

**MAIN CASE**

Proposal: Outline for a two bedroomed detached bungalow  
Location: Land West of 1 Jerusalem Drove, Wardy Hill, Cambridgeshire  
Applicant: Mr D Case  
Agent: Design and Planning  
Reference No: 14/00793/OUT  
Case Officer: Lesley Westcott  
Parish: Coveney

Ward: Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Tony Goodge

Date Received: 21 July 2014                      Expiry Date: 10 November 2014

**[P112]**

**1.0 EXECUTIVE SUMMARY**

- 1.1. The application seeks outline planning permission for the erection of a two bedroomed bungalow on land located between Nos 1 and 2 Jerusalem Drove. Approval is sought for the appearance and scale of the proposed bungalow as part of the application, and all other matters (access, landscaping and layout) are reserved.
- 1.2 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 1.3 The proposed development is located outside the development envelope on unallocated land, and would therefore normally constitute a departure from both Core Strategy and draft Local Plan policies
- 1.4 The emerging Local Plan is currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there is a shortfall of 320 dwellings in the Council's five year housing land supply. The Hearings for the Examination were deferred for two months to allow the Council to address this issue and the second examination will take place on 11 November 2014.

- 1.5 In the absence of a five year supply of land for housing paragraph 49 of the National Planning Policy Framework (NPPF) applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, should be considered in the context of the presumption in favour of sustainable development. For this reason, in the Planning Committees immediately following the Inspector's interim conclusions, applications for housing have been assessed using the presumption in favour of sustainable development.
- 1.6 Following the Inspector's comments the Council has been out to consultation on a series of proposed modifications to the Local Plan to address the issue. These modifications consist of five additional housing allocations on the edge of Soham. These modifications will be considered by the Inspector on 11 November 2014.
- 1.7 The Council has sought legal advice with regards to the housing supply issue in relation to planning applications currently coming through for determination. The advice confirmed that for development control purposes, the Council should regard itself as having a 5-year supply of land for housing. For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and the policies within the development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 1.8 The site is located outside the settlement boundary for Wardy Hill, on a narrow road leading out from the village to farm land and the village of Witcham. There are 4 dwellings on Jerusalem Drove, with gaps between Nos.1 and 2 and Nos.2 and 3. The application site forms the gap between Nos.1 and 2. The area is very rural with open agricultural land forming the immediate character and there are some farm buildings to the north east of the site. The site, along with 4 other dwellings is set apart from the rest of the village.
- 1.9 The key considerations in determining this application are therefore: The principle of development in the countryside; Impact on residential amenity; Impact on highway safety and impact on the character of the area
- 1.10 The proposal represents unsustainable development in the countryside on a site remote from any established centre of settlement and local facilities and would result in reliance upon the use of the private motor car which would be contrary to national policy guidance. Furthermore the proposal would be contrary to the spatial vision and objectives of the Core Strategy, the East Cambridgeshire Local Plan and the National Planning Policy Framework which seek to focus development in sustainable locations where there are local services, employment and infrastructure.

- 1.11 This application is therefore recommended for **REFUSAL**.
- 1.12 This application has been called in to Committee by Councillor Anna Bailey.
- 1.13 **A site visit has been arranged for 12.20pm, prior to the Planning Committee meeting.**

## 2.0 **THE APPLICATION**

2.1 Outline planning permission is being sought for the erection of a 2 bedroomed bungalow on land located between Nos. 1 and 2 Jerusalem Drove. Approval is sought for appearance and scale of the proposed bungalow as part of the application, and all other matters (access, landscaping and scale) are reserved.

2.2 The proposed dwelling:

- 7.4 metres in depth and 10.95 metres in width. The main part of bungalow has a hipped roof 6.3 metres at apex.
- Front projection 1.75 metres in depth and 4.5 metres in width, with a hipped roof which is 5 metres at the apex.
- Eaves level runs through at 3.4 metres.
- Accommodation would comprise lounge, kitchen, hall, toilet, bathroom and 2 no. bedrooms.
- Siting is shown as indicative only.

## 3.0 **THE APPLICANT'S CASE**

3.1 The Applicant's case is set out in the Design, Access Statement which 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.

## 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located outside the settlement boundary for Wardy Hill, on a quiet road leading out from the village to farm land and the village of Witcham. There are 4 dwellings on Jerusalem Drove, with gaps between 1 and 2 and 2 and 3. The application site forms the gap between 1 and 2. Consequently there is a residential property on either side of the site, and an approximately 1 metre high post and rail fence along the east, west and south boundary. There is a grass verge to the frontage (northern boundary). The site is currently grassed. There are open fields to the north and south of the site. The site is within the consultation Zone for the Ouse Washes SSSI.

## 5.0 **PLANNING HISTORY**

91/00814/OUT	Erection of a bungalow	Refused	31.10.1991
12/00632/FUL	Construction of a pair of two bedroomed semi-detached houses	Withdrawn	11.09.2012
87/00256/OUT	Erection of two bedroom bungalow and garage	Refused	27.04.1987
03/00123/OUT	Erection of two dwelling houses	Withdrawn	19.03.2003
03/00515/OUT	Construction of 2 bed cottage	Refused	21.07.2003
13/00611/FUL	Construction of a pair of two bedroomed semi-detached houses	Refused	06.10.2013

## 6.0 **REPLIES TO CONSULTATIONS**

- 6.1 **Neighbours:** Site notice posted and 2 No. neighbours notified – no responses received.
- 6.2 **Coveney Parish Council:** Concerns about parking on the road as it is very narrow.
- 6.3 **County Council Highways Engineer:** No objection. Subject to full details being provided at reserved matters application stage – details of gates, means of access; parking provision, turning areas and visibility splays.
- 6.4 **Internal Drainage Board:** No objections subject to surface water being disposed of via soakaways.
- 6.5 **Natural England:** No objections. Site close to Ouse Washes, SCA, SPA and Ramsar designations as well as SSSI, however proposal deemed to not have adverse impact on that Site.

## 7.0 **THE PLANNING POLICY CONTEXT**

- 7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
H5	Dwellings for rural workers
EN1	Landscape and settlement character

EN2                    Design  
S4                     Developer contribution

7.2    East Cambridgeshire Local Plan Pre-submission version (as amended June 2014)

ENV1 – Landscape and settlement character

ENV2 – Design

COM7 – Transport impact

COM8 – Parking Provision

GROWTH2 – Locational strategy

7.3    Supplementary Planning Documents

Residential Design Guide

8.0    **CENTRAL GOVERNMENT POLICY**

8.1    National Planning Policy Framework 2012 ...

6      Delivering a wide choice of high quality homes

9.0    **PLANNING COMMENTS**

9.1    Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.

9.2    The proposed development is located outside the development envelope on unallocated land, and would therefore normally constitute a departure from both Core Strategy and draft Local Plan policies

9.3    The emerging Local Plan is currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there is a shortfall of 320 dwellings in the Council's five year housing land supply. The Hearings for the Examination were deferred for two months to allow the Council to address this issue and the second examination will take place on 11 November 2014.

9.4    In the absence of a five year supply of land for housing paragraph 49 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, should be considered in the context of the presumption in favour of sustainable development. For this reason, in the Planning Committees immediately

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following the Inspector's interim conclusions, applications for housing have been assessed using the presumption in favour of sustainable development.

- 9.5 Following the Inspector's comments the Council has been out to consultation on a series of proposed modifications to the Local Plan to address the issue. These modifications consist of five additional housing allocations on the edge of Soham. These modifications will be considered by the Inspector on 11 November 2014.
- 9.6 The Council has sought legal advice with regards to the housing supply issue in relation to planning applications currently coming through for determination. The advice confirmed that for development control purposes, the Council should regard itself as having a 5-year supply of land for housing. For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and the policies within the development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 9.7 The key considerations in determining this application area are considered to be:
- The principle of development in the countryside
  - Impact on residential amenity
  - Impact on highway safety
  - Impact on the character of the area

### **The principle of development in the countryside**

- 9.8 The site is located outside the settlement boundary, and therefore designated as being in the open countryside, where development is severely restricted and new houses require special justification. Core Strategy Policy CS1 sets out the exceptions allowed, which include development which is essential to the efficient operation of local agriculture, horticulture, forestry, mineral extraction, and outdoor recreation, or to other uses specifically identified in the local plan which support the rural economy, help meet affordable housing or special housing need, or provide essential rural services or infrastructure. Policy CS2 of the Core Strategy and Policy GROWTH 2 of the East Cambridgeshire Local Plan sets out the residential exceptions allowed outside settlement boundaries, which are affordable housing, sites for gypsies and travellers, dwellings for essential rural workers, alterations to or replacement of dwellings, or the re-use or replacement of existing buildings.
- 9.9 In this case the proposal is for market housing, which does not fall within any of the above exceptions and is therefore contrary to policies CS1 and CS2 of the Core Strategy and Policy GROWTH 2 of the East Cambridgeshire Local Plan. The National Planning Policy Framework Chapter 6 promotes the

delivery of a wide choice of high quality homes and in rural areas sustainable development is a key requirement. Housing should be located where it will enhance or maintain the vitality of rural communities and should not be isolated in the countryside unless there are special circumstances such as for a rural worker. No evidence has been submitted in this respect, although the applicant has referred, in the Design and Access statement, to the fact that the dwelling proposed is small and accords with the requirements of a starter home. In terms of sustainability, the proposal constitutes development in an unsustainable location, where there would be reliance on private car use contrary to the strategic objectives and Policy CS1 of the East Cambridgeshire Core Strategy 2009, Policy GROWTH 2 of the East Cambridgeshire Local Plan.

- 9.10 It can be seen from the planning history that a number of applications for residential development have been made in the past. Application E/03/00515/OUT for a 2 bedroom cottage was refused and the subsequent appeal was dismissed (APP/V0510/A/03/1123533). At that time the Local Plan contained an infill policy, however the Inspector agreed that the proposal did not comply with that policy or the existing policies of strictly controlling development in the countryside.
- 9.11 Planning application 13/00611/FUL for the erection of a pair of semi-detached dwellings was more recently refused in October 2013 on the grounds that the site is located outside the development envelope of Wardy Hill and is classified as countryside where there will be a policy of strict control over residential development (the application did not fall within exceptions allowed which include affordable or special needs housing, travellers sites, replacement dwellings or dwellings essential to rural enterprise). The proposal also represented unsustainable development on a site remote from any established centre of settlement and local facilities and would result in the reliance upon the use of the private motorcar.
- 9.12 It is considered that circumstances have not significantly changed since planning application 13/00611/FUL was refused. Wardy Hill is a small village with a parish hall/social club and an occasional bus service. The proposal represents unsustainable development in the countryside on a site remote from any established centre of settlement and local facilities and would result in reliance upon the use of the private motor car which would be contrary to national policy guidance. Furthermore the proposal would be contrary to the spatial vision and objectives of the Core Strategy, the East Cambridgeshire Local Plan and the National Planning Policy Framework which seek to focus development in sustainable locations where there are local services, employment and infrastructure.

### **Impact on residential amenity**

- 9.13 The proposed dwelling would be located on a site of approximately 35m in width and 14m in depth. The bungalow has been designed with principal

windows facing north and south, away from the neighbouring properties. No 1 Jerusalem Drove is approximately 2m away from the boundary and No 2 is about 12m from the boundary, but given the proposed dwelling is single storey and the orientation of the windows it is considered unlikely that there would be any adverse impact on the neighbouring properties from loss of privacy. There would be an increase in noise from comings and goings of new residents, but this is not considered to give rise to significant adverse impact. Placing the single storey dwelling in the centre of the site also reduces the impact of potential shadowing on No 1, and that property already has considerable screening vegetation on the eastern boundary. It is therefore considered that whilst there would be a change for the immediate neighbours from the development proposals, this would not have a significant impact and the proposal would therefore comply with Policy EN2 in respect of residential amenity.

### **Impact on highway safety**

- 9.14 The County Highways Engineer raises no objections to the proposal, subject to the imposition of certain planning conditions. It is therefore considered that the proposal complies with Policies S6 and S7 of the Core Strategy and Policy COM7 and COM8 of the East Cambridgeshire Local Plan in respect of highway safety. However in terms of sustainability, the proposal constitutes development in an unsustainable location, where there would be reliance on private car use contrary to the strategic objectives and Policy CS1 of the East Cambridgeshire Core Strategy 2009, Policy GROWTH 2 of the East Cambridgeshire Local Plan.

### **Impact on the character of the area**

- 9.15 Jerusalem Drove is a narrow road used in the main by farm vehicles, but also as a route for other traffic between the villages of Witcham and Wardy Hill. The area is very rural with open agricultural land forming the immediate character and there are some farm buildings to the north east of the site. The site, along with 4 other dwellings is set apart from the rest of the village. The dwelling has been designed to fit in with the adjacent properties, one being a bungalow and the other a 1½ storey dwelling. While it is considered that the proposed development would not result in demonstrable harm on the character of the area, it would add to the built form in the area and may add to pressure for further development. The Inspector in dismissing the appeal (APP/V0510/A/03/1123533) referred to above, stated, *“The erection of a dwelling on the appeal site would consolidate the existing scatter of buildings along this part of Jerusalem Drove, thereby detracting from the rural appearance of the area..... Furthermore, if planning permission were granted in the present case the Council might have difficulty in resisting similar proposals elsewhere, for instance in the gap between Nos 2 and 3 Jerusalem Drove. As a result, the area would assume a more built-up appearance”*.

## **Conclusion:**

9.16 Given that the proposed development is outside the settlement boundary, on land in the open countryside, where development is strictly limited by both local and national planning policy, and does not fit with any of the exceptions allowed under the adopted Core Strategy and East Cambridgeshire Local Plan Pre-submission version (as amended June 2014), the application is recommended for refusal.

## **10.0 RECOMMENDATION**

### **RECOMMENDATION: Refuse**

1. The site is located outside the development envelope of Wardy Hill and is classified as 'countryside', where there will be a policy of strict control over residential development. Exceptions to this policy of control may include affordable or special needs housing; travellers sites, replacement dwellings or dwellings essential to rural enterprises. The application proposal does not fall within any of the exceptions allowed, and is therefore contrary to Policies CS1, and CS2 of the Core Strategy, Policy GROWTH 2 of the East Cambridgeshire Local Plan Pre-submission version (as amended June 2014) and advice contained in paragraph 55 of the National Planning Policy Framework 2012.
2. The proposal would represent unsustainable development on a site remote from any established centre of settlement and local facilities and would result in reliance upon the use of the private motor car, contrary to the strategic objectives and Policy CS1 of the East Cambridgeshire Core Strategy 2009, Policy GROWTH 2 of the East Cambridgeshire Local Plan Pre-submission version (as amended June 2014) and the National Planning Policy Framework 2012.

## **11.0 APPENDICES**

11.1 None.

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
14/00793/OUT	Room No.011 The Grange Ely	Lesley Westcott Planning Officer 01353 665555 Lesley.westcott@eastcamb.gov.uk