

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th December 2005
AUTHOR/S: Director of Development Services

S/2041/05/F - Elsworth
**Change of Use of Land to Garden Land, Land Adjacent Ashwell House, Fardells Lane
for Mr and Mrs Pleszko**

Recommendation: Delegated Approval
Date for Determination: 21st December 2005

Site and Proposal

1. The approximately 0.5Ha (1.24 acre) site is situated to the north and west of Ashwell House, a barn-style timber-clad dwelling. The site adjoins but is just outside the village framework for Elsworth and to the north of the Elsworth Conservation Area. The site is identified by the Environment Agency as being partially within a Flood Zone 3 (Medium to High Flood Risk area) and Flood Zone 2 (Low to Medium Flood Risk area). To the east of the site is a brook. Part of the Elsworth to Conington public footpath runs parallel to part of the north-east site boundary. A close-board timber fence approximately 1.8m high has been erected along the north-east site boundary, adjacent the brook. Part of this fence, within the existing curtilage of the dwelling, is unauthorised. There are no internal fences on the site or any other boundary features which separate this land from the approved residential curtilage of Ashwell House.
2. Adjoining the site to the north are fields, a brook to the east with dwellings and gardens further to the east, Ashwell House and its approved residential curtilage to the south and enclosed garden area for Vales House to the west. It is noted that use of the adjacent land to the west as garden land is unauthorised.
3. The full application registered 26th October 2005 seeks planning permission for the change of use of the site to garden land. No changes to the appearance of the site are proposed in this application. The application does not include existing fencing on the property.

Planning History

4. Planning approval was given for the erection of the dwelling known as Ashwell House on 12th January 2001 under planning application ref: **S/1908/00/F**, subject to several conditions of consent. The land the subject of the current application, was excluded from the red-edged site area of S/1908/00/F, although it was illustrated on the approved location plan as within the same ownership (i.e. outlined in blue). As such, this application did not change the use of the site from its former use to garden land. The above application provided for a modest garden area for the approved dwelling.
5. Planning application S/1908/00/F also included the erection of the adjacent dwelling, now known as 'Vales House'. Conditions 3 and 4 of the planning consent required the submission and implementation of a landscaping scheme, whilst Condition 5 removed the permitted development rights for occupants of these dwellings to erect extensions, outbuildings or fences/walls without the need for planning permission.

Condition 8 of the consent required the submission and approval of details of boundary treatment. Several minor amendments to the design and appearance of the approved dwelling have been approved.

6. A landscaping scheme covering land outlined in red (Ashwell House) and blue (current site) in the approved location plan, was approved on 4th April 2002. This landscaping scheme included landscaping along the eastern and northern property boundaries of the site, with a new post and wire fence adjacent to the public footpath and a wire fence along the western property boundary. On 6th December 2002, retrospective approval was granted for the erection of a 1.8m high close-board fence adjacent Fardells Lane, as a minor amendment to the above application, following its consideration by Elected Members at Committee. This fence is positioned to the south-west of the site. The Council was subsequently made aware of unauthorised fencing on this site and the adjacent site in January 2004. Part of this fencing has now been removed.
7. Since the erection of Ashwell House, planning permission has been given for a garage with playroom/store over in May 2004 (**Ref: S/0608/04/F**) and planning permission refused for an outbuilding for swimming pool in April 2005 (**Ref: S/0294/05/F**). Both these structures were proposed to the south of the site, within the approved residential curtilage.
8. A planning application seeking retrospective planning consent for an outdoor swimming pool and erection of boundary fencing at the adjacent site, Vales House, was received on 20th April 2005 and amended on the 3rd June 2005 to delete the proposed fencing **Ref: S/0796/05/F**. This application remains under consideration.

Planning Policy

9. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. **Policy P1/3** of the County Structure Plan requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment.
11. **Policy EN1** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") aims to protect local character and distinctiveness.
12. **Policy EN3** of the Local Plan states that where development is permitted in the countryside, the Council will require that a) the design, scale and layout of the scheme, b) the materials used within it, and c) the landscaping works are all appropriate to the particular 'Landscape Character Area' and reinforce local distinctiveness wherever possible.
13. **Policy EN5** of the Local Plan outlines that the District Council will require trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development.
14. **Policy SE9** of the Local Plan states that development on the edges of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.

15. **Policy CS5** of the Local Plan aims to prevent development which would lead to increase in number of properties or people at floodrisk, either on the site or elsewhere. This policy reiterates the contents of **Policy P6/3** of the Structure Plan.
16. There are no specific policies for the change of use of land to garden land within either the County Structure Plan or Local Plan.

Consultation

17. **Elsworth Parish Council** - Recommendation of Refusal. It adds "The Parish Council does not see the need for this change of use and supports the original restriction".

It is also noted that the Parish Council in a letter to the Council dated 16th January 2004 expressed concern about the erection of a close boarded fence adjacent the brook, "which will be a barrier to water spilling over the bank and which will likely cause further back up into the village if there is a recurrence of the (flood) event in October 2001". This was further repeated in an email received 22nd March 2005.

18. **Environment Agency** - No objection to change of use, subject to a condition preventing raising of existing ground levels within the floodplain.

In regards to the unauthorised erection of a 1.8m high close-board fence, the Agency has commented that:

"Whilst the Agency has no powers to prevent the erection of such a fence adjacent to an Ordinary Watercourse, it is deemed inappropriate as it could obstruct the floodplain and cause or exacerbate flooding to existing property.

If the applicant is insistent upon retaining the fence, he should incorporate an appropriate flood risk assessment with any subsequent retrospective application for planning approval.

A more sensitive style of fencing within the floodplain would be open ranch style. Wire fencing is also deemed inappropriate as it impedes floodflow by restricting containing debris.

I would reiterate my earlier comments (to the original planning application in 2000), It would be advisable to leave a maintenance strip, say 4000mm wide, free from **any** development or planting parallel to the watercourse to allow riparian owners to carry out future maintenance works".

19. **Conservation Manager** - No objection subject to a conditions removing permitted development and requiring details of planting to reinforce the hedgeline along the northern property boundary.

Adds that "this land is outside both the Elsworth Conservation Area and the Village Framework. However, from an inspection of the aerial photograph, there would appear to be a logic to allowing this land to become garden land, in that its northern boundary would appear to mark the edge of the open countryside (and the land under cultivation). The proposal would not directly impact on the setting of the Elsworth Conservation Area, but it is important that the northern boundary is retained/reinforced as a native species hedge to minimise the impact of the development on the countryside (in accordance with policy SE9). In the event that planning permission is granted, it will be important to remove all permitted

development rights from this land to prevent inappropriate fencing from being erected in the future, and to control the erection of garden sheds and the like on this land”.

- 20. **Chief Environmental Health Officer** - No objection. There are no significant impacts from the Environmental Health standpoint.
- 21. **Ramblers Association** - Comments to be verbally reported.
- 22. **Local Access Forum** - Comments to be verbally reported.
- 23. **Cambridgeshire County Council**, Senior Definitive Map Officer - Comments to be verbally reported.

Representations

- 24. None received.

Planning Comments - Key Issues

- 25. The key issue for consideration is whether the proposed change of use of garden land would harm the visual amenities of the countryside.
- 26. I am of the view that the proposed change of use will not have a significant impact on the visual amenities of the countryside, subject to a condition of consent removing all permitted development rights for outbuildings and fences, gates and other means of enclosure. I am of the view that the application represents a logical extension to the existing residential curtilage of Ashwell House, and will not lead to the intrusion of domestic features into the open countryside. The approved landscaping scheme for planning application S/1908/00/F involving landscaping works along the property boundary, already allows for the enclosure of this land.
- 27. The proposed change of use, by itself, will not increase the risk of local flooding.
- 28. The existing fencing on the site is not included in the planning application, since the erection of this fencing did not require express planning permission. However, the concerns of the Parish Council and Environment Agency concerning the flood risk associated with this fencing are noted. In order to secure suitable fencing that will not exacerbate flood risk adjacent to the brook, I recommend that any grant of planning permission should be subject to the applicant entering into a Section 106 Agreement to substitute more suitable fencing positioned so to allow for a maintenance strip adjacent to the brook. The precise details of these matters should be agreed in consultation with the Environment Agency and the Parish Council. .

Recommendation

- 29. Recommendation of Delegated Approval subject to the applicant entering into a S106 legal agreement for the erection of boundary fencing of a type and in a position to be agreed with the Local Planning Authority. If this is not satisfactorily resolved, it is recommended that the application be refused on the grounds that the proposal would have a harmful effect on the rural character and appearance of the countryside, contrary to policies SE9 and EN3 of the Local Plan 2004.

Recommended Conditions

1. Standard Condition A - Time limited permission - 3 years (Reason A);
2. SC21 - Withdrawal of permitted development rights - Part 1 (Development within the curtilage of a dwellinghouse) Classes E, F and G.
Part 2 (Minor Operations) Class a (Erection of gates, walls or fences).
(Reason - To safeguard the rural character of the area and to prevent obstruction in the floodplain.)
3. The hedgerow along the northern site boundary shall be retained and reinforced by additional plantings. Details of the strengthening/thickening of the existing hedgerow shall be submitted to and approved in writing by the Local Planning Authority, prior to the implementation of the change of use. Any trees or plants within this hedgerow, which within a period of five years from the implementation of the change of use die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason - To protect the rural character and appearance of the countryside.)

Informative

For the avoidance of doubt, this approval relates to a change of use of land illustrated in Drawing 4B only and does not include any operational development (including existing fencing on the site).

Informatives

Reasons for Approval for Planning Application

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** - Environmental Restrictions on Development
 - P1/3** - Sustainable design in built development
 - P6/3** - Flood Defence
 - **South Cambridgeshire Local Plan 2004:**
 - SE9** - Village Edges
 - SC5** - Flood Defence
 - EN1** - Landscape Character Areas
 - EN3** - Landscaping and Design Standards for New Development
 - EN5** - The Landscaping of New Development
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Visual impact on the locality
 - Impact on Flood Risk

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application Files: S/1908/00/F, S/0608/04/F, S/0294/05/F, S/0796/05/F and S/2041/05/F

Contact Officer: Allison Tindale - Planning Assistant
Telephone: (01223) 713159