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**F/YR24/0367/F**

**Applicant: Mr & Mrs Mair**

**Agent: Mr R Papworth  
Morton & Hall Consulting Ltd**

**Linwood Farm, Linwood Lane, March, Cambridgeshire PE15 0YG**

**Change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to Officer recommendation.**

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### **Government Planning Guarantee**

**Statutory Target Date For Determination: 30 May 2024**

**EOT in Place: Yes**

**EOT Expiry: 31 July 2024**

**Application Fee: £578**

#### **Risk Statement:**

**This application must be determined by 31/07/2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

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## **1 EXECUTIVE SUMMARY**

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1.1 The application seeks planning permission for the change of use of agricultural land to accommodate a residential building to serve as an annexe to the host dwelling at Linwood Farm. Access to the site is derived from the driveway serving the host dwelling.</p> <p>1.2 The assessment concludes that as the development is located in the open countryside and offers limited physical or functional link to the host dwelling it amounts to be unwarranted residential development in the countryside, contrary to policy LP3 of the Fenland Local Plan and H3 of the March Neighbourhood Plan.</p> <p>1.3 Furthermore, by reason of its location which encroaches into open countryside and its substantial scale and massing, the proposal fails to positively respond to the character and appearance of the area and would result in development which erodes the open character of the countryside contrary to policies LP12 and LP16 of the Fenland Local Plan and the design aims of the March Neighbourhood Plan.</p> <p>1.4 It is considered that the generous curtilage afforded to the host dwelling could</p> |
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accommodate a form of additional accommodation that would overcome the conflicts with the development plan.

1.5 Consequently, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is a detached two storey dwelling located at Linwood Farm. The host dwelling is constructed of brickwork with a tiled pitched roof. The site is surrounded by agricultural buildings at Linwood Farm, and farmland. Parking space is situated to the front of the dwelling. The residential land supporting the host dwelling is enclosed by trees and dense circa 1m high hedgerow.
- 2.2 The site located in the countryside, on the western side of the A141 and abuts agricultural land to the south and west and agricultural buildings to the north.
- 2.3 A public byway 156/21 runs along the eastern boundary of the site, extending to March Road, Wimblington to the south and Linwood Lane to the north.
- 2.4 The site lies in an area at low risk of all forms of flooding.

## **3 PROPOSAL**

- 3.1 Planning permission is sought to change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.
- 3.2 The proposed annexe would be located around 13m metres from the southern side elevation of the host dwelling and would be single storey, with a pitched roof at a height of approx. 5.4 metres and an eaves height of around 2.4 metres.
- 3.3 A circa 20m section of hedgerow would need to be removed to access the development area. New hedge planting is proposed around the perimeter of the development.
- 3.3 The fenestration proposed includes a front door and 4 windows on the front elevation facing north east, two windows on the side elevation facing North west, two sets of doors and a single door on the rear elevation facing South west, and two windows and a set of doors on the side elevation facing South east.
- 3.4 The proposal includes a change of use of the land from agricultural to residential land. This would encroach onto countryside land by some 17 metres x 22 metres.

## **4 SITE PLANNING HISTORY**

<b>Application</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
F/94/0772/F	Erection of a 4-bed detached house	Grant	17 Mar 1995

F/98/0360/F	Removal of Condition 04 of planning permission - F/98/0024/F relating to use of building	Grant	23 Sep 1998
F/98/0024/F	Erection of agricultural storage building	Grant	18 May 1998
F/YR03/0426/F	Erection of rear conservatory and double garage with farm office over	Grant	25 Jun 2003
F/96/0109/F	Erection of a 4-bed detached house	Grant	18 Jun 1996
F/YR22/0569/F	Erect a single-storey rear extension to existing dwelling, amendment to garage roof and garage conversion involving the demolition of existing conservatory	Grant	8 Jul 2022

## 5 CONSULTATIONS

**5.1 March Town Council:** Supporting.  
*'Recommendation; Approval.'*

**5.2 Definitive Map Team:** No objection.

*'Public Byway, 21, March, is used to access the proposed planning site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.*

*Whilst the Definitive Map Team has no objection to this proposal, the byway must remain open and unobstructed at all times.*

*Informatives:*

*Should you be minded to grant planning permission we would be grateful that the following informatives are included:*

- o Public Byway, 21, March, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- o No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- o Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- o The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- o Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*

*Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>.*

**5.3 Environment & Health Services (FDC):** No objection.

*'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, the noise climate or be affected by ground contamination.'*

**5.4 Cllr Taylor:**

*As the chairman of the rural and farming committee which incorporates drainage I recommend approval for the above application. Said annexe doesnt take up any quantity of farmland so under the food security guarantee this wont produce an adverse affect . As for surface water drainage there is no surface water discharge into the commisioners catchment as any surface water on this site is recycled*

**5.5 Local Residents/Interested Parties:**

10 residents from March, Doddington and Chatteris areas offering support for the proposal with the following comments;

- Will support an elderly family member with care needs
- Will not negatively affect the area

**6 STATUTORY DUTY**

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) and the March Neighbourhood Plan (2017).

**7 POLICY FRAMEWORK**

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

Para 130 – Achieving well-designed places

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2021**

Context

Identity

Built Form

**Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

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

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP7 – Design

LP8 – Amenity Provision

LP22 – Parking Provision

LP32 – Flood and Water Management

### **March Neighbourhood Plan (2017)**

There are no specific policies relating to annexes, however the visions, aims and objectives of the plan is that the quality of the built and natural environment is improved along with the level of provision and quality of recreational land facilities.

Policy H2 does focus on windfall development of housing and requires development to accord with policies of the Fenland Local Plan, 2014, as well as ensuring it does not result in adverse impacts in respect of amenity, flood risk, highway safety and loss of open space/ community facilities.

## **8 BACKGROUND**

8.1 The application was submitted with initial plans showing the annexe further away from the host dwelling. Concerns were raised regarding the connection between the host dwelling and the annexe, and the impact on the character and appearance of the area due to the encroachment into the countryside. The plans were amended to move the annexe closer to the host dwelling. However, as per the assessment below it is still considered to cause a detrimental impact on the character and appearance of the area and an unwarranted incursion into the open countryside.

## **9 KEY ISSUES**

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Conservation Area**
- **Residential Amenity**
- **Parking**
- **Relationship**
- **Personal Circumstances**
- **Flood Risk**

## 10 ASSESSMENT

### **Principle of Development**

- 10.1 The application seeks to change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.
- 10.2 Local Plan policy LP3 sets out a settlement hierarchy, directing a majority of intended development within Fenland's market towns, then cascading to the larger villages, smaller villages and so on. Development outside of these settlements (identified as 'Elsewhere' development) is intended to be strictly controlled having regard for the need to protect the open nature and character of the countryside.
- 10.3 As noted above, the land proposed comprises an area outside of the curtilage of the host dwelling 'Linwood Farm' and therefore not part of the residential planning unit. Essentially therefore, the development triggers assessment under policy LP3 i.e., residential development in an 'Elsewhere' location. In this regard, LP3 seeks to restrict such development to those deemed to be essential, primarily for land-based activities e.g., agriculture, outdoor recreation, waste and minerals development etc.
- 10.4 The planning unit itself comprises a large area of residential curtilage, capable of accommodating a substantial extension or outbuilding which could otherwise likely cater for the intended occupiers. No justification has been provided as to why this cannot be achieved. Given that the development comprises an annexe, it would be required to demonstrate a physical and functional link to the host dwelling. Therefore, locating it outside of the curtilage and in providing a building which is of a scale and layout capable of functioning almost in isolation to the day to day running of the host dwelling would appear to amount to a residential building with limited physical and functional link to the host dwelling thereby amounting to a structure tantamount to a separate dwelling.
- 10.5 In conclusion, the development would comprise the introduction of a residential unit on land in the open countryside without suitable justification and contrary to the exceptions set out under policy LP3 which seeks to restrict development in the countryside unless demonstrably essential, in-line with national policy. As such, the principle of the development is not acceptable.
- 10.6 As set above, planning law requires a planning application to be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. Therefore, while the principle of the development is not accepted having regard to spatial policies, the impact of the development and other material considerations are considered below.

### **Design Considerations**

- 10.7 Local Plan policies LP12 and LP16 are concerned with ensuring that developments are acceptable in design terms and that they protect the character and appearance of an area, in this case the countryside.

- 10.8 The proposed annexe would be located to the south of the host dwelling, approximately 13m away from its southern facet. Linwood Farm dwelling is located approximately 400m west of the A141 and around 90m west of the public byway. Views of the host dwellings are readily achievable from the byway and therefore, given the low boundary treatments and open character of the area, views of the annexe would also be achieved.
- 10.9 It is considered that the development, by virtue of its layout and scale would awkwardly project out of the established curtilage of the host dwelling. This results in an incongruous feature of poor design which encroaches unnecessarily into existing countryside, failing to appear as an integral part of the existing rear garden or logical extension to the curtilage and fails to positively respond to both the established residential boundaries and built form, and the open character of the adjacent countryside. This negatively impacts on the character and appearance of the area. Whilst opportunities to introduce soft landscaping e.g., hedgerow around the perimeter exist and could partially mitigate the visual impact of the development, this would not be sufficient to overcome the character harm that would ensue from the encroachment and the awkward layout relative to established boundaries.
- 10.10 Again, given the generous curtilage associated with the host dwelling, this negative impact could likely be avoided with more appropriate solutions which should be explored. Ultimately, location, form and scale of the development result in unwarranted harm to the character and appearance of the area and is contrary to policies LP12, LP16 and Chapter 12 of the NPPF.

### **Residential Amenity**

- 10.11 The proposed development is not within close proximity to any neighbouring properties. Therefore, it is considered that the proposed development would not have any material impact on residential amenities of neighbouring properties. Furthermore, given the size and scale of the building, no concerns are raised in respect of cramped living environments. Therefore, notwithstanding conflicts with other criteria of LP16 as set out above, the proposal is considered to conform with LP16 in respect to residential amenity.

### **Highways and Parking**

- 10.12 Given the generous plot supporting the existing dwelling, there is a parking area to the front of the existing host dwelling which appears to be able to accommodate parking for 4 vehicles as shown on plan reference H9612/02c.
- 10.13 Policy LP15, Appendix A states that 3 on site parking spaces should be provided for dwellings with 4 or more bedrooms. Therefore, it is considered that there is adequate parking for the proposed two-bedroom annexe as well as the host dwelling.

### **Relationship**

- 10.14 Notwithstanding design and visual impacts, an annexe is generally acceptable where it maintains a strong relationship to the host dwelling i.e. a physical and functional relationship e.g., by relying on the facilities and functions of the host

dwelling. This is to avoid opportunity for it to become a separate planning unit over time.

- 10.15 The proposed annexe would be located on an area of land beyond the curtilage of the existing dwelling and therefore outside of the physical parcel of residential land. It would be a considerable distance from the host dwelling and would be served by its own path, garden area and denotes there would be no reliance on the host dwelling's facilities; with the annexe incorporating a lounge, diner, kitchen, WC, entrance hall, utility room, and two bedrooms both with enSuites i.e., all the necessary facilities for day-to-day living.
- 10.16 It is therefore considered that there would not be a strong connection, physical or functional link, between the host dwelling and the proposed annexe – with only the driveway being a shared facility. This results in a development tantamount to a new dwelling and therefore is considered unjustified and unacceptable having regard to the spatial policies of the development plan – LP3 and LP12.

#### **Personal Circumstances**

- 10.17 It is understood that there are personal circumstances involved with the application with the annexe required to meet care needs of a family member. Whilst this is acknowledged, it is considered that an annexe of this excessive size and scale, which is located outside of the established curtilage of the host dwelling and with limited reliance on the host dwelling would not be suitable.
- 10.18 Whilst personal circumstances are capable of being a material consideration, the planning system is concerned primarily with land use and the effect of this development would remain long after any personal circumstances any longer applied. The application is for a permanent structure capable of functioning as a dwelling in its own right and as such would not therefore justify the permanent loss of open countryside and the associated development plan conflicts. Neither would it be reasonable to seek to control occupation to those family members, for example through planning condition, as again, the development comprising land use and physical built form is permanent and those occupiers would only be temporary against the lifetime of the development.
- 10.19 Notwithstanding and as already discussed, the application fails to demonstrate that the introduction of a residential building outside of the curtilage is the only reasonable option in addressing the personal needs of the end-user. There are likely other options available to create an annexe development which would meet the needs of the applicant in a more effective way and likely without the identified policy conflicts.

#### **Flood Risk**

- 10.20 The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations.

## **11 CONCLUSIONS**

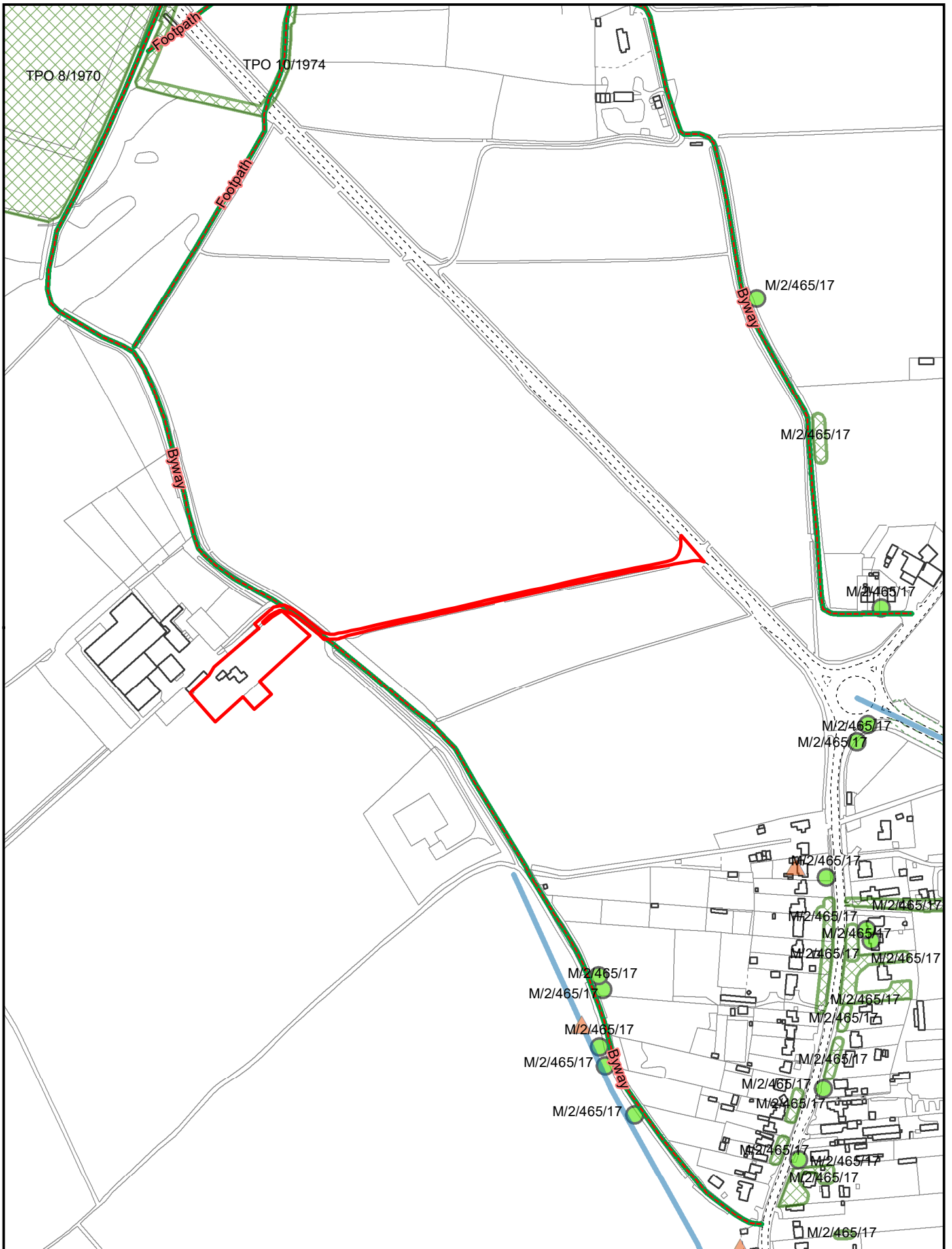


- 11.1 It is considered that the location and scale of the development which results in encroachment into the countryside is not justified. The excessive size and location of the proposed annexe would negatively impact on the character and appearance of the area, and the lack of relationship between the proposed annexe and the host dwelling would result in a form development that would be tantamount to a new dwelling in the countryside, which is unacceptable in this location and contrary to both the spatial and design policies of the development plan.
- 11.2 The NPPF sets out that conditions can be used to make development acceptable where it would otherwise be unacceptable. It is common for annexes to be controlled through an occupancy condition, to ensure that the buildings are only occupied by those associated with the host dwelling. Whilst such a condition would be expected with this development, it would not overcome the visual impact to the character of the area and would not overcome concerns over the lack of physical and functional link, where it relies on development outside of the curtilage of the host dwelling and where opportunities exist to site the structure with the established curtilage.
- 11.3 Whilst the personal circumstances of the end-user have been carefully considered, these are not concluded to outweigh the policy conflict and therefore the proposal is recommended to for refusal.

**12 RECOMMENDATION**

**Refuse;** for the following reasons:

1.	The development is located in the open countryside and offers no physical or functional link to the host dwelling. As such, the development amounts to unwarranted residential development in the countryside, contrary to policy LP3 of the Fenland Local Plan, 2014 and H3 of the March Neighbourhood Plan, 2017.
2.	The proposal by reason of its location which encroaches into open countryside and its substantial scale and massing, fails to positively respond to the character and appearance of the area and would result in development which erodes the open character of the countryside contrary to policies LP12 and LP16 of the Fenland Local Plan, 2014 and the design aims of the March Neighbourhood Plan, 2017.



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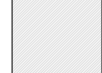







**F/YR24/0367/F**

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 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
 All finishes, insulation and damp-proofing to architect's details

**LEGEND**

-  GRAVEL (PERMEABLE COVERING)
-  TARMAC
-  GRASS
-  BLOCK PAVING
-  PATHS/PATIO AREA
-  SOLAR PANELS TO ROOF
-  APPLICATION SITE
-  LAND UNDER SAME OWNERSHIP
-  HOUSEHOLDER BIN LOCATIONS

C	CLIENTS COMMENTS	MAY 24
B	CLIENTS COMMENTS	APR 24
A	CLIENTS COMMENTS	MAR 24
	REVISIONS	DATE

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 Fenland District Council  
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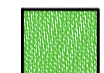






CLIENT  
 Mr & Mrs Mair

PROJECT  
 Linwood Farm  
 Linwood Lane  
 March, Cambridgeshire  
 PE15 0YG

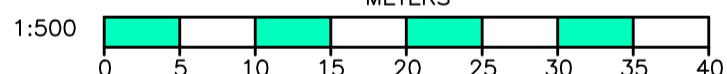
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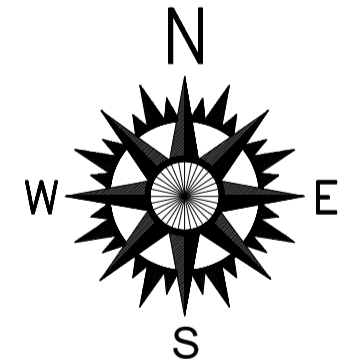
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DATE	March 2024	DRAWING NUMBER
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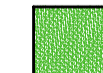






 GRASS  
  GRAVEL  
  NON SLIP BUFF PAVING  
  EXISTING BUILDINGS  
  SLAB PAVING  
  TREES  
  = INSPECTION CHAMBER

**EXISTING SITE PLAN (1:500)**


1:500 

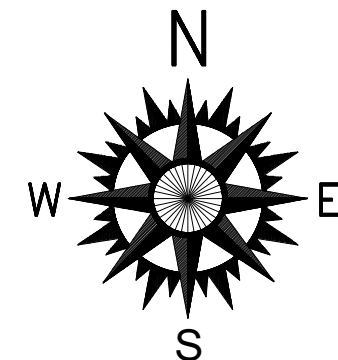


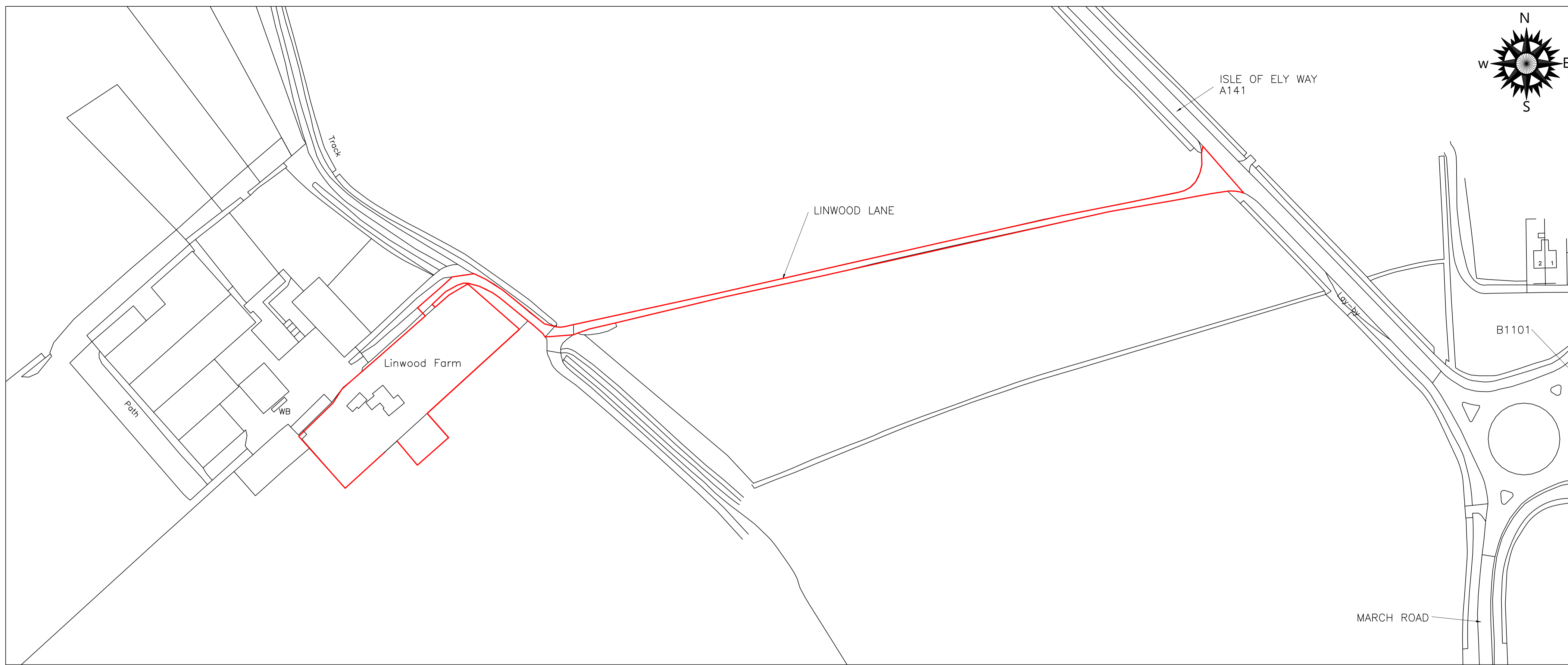


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  GRAVEL  
  NON SLIP BUFF PAVING  
  EXISTING BUILDINGS  
  SLAB PAVING  
  TREES  
  = INSPECTION CHAMBER

**PROPOSED SITE PLAN (1:500)**


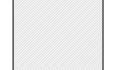


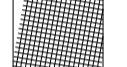


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 All finishes, insulation and damp-proofing to architect's details

**LEGEND**

-  GRAVEL (PERMEABLE COVERING)
-  TARMAC
-  GRASS
-  BLOCK PAVING
-  PATHS/PATIO AREA
-  SOLAR PANELS TO ROOF
-  APPLICATION SITE
-  LAND UNDER SAME OWNERSHIP
-  HOUSEHOLDER BIN LOCATIONS

**LOCATION PLAN 1:1250**

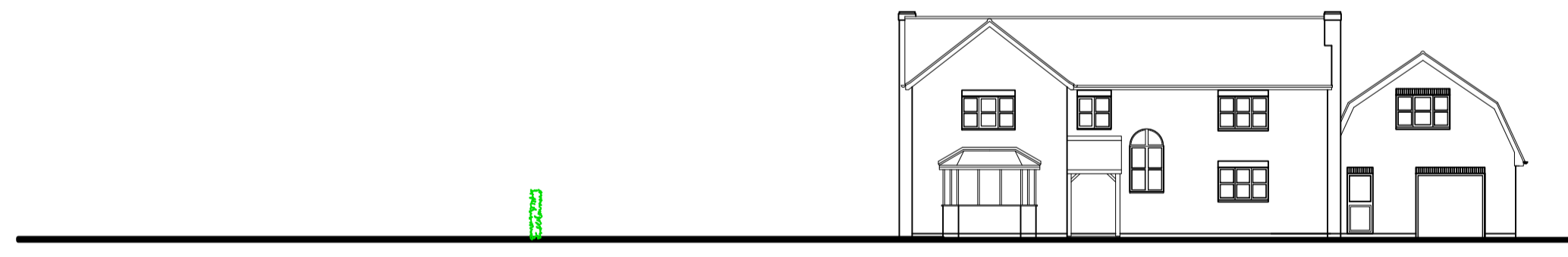
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A	CLIENTS COMMENTS	APR 24
	REVISIONS	DATE

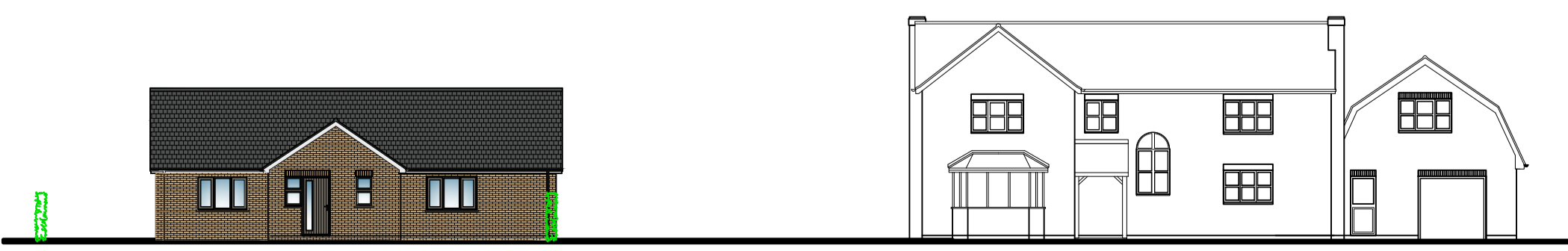
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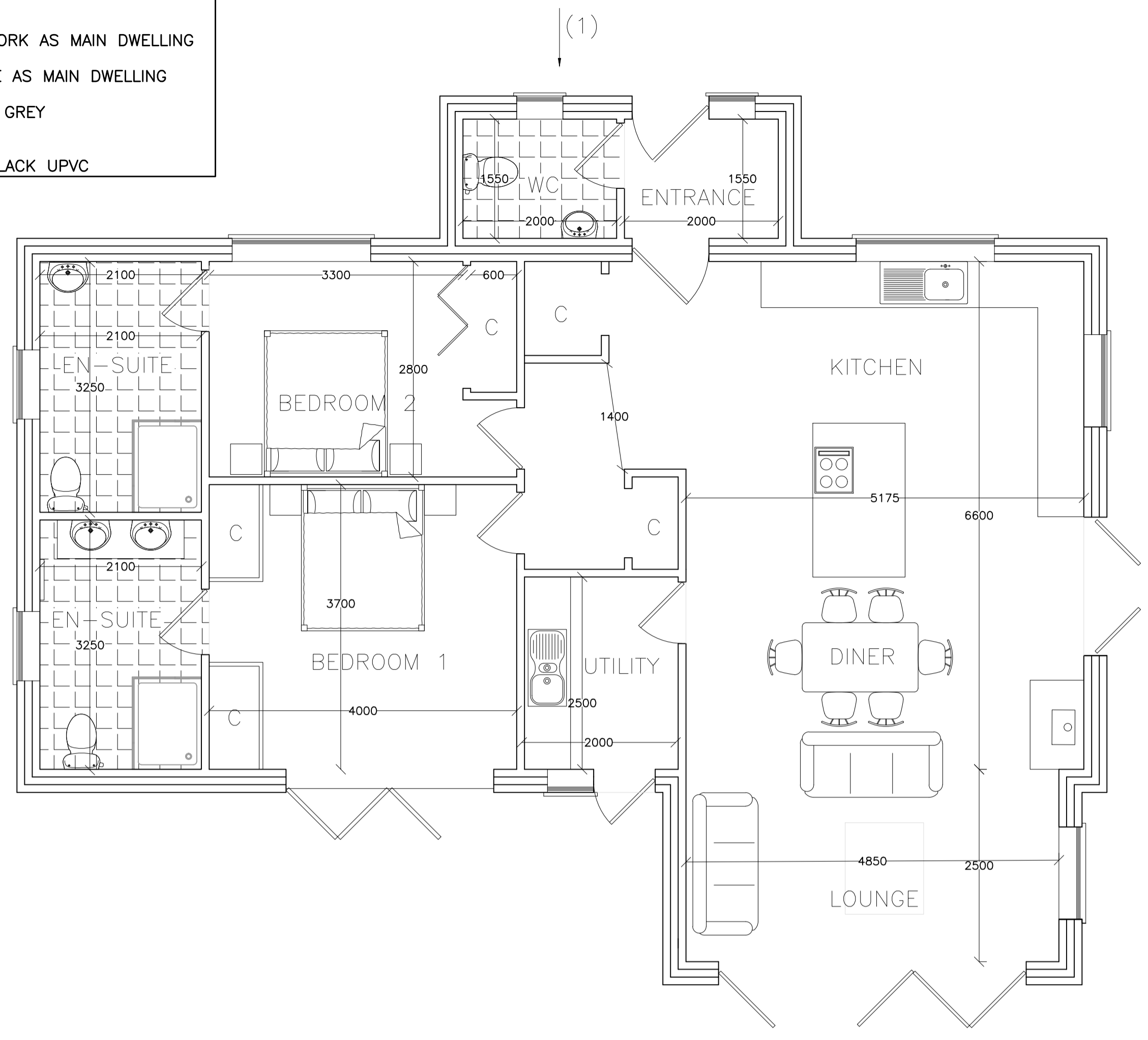
EXISTING STREET SCENE FROM LINWOOD LANE TO THE FRONT 1:200



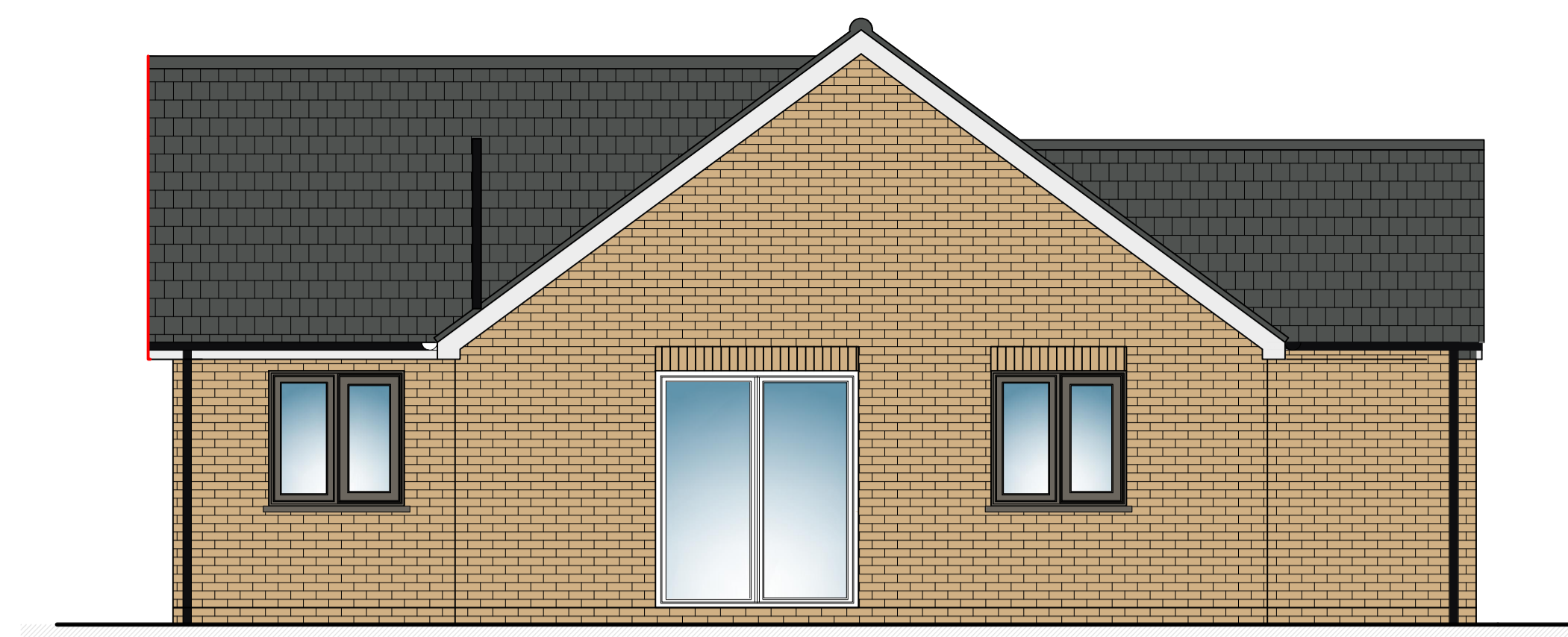
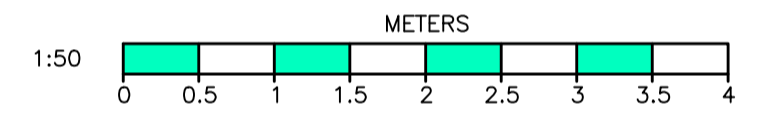
PROPOSED STREET SCENE FROM LINWOOD LANE TO THE FRONT 1:200

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PROJECT	
Linwood Farm Linwood Lane March, Cambridgeshire PE15 0YG	
TITLE	
Location Plan & Street Scenes	
DRAWN	DATE OF ISSUE
MH	
CHECKED	
DATE	DRAWING NUMBER
March 2024	H9612/01
SCALE	
As Shown	

**MATERIALS:**  
 WALLS : BUFF BRICKWORK AS MAIN DWELLING  
 TILES : CONCRETE TILE AS MAIN DWELLING  
 JOINERY : ANTHRACITE GREY  
 UPVC UNITS  
 RAINWATER GOODS : BLACK UPVC



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED LEFT HAND SIDE ELEVATION 1:50 (2)



PROPOSED RIGHT HAND SIDE ELEVATION 1:50 (4)

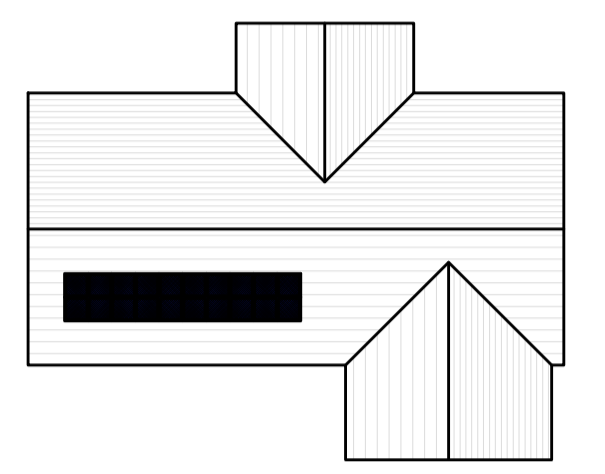


PROPOSED FRONT ELEVATION 1:50 (1)



PROPOSED REAR ELEVATION 1:50 (3)

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 Please read, if in doubt ask. Change nothing without consulting the Engineers.  
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
 All finishes, insulation and damp-proofing to architect's details



PROPOSED ROOF PLAN (1:200)

C	CLIENTS COMMENTS	APR 24
B	CLIENTS COMMENTS	APR 24
A	CLIENTS COMMENTS	MAR 24
	REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
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UKACC Building Excellence Awards Winner  
 Fenland District Council Building Design Awards Winner  
 Building Excellence in Fenland

CLIENT  
 Mr & Mrs Mair

PROJECT  
 Linwood Farm  
 Linwood Lane  
 March, Cambridgeshire  
 PE15 0YG

TITLE  
 Proposed Arrangement

DRAWN	MH	DATE OF ISSUE
CHECKED		
DATE	March 2024	DRAWING NUMBER
SCALE	As Shown	H9612/03 <sub>c</sub>