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**MAIN CASE**

**Reference No:** 16/01291/FUL

**Proposal:** Two storey, low energy sustainable home

**Site Address:** Site To North East Of 9 High Street Witcham  
Cambridgeshire

**Applicant:** Mr & Mrs James & Helen Bateson

**Case Officer:** Tom O'Connor, Planning Officer

**Parish:** Witcham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 26 September 2016      **Expiry Date:** 4<sup>th</sup> February 2017  
[R194]

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**1.0 RECOMMENDATION**

Members are requested to REFUSE planning permission for the following reasons:

1. In terms of its siting outside of the settlement envelope of the village, scale and design, the proposal would comprise an incongruous and isolated form of development within a location that would be visually discordant with and cause demonstrable harm to the character and appearance of the rural landscape contrary to the requirements of Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) and the aims of the National Planning Policy Framework in respect of promoting sustainable development in rural areas and enhancement of the built environment.
2. The location of residential development within this rural location outside of the settlement envelope of the village would result in an unwelcome intrusion of the built form into an open landscape that would be unsustainable by having a demonstrable and significant detriment upon the openness of this part of the village fringe resulting in an erosion of the views available from both the Public Rights of Way that pass close to the site and local properties. As such, the proposal would be contrary to the requirements of Policy ENV1 of the East Cambridgeshire Local Plan 2015 in maintaining both landscape and settlement character.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This application seeks planning permission for the erection of a two storey three bedroom detached dwelling with a footprint of 114sqm located on a 1385sqm parcel of land created from part of a paddock/positioned to the north of the curtilage of the dwelling at 9 High Street Witcham outside of both the settlement envelope of the village and its conservation area. The two storey dwelling would be formed of a rectangular main building with adjoining small addition to the rear with balcony and constructed in accordance with eco-building practices as indicated within the Design and Access Statement. Heights of the building would be, respectively, 5.4 to the eaves and 7.8m to the ridge of the gabled roof. External finishes would consist of a highly insulated timber frame finished off with white render on the lower floor with natural timber cladding on the first floor; an insulated cassette roof finished in a grey slate. Windows and doors would consist of uPVC triple glazed units.
- 2.2 Vehicular access onto the site would be via a 4m wide entrance from Back Lane utilizing an existing field access into the site. Both the access and the parking and turning area for up to three vehicles, located within the site, would be constructed of a permeable service.
- 2.3 The submitted arboricultural report indicates that the majority of trees and boundary hedges would remain in situ with the removal of two plum trees and some scrub undertaken to allow for the development. Tree Protection measures contained within Appendix 5 of the tree Report would be applied during the construction period and a no dig construction method (appendix 7) applied in respect of the permeable surfaces to be laid for the driveway and hardstanding.
- 2.4 The application has been called to Planning Committee by the Ward Councillor, Councillor Bradley, as he considers it to be an inappropriate form of development that would have an adverse impact on the area and set a precedent of building in the open countryside.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## **3.0 Planning History**

- 3.1 None

## **4.0 The Site and its Environment**

- 4.1 The 1385sqm site is formed from the north eastern corner of a paddock/field in excess of half a hectare in area (5280sqm) the boundary of which would be located some 60m to the north of the rear curtilage of the dwelling of 9 High Street. The proposed dwelling would be positioned 20 metres further into the site with the location, overall, being some distance outside of the settlement envelope of the village
- 4.2 The site and its surroundings are predominantly rural in terms of location with the wider field forming one of a group of small fields and paddocks that emanate from the northern boundary of the village up to Back Lane. The predominantly rural character is informed by the nearby working farmstead at Witcham House Farm and only one dwelling, Ivy House Farm, located close-by. Back Lane itself is a partially metalled narrow green drove that leads onto Martins Lane to the west

## **5.0 Responses from Consultees**

- 5.1 Responses were received from consultees and these are summarised below. The full responses are available on the Council's web site.
- 5.2 Parish – Object to the proposal. Back Lane is a Public Right of Way and not a metalled highway. Close to Conservation Area and would have an impact upon the natural environment; the biodiversity of the drove and; would set a precedent for future planning applications.
- 5.3 Ward Councillors – Requests that the matter be dealt with by the Council's Planning Committee in behalf of Witcham Parish Council. They are concerned that if granted the development would set a precedent for future planning. The major concern is about changing the character of this part of the village which many residents would like to see keep its rural quality and charm. It would have impact on natural environment, the biodiversity of the drove and adjoining lands which are a rich habitat for a number of wildlife and plant species. Part of this land is subject to a different planning application 16/01567/FUL for three houses plus garages and change of use of existing agricultural barn along with new vehicular accesses to 21 High Street and plot 2.
- 5.4 Therefore, Witcham Parish Council would like to see the conservation area extend to cover this property and the rest of the land between the High Street and Back Lane. The Drove part of Back Lane which has restricted access (locked barrier) during the winter months wants to be preserved and no vehicle access to properties. The access to this property is off Back Lane which provides access to other properties further down the Lane. There's considerable public interest in the village and many people would like to comment on this application. Some of the concerns are Loss of privacy and overshadowing for neighbours.
- 5.5 CCC Growth & Development - No Comments Received
- 5.6 Senior Trees Officer – This proposal is for the development of a single dwelling within an open plot of land and requires the removal of a number of relatively insignificant plum trees to improve access to the site. An Arboricultural report has been submitted to address the tree constraints to development. The Tree Officer raises no objection to

this proposal as the proposed tree removals are not significant to the landscape. If the application is to be approved, the Tree Protection Plan within P2720.1 002 would need to be conditioned as part of this approval.

5.7 Waste Strategy (ECDC) - Informative

5.8 Local Highways Authority – The development is accessed via Byway 11 which egresses onto Headley Lane (adopted highway). The Highways Authority does not consider that this application that will affect the highway network.

5.9 Senior Definitive Map Officer – The proposal does not impact upon the nearby Public Footpath No.2 Witcham.

5.10 Cambridgeshire Archaeology – The site is situated close to the historic core of the village approximately 130m to the north east of St Martins church which is the oldest building within the village. No objection to the application but any planning approval should be subject to a Written Scheme of Investigation prior to commencement of any works.

5.11 Neighbours - The application was advertised by press notice as a departure from policy in the Cambridge Evening News of 20<sup>th</sup> October 2017 with a site notice advertising the same placed on a pole close to the entrance to the site on 12<sup>th</sup> October 2016.

5.12 Fourteen (14) neighbouring properties were notified in writing and the responses received are summarised below.

- Modern design not in keeping with the traditional character of the village;
- Overlooking;
- Impact upon the nearby Conservation Area;
- Contrary to National and Council Policy;
- Impacts upon highway safety
- Loss of Privacy;
- Impacts upon visual amenity
- Precedence set for future permissions;
- Adverse affect upon the street scene;
- Adverse impacts upon the landscape;
- Backland development;
- Impacts upon biodiversity;
- Location outside of the village envelope;

5.13 One letter of support for the application was also received. A full copy of the responses are available on the Council's website.

## 6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character  
 ENV 2 Design  
 ENV 7 Biodiversity and geology  
 ENV 8 Flood risk  
 ENV 9 Pollution  
 COM 7 Transport impact  
 COM 8 Parking provision  
 GROWTH 2 Locational strategy  
 GROWTH 3 Infrastructure requirements  
 GROWTH 5 Presumption in favour of sustainable development

Supplementary Planning Documents

Developer Contributions and Planning Obligations  
 Design Guide  
 Flood and Water

National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

## **7.0 Planning Comments**

### **Principle of Development**

- 7.1 Part Two of the 2015 Local Plan indicates that Witcham has no land allocations to allow for future residential development within the village but allowance is made for limited and appropriate infill, within the development envelope. However, the proposal is located outside of the development envelope of the village and Local Plan Policy GROWTH 2 seeks to locate development within the larger population centers within defined development envelopes.
- 7.2 This Authority is presently unable to demonstrate a 5 year housing land supply and given this; the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF is a material consideration particularly in respect of development proposed outside of the development envelope. The development would employ sustainable design principles in its construction as advised in paragraph 55 of the National Planning Policy Framework 2012 (NPPF ) and it is clear in the Design and Access Statement the applicants expectation that this matter should be assessed on the sustainability of the construction as well as in terms of the presumption in favour of sustainable development contained within paragraph 14 of the NPPF.
- 7.3 This Authority accepts that with the current absence of an up to date housing policy, there can be no principle objection to residential development on land outside of the development envelope. Paragraph 14 of the NPPF does, however, qualify this by stating that in the absence of any up to date plans permission should be granted for sustainable development unless any adverse impacts of doing so would significantly

and demonstrably outweigh the benefit when assessed against the policy advice contained within the Framework as a whole.

- 7.4 In this respect, it is recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited context, can be viewed as supporting the economic dimension to sustainable development contained within the NPPF which would weigh in some small way in its favour.
- 7.5 However the NPPF takes a broader approach stating in paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements which may support services in a village nearby. Isolated new homes in the countryside should be avoided unless there are special circumstances.
- 7.6 In this case no particular circumstances have been given that would justify the location of the proposed dwelling within the countryside given that alternative more sustainable sites for residential development are likely to be available within the settlement envelopes of nearby Witcham, Mepal and Sutton

### **Visual amenity/location**

- 7.7 As this is an edge of settlement location the layout, scale, form, design and materials of any development should serve to protect, conserve and where possible enhance existing landscape features on the visually sensitive settlement edge.
- 7.8 This application proposes a solid two storey timber frame gable roof dwelling of the dimensions already indicated above. Though constructed using eco-construction techniques, the building would nonetheless present a conventional modern design in terms of its external appearance. Though, no doubt, an acceptable building within the context of a built environment such as town or village, the presence of the proposed dwelling would, within the context of the open countryside, with little other modern development within the immediate locality, be inconsistent in terms of its design and scale and indeed presence with the predominantly rural surroundings of the site located beyond the village edge.
- 7.9 The wider open landscape consists of small fields and paddocks beyond the northern settlement boundary to the village of which the application site forms a small part. These are intrinsic to the local countryside/village interface providing a link into the wider agricultural landscape, across Bury Road and Back Lane. This landscape is formed of small holdings and rural businesses interspersed with larger farm-holdings and farmsteads, all of which serve to reinforce the traditional rural character of the landscape. Witcham itself has tightly defined settlement boundaries, particularly to the north with few isolated dwellings populating the local landscape.
- 7.10 Back Lane is comprised of both a public byway which allows for vehicle traffic and, Public Footpath No.2 Witcham which passes along this route north of the site and, the development would have no impact upon this. However, in this respect, the location



for the proposed development would occupy a visually sensitive position within the landscape by reason its location close to this public Right of Way and Footpath though views of the site would be mitigated by the existing tree cover on the northern boundary.

- 7.11 However, the proposed dwelling would occupy an exposed and prominent position when viewed from the edge of the village. Again, the group of fields and paddocks to the immediate north of the village perform an important role in maintaining the intrinsic rural character of this approach to the settlement. The closest dwelling to the site is located to the north east across Back Lane at Ivy House Farm with the closest dwelling within the village being 15a High Street positioned some 100m to the south of the site. The dwelling at 'Stair –Free' is located some 140m to the north west on Bury Road close to its junction with Back Lane and Headly's Lane,
- 7.12 Already well screened to the north onto Back Lane by a band of trees and hedges that would be retained, the site would, however, present an open aspect to the south onto the village from a somewhat elevated position in respect of the surrounding fields and the village located some 100m to the south. Though some further screening of the site can be achieved by further planting, this would not be sufficient to satisfactorily mitigate the impact of a substantial and prominently positioned isolated dwelling within the rural landscape, particularly when viewed from the village.
- 7.13 Use of this location for residential development would therefore be an unwelcome intrusion of the built form into the landscape that would be unsustainable by having a demonstrable and significant detriment upon the openness of this part of the open countryside just beyond the village fringe resulting in a significant diminution of character to the landscape just beyond the northern edge of the village. As such, the proposal would be contrary to the requirements of Policy ENV1 of the East Cambridgeshire Local Plan 2015 in maintaining both landscape and settlement character.

### **Residential amenity**

- 7.14 The proposed dwelling is in excess of 60m distant from the nearest dwelling located to the north across Back Lane and, with the presence of an intervening dense tree screen; there would be no issues of mutual overlooking or overlooking between the sites. Other dwellings within the village to the south are of sufficient distance from the site to avoid having their residential amenities affected by this development.

### **Heritage**

- 7.15 The northern boundary of Witcham Conservation Area is located some 60m to the south of the application site, across a field which is of sufficient distance to avoid any material impact upon its character and setting. Similarly, the closest Listed buildings such as St Martins Church and the adjacent The Hall are positioned and screened by the fabric of the village in excess of some 100m distant.
- 7.16 Though some distance outside of the modern settlement, the site remains within the archaeological orbit in respect of the historic core of the village, being positioned

approximately 130m to the north east of St Martins church. The County Archaeologist raises no objection to the application but would require that any planning approval should be subject to a Written Scheme of Investigation prior to commencement of any works.

- 7.17 As such, the proposal is considered not to have any discernible adverse impact upon the heritage assets of the village in compliance with the requirements of Policies ENV11 and ENV12 of the East Cambridgeshire District Plan 2015.

### **Biodiversity**

- 7.18 The site itself would be formed from part of an agricultural field with no particular or identifiable biological merit in say, protected species or particular habitats. The proposal would, arguably, be light touch in terms of its impact upon biodiversity resulting in the loss of a small number of plum trees and some scrub from the site in order to facilitate the development. The Substantial tree cover located at the northern end of the site and the boundary hedges to the side would all be retained by the development. As such there is insufficient evidence available to argue that the development, if permitted, would have an unacceptable impact upon the natural environment, the biodiversity of the drove and adjoining lands.

### **Conclusion**

- 7.19 Though the design has some merit, in itself, in being a two storey timber framed eco-house with an outwardly conventional modern appearance, it would consist of a spatially isolated residential development within the open countryside
- 7.20 The proposal would comprise an incongruous and isolated from of unsustainable development within a location that would be visually discordant with and cause demonstrable harm to the character and appearance of surrounding countryside contrary to the requirements of Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) and the aims of the National Planning Policy Framework in respect of promoting sustainable development in rural areas and enhancement of the built environment.
- 7.21 In respect of paragraph 14 of the NPPF significant adverse impacts would occur from this development that would demonstrably outweigh the benefit when assessed against the policy advice contained within the Framework as a whole. As such, the proposed development should be refused for the reasons outlined in the recommendation section of the report.

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Background Documents	Location	Contact Officer(s)
16/01291/FUL	Tom O'Connor Room No. 011 The Grange Ely	Tom O'Connor Planning Officer 01353 665555 tom.oconnor@eastc



National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>