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**F/YR24/0891/O**

**Applicant: Mr & Mrs R Brownlow**

**Agent : Mr Gareth Edwards  
Swann Edwards Architecture Limited**

**Land North Of Meadow Cottage, Allens Drove, Gorefield, Cambridgeshire**

**Erect 1 x dwelling (outline application with all matters reserved)**

**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 December 2024**

**EOT in Place: Yes**

**EOT Expiry: 13 February 2025**

**Application Fee: £578**

**Risk Statement:**

**This application must be determined by 13.02.2025 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 proposal seeks outline permission with all matters reserved for the erection of 1no. dwelling.</p> <p>1.2. It is considered that the proposal is unacceptable in principle having regard to Policies LP3, LP12, and Paragraph 84(a) of the NPPF on the basis that it has not been sufficiently justified that the proposal is essential for agriculture and the site is otherwise considered to be in an unsuitable and unsustainable location.</p> <p>1.3. It is considered that the development of the site would result in an adverse landscape character impact by virtue of the development of a greenfield site in a currently rural and largely undeveloped area, contrary to Policies LP12 and LP16.</p> <p>1.4. The application site is located entirely within Flood Zone 3 and fails to meet the sequential test by virtue of alternative sites being available elsewhere in the district to accommodate the development that are at lower risk of flooding. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.</p> <p>1.5. It is therefore considered that the proposal is not acceptable in planning terms</p> |
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and is accordingly recommended for refusal for the reasons listed above.

## 2 SITE DESCRIPTION

- 2.1. The application site is located on undeveloped agricultural land to the north of an existing residential property known as Meadow Cottage. The site fronts onto the public highway known as Allen's Drove, which is a relatively narrow highway, at approximately 4m in width at the application site.
- 2.2. The site lies entirely within Flood Zone 3 and is at very low risk of surface water flood risk.
- 2.3. The area surrounding the site is largely characterised by undeveloped agricultural land with sporadic parcels of residential development.

## 3 PROPOSAL

- 3.1. The proposal seeks outline planning permission with all matters reserved for the erection of one dwelling.
- 3.2. The indicative site plan submitted with the application identifies a dwelling located centrally with a new access to be created in the northern corner of the site.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

F/YR18/0044/O	Erection of up to 2no. dwellings (outline application with matters committed in respect of access)	Refused 09.03.18
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## 5 CONSULTATIONS

- 5.1. **Parish/Town Council**  
Object - It is situated in open countryside with no justification
- 5.2. **Environment & Health Services (FDC)**  
No objection subject to conditions
- 5.3. **North Level Internal Drainage Board**  
No objection
- 5.4. **Cambridgeshire County Council Highways Authority**  
No objection
- 5.5. **Environment Agency**  
No objection subject to conditions
- 5.6. **Local Residents/Interested Parties**

## **Supporters**

A total of 7 letters of representation were received in support of the application from residents of High Road, Back Road & Cattle Dyke in Gorefield, raising the following material planning considerations:

- The site is between two properties and would allow easy access to services.
- There is a shortage of houses in rural areas.

The comments also raised the following non-material planning considerations:

- The applicant and his family are local, having lived in Gorefield for a long time.
- The applicant has supported local charities, services and facilities.
- The applicants wish to downsize due to advancing age.
- The precedent of a new build granted elsewhere on the road.

## **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 (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 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

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

LP4 – Housing

LP5 – Meeting Housing Need

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
- LP3: Spatial Strategy for Employment Development
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP13: Custom and Self Build
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP28: Landscape
- LP32: Flood and Water Management

## **8 KEY ISSUES**

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

## **9 BACKGROUND**

- 9.1. The site was previously subject to a planning application under reference number F/YR18/0044/O which sought permission for the erection of up to 2no. dwellings.

- 9.2. This application was submitted at a time when the Council were unable to demonstrate a 5-year housing land supply. As such, the proposal was assessed against the three objectives of sustainable development as set out in the NPPF.
- 9.3. Notwithstanding this, the application was refused on the basis that it was not deemed to constitute sustainable development and would be harmful to the character of the open countryside. It was also refused on the basis that the site was located in Flood Zone 3 and was therefore at a high risk of flooding.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The application seeks outline permission with all matters reserved for the erection of 1no. residential dwelling.
- 10.2. The site is located within an area of open countryside between the main settlements of Gorefield and Wisbech St Mary. Policy LP3 considers the site to be an 'elsewhere' location within open countryside where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services.
- 10.3. The design and access statement submitted in support of the application states that the application is submitted under paragraph 84(a) of the NPPF, which states that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker.
- 10.4. In relation to the definition of "isolated homes", the Court of appeal decision on 'City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government [2021] concluded the proximity of a site to other dwellings does not constitute a site being isolated. Rather, it is the functional relationship of a site to settlements due to a lack of connectivity that would be the determining factor.
- 10.5. The statement goes on to state that the applicant's current farmhouse has no agricultural occupancy tie and is no longer fit for purpose for the applicants, hence the need for a new property to allow them to continue to reside in close proximity to their agricultural business.
- 10.6. However, no details have been provided to support this justification in respect of the location of the current farmhouse, the nature and scale of the agricultural business, and the roles of the applicant within the business that necessitates an on-site presence.
- 10.7. As such, it cannot be confirmed that there is an "essential need" for a rural worker to live on site, as specified by paragraph 84(a) of the NPPF, and therefore it is not considered that this exception applies to the development to justify the erection of a dwelling in this isolated location.
- 10.8. On the basis of the previous assessment, it is considered that the proposal conflicts with Local and National Planning Policy and is accordingly considered to be unacceptable in principle.

## **Character and Appearance**

- 10.9. The proposal is submitted in outline form with all matters reserved. As such, no detailed plans have been submitted in support of the application.
- 10.10. Notwithstanding this, the proposal would result in the development of a parcel of currently undeveloped agricultural land. Whilst there is an existing residential property immediately adjacent to the southern boundary of the site and a further property approximately 45m to the north of the site, it is considered that the development of the site would inherently result in a detrimental impact on the open landscape character of the area, that currently benefits from largely uninterrupted views.
- 10.11. Whilst no detailed plans have been submitted in support of the application, it is acknowledged that a suitably designed scheme could be provided that would be in keeping with the visual appearance of the existing dwellings in the surrounding area. However, this is not sufficient to outweigh the landscape character harm that would inherently arise from the development of the site.
- 10.12. It is overall considered that the proposal would result in unacceptable changes to the area that would fail to enhance its local setting and adversely impact the landscape character of the area contrary to Policy LP16 of the Fenland Local Plan.

## **Residential Amenity**

- 10.13. The application site is sufficiently sized to accommodate a dwelling and provide sufficient private amenity space for future occupants.
- 10.14. Further, the relationship between the site and nearby dwellings is considered to be sufficient to avoid any detrimental impacts in terms of overlooking, over-dominance or overshadowing.
- 10.15. Whilst the plot immediately south of the application site is a residential property, the dwelling to the south is approximately 40m away from the boundary of the site. Again, the property to the north is approximately 70m away from the application site, therefore confirming that a suitably designed scheme could be provided at Reserved Matters stage to ensure no detrimental amenity impacts.
- 10.16. The proposal is therefore considered to satisfy the requirements of Policy LP16 of the Fenland Local Plan in respect of its residential amenity impacts.

## **Flood Risk and Drainage**

- 10.17. The application site is located within Flood Zone, and is at very low risk of surface water flooding.
- 10.18. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seeks to direct development away from areas at high risk of flooding, unless the sequential and exception test can be met.
- 10.19. The application is supported by a Flood Risk Assessment which has been considered by the Environment Agency, with no objections raised by this body.
- 10.20. The Flood Risk section of the Design and Access Statement states that the sequential test is met by virtue of the development proposal being a solution for

the site, meaning that there are no other parcels of land available to accommodate the proposal.

- 10.21. As set out in the 'Principle of Development' section above, the site is considered to be located in an 'Elsewhere' location, as defined by Policy LP3. As per the conclusions of this section of the report, it is not considered that Policy LP3 of the Fenland Local Plan, or Paragraph 84(a) of the NPPF is met on the basis that there is insufficient evidence to demonstrate that the proposal is essential for agricultural purposes.
- 10.22. The Council's adopted approach to the Sequential Test states that the area of search will be "determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:
- A) Developments in the countryside – The whole of the rural area
  - B) Developments in towns and villages – The town/villages that the proposal would sustain."
- 10.23. As the application site is located in an 'Elsewhere' location with insufficient justification, it is considered that the search area for the sequential test must cover the whole of the rural area. Accordingly, the sequential test is deemed to be failed.
- 10.24. As the sequential test has been failed, it is not necessary to consider the exception test. Notwithstanding this, the site does not offer any wider sustainability benefits, and it is therefore considered that the exception test would be failed in any event.
- 10.25. Overall, on the basis of the site's location in Flood Zone 3 and considering that the sequential test is not met, it is not considered that the development is in a suitable location in flood risk terms, and therefore the application is considered contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).

### **Biodiversity Impact**

- 10.26. Based on the information submitted alongside the application, there is no indication that any protected species would be impacted or at risk as a result of the development.
- 10.27. Given the current condition of the site as an undeveloped, but worked, agricultural field, it is considered unlikely that the site would be a suitable habitat for any protected species, nor would it have any significant biodiversity value.
- 10.28. As such, it is not considered that the development of the site would give rise to any detrimental biodiversity impacts, and therefore the proposal is considered to satisfy the requirements of Policy LP19 in this regard.

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

- 10.29. The size of the site is such that there will be ample space for a Reserved Matters scheme to incorporate sufficient parking and turning provision on site.

- 10.30. Whilst Allen's Drove is a narrow highway, it is not considered that the increase of traffic movements associated with the creation of one additional dwelling would have a detrimental impact on highway safety in this location.
- 10.31. The geometry of Allen's Drove is such that good visibility could be achieved in each direction from an access created anywhere along the frontage of the site, therefore ensuring that safe access and egress could be achieved.
- 10.32. Whilst access is not a matter for consideration in this instance, it is considered that a safe and suitable scheme could be provided at Reserved Matters stage to render the scheme acceptable in highway safety terms. This view is echoed by the Highway Authority who considered the principle of the development acceptable in highway safety terms, subject to a suitable detailed scheme being provided at Reserved Matters stage.
- 10.33. Overall, it is considered that the proposal is acceptable in terms of the principle of highway safety, having regard to Policy LP15 of the Fenland Local Plan.

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

- 10.34. 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.
- 10.35. In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

## **11 CONCLUSIONS**

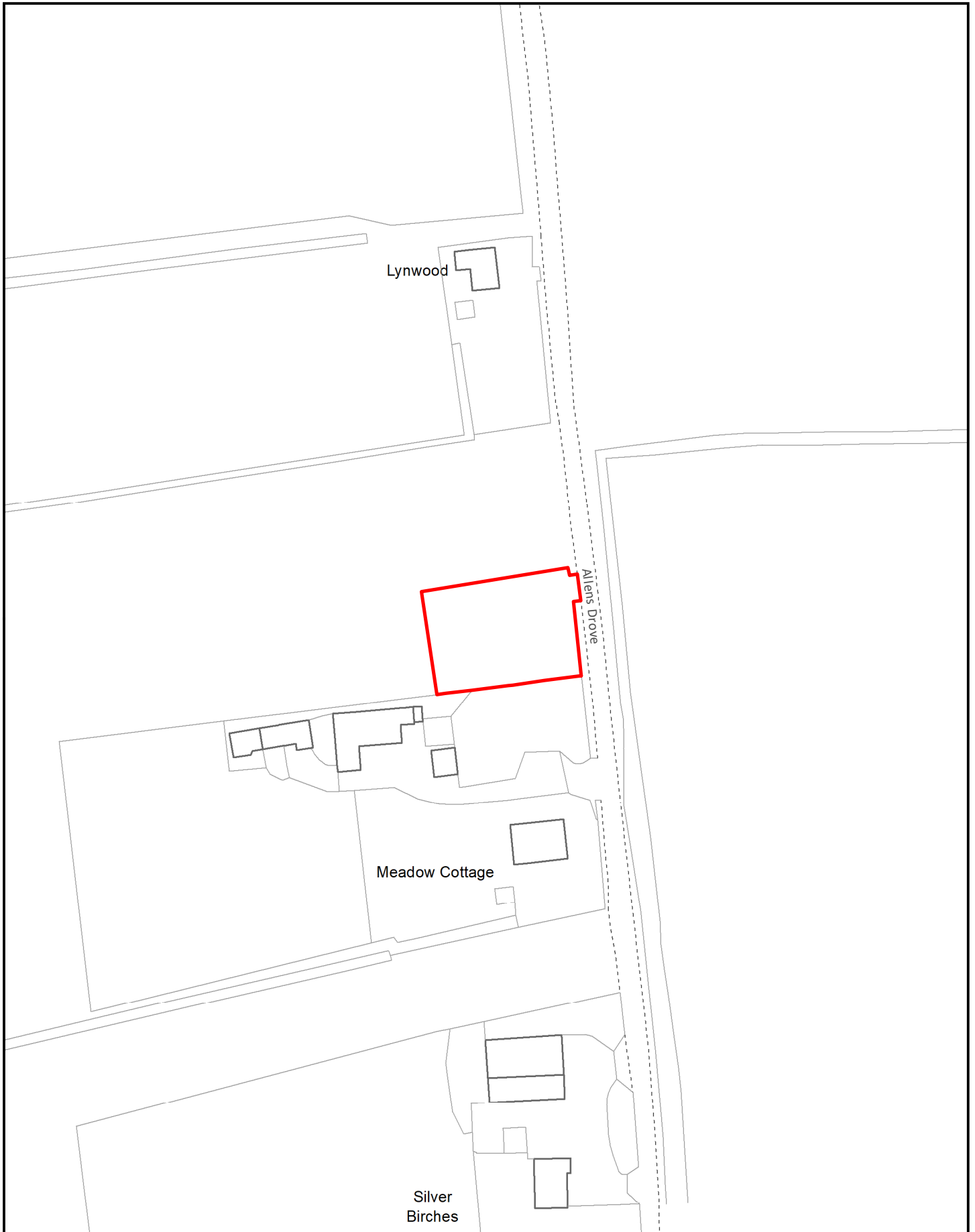
- 11.1. The proposal seeks outline permission with all matters reserved for the erection of 1no. dwelling.
- 11.2. It is considered that the proposal is unacceptable in principle having regard to Policies LP3, LP12, and Paragraph 84(a) of the NPPF on the basis that it has not been sufficiently justified that the proposal is essential for agriculture and the site is otherwise considered to be in an unsuitable and unsustainable location.
- 11.3. It is considered that the development of the site would result in an adverse landscape character impact by virtue of the development of a greenfield site in a currently rural and largely undeveloped area, contrary to Policies LP12 and LP16.
- 11.4. The application site is located entirely within Flood Zone 3 and fails to meet the sequential test by virtue of alternative sites being available elsewhere in the district to accommodate the development that are at lower risk of flooding. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.
- 11.5. It is therefore considered that the proposal is not acceptable in planning terms and is accordingly recommended for refusal for the reasons listed above.



## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1.	<p>The application site is located in an 'Elsewhere' location as identified in Policy LP3, where development is restricted to that which is essential for agriculture, or other uses requiring a rural location.</p> <p>The proposal is supported by insufficient justification to demonstrate that there is an essential agricultural need for the development as required by Policy LP12 of the Fenland Local Plan (2014) and Paragraph 84(a) of the NPPF 2024. The proposal would therefore result in unwarranted development in an unsustainable rural location contrary to the aforementioned policies.</p>
2.	<p>The proposal, by virtue of the development of a greenfield site in a rural location, would be harmful to the character of the open countryside, contrary to Policies LP12 and LP16 of the Fenland Local Plan.</p>
3.	<p>The application site is located within Flood Zone 3 and fails to meet the sequential or exception test. It is considered that the proposal is at an unacceptable risk of flooding that would fail to be suitably mitigated against. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2023).</p>



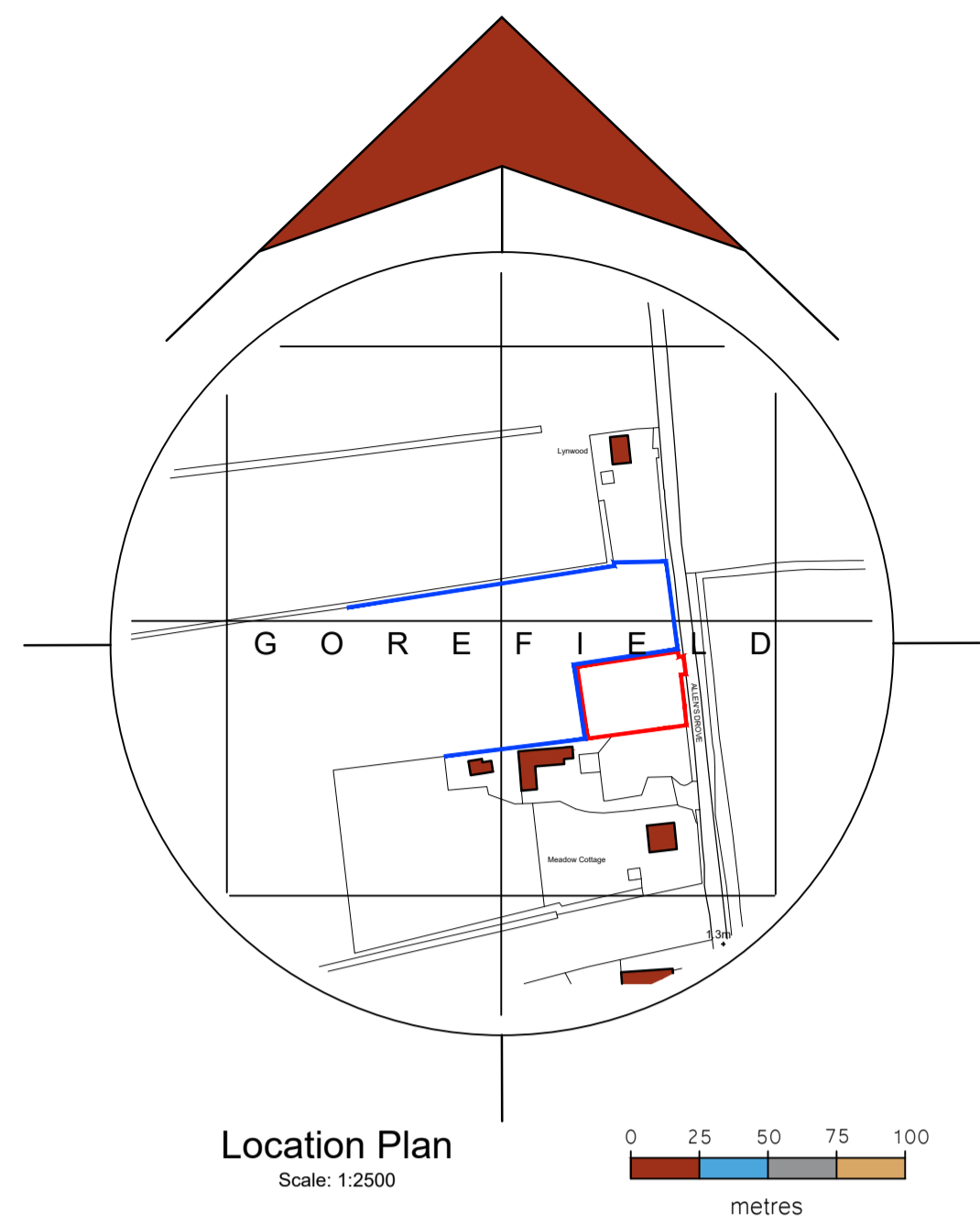
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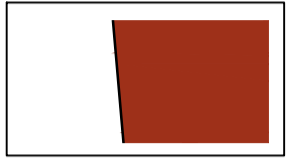
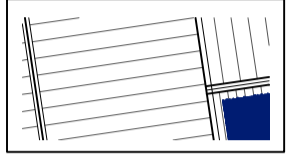
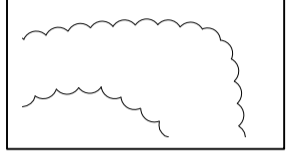
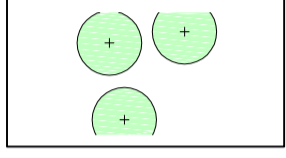



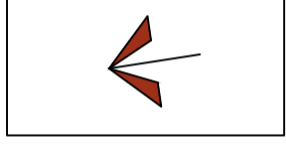




**General Notes**

1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
4. Any discrepancies are to be brought to the designers attention.

**SITE PLAN KEY**

-  Indicates un-surveyed OS buildings
-  Indicates proposed indicative dwelling
-  Indicates existing vegetation
-  Indicates proposed indicative soft landscaping
-  Indicates proposed indicative pond
-  Indicates proposed indicative driveway
-  Indicates proposed indicative grassed areas
-  Indicates existing site access to be utilised with any future application

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title Proposed Dwelling Land Adj. Meadow Cottage Allens Drive, Gorefield, Wisbech For: Mr and Mrs Brownlow	Date September 2024	Drawn by GT
Drawing Title Outline Planning Drawing Indicative Site Plan	Job No. SE-2047	Sheet Size A1
	Dwg No. PP1000	Revision B
		Checked by G.E.