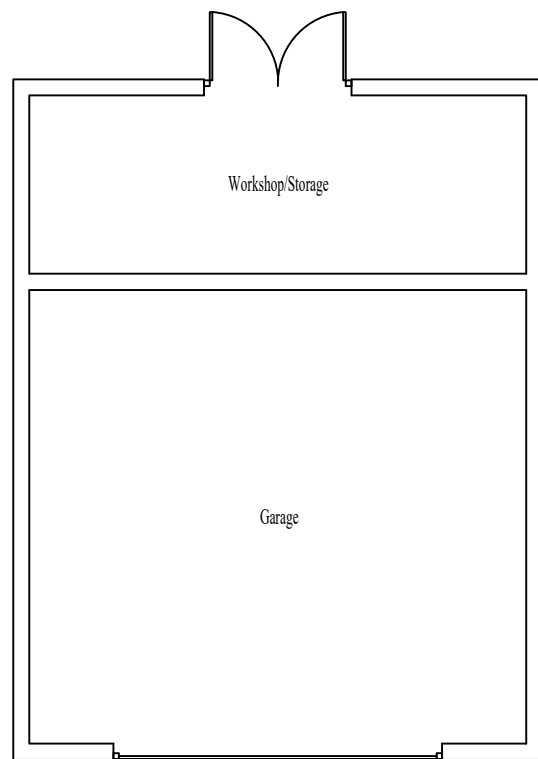
Proposed Side Elevation
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Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project Proposed Dwelling		
Drawing Title Proposed Garage Floor Plans and Elevations		
Address Land Adjacent Antwerp House, Colletts Bridge		
Drawn By A. L. Sutton	Paper Size A3	Date October 2021
Project Name 022	Drawing Number 004	Revision -