OFFICER REPORT

Case No: **25/00528/FUL** **Full Planning Application**

Proposal: **Erection of cabin for the use of recreational fishing**

Location: **Fenland Fisheries Meadow Drove Earith**

Applicant: **Mr Ben Newell**

Grid Ref: **539332 275932**

DESCRIPTION OF SITE AND APPLICATION

The application site comprises commercial fishing lakes, known as Fenland Fisheries, located to the north-west of Earith and within the countryside. Fenland Fisheries is accessed from Meadow Drove and contains a dwelling, various outbuildings and fishing lakes. The site is predominantly enclosed by trees and surrounded by agricultural land.

The proposal is for 1No. cabin to provide shelter for fisherman using the lakes. The applicants' agent has specified that the cabin would not provide sleeping accommodation.

The proposed cabin would be of timber construction and would be 4.3m wide and 4.7m deep, with a ridge height of 2.34 metres and an eaves height of 1.88 metres.

The proposed cabin would be located within Flood Zone 1, however part of the existing access road to Fenland Fisheries is located within Flood Zone 2.

It is relevant to note that the Local Planning Authority are also in receipt of two other planning applications (references: 25/00529/FUL and 25/00530/FUL) which each seek planning permission for a fishermans cabin in different locations at Fenland Fisheries.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):
* achieving sustainable development;
* building a strong, competitive economy;
* promoting sustainable transport;
* achieving well-designed places;
* meeting the challenge of climate change, flooding and coastal change;
* conserving and enhancing the natural environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019
LP1: Amount of Development
LP2: Strategy for Development
LP5: Flood Risk
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP19 - Rural Economy
LP23: Recreation and Tourism
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows

Local policies are viewable at https://www.huntingdonshire.gov.uk

Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Supplementary Planning Documents (SPD) and Guidance:
Huntingdonshire Design Guide Supplementary Planning Document 2017
Huntingdonshire Landscape and Townscape SPD (2022)

The National Design Guide (2021)

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

25/01311/FUL - Demolition of three existing buildings and erection of a replacement self build dwelling - Pending consideration

25/00530/FUL - Erection of cabin for the use of recreational fishing - Pending consideration

25/00529/FUL - Erection of cabin for the use of recreational fishing - Pending consideration

25/00077/CLPD - Erection for 3 4 x 4 cabins on the side of the Vermuyden lake – Withdrawn 24.02.2025

17/00971/CLED - Commercial fishery and aquatic centre – Lawful Development Certificate Granted 06.10.2017

17/00521/S73 - Variation of occupancy condition 3 of planning permission ref: 8900886FUL, for the erection of one dwelling – Planning Permission Granted 06.12.2023

8900886FUL - Erect one dwelling, land at Fen Drove, Earith – Planning Permission Granted 09.01.1990

CONSULTATIONS

Earith Parish Council – Voted to accept the application. The area is outside of the village build envelope for dwellings, but cabins for the use of recreational fishing, which are not used as dwellings, will help the future development of the business.

Environmental Health – No issues to raise.

Environment Agency – No comments received.

REPRESENTATIONS

No representations have been received.

SUMMARY OF ISSUES

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan (as relevant to this application) consists of:
* Huntingdonshire's Local Plan to 2036 (2019)
* Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:
* The principle of development
* Design and visual amenity
* Residential amenity
* Highway safety, transport and parking provision
* Flood risk and surface water drainage
* Biodiversity

*The Principle of the Development

Policy LP10 of the Local Plan states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan; and that all development in the countryside must:
a. seek to use land of lower agricultural value in preference to land of higher agricultural value:
i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and
ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;
b. recognise the intrinsic character and beauty of the countryside; and

c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

Policy LP19 of the Local Plan states that a proposal for the expansion of an established business within its existing operational site will be supported.

Policy LP23 of the Local Plan states that a proposal for a new or expanded tourism, sport or leisure use in the countryside will be supported where it can be demonstrated that:
a. It is well-related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere
b. It does not cause harm to, and where appropriate, enhances the ecological, landscape and heritage significance of the proposed location
c. The impact on the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible
d. Adequate servicing can be provided, including water supply, electricity and for sewage and waste disposal; and
e. It will not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure.

The proposed cabins would provide improved facilities within the existing operational site of an established business. The principle of development is therefore supported by policies LP10, LP19 and LP23 of the Local Plan, subject to the criteria within policies LP10 and LP23 being complied with.

Criteria a-c of policy LP10:
* Given that the proposal seeks to utilise land within the operational site of an existing commercial fishing lake, it would not result in any additional loss of best and most versatile agricultural land, in accordance with criterion a. of policy LP10.
* For the reasons specified within the 'Design and visual amenity' section of this report, it is considered that the proposal recognises the intrinsic character and beauty of the countryside, in accordance with criterion b. of policy LP10.
* By virtue of its siting, modest scale and use, the proposed cabin would not give rise to any significant noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others, in accordance with criterion c. of policy LP10.

Criteria a-e of policy LP23:
* The proposed cabin is located adjacent to the fishing lake, which is a robust operational reason for its location, in accordance with criterion a. of policy LP23.
* By virtue of its siting, modest scale and use, the proposed cabin would not cause harm to the ecological, landscape and heritage significance of the proposed location.
* The proposed cabin is of a modest scale and is located where it would be significantly screened from the surrounding countryside and wider landscape by existing well-established trees, minimising its impacts on the immediate surroundings and the wider landscape as far as possible, in accordance with criterion c. of policy LP23.
* As the proposed cabins would be located within the existing operation site of the fishery, it is likely that adequate servicing can be provided, in accordance with criterion d. of policy 23.
* By virtue of its siting, scale and use, the proposed cabin would have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure, in accordance with criterion e. of policy LP23.

The proposed development would support the sustainability of an existing rural business without expanding outside of its existing operational site. For the reasons set out above, it is considered that the principle of development is acceptable, in accordance with policies LP10, LP19 and LP23 of the Local Plan.

*Design and visual amenity

Policy LP10 of the Local Plan requires that development recognises the intrinsic character and beauty of the countryside.

Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well designed places.

Policy LP12 of the Local Plan requires development to be well-designed, respond to context and contribute positively to the character and identity of the area.

Policy LP23 requires that development does not cause harm to the landscape significance of the proposed location; and that the impact on the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible.

The proposal is for 1No. modestly sized timber cabin measuring 4.3m wide and 4.7m deep, with a ridge height of 2.34 metres and an eaves height of 1.88 metres. Due to its modest scale, simple pitched-roof design and timber materials, the design of the proposed cabin is sympathetic to its rural countryside location. In addition, the proposed cabin would be located within the existing operational site of an established commercial fishing lakes and would be significantly screened from the surrounding countryside by existing established trees. Due to its modest scale, its sympathetic design and materials, and its sensitive siting within the existing operational site of the fishing lakes where it would be significantly screened, the proposed cabin would not appear intrusive or cause harm to the character and appearance of the countryside.

It is therefore considered that the proposal recognises the intrinsic character and beauty of the countryside and responds positively to the rural character, appearance, identity, context and landscape of the area, in accordance with policies LP10, LP11, LP12 and LP23 of the Local Plan.

*Residential Amenity

Given the modest scale of development, the existing use of the site and the isolated nature of the site, it is considered that the proposal would not cause any significant detrimental impacts on the residential amenity of any residential properties, in accordance with policies LP10 and LP14 of the Local Plan.

*Highway safety, transport and parking provision

The application site would be served by the existing access and parking provision to Fenland Fisheries. The proposal would provide a modestly sized cabin to provide improve facilities for fisherman, which would not result in any significant additional highway safety, transport or parking provision impacts beyond the existing situation.

It is therefore considered that the proposed development would have acceptable highway safety, transport and parking provision impacts, in accordance with policies LP16 and LP17 of the Local Plan.

*Flood risk and surface water drainage

Policy LP5 of the Local Plan states that a proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed, as detailed in the National Planning Practice Guidance and with reference to the Cambridgeshire Flood and Water Supplementary Planning Document (SPD).

Policy LP15 of the Local Plan states that proposals will only be supported where surface water has been considered from the outset as an integral part of the design process. Furthermore, it requires proposals to incorporate sustainable drainage systems (SuDS) in accordance with the Cambridgeshire Flood and Water SPD and advice from the Lead Local Flood Authority, unless demonstrated to be inappropriate.

The proposed cabin would be located within Flood Zone 1 and within an area of low risk of surface water flooding from all other sources. Whilst a small part of the existing access road to the site is located within Flood Zone 2, this is an existing access serving the site with no alterations proposed to it and the proposed development would not increase risk of flooding or people.

Due to the modest scale of the proposal and its contained location within the existing operational site of the fishing lakes, it is considered that the proposal would not result in any significant surface water flooding impacts.

It is therefore considered that the proposed development would have acceptable flood risk and surface water drainage impacts, in accordance with policies LP5 and LP15 of the Local Plan.

*Biodiversity

The Environment Act 2021 requires some development proposals to deliver a mandatory Biodiversity Net Gain, however there are statutory exemptions which mean that mandatory Biodiversity Net Gain does not always apply. In this instance, mandatory Biodiversity Net Gain by virtue of the Environment Act 2021 is not required, because the proposed development is subject to the de minimis exemption.

Notwithstanding the above, policy LP30 of the Local Plan requires new development to ensure there is no net loss in biodiversity and provide a net gain where possible.

The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA states that the proposal is anticipated to be of low-impact to priority habitats and designated sites, however recommends mitigation and enhancement measures to conserve and enhance biodiversity. In order to ensure there is no net loss in biodiversity, it is considered necessary to append a condition to the planning permission requiring compliance with the recommendations within the PEA.

It is therefore considered that the proposed development would not result in a net loss in biodiversity, in accordance with policy LP30 of the Local Plan.

*Conclusion

For the reasons set out within this report, it is considered that the principle of development is acceptable and the proposal would have acceptable impacts in respect design and visual amenity; residential amenity; highway safety, transport and parking provision; flood risk and surface water drainage; and biodiversity, in accordance with the Local Plan.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
Enquiries about this report to Richard Fitzjohn

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