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**F/YR24/0968/O**

**Applicant: Mr Heval Sevhat**

**Agent : Mr Nigel Lowe  
Peter Humphrey Associates Ltd**

**Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire**

**Erect up to 4 x dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.
- 1.2. As per previous applications on the site, the proposal is considered to be unacceptable in principle by virtue of it resulting in the loss of an important green space in the village. This would subsequently result in a detrimental impact on the landscape character of the area.
- 1.3. Further this, the application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal.
- 1.4. Notwithstanding this, the application is considered to be acceptable in other regards.
- 1.5. Overall, the proposal is considered to be unacceptable in planning terms for the aforementioned reasons, contrary to Policies LP12, LP16 and LP19 of the Fenland Local Plan. It is accordingly recommended that planning permission is refused in this instance.

## **2 SITE DESCRIPTION**

- 2.1. The application relates to a 0.49-hectare (approx.) site, which forms part of a parcel of green space, situated to the west of the B1187 (Gull Road) and segregated as an 'island' bounded by Gull Drove to the south, west and north. The site has previously been used for the dumping of waste materials, which have subsequently been covered. More recently, the site has been left as grassland/paddock area.
- 2.2. The site is an area of rough grass land with a number of trees and hedges present around its boundary. There is residential development present on the other side of Gull Drove.

2.3. The site is located in Flood Zone 1 and is at very low risk of surface water flooding.

### 3 PROPOSAL

- 3.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.
- 3.2. The application is supported by an indicative site layout plan identifying the dwellings as fronting onto Gull Road with access onto Gull Road provided by a new access located centrally within the site. A new footpath is also shown indicatively, beginning at the access point and extending south to connect with Gull Drive.
- 3.3. Further to this, additional paddock areas are shown to be provided for plots 2, 3 & 4 within the blue lined land area, immediately to the south and west of the application site.

### 4 SITE PLANNING HISTORY

F/YR17/0203/O	Erection of 7no dwellings (Outline with all matters reserved)	Refused 21.06.2017
F/YR17/0974/O	Erection of up to 5no dwellings (Outline with all matters reserved)	Refused 07.12.2017
F/YR18/0653/O	Erection of up to 3 x dwellings (outline application with all matters reserved) including the formation of 3 x new accesses	Refused 13.09.2018
F/YR22/0739/F	Erect 1x dwelling (3-storey 5-bed) and poly-tunnel	Refused 13.10.2022

### 5 CONSULTATIONS

#### 5.1. Wisbech St Mary Parish Council

*Approval - subject to a 40 MPH speed limit being implemented from the current 40 MPH limited and extended past Gull Road to encompass this development. Cllrs would also like to see a footpath created as part of this approval to allow residents to safely access public transport in Guyhirn and the school. Finally, as part of the approval Cllrs advised there should be suitable flood measures put in place as recommended in the reports provided*

#### 5.2. Environment & Health Services (FDC)

No objections subject to conditions

#### 5.3. North Level Internal Drainage Board

*The Board has no objections in principle to the above planning application. It has been noted that soakaways are indicated as the preferred method of surface water disposal and the applicant is asked to show that soakaway drainage would be effective.*

#### 5.4. Cambridgeshire County Council Highways Authority

No objections in principle, subject to suitable detail being provided at Reserved Matters stage

## 5.5. Natural England

### *FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES*

*The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.*

## 5.6. Local Residents/Interested Parties

### **Objectors**

One letter of objection was received from a resident of Gull Road in Guyhirn, raising the following points:

- The previous use of the site was landfill, but it has not been possible to determine the exact nature of materials disposed of at the site.
- Concerns that the tests required to determine nature of contamination would pose a risk to the neighbourhood.
- Several applications on the site have been refused previously.
- The site is prone to flooding.
- The proposal would have an impact on the character of the local environment.
- Precedent for further development on the site.

## 6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan S (2021).

## 7 POLICY FRAMEWORK

### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

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

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Nature  
Uses  
Homes and Buildings

#### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment

#### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

#### **Cambridgeshire Flood and Water SPD 2016**

##### **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 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the Location of Residential Development  
LP7: Design  
LP8: Amenity Provision  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP32: Flood and Water Management  
LP33: Development on Land Affected by Contamination  
LP61: Residential site allocations in Guyhirn

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Biodiversity Impact**
- **Contamination**
- **Highway Safety and Parking Provision**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

- 9.1. The site has been subject to a number of applications historically, as detailed in section 4 of this report. Most of these applications have been outline in nature, with the exception of the most recent application in 2022 which sought full planning permission.
- 9.2. The 2017 scheme detailed a 7 dwelling proposal covering the entire parcel of land, which was refused on the following grounds:
- Contrary to LP3 as not infilling and not small scale
  - Contrary to LP12 as scheme would not contribute to local distinctiveness, would result in the loss of an important green space which provides visual amenity and affecting the transition between the village and the open countryside and increase urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area.
- 9.3. Similarly, a further scheme for 5 dwellings was submitted in 2017, proposed reducing the number of dwellings and focusing the development to the eastern part of the site. Even against the backdrop of a lack of 5-year housing land supply was refused on the following grounds:
- Unsustainable development within a location that has no direct correlation with any main settlement resulting in the new households being largely reliant on the private car.
  - Contrary to Policy LP12 by reason of adverse impact on visual amenity and character.
- 9.4. The 2018 scheme further reduced the number of dwellings to 3 and relocated the development to the western part of the site. This scheme was refused as remaining contrary to LP3. Whilst it was of a more modest scale, it still did not represent an infill opportunity and was still considered detrimental to the visual amenity and the character of the area.
- 9.5. The 2019 scheme detailed a 6 dwelling proposal and the creation of natural open space. The proposal located the development to the northern, western and southern parts of the site, with an area of natural open space proposed centrally. This scheme was also subject to a refusal as it was contrary to LP3, did not represent infill, and the proposed urbanisation resulting in a loss of important green space within the village in detriment to its character.
- 9.6. The most recent application in 2022 was an application for full planning permission for the erection of 1no. dwelling situated on the northern part of the site, with a polytunnel erected outside of the domestic curtilage of the residential property. Notwithstanding the reduced amount of development proposed, this application too was refused as being contrary to LP3 (not infill) and LP12 due to the loss of an important green open space in the area.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. Paragraph 47 of the NPPF requires that applications for planning permission must be determined in accordance with the development plan unless materials considerations indicate otherwise. Policy LP3 of the Fenland Local plan remains

relevant to this scheme as it outlines the settlement hierarchy for the district. In this regard it is clear that Guyhirn is considered a small village where only limited residential infilling will be supported.

- 10.2. Whilst it is acknowledged that the site is included within the Draft Emerging Local Plan as an allocated site for residential development under policy reference LP61.01, the draft plan is at such an early stage that minimal weight can be given to its policies and allocations.
- 10.3. The proposed development seeks outline planning permission for the erection of up to 4no. dwellings. Much like the previous applications on the site for multiple dwellings, it is not considered that this site represents an infill opportunity for development. This conclusion corresponds with the previous applications on the site. The definition of 'infill' as set out in the Fenland Local Plan is the "Development of a site between existing buildings." This definition is further reinforced by the Planning Portal definition as being "The development of a relatively small gap between existing buildings".
- 10.4. The site is within an area of important green space within the village and is surrounded by frontage development along Gulls Drove and Gull Road. However, the site is separated from the existing development by the public highway and as such cannot be considered to constitute infill development, in line with the definition provided by the Planning Inspector. Therefore, the proposed development is considered to remain in conflict with Policy LP3.

#### **Character and visual amenity harm**

- 10.5. LP16 refers to development making a positive impact to local distinctiveness and the character of the area. Further, it should not result in an adverse impact on landscape character. It is one of the core planning principles as set out in the NPPF that recognises the intrinsic value of the countryside. Therefore, consideration should be given to any harm caused. LP12 includes criteria for development in villages and refers to Part A (h) requiring proposals to not result in the loss of important spaces within villages.
- 10.6. The site, which has a 'D' shaped footprint, includes trees and rough grassland. Whilst the site is not in public use, it is still considered to be an area of green space that provides visual amenity to nearby dwellings in the wider street scene. The land to the west and north-east of the site is characterised by open countryside. As such, the site in its existing form offers a transition from the developed part of the settlement into the open countryside. Therefore, the site is considered to be an area of some importance to the village in terms of its landscape and character value.
- 10.7. The application is submitted in outline format with all matters reserved. As such, no detailed drawings have been submitted for consideration. An indicative site plan has been submitted identifying the four dwellings fronting onto Gull Road with amenities spaces located to the rear. However, no indication has been given as to whether these are likely to be single storey or two storey properties. The indicative site plan shows dwellings set back approximately 20m from the public highway with soft landscaping features proposed along the frontage of the site to provide screening from public vantage points.
- 10.8. Notwithstanding any mitigation measures that could be incorporated into the scheme to manage its visual and landscape impact, it is considered that the creation of dwellings on this site would inherently result in a detrimental impact on

the landscape character of the area when approaching the site either from the north or south. As previously highlighted, the site currently offers a gateway between the open countryside and the settlement of Guyhirn, and the development of the site would erode this and likely result in prominent features within the landscape to the detriment of the visual amenity value of the site.

- 10.9. As such, the proposal remains contrary to Policies LP12(h) and LP16(d) of the Fenland Local Plan in that it results in the loss of an important village space, fails to contribute to local distinctiveness and the character of the area, and results in adverse impacts to the scene, settlement pattern and character of the surrounding area. It is considered that a development of the green space, when factoring boundary treatments, outbuildings and any boundary screening features is likely to lead to harm to the character of this part of Guyhirn and is therefore contrary to Policy LP16(d).
- 10.10. In addition, the scheme fails to accord with the National Design Guide (NDG) which highlights the importance of context and the need to ensure that development responds positively to the surrounding context, based on an understanding of the existing situation – which includes landscape character (C1). Further, the NDG cites the importance of ‘Identity’, recognising that local identity is made up of the pattern of housing and special features which are distinct from their surroundings. Such special features can include their physical form and design. The green space which is the subject of this application is a long-established feature of this area and as identified above is an important feature in terms of both context and identity. Accordingly, the scheme fails to accord with the principle of the NDG.

### **Residential Amenity**

- 10.11. As the application is submitted in outline form, no detailed plans have been submitted in support of the application. However, when considering the size of the site at 0.49 hectares, and number of dwellings proposed at four, it is considered that the density of the site would be such that the dwellings could be accommodated on site in a spacious manner and allowing generous private amenity provision for each property.
- 10.12. Furthermore, the nearest neighbouring residential properties are located approximately 50m away from the locations of the dwellings indicatively shown on the site plan. As such, it is not considered that the development of the site would present any issues in terms of the preservation and provision of residential amenity. The proposal is therefore considered to comply with the requirements of Policy LP2 and LP16(e) of the Fenland Local Plan.

### **Flood Risk and Drainage**

- 10.13. The built element of the proposed development would be accommodated within land with Flood Zone 1 and is at very low risk of surface water flooding. Accordingly, it is considered that there are no matters to reconcile with regard to Policy LP14.

### **Biodiversity Impact**

- 10.14. The application is supported by a Preliminary Ecological Appraisal to assess the ecological implications of the scheme. For the most part, the Appraisal concludes that enhancement and mitigation measures will be sufficient to make the scheme acceptable in biodiversity terms. However, in respect of the impact on

amphibians, further surveys are suggested due to the loss of an area of optimal foraging habitat in close proximity to a number of ponds. It does not appear that the application has been supported by further surveys in this respect, and therefore it is not possible to positively determine the ecological impact of the development.

- 10.15. Comments have been received from Natural England raising an objection to the scheme on the basis that insufficient information to fully assess the impacts of the development on designated sites, namely the Nene Washes SSSI.
- 10.16. The comments centre around the impact of the development on existing areas of importance, mainly through increased visitor numbers, which may be to the detriment of their quality. In this regard, it must be noted that the development would result in 4 no properties which would likely yield low occupant numbers that may choose to visit those areas. Furthermore, it is noted that Natural England raised no objections to the previous application on site, or when consulted on two larger-scale development proposals at the edge of Whittlesey (F/YR23/0245/O and F/YR23/0705/O) which cumulatively totalled up to 424 dwellings. It was concluded on one scheme of up to 175 dwellings that it would not have significant adverse impacts on designated sites.
- 10.17. With the above in mind, it is considered that it would be disproportionate to require any further evidence of impacts through this latest proposal for 4 dwellings.
- 10.18. Notwithstanding this, in the absence of the full suite of reports and surveys suggested by the Preliminary Ecological Appraisal, it is considered that the proposal fails to fully assess its ecological implications and is therefore considered to be contrary to Policy LP19 of the Fenland Local Plan in this regard.

### **Contamination**

- 10.19. Given the historical use of the site, as pits and made land, it is necessary to ensure that the land is suitable for residential development and will not subject future or neighbouring occupiers to risks resulting from contamination or landfill gas as set out in Policy LP16(l) and (m).
- 10.20. The application was supported by Phase 1 and 2 environmental assessments which concluded that the site would be sufficient for residential development subject to the inclusion of remediation and has protection measures. The Environmental Health team reviewed and accepted the information submitted and consider the remediation strategies appropriate, subject to final conditions in respect of the proposed remediation works to be carried out in full and a validation/closure report to ensure longer-term protection and monitoring.
- 10.21. Accordingly, it is considered that the scheme is acceptable with respect to the aforementioned policy, subject to compliance with the necessary conditions.

### **Highway Safety and Parking Provision**

- 10.22. Notwithstanding the fundamental issues relating to harm to the overall landscape character considered above, the proposal to include access points to the site off Gull Road is acceptable in principle. Consultations with the Highway Authority resolved to offer no objection to the scheme, subject to a suitably detailed access scheme being provided as part of the Reserved Matters submission.



10.23. It is considered that sufficient space exists on-site to provide suitable parking and turning provision for each of the proposed dwelling. Therefore, it is considered that the proposal is acceptable with respect to Policy LP15, subject to a suitable detailed scheme being provided at Reserved Matters stage.

### **Biodiversity Net Gain (BNG)**

10.24. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

10.25. In this instance a Biodiversity Gain Condition would be required to be approved before development is begun, should planning permission be granted.

## **11 CONCLUSIONS**

11.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.

11.2. As per previous applications on the site, the proposal is considered to be unacceptable in principle by virtue of it resulting in the loss of an important green space in the village. This would subsequently result in a detrimental impact on the landscape character of the area. Further, the site is also not considered to represent infill development, therefore failing to comply with Policy LP3 of the Fenland Local Plan.

11.3. Further this, the application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal.

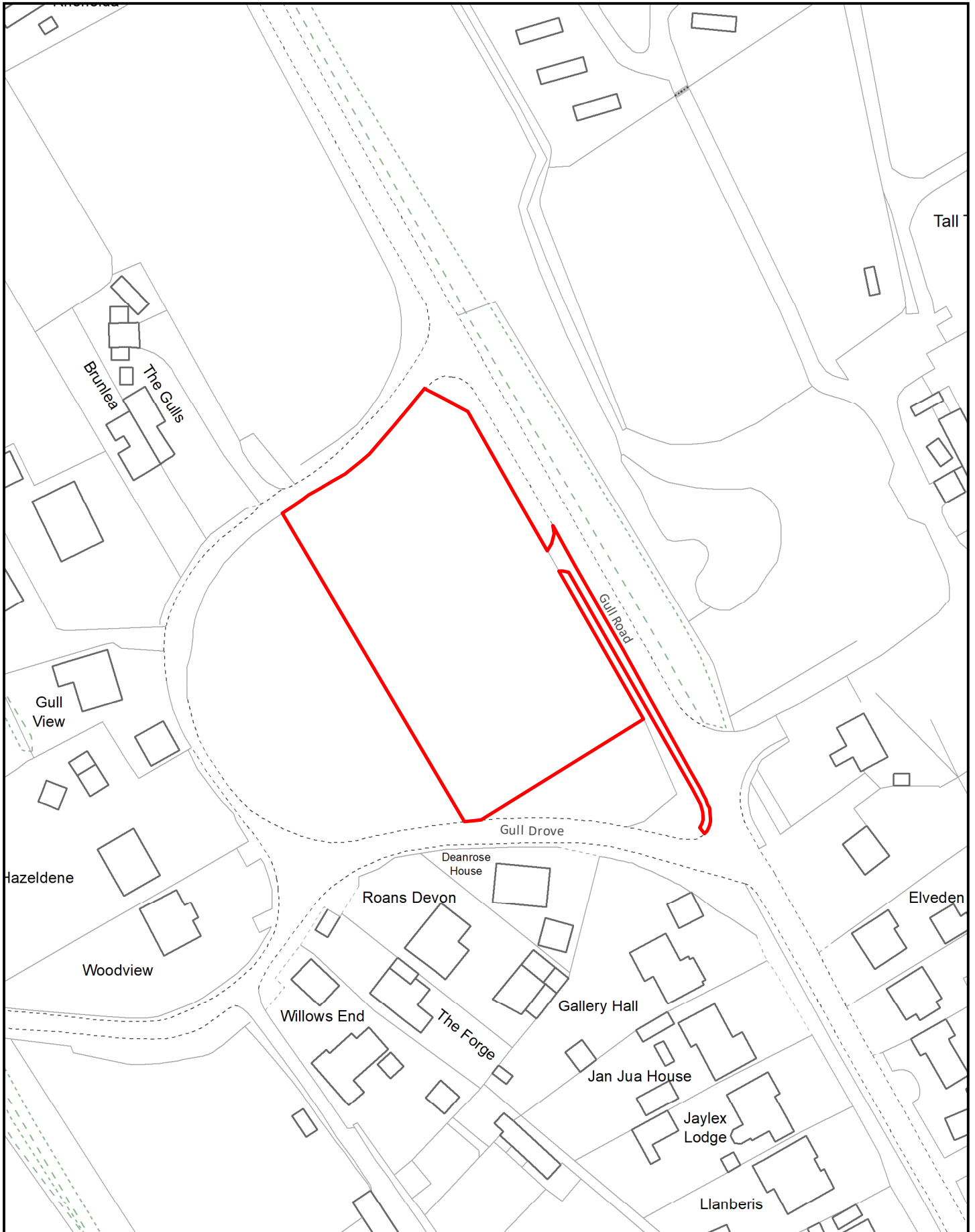
11.4. Overall, the proposal is considered to be unacceptable in planning terms for the aforementioned reasons, contrary to Policies LP2, LP12, LP16 and LP19 of the Fenland Local Plan. It is accordingly recommended that planning permission is refused in this instance.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1.	Policy LP3 of the Fenland Local Plan (2014) identifies that Guyhirn is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately adjacent to the application site. This is the clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2.	Policy LP12(h) of the Fenland Local Plan seeks to protect important spaces in villages. Policy LP16(d) requires development to contribute to local distinctiveness and the character of the area, and would not allow

	<p>development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. The application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside. The development proposal would result in the loss of a substantial part of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and as such would conflict with the aims and objectives of the NPPF and the National Design Guide (2019).</p>
3.	<p>The application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal. It is considered that the proposal fails to fully assess its ecological implications and is therefore considered to be contrary to Policy LP19 of the Fenland Local Plan.</p>



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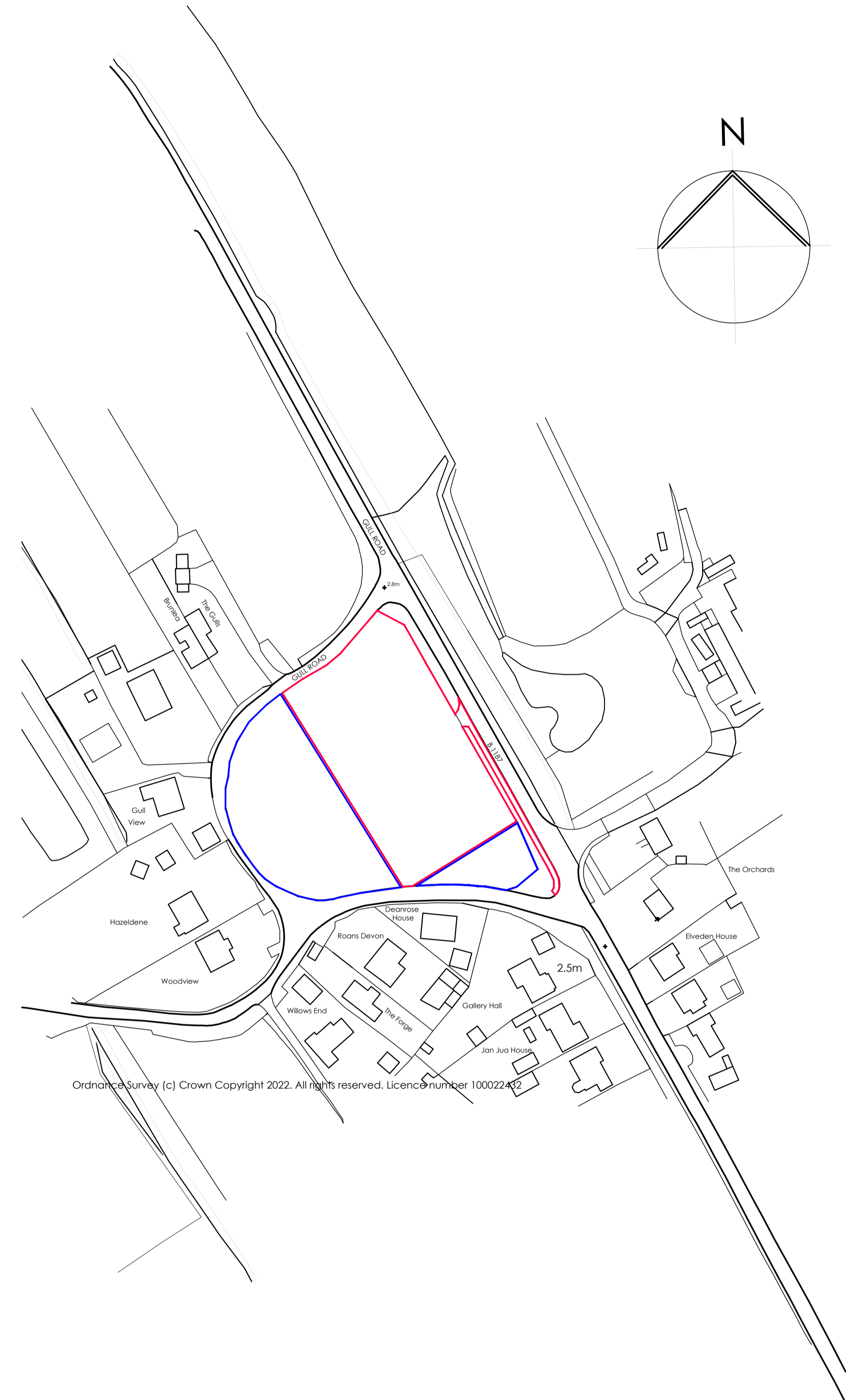


 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council





Existing Site Plan 1:500



Location Plan 1:1250



Proposed Indicative Site Plan 1:500  
Site Area 0.490Ha

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REVISIONS



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PROJECT  
PROPOSED RESIDENTIAL DEVELOPMENT

SITE  
LAND SOUTH WEST OF THE ORCHARDS  
GULL ROAD  
GULPHIRN  
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CAMBS  
PE13 4ER

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