
F/YR25/0006/F

Applicant: Mr and Mrs Deptford

**Agent : Swann Edwards
Architecture Limited**

Land South Of Horse Creek Farm, Coldham Bank, Coldham, Cambridgeshire

Erect 1 self build dwelling

Officer recommendation: Refuse

**Reason for Committee: Letters of representation Contrary to Officer
Recommendation**

Government Planning Guarantee

Statutory Target Date For Determination: 3 March 2025

EOT in Place: Yes/No

EOT Expiry: 11 April 2025

Application Fee: £578

Risk Statement:

This application must be determined by 11.04.25 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
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| <p>1.1. The application seeks full planning permission to erect 1 no. self-build dwelling. The supporting Design & Access statement states that this is to be occupied by a rural worker.</p> <p>1.2. It is considered that insufficient evidence and information has been submitted to demonstrate that the proposal is essential for agriculture, as required in an 'Elsewhere' location such as this. Therefore, the proposal is therefore considered to be unacceptable in principle and is contrary to Policies LP3 & LP12 of the Fenland Local Plan (2024) and Paragraph 84(e) of the NPPF (2024).</p> <p>1.3. Further, the development of this 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, and by virtue of the excessive size and scale of the dwelling proposed, contrary to Policy 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</p> |
|--|

proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF.

1.5. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is located on land to the South of Horse Creek Farm, Coldham Bank, Coldham.
- 2.2. The site is currently used for grazing horses in association with the riding school on the adjacent site. The surrounding area is characterised largely by open and undeveloped land used for agricultural purposes. There is a complex of buildings of an agricultural vernacular to the north of the application site that are used in conjunction with the riding school business on site.
- 2.3. The site is located within Flood Zone 3 and is at low risk of surface water flooding.

3 PROPOSAL

- 3.1. The application seeks full planning permission to erect 1 no. self-build dwelling. The supporting Design & Access statement states that this is to be occupied by a rural worker.
- 3.2. The proposed dwelling is 2-storey, 4-bed in nature with a palette of materials of timber cladding, facing brickwork and zinc cladding. The dwelling incorporates an integral garage with first floor office/storage area.
- 3.3. The proposal incorporates the creation of a new access point onto Coldham Bank.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1. There is no site history relevant to the determination of the application.

5 CONSULTATIONS

- 5.1. **Parish/Town Council**
Supports the proposal
- 5.2. **Environment & Health Services (FDC)**
Raises no objections
- 5.3. **Environment Agency**
Raises no objections.

Advises that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB).? As

such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

Advises that, in accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Concludes is for the Local Planning Authority to determine if the sequential test needs to be applied and whether there are other sites available at lower flood risk.

5.4. Middle level Commissioners (IDB)

No comments received

5.5. Residents/Interested Parties

Supporters

A total of 8 letters of support were received on the application, raising the following points:

- The house will fit in with the surrounding environment.
- The house is proportionate to the size of the farm.
- The business has expanded over recent years and requires an on-site presence.
- The family are long terms farmers who have 3 generations involved in the business.
- A number of instances of fly tipping and hare coursing.

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 6 – Building a strong, competitive economy

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

Movement

Homes and Buildings

Resources

Lifespan

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

LP13 – Supporting and Managing the Impact of a Growing District

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

LP5: Health and Wellbeing

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**
- **Parking Provision and Highway Safety**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development

- 9.1. The proposal seeks full planning permission for the erection of 1no. self-build dwelling, which the Design & Access statement advises is to be occupied by a rural worker.
- 9.2. The site is located in the parish of Coldham but is located in a rural location, divorced from any services and facilities. Approximately 2km north east of the edge of March and 2.9km south of the settlement of Coldham. As such, it is considered that the application site is located in an 'Elsewhere' location as identified by Policy LP3 of the Fenland Local Plan.
- 9.3. Development in these locations is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services.
- 9.4. 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.
- 9.5. 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.
- 9.6. The statement goes on to state that the dwelling is proposed to be occupied by the applicant, Mr Deptford, in association with the business known as D.H. Deptford (Farms) Limited, which farms approximately 700 acres of land.
- 9.7. Due to the size of the holding, the business has been required to form its own independent Internal Drainage Board (IDB). It is stated that the occupation of the dwelling is required for the monitoring and maintenance of the IDB to allow immediate responses in the event of a blockage and avoid losses to the business. It is not considered that provides sufficient justification for a 24-hour presence on site, or a functional need to reside on site at all times.
- 9.8. Whilst the Design & Access statement considers that no alternative properties are available, a search of Rightmove identifies that there are currently a large number

of properties available in the nearby market town of March, a maximum 10-minute drive from the site. Further, no details have been provided as to the current location that the applicant lives to demonstrate the current commute that they have to their place of work. As already highlighted, even if the applicant lives a great distance from the site that requires a longer commute, there are alternatively available properties within a reasonable distance of the site that could provide for this need.

- 9.9. On the aforementioned basis, 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.
- 9.10. It is therefore considered that the proposal conflicts with Local and National Planning Policy and is accordingly considered unacceptable in principle.

Character and appearance

- 9.11. The location of the proposed dwelling is situated on a parcel of undeveloped agricultural land that is greenfield in nature. On the basis that it is not considered to constitute a rural workers development, as per the ‘Principle’ section above, the proposal should be assessed against Policy LP3, LP12 and LP16.
- 9.12. The site is in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation etc. and therefore the proposal is considered contrary to Policy LP3 of the Fenland Local Plan 2014.
- 9.13. Whilst the location of the proposed dwelling is in relatively close proximity to the existing agricultural buildings on the adjacent parcel of land, it is considered that the creation of a dwelling on a greenfield site would result in an encroachment on the landscape character of the area. The location of the site in such a rural location result in a site that is not related to a settlement or pattern of development. As such, the proposal is considered to be contrary to Policy LP12 Part (a), (c) & (d) in this regard.
- 9.14. Further to this, the size and scale of dwelling proposed is excessive and will result in an incongruous incursion on the open countryside. The dwelling measures approximately 9.7m in height to the ridge, 22m in width at its widest point, and 37m in depth at its longest point (23m in depth when removing the rear garage projection). This size and scale is considered to be inappropriate in such a rural and open location, and insufficient justification is provided for it contrary to Policy LP12 and LP16 of the Fenland Local Plan.
- 9.15. As such, it is considered that the proposal is unacceptable in terms of its character and appearance impact.

Residential Amenity

- 9.16. The dwelling is located on a spacious parcel of land that affords a generous level of private amenity space provision, more than sufficient for the size and scale of dwelling proposed.
- 9.17. There is an existing equestrian business located on the land to the north of the site, however the site location plan indicates that this is within the ownership of

the applicant. As such, it is not considered that the operations to the north would result in any detrimental impacts on the proposed residential dwelling.

- 9.18. The rural nature of the site means that there is a great level separation from the nearest residential property – approximately 200m. As such, the proposal will not give rise to any detrimental impacts on the amenities of adjoining properties.
- 9.19. The proposal is therefore considered to comply with Policy LP16 of the Fenland Local Plan (2014) in this regard.

Flood Risk and Drainage

- 9.20. According to the Environment Agency's flood mapping, the application site is located within Flood Zone 3 (rivers and seas flooding) and at low risk of surface water flooding.
- 9.21. 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 in the first instance, unless the sequential test and, if necessary the exceptions test can be met.
- 9.22. The application is supported by a Flood Risk Assessment which has been considered by the Environment Agency, with no objections raised by this body.
- 9.23. The Flood Risk Assessment states that the sequential test is met by virtue of the development proposal being for a rural worker dwelling, meaning that no other parcels of land at lower risk of flooding are available to accommodate the proposal.
- 9.24. 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. On this basis, the exclusion of other reasonably available sites capable of accommodating the development is unjustified.
- 9.25. 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."
- 9.26. 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.
- 9.27. 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 public sustainability benefits, and it is therefore considered that the first part of the exception test would be failed in any event.

- 9.28. 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

- 9.29. The application is supported by the Council's Biodiversity Checklist and identifies that the site is within the Green Great Crested New Protection Zone (low habitat probability) and there are no discerning features to indicate that further assessment of this is required.
- 9.30. Notwithstanding this, the site currently comprises a paddock area used for keeping horses. The land in question is covered in short grass with no notable trees or potential habitats.
- 9.31. As such, the scheme offers no obvious conflict with regard to Policies LP16 and LP19 of the Fenland Local Plan (2014).

Biodiversity Net Gain (BNG)

- 9.32. 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.
- 9.33. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

10 CONCLUSIONS

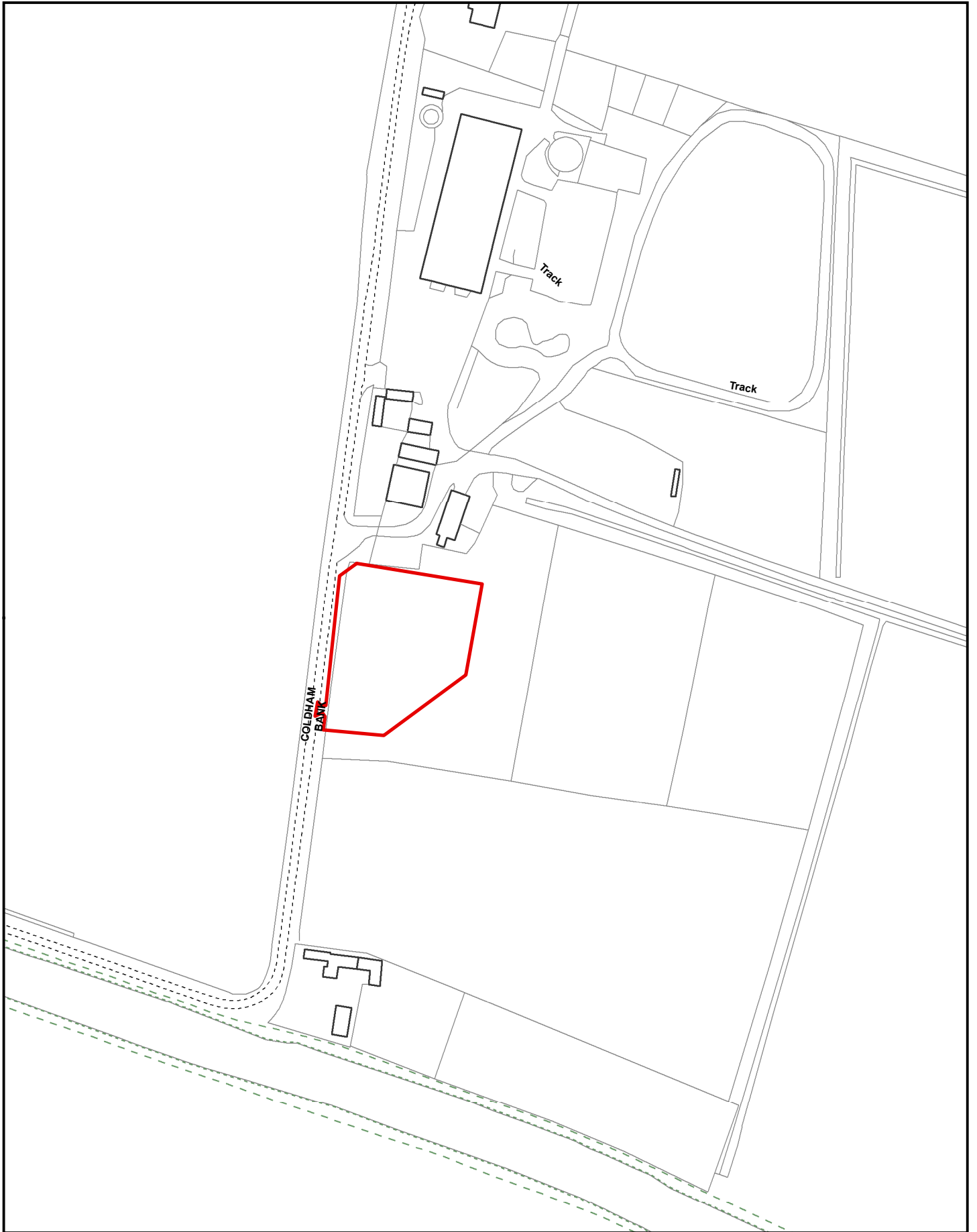
- 10.1. The application seeks full planning permission to erect 1 no. self-build dwelling. The supporting Design & Access statement states that this is to be occupied by a rural worker.
- 10.2. It is considered that insufficient evidence and information has been submitted to demonstrate that the proposal is essential for agriculture or similar rural enterprise, as required in an 'Elsewhere' location such as this. Therefore, the proposal is therefore considered to be unacceptable in principle and is contrary to Policies LP3 & LP12 of the Fenland Local Plan (2024) and Paragraph 84(e) of the NPPF (2024).
- 10.3. Further, the development of this 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, and by virtue of the excessive size and scale of the dwelling proposed, contrary to Policies LP12 and LP16.

- 10.4. 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 (2014) and Chapter 14 of the NPPF.

11 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, along with the excessive size and scale of the dwelling proposed, 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 without sufficient justification. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).</p>



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Scale = 1:2,500





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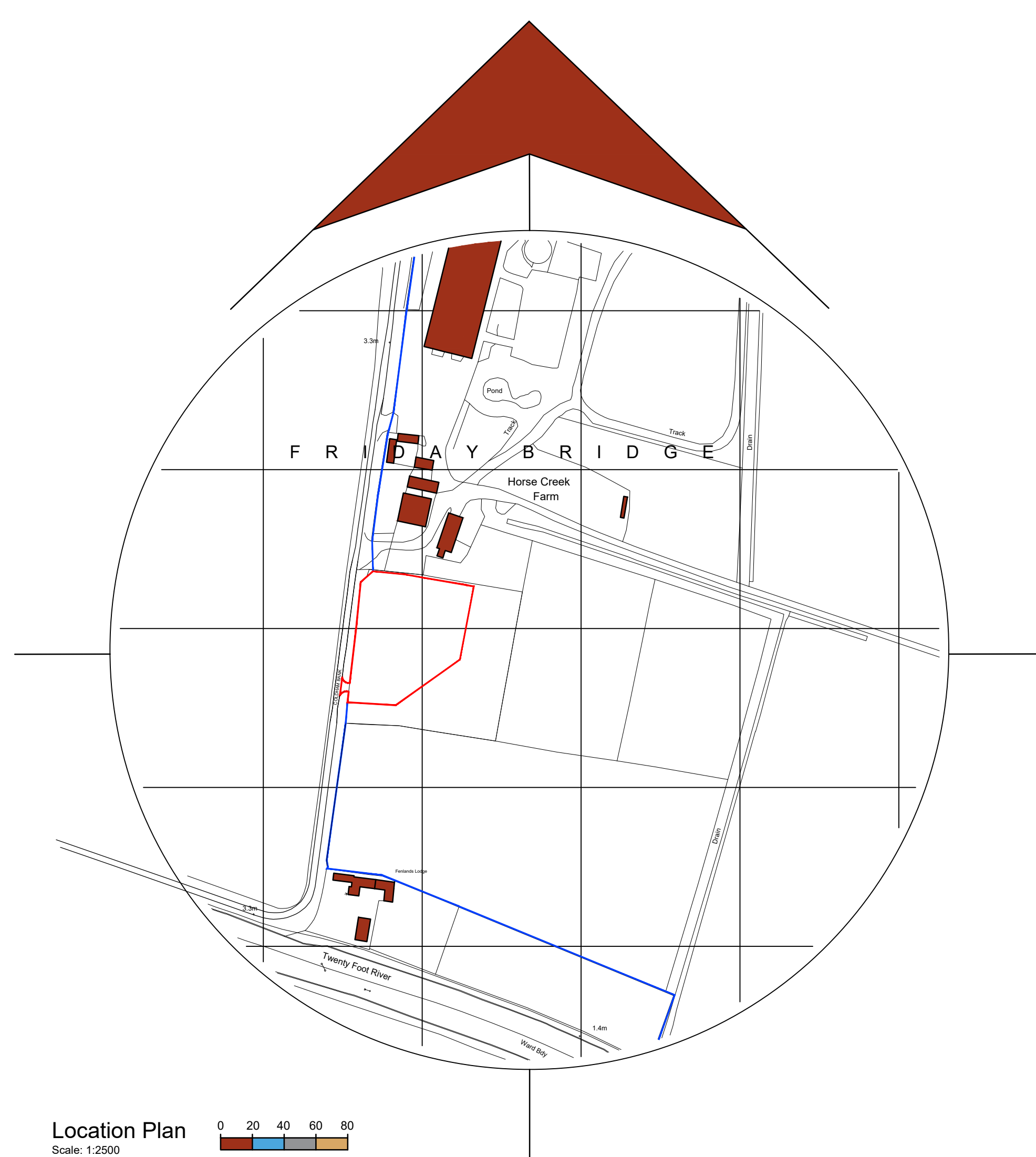
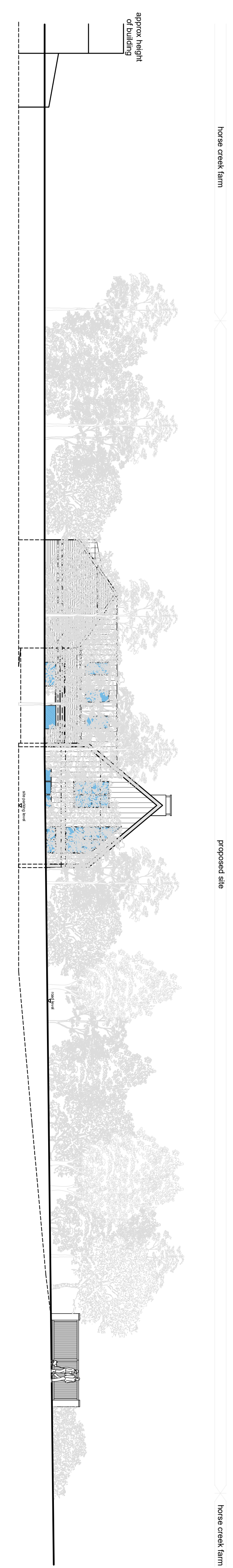
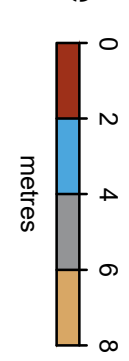
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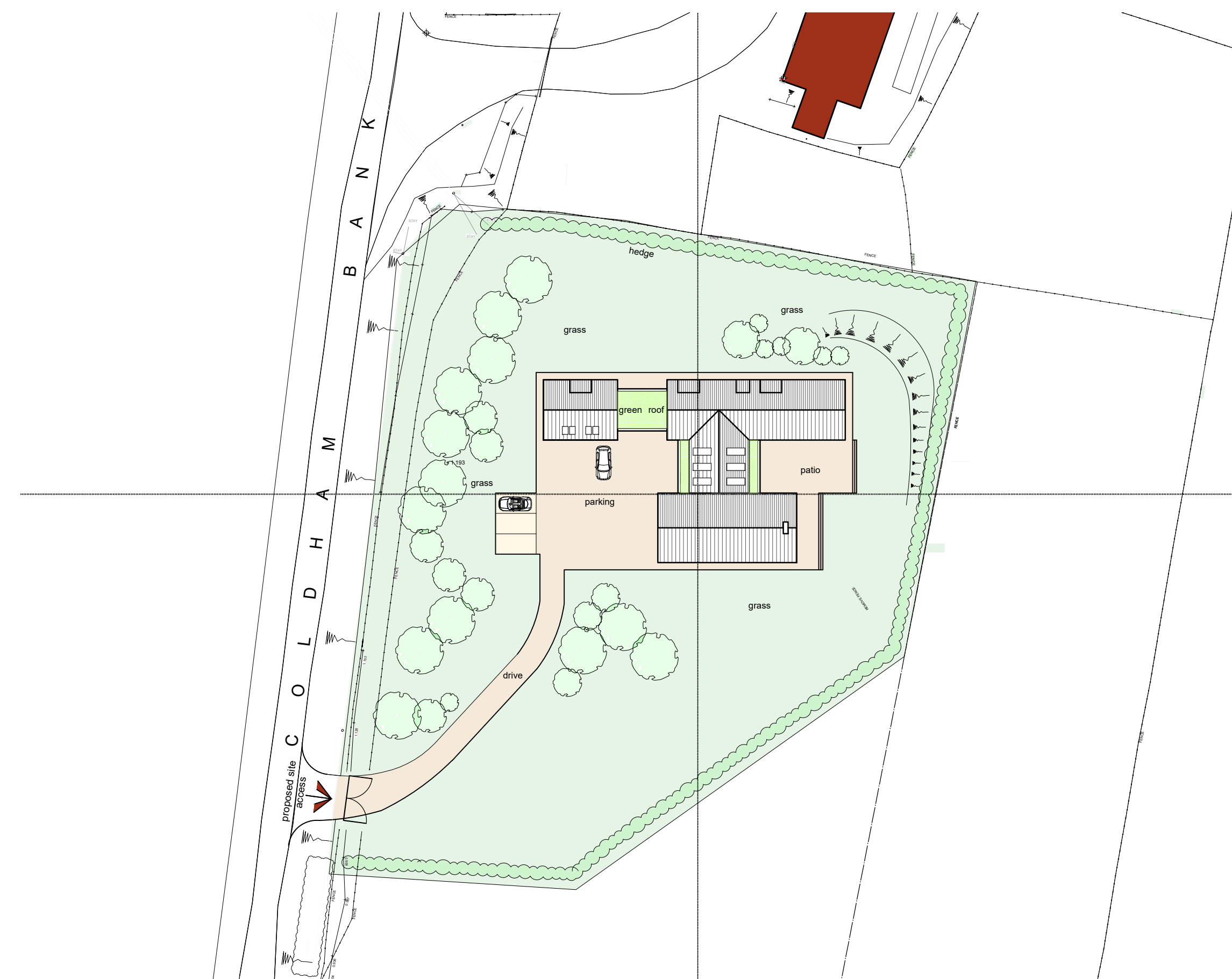
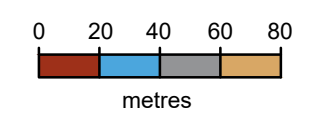


 **Fenland**
CAMBRIDGESHIRE
Fenland District Council

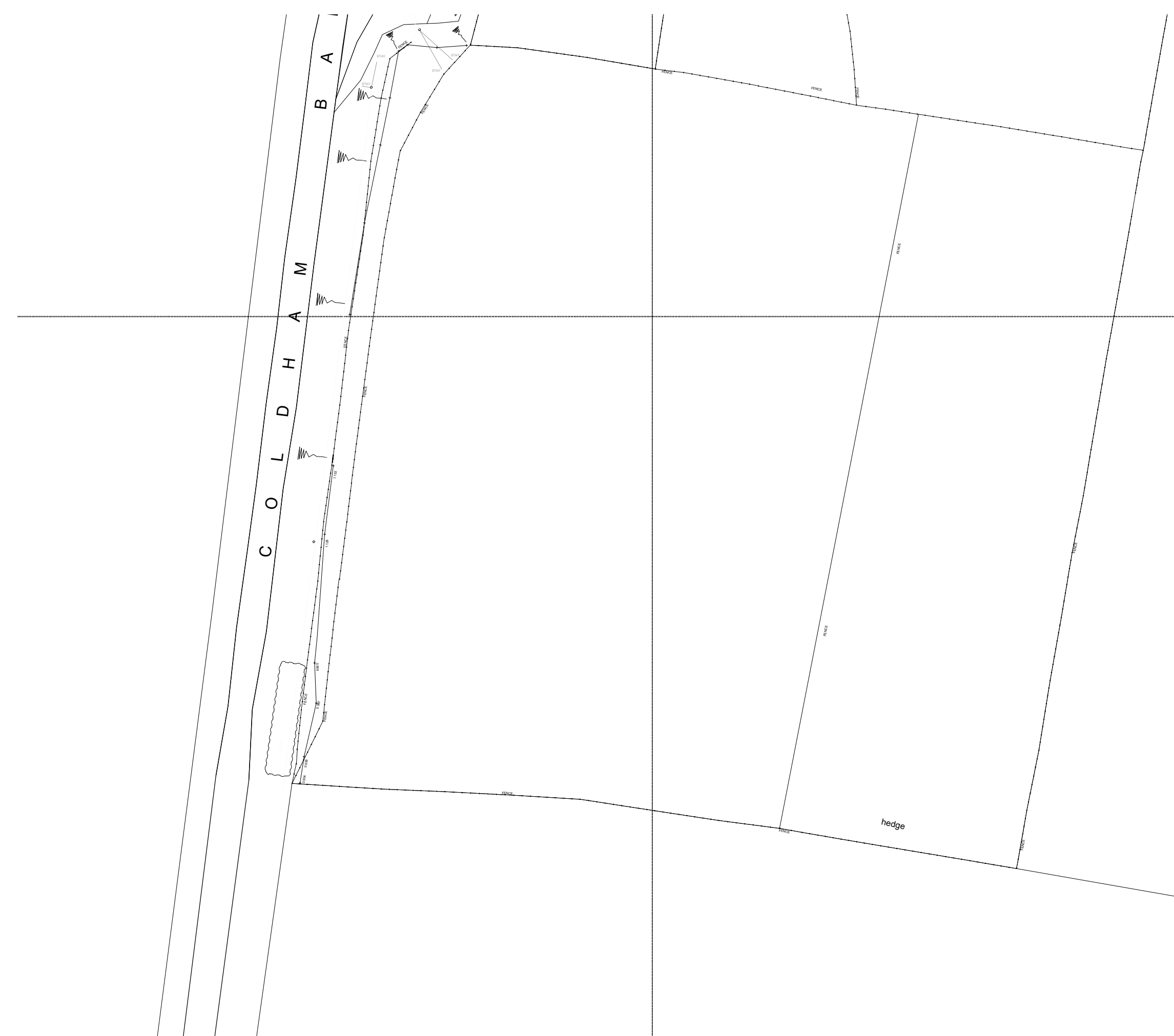
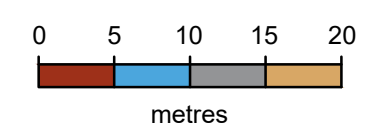
Proposed Street Scene
Scale: 1:200



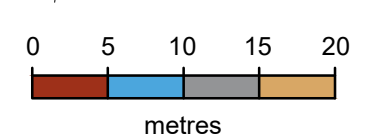
Location Plan
Scale: 1:2500



Proposed Site Plan
Scale: 1:500

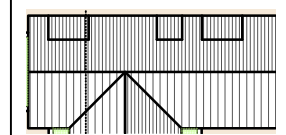
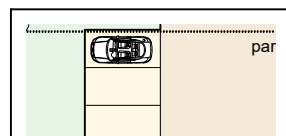





Existing Site Plan
Scale: 1:500



- 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 proposed dwellings
-  Indicates parking spaces
-  Indicates new road
-  Indicates proposed trees
-  Indicates fence to be removed

Revisions

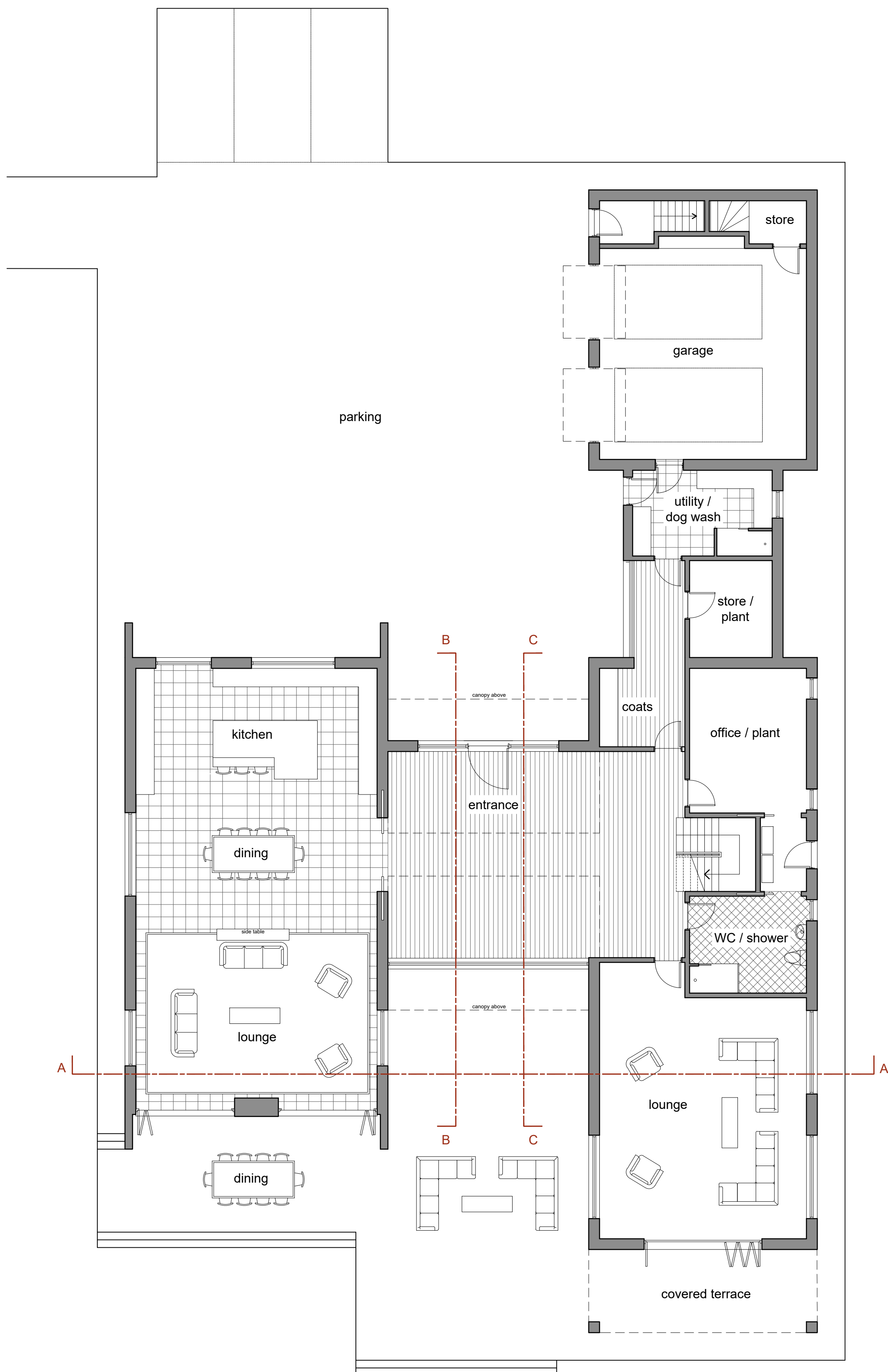
Revision	Date	Description
A	Oct 2024	Boundary amended
B	Dec 2024	Existing Site Plan and Street scene added
C	Dec 2024	General amendments
D	Jan 2025	General amendments
E	Jan 2025	Existing Site Plan added

FOR APPROVAL

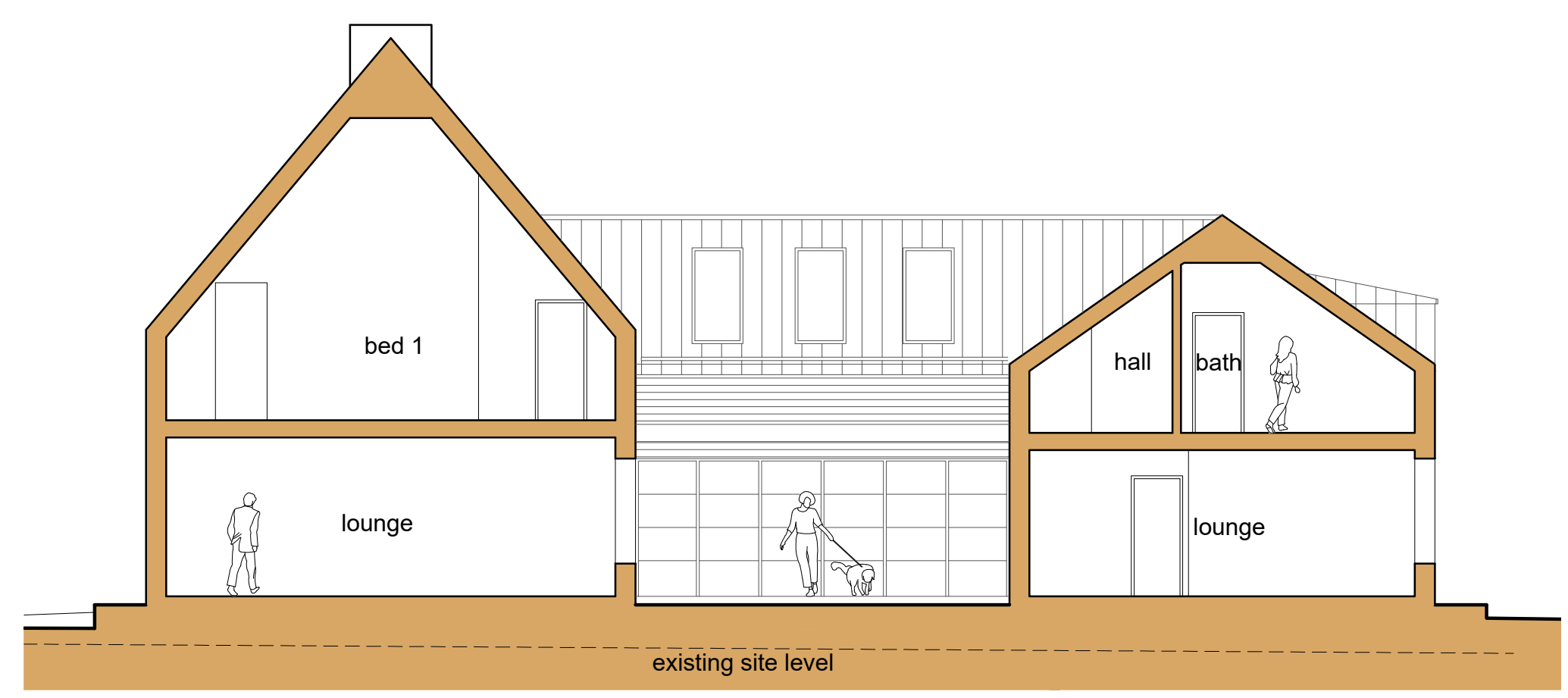
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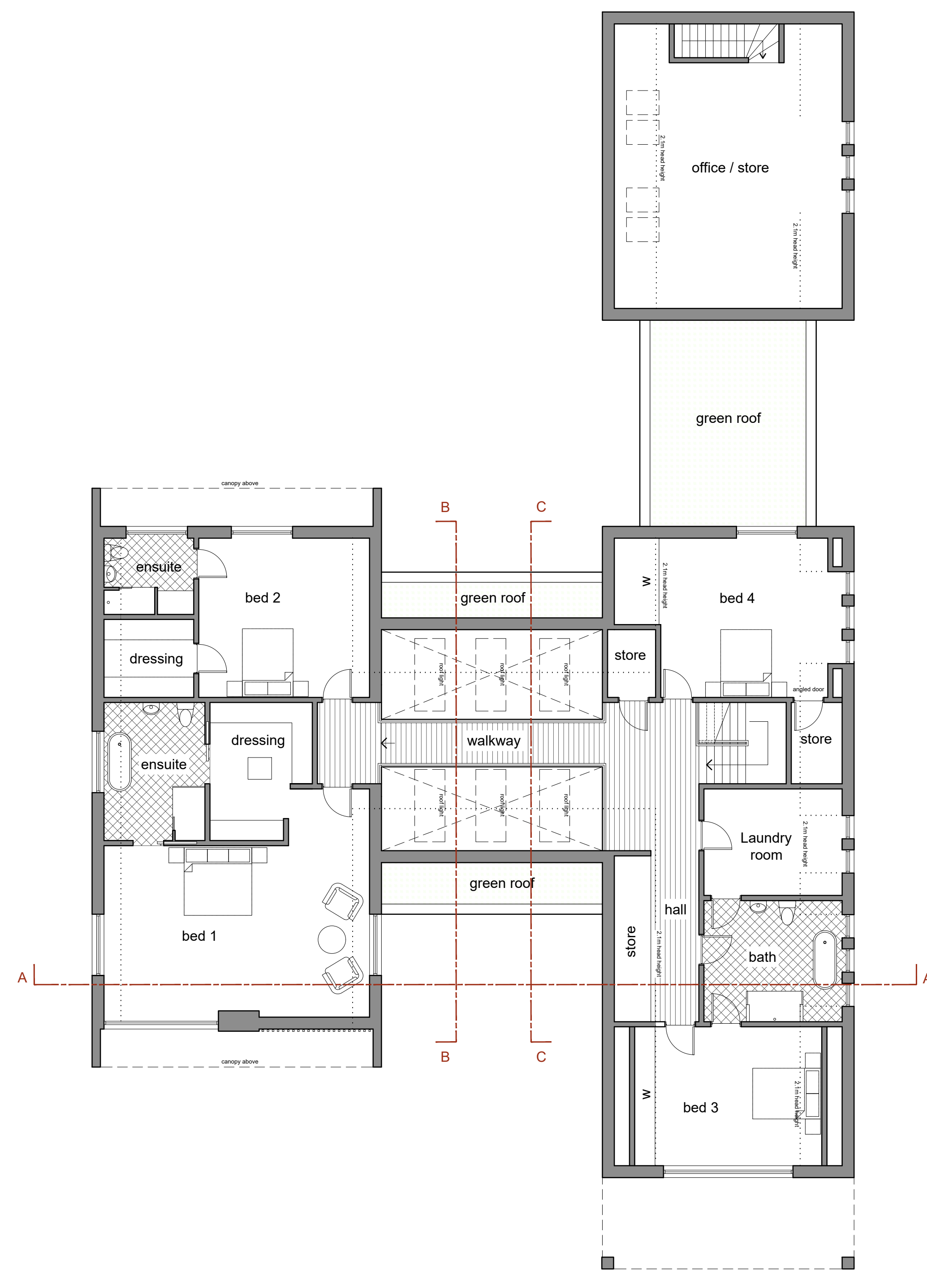
Job Title Proposed Dwelling Coldham Bank, Friday Bridge	Date January 2021	Drawn by AK
Drawing Title Planning Drawing Location, Proposed Site and Existing Site Plan	Job No. SE-1930	Sheet Size A1
	Dwg No. PP1000	Revision E
		Checked by JB



Ground Floor Plan
Scale: 1:100



Section A-A
Scale: 1:100



First Floor Plan
Scale: 1:100

General Notes
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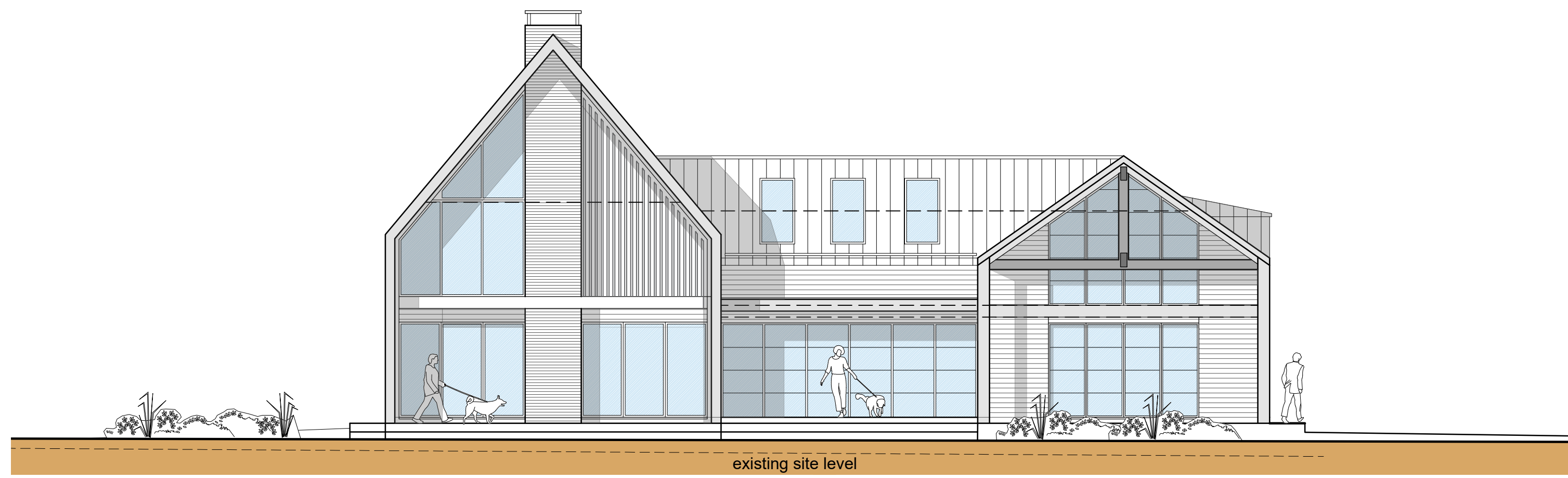
Revisions

A	Dec 2024	windows amended
B	Dec 2024	General amendments
C	Jan 2025	2025

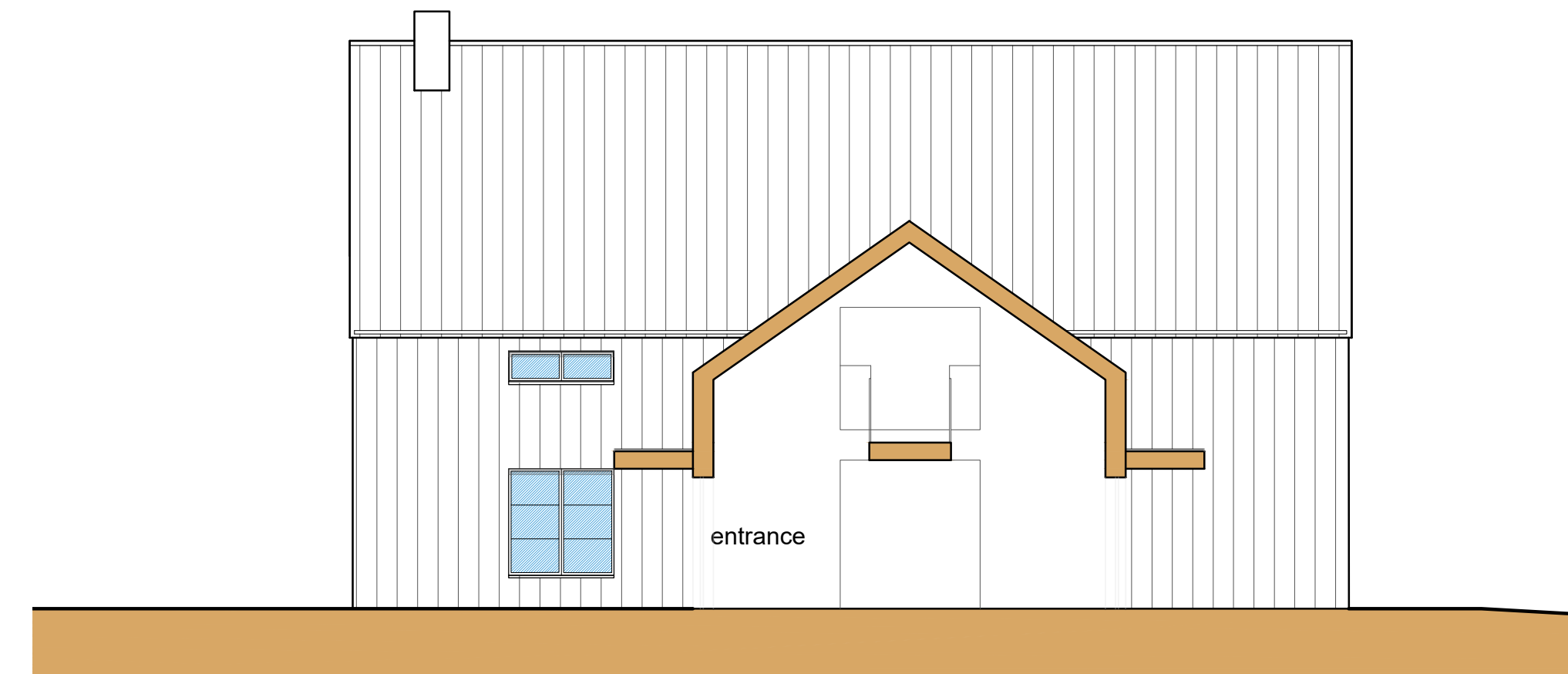
Status
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Job Title Proposed Dwelling Coldham Bank, Friday Bridge	Date January 2021	Drawn by AK
Drawing Title Planning Drawing Ground and first Floor Plan and Section A-A	Job No. SE-1930	Sheet Size A1
	Dwg No. PP1100	Revision C



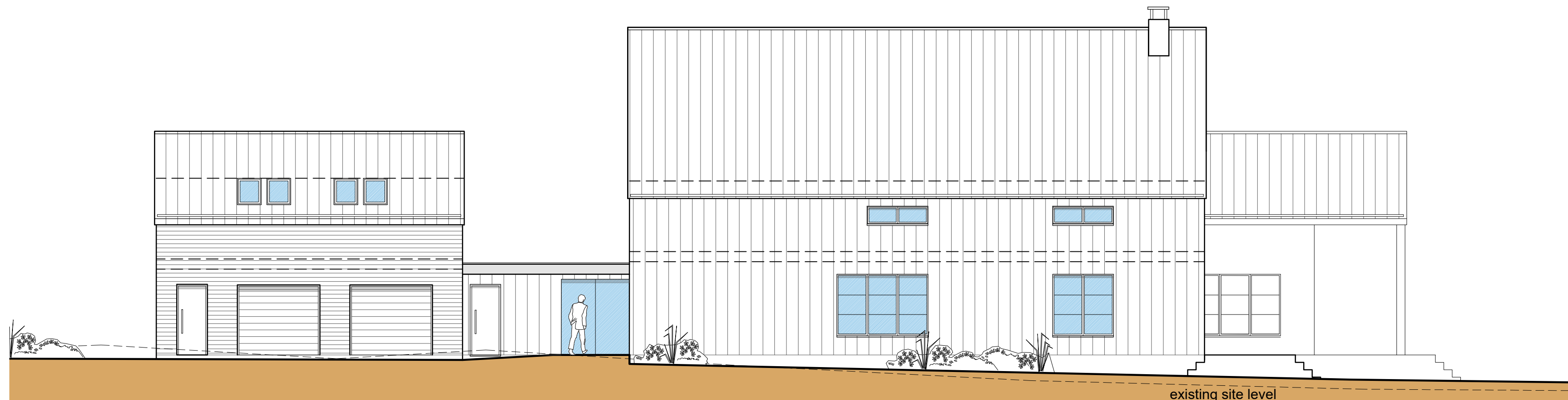
East Elevation (Back)
Scale: 1:100
metres



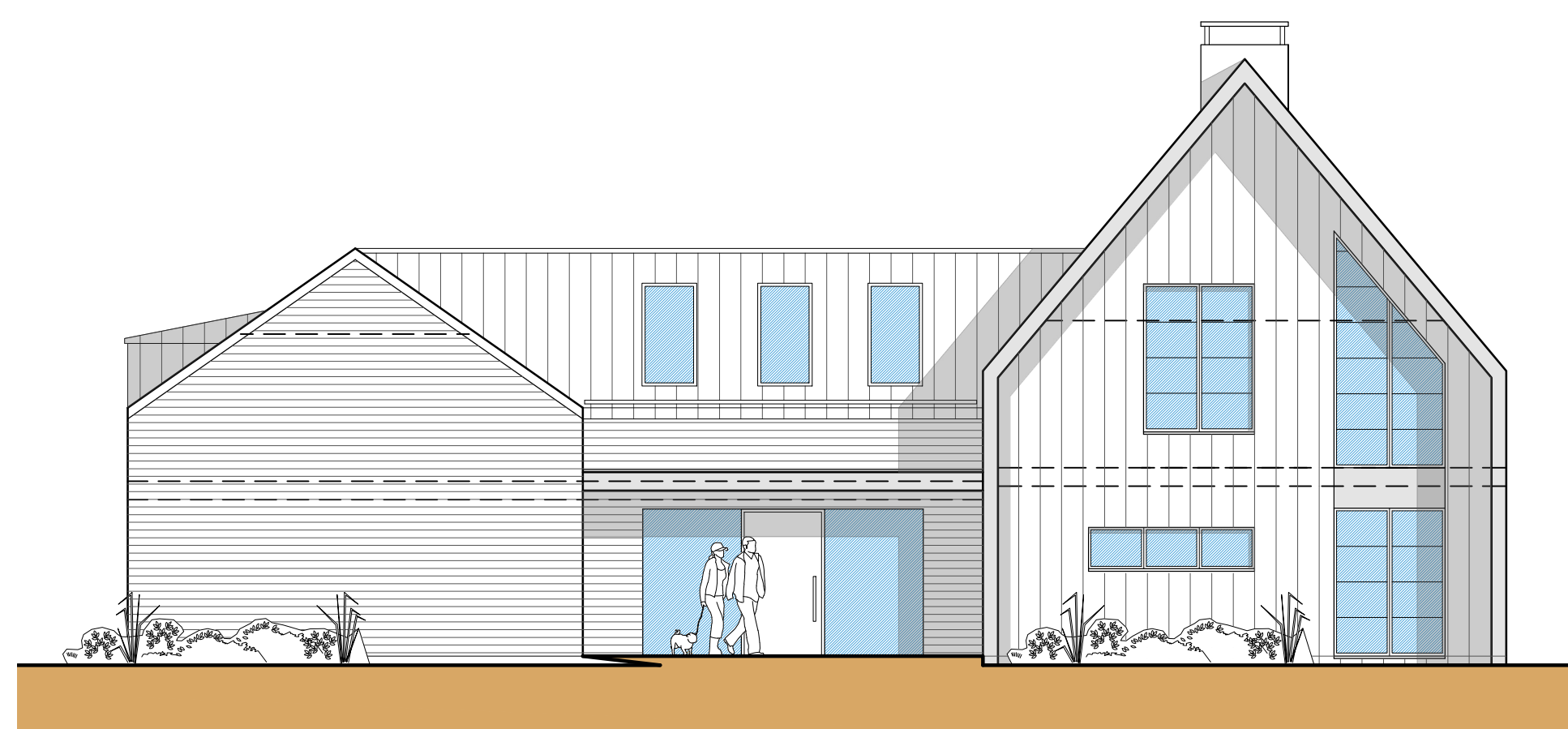
Section BB
Scale: 1:100
metres



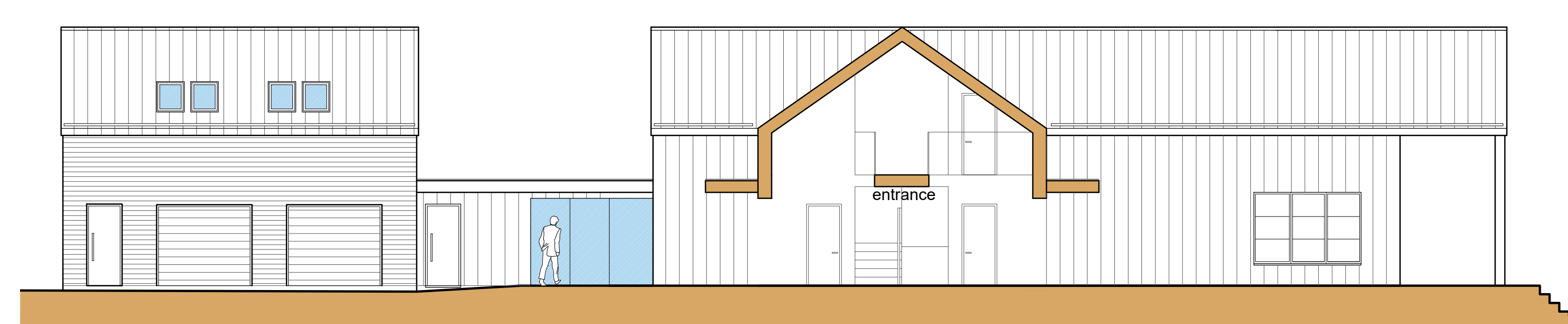
North Elevation (Side)
Scale: 1:100
metres



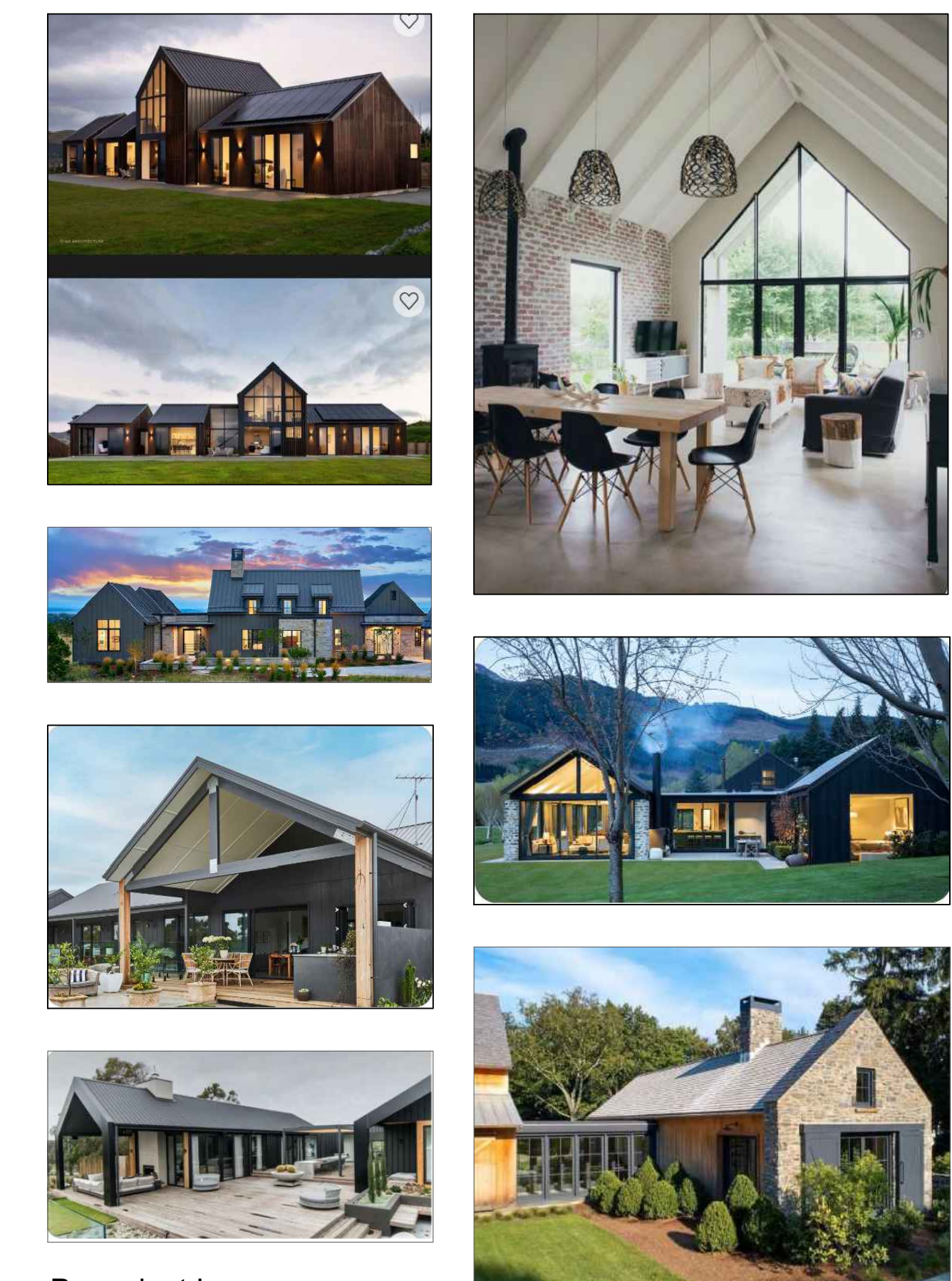
South Elevation (Side)
Scale: 1:100
metres



West Elevation (Front)
Scale: 1:100
metres



Section CC
Scale: 1:100
metres



Precedent Images
Showing examples of similar buildings / materials and details

- General Notes**
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ELEVATION KEY

	Indicates critical style glazing
	Indicates timber feature truss
	Indicates timber cladding
	Indicates zinc cladding
	Indicates brick feature chimney
	Indicates timber slat cladding

Revisions

A	Dec 2024	Rooflight amended and sections added
B	Dec 2024	General amendments

Status
FOR APPROVAL

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Job Title Proposed Dwelling Coldham Bank, Friday Bridge	Date January 2021	Drawn by AK Checked by JB
Drawing Title Planning Drawing Proposed Elevations	Job No. SE-1930 Dwg No. SS2100	Sheet Size A1 Revision B