

TITLE: 25/01320/FUL

Committee: Planning Committee

Date: 1 April 2026

Author: Senior Planning Officer

Report No: AA184

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Site Address: 31 Ten Mile Bank Littleport Ely Cambridgeshire CB6 1EE

Proposal: Change of use from agricultural land to builders' yard - retrospective

Applicant: Mr Aaron Dakin

Parish: Littleport

Ward: Littleport

Ward Councillors: Christine Ambrose Smith
David Miller
Martin Goodearl

Date Received: 04 December 2025

Expiry Date: 03 April 2026

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reasons:

1. The proposal does not fall within any of the exception policies listed in GROWTH 2 and therefore would be unacceptable in principle. The proposal is therefore considered to be contrary to GROWTH 2 of the East Cambridgeshire Local Plan, 2015 (as amended) and Chapter 2 of the National Planning Policy Framework (2024).
2. Insufficient information has been provided to demonstrate that the development would be safe throughout its lifetime and would not lead to increased flood risk elsewhere, contrary to the requirements of the Government's Planning Practice Guidance, Policy ENV 8 of the East Cambridgeshire Local Plan 201 (as amended 2023), and guidance within Section 14 of the National Planning Policy Framework.

1.2 The application is being heard by the committee because it was called in by Councillor Goodearl and Councillor Ambrose Smith for the following reasons:

- Whilst the application is outside of the development envelope, it is still within the wider Littleport area and therefore, is in the spirit of Policy Growth 2, which requires the majority of development to be focused on the market towns of Ely, Soham and Littleport.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for the change of use of a parcel of agricultural land to that of a builder's yard. The site is situated between the defined residential curtilage for 31 Ten Mile Bank and a further parcel of agricultural land to the South. All three areas of the site are under the same ownership and collectively form 31 Ten Mile Bank. The site has been operated as a builder's yard by the applicant and site owner, Mr Dakin, to store materials and machinery related to his occupation as a groundworker/builder. This is being done through a collection of outbuildings, shipping containers, and open storage areas.

2.2 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: [Simple Search](#).

3.0 PLANNING HISTORY

3.1 20/00384/FUL - Construction of 1 no. three bedroom, two storey detached replacement dwelling. **(Approved - 14.08.2020)**

3.2 19/01251/FUL - Replacement dwelling and make good neighbouring property. **(Refused - 06.01.2020)**

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located approximately 2.4km (1.5 miles) away from the settlement of Littleport.

4.2 The site itself comprises approximately 0.08 hectares and is viewed as having three distinct sections. The southern section is a parcel of agricultural land, the northern section is the defined residential curtilage, and the section in between (linking the northern and southern sections) forms the basis of this application. It is this section (the middle section), currently identified as agricultural land, that is being used as a builder's yard, and permission is being sought to regularise this change of use.

4.3 Specifically, the application site is located on the north-western edge of Ten Mile Bank. Akin to several other plots along Ten Mile Bank, number 31 is long yet narrow.

4.4 The highway runs along the northeastern side of the site, and this boundary is enclosed by 6ft fencing. Open countryside abuts the northwestern boundary with low-level fencing marking the distinction.

- 4.5 The Great River Ouse and principally its western bank is the dominant feature along Ten Mile Bank, standing above in elevation to the application site and the highway.
- 4.6 The parcel of agricultural land at the most southern end of the site extends to meet the entrance of Poplar Drove. At the northernmost end of the site, within the defined residential curtilage, stands the host dwelling (31 Ten Mile Bank). The dwelling has fallen into a state of disrepair and is, as such, uninhabitable.
- 4.7 There are a few small residential dwellings in the immediate vicinity, including the adjoining dwelling (number 32 Ten Mile Bank), but overall, the area remains open to the countryside. The host dwelling has a small front garden, with the majority of the curtilage to the side.
- 4.8 The site is not located within proximity to a Listed Building or monument or within a Conservation area.
- 4.9 The site is located within Flood Zone 3 of the Environment Agencies 'Maps for Planning'.
- 4.10 The site falls outside of the development envelope of Littleport and is therefore considered to be within the countryside
- 4.11 The application proposes the regularisation of the use of the site as a builder's yard, which includes the existing outbuildings, shipping containers and open storage areas as shown on the submission documents.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees:
- Local Highways Authority
 - Internal Drainage Board
 - Environmental Health
 - Town Council
 - Ward Councillors

These are summarised below. The full responses are available on the Council's website.

Local Highways Authority - 17 February 2026

Reservations in respect of the proposed development in relation to the turning, in view of the established use of the site, it is considered that a recommendation of refusal could not be substantiated with due regard to Para 115 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety".

It is not evident from the submitted application that an adequate turning area can be accommodated within the site. Proposals of this nature typically require provision for vehicles to enter the site, turn safely, and exit in a forward gear. However, given that the site has operated in this nature for approximately eight years without any

recorded incidents related to vehicle ingress or egress, the Local Highway Authority is unable to substantiate an objection in this instance. It should be emphasised, however, that any future development proposals for this site will be expected to include a formalised turning area. Without such provision, it is highly likely that the Local Highway Authority would raise an objection.

Littleport and Downham Internal Drainage Board – 09 February 2026

No objections provided that soakaways form an effective means of surface water disposal in this area. If soakaways are found not to be an effective means of surface water disposal, the Board must be reconsulted as consent of the Board would be needed to discharge into any watercourse within the district.

Environmental Health - 29 January 2026

Notes the retrospective nature of the application. No history of complaints concerning this site. Recommends a condition which prevents any external lighting without prior approval from the LPA.

Littleport Town Council - 27 February 2026

In support of the application.

Ward Councillors – 09 March 2026

Cllr. Martin Goodearl and Cllr. Christine Ambrose Smith: Requested application to be determined by the Planning Committee.

- 5.2 A site notice was displayed near the site on 3rd February 2026.
- 5.3 Neighbours – Two neighbouring properties were directly notified by letter. No responses have been received.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015 (as amended 2023)*

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

6.2 *Supplementary Planning Documents*

Design Guide
Flood and Water

6.3 *National Planning Policy Framework (December 2024)*

2 Achieving sustainable development
4 Decision making

- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 *Planning Practice Guidance*

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 The main planning considerations relevant to the determination of this application relate to:

- Principle of Development
- Design and Character
- Residential Amenity
- Highways, Access and Movement
- Flood Risk and Drainage

Principle of Development

7.2 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.3 The application site is located wholly outside of the defined development envelope for Littleport.

7.4 Furthermore, although Policy GROWTH 2 allows exceptions, the proposal does not fall under one of the exceptions listed within the policy.

7.5 In summary, the proposal relates to a site outside the development envelope. It is not an exception listed within the policy and therefore conflicts with the aims of Policy GROWTH 2 East Cambridgeshire Local Plan 2015 (as amended 2023).

Visual Amenity

7.6 Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) require new development to complement the existing built form and relate sympathetically to its surroundings in terms of location, layout, scale, massing, materials, and colour. Policy ENV1 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. Proposals must respond positively to local context and architectural traditions, enhance the character and quality of the area, and contribute to the public realm. Policy ENV2 specifically requires all development proposals to be designed to a high quality, enhancing and complementing the local distinctiveness

and public amenity by relating well to existing features and introducing appropriate new designs.

- 7.7 Due to the proximity of the site to The Great River Ouse, public views from the river and its banks are likely to be negatively impacted by the introduction of this incongruous form of development. This conflicts with the aims of Policy ENV 1, which calls for development to enhance character and quality and contribute to the public realm.
- 7.8 Notwithstanding, the applicant has taken steps to reduce the immediate harm to the visual amenity of the area by containing the use within the middle section of the site. Previously, the southern section of the site was also being used to store materials.
- 7.9 The relocation of the materials to the middle section is noted and is an improvement. Consequently, this has lessened the harm regarding visual amenity, certainly for the closest neighbours and observers as the 6ft fencing provides screening
- 7.10 Due to the elevated position of The Great River Ouse in relation to the site, the containment and screening of the development that limit visual impacts from the highway do not mitigate the harm as effectively from viewpoints on the river. Consequently, by virtue of the introduction of an uncharacteristic use in this location, a level of harm to the visual amenity, both from the public and private realm, with specific regard to The Great River Ouse, is evident. However, it is considered that the impact is unlikely to cause an unacceptable level of harm owing to the visual containment of the development and its proximity to the existing adjoining residential development, and, on balance, this matter does not constitute a reason for refusal despite some degree of conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Residential Amenity

- 7.11 Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. Policy ENV 9 of the East Cambridgeshire Local Plan 2015 seeks to protect residential occupiers from noise, smell, vibration and other forms of pollution.
- 7.12 There is an adjoining residential property to the north (number 32 Ten Mile Bank), with the next closest neighbour (number 33) set back with access alongside number 32. These would be the nearest receptors of noise and associated activities that may impact their amenity.
- 7.13 In terms of the positioning of the existing structures and outbuildings, although undomesticated in appearance and scale, they are not considered to cause harm by being overbearing, by overshadowing or through the loss of privacy by overlooking. The separation distances to the nearest neighbours are significant enough for there to be virtually no impact in this regard.
- 7.14 The Environmental Health Officer (EHO) was consulted on this application and concluded that, due to the retrospective nature of the application, they could confirm

that there was no history of complaints concerning this site. If this application were approved, they have recommended a condition that requires any external lighting to be approved by the LPA in advance. It is pertinent to note that whilst the lack of complaints on the site is encouraging, this does not preclude future issues arising from continued use.

- 7.15 In summary, the proposal is considered to comply with Policy ENV 2 and Policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Highways, Access and Movement

- 7.16 Policy COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development should be designed to reduce the need to travel particularly by car and should promote sustainable forms of transport appropriate to its particular location. Development proposals shall provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) seeks adequate parking provision, while Paragraph 115 of the NPPF requires “safe and suitable access for all users.” Paragraph 116 of the NPPF states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the network would be severe.
- 7.17 The proposal seeks the regularisation of one access for the operation of the site as a builder’s yard.
- 7.18 The Local Highways Authority was consulted on this application and put forward reservations in respect of the proposed development in relation to the turning. Whilst it is considered that a recommendation of refusal could not be substantiated with due regard to Paragraph 115 of the NPPF, where “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety”, in view of the established use of the site, they have advised that any future proposals would need to demonstrate turning areas.
- 7.19 The proposal is therefore considered to align with Policies COM7 and COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Ecology and Biodiversity

- 7.20 Due to the application being retrospective, a preliminary ecological assessment (PEA) was not required as part of the submission
- 7.21 The development does not fall under the statutory duty to secure at least 10% biodiversity net gain (BNG), and therefore, a BNG metric was not required as part of the submission. This is due to the retrospective nature of the proposal.

Trees

- 7.22 The development does not include any works to trees on or around the site, and therefore an Arboricultural Impact Assessment was not required as part of the submission. This is due to the retrospective nature of the proposal.

Historic Environment

- 7.23 As noted above, the site does not affect any buildings or land of above-ground heritage value.

Flood Risk, Drainage & mitigating impacts of climate change

- 7.24 Policy ENV 8 of the East Cambridgeshire Local Plan (2015) requires all developments to contribute to an overall reduction in flood risk and to strictly apply the sequential and exception tests. Development should normally be located in Flood Zone 1 and will not be permitted where it would increase the risk of flooding on-site or elsewhere, compromise flood defences, or create unsafe access during flooding events.
- 7.25 Paragraph 176 of the NPPF states that the sequential test does not need to be applied for applications for Change of Use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) nor the exception test, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63.
- 7.26 Footnote 63 goes on to say that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.
- 7.27 The site is situated within Flood Zone 3, an area with a high probability of flooding. A site-specific Flood Risk Assessment has therefore been submitted in support of the proposal, in accordance with the requirements of NPPF footnote 63.
- 7.28 Annexe 3 of the PPG on Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of general industry and is classified as 'Less Vulnerable'.
- 7.29 Paragraph 014 of the PPG on Flood Risk and Coastal Change states that 'A Change of Use may involve an increase in flood risk if the vulnerability of the development is changed. As changes of use are not normally subject to the sequential or exception tests... the local planning authority will need to consider what changes of use will be acceptable... This is likely to depend on whether developments can be designed to be safe and that there is adequate emergency planning provision.'

- 7.30 Whilst officers agree the proposal is for a change of use and therefore accept that a sequential test is not needed, the PPG is silent on whether this includes change of use applications that include physical structures.
- 7.31 Paragraphs 004 and 005 of the PPG on Flood Risk and Coastal Change state that any residual risk remaining should be managed after avoidance, control and mitigation have been utilised through further management measures, **along with** providing safe access and escape routes. Furthermore, consideration of whether adequate flood warning would be available to people using the development, and of the need to safely manage residual risks to ensure people are not exposed to hazardous flooding.
- 7.32 Information submitted as part of the Flood Risk Assessment through the Environment Agency Flood Hazard Map shows there is a residual risk to the site should there be a breach of the flood defences. In the event of multiple breaches during an extreme event, the site would be flooded to a depth of up to 0.25m.
- 7.33 The Flood Risk Assessment has not been successful in providing sufficient information about managing residual risk. Whilst it has identified the site as benefiting from flood defences, the recommendations provided for mitigation (flood resilience and the use of flood warnings) fail to address how residual risk will be effectively managed.
- 7.34 The Internal Drainage Board (IDB) were consulted and raised no objections, provided that soakaways are used as a means of surface water disposal in this area. If, however, soakaways are found not to be an effective means of surface water disposal, the Board must be reconsulted, as consent of the Board would be needed to discharge into any watercourse within the district. This matter would be resolved outside the planning application between the applicant and IDB.
- 7.35 Officers do note that the nature of development upon open land would give rise to increased hardstanding and built form, which in turn increases the need for sustainable drainage. A lack of information has been submitted to address how the applicant proposes to deal with this matter.
- 7.36 In summary, the proposal conflicts with Policy ENV 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023), as insufficient information has been provided as to how the proposal would meet the requirements for the NPPF and PPG in relation to managing flood risk and drainage.

Human Rights Act

- 7.37 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council

is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

- 7.38 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

Other Matters

- 7.39 The residential curtilage also includes an extended and improved mobile home. The mobile home is being used as a dwelling in the short term because the existing dwelling is uninhabitable. East Cambridgeshire District Council's Enforcement Team do not have any concerns over the short-term use of the mobile home, but should an application be approved for a replacement dwelling in the future, the removal of the mobile home along with its extensions would be conditioned as part of any such permission, as only one residence would be permitted on the site. The mobile home is located on land within the same ownership but is not within the application site and therefore is not a matter under consideration as part of this application.

Planning Balance

- 7.40 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.41 The proposal causes a degree of conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) due to harm it causes to visual amenity. The harm, however, has been assessed as acceptable; this matter carries limited weight.
- 7.42 Officers do acknowledge that the development falls within the wider Littleport area and that the Policy GROWTH 2 does provide a hierarchy for the location of development. That hierarchy seeks to focus the majority of development in the market towns, one of which is Littleport. Despite this, the development is 2.4 km (1.5 miles) away from the main settlement of Littleport. Development in the countryside that does not align with the policy's exceptions accrues substantial weight in the planning balance.
- 7.43 Officers also acknowledge that the site benefits from a level of wider flood resilience measures in relation to managing flood risk. However, the Flood Risk Assessment has not provided sufficient information on managing residual risk. The recommendations provided for mitigation (flood resilience and the use of flood warnings) are inadequate

as they fail to address how residual risk will be effectively managed. This matter subsequently accrues substantial weight in the planning balance.

- 7.44 On balance, it is considered that the cumulative harms arising from the identified conflicts with policies GROWTH 2 and ENV 8 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) outweigh the planning benefits, on which basis the application is recommended for refusal.

8.0 APPENDICES

Appendix 1 – Refusal reasons

Appendix 2 – Plans

Appendix 1 – Refusal reasons

- 1- The proposal does not fall within any of the exception policies listed in GROWTH 2 and therefore would be unacceptable in principle. The proposal is therefore considered to be contrary to GROWTH 2 of the East Cambridgeshire Local Plan, 2015 (as amended) and Chapter 2 of the National Planning Policy Framework (2024).
- 2- Insufficient information has been provided to demonstrate that the development would be safe throughout its lifetime and would not lead to increased flood risk elsewhere, contrary to the requirements of the Government's Planning Practice Guidance, Policy ENV 8 of the East Cambridgeshire Local Plan 201 (as amended 2023), and guidance within Section 14 of the National Planning Policy Framework.

Appendix 2 – Plans