



Appeal Decision

Site visit made on 1 July 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/D0515/W/25/3363282

Meadow View, 26 Turf Fen Lane, Doddington, Cambridgeshire, PE15 0TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ricky & Donna Glowacki against the decision of Fenland District Council.
 - The application reference is Ref: F/YR25/0010/O
 - The development proposed is described as 'Erect 2 x self-build/custom dwellings (outline application with matters committed in respect of access and layout).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development detailed on the Decision Notice rather than the application form lodged with the planning application. This more accurately describes what is an outline planning application seeking permission for two dwellings.

Main Issues

3. The main issues are:
 - The susceptibility of the proposed development site to flooding and the need to provide a sequential assessment of the proposed development site to establish whether the principle of development is acceptable in terms of flood risk.
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of surrounding residential occupiers with regard to overshadowing, overbearance and street illumination and future occupiers of the development with regard to bin storage facilities.

Reasons

Flood Risk

4. The appeal concerns an outline planning application in which layout is not a reserved matter and for which permission is sought. Consequently, allowing the

appeal would establish the location of the built form for both proposed dwellings on the site, which is divided into Plot 1 to the north and Plot 2 to the south. I note that the appellant has stated they remain open to changes in the location of the proposed dwellings on the appeal site. However, I have not been provided with drawings that demonstrate how the dwellings could be repositioned in a manner different from that for which planning permission is sought. As such, I am unable to determine whether such an alternative proposal would be acceptable.

5. The appellant has submitted documentation with the appeal, including a proposed layout plan and a site-specific Flood Risk Assessment (FRA) report. This report incorporates flood risk data obtained from the Environment Agency. However, I am satisfied that the boundary assessed in the Environment Agency's report does not align with the boundary of the planning application site. Notably, it excludes a significant portion of the site—specifically, the southernmost area which is part of Plot 2. Moreover, the omitted section includes part of the location of proposed built form, which is part of the southernmost dwelling on Plot 2. This omitted section includes land which is located in both Flood Zone 2 and Flood Zone 3.
6. Policy LP14 (Part B) of the Fenland Local Plan 2014 (the Local Plan) amongst other things requires development in areas known to be at risk of any form of flooding should undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area on sites with a lower risk of flooding.
7. Paragraph 175 of the National Planning Policy Framework (the Framework) states that a sequential test should be applied in areas known to be at risk now or in the future from any form of flooding, unless a site-specific Flood Risk Assessment (FRA) demonstrates that no built development lies within the site boundary. In this case, the appellant has not provided a sequential test.
8. As identified above, part of the proposed built development is located within an area known to be susceptible to flooding. Therefore, notwithstanding the appellants submission that a sequential test is not required, my conclusion is that under both the Local Plan and the Framework, a sequential test is required. The absence of such a sequential test means the proposal is contrary to the requirements of both Policy LP14 of the Local Plan and Paragraph 175 of the Framework in this regard.

Character and appearance

9. The appeal site is located on the edge of the settlement of Doddington. To the immediate north, on Main Meadows, there are several large two-storey dwellings of varying design, featuring different forms of fenestration and elevational treatment. There is no prevailing architectural character among these dwellings or within the surrounding area.
10. The proposal is for two large dwellings, which would be in keeping with the general scale and character of development in the area. While matters other than access and layout are reserved, I am of the view that the proposed layout would not be contrary to the character or appearance of the area. A full assessment of the impact would require consideration of detailed design elements, which would be addressed in a future application if the appeal were allowed.
11. Although the site is described as garden land associated with No. 26 Turf Fen Lane, its substantial size and appearance as pasture rather than cultivated garden

land give it the characteristics more akin to a small paddock. Its relationship to surrounding development, particularly No. 26 Turf Fen Lane, means the site is not clearly outside the settlement's development limits, nor does it relate more to the surrounding countryside than to the built-up area. I am not of the view that development on the site would be inconsistent with the established pattern of development in the area, nor would it represent a clear extension beyond the existing built form. I do not consider it to be a 'backland site', given the nature of the proposed access and the openness of the site, including its relationship to surrounding properties.

12. In summary, for the reasons outlined above, the proposal would comply with the requirements of Local Plan Policies LP12 and LP16(d), which, among other things, allow development on the edge of settlements where it does not harm the wide open character of the countryside and has an acceptable impact on the settlement and its character, subject to certain criteria, including that the site relates more to the built-up area of the settlement than to the surrounding countryside. These policies also seek to ensure that development makes a positive contribution to local distinctiveness and does not harm the character and appearance of the area.

Living Conditions

13. The dwelling proposed on Plot 1 is located close to the northern boundary of the site, which also forms the rear boundary of Nos. 3 and 4 May Meadows. Although detailed design of the dwellings is not included in this outline application, it is necessary to assess the potential impact of their location on surrounding occupiers. The height of the dwellings cannot be confirmed at this stage, as it would be subject to a subsequent application should the appeal be allowed. Also, no proposal are presented relating to any proposed streetlighting associated with the proposed development.
14. Given the location of the proposed Plot 1 dwelling and its very close proximity to the northern site boundary, along with the depth of the elevation, which extends along most of the boundary with No. 4 May Meadows, it is likely that, even if the dwelling were single-storey in height, the result would be an overbearing impact on the adjacent dwelling. The scale of this impact would depend on the height of the elevation. Its siting would differ significantly from the established relationship between the main elevations of existing dwellings in the vicinity and the pattern of contiguous built development. While I note that there is vegetation at the boundary between the properties which acts to provide a degree of screening, the provision of planting is inherently temporary. It therefore cannot be relied upon as a permanent solution to prevent overbearance. Based on the evidence before me, I do not conclude that the proposal would result in overshadowing of the dwellings to the north.
15. For these reasons, I conclude that the proposed development would be contrary to Local Plan Policies LP2 and LP16(a), which, among other things, seek to protect the living conditions of adjoining residential occupiers. This is in relation to overbearance on the dwellings to the north of the site and particularly No 4 May Meadows. Given the evidence before me, I am unable to conclude that the proposal would cause harm with regard to overshadowing and street lighting.
16. I am not persuaded that the proposed bin storage area would be a reason to dismiss the appeal. Had I been minded to allow the appeal, I consider that this

issue could be addressed through a planning condition. In reaching this conclusion, I note that the 30-metre distance is a recommendation rather than a strict requirement, and I have taken into account the characteristics of the area and the self-build nature of the proposal.

Other Matters

17. Two other planning permissions for single dwellings in the local area under Ref: YR23/1046/F and Ref: F/YR14/0233/F have been brought to my attention. Whilst I have not been provided with full details of those developments. Given the unique nature of each development plot, the configuration and nature of each example cited is inevitably different to the appeal proposal. I am not persuaded that any of the examples cited by the appellant, owing to their respective differences, are directly comparable to the appeal scheme. Planning decisions are made on their respective merits as assessed against policies in the development plan rather than following a system of precedent. Hence, whilst these examples attract limited favourable weight, they do not lead me to a different view on the main issues.
18. The conduct of the Council, including its cooperation in the processing and determination of the planning application and their failure to work proactively in determining the application, has been raised as a concern by the appellant. However, it is not within my remit, as part of the determination of this planning appeal, to assess the Council's performance as a local planning authority in this regard. There are alternative mechanisms available to the appellant for pursuing such matters.

Conclusion

19. I have found that the proposal fails to provide a sequential assessment of the development site to establish whether the principle of development is acceptable in terms of flood risk. Additionally, I have identified adverse impacts on the living conditions of neighbouring occupiers due to overbearing built form. However, the proposal would not cause harm in this regard through overshadowing or street lighting. It would also not harm the character and appearance of the area, nor the living conditions of future occupiers with respect to bin storage facilities. As the proposal conflicts with the development plan as a whole, and the material considerations, including those set out in the National Planning Policy Framework, do not justify a departure from it, the appeal is dismissed.

F P Tinsley

INSPECTOR