

# **DEVELOPMENT MANAGEMENT COMMITTEE 19<sup>th</sup> MAY 2025**

**Case No:** 25/00176/FUL

**Proposal:** Change of use from field to residential garden  
(retrospective)

**Location:** 1 Meadow View, Great North Road, Norman Cross,  
Peterborough, PE7 3TE

**Applicant:** Dr K Aifuwa

**Grid Ref:** (E) 515964 (N) 291075

**Date of Registration:** 10<sup>th</sup> February 2025

**Parish:** Yaxley

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## **RECOMMENDATION - APPROVE**

**This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as the recommendation of approval is contrary to that of the Parish Council.**

### **1. DESCRIPTION OF SITE AND APPLICATION**

The application site is an area of land measuring approx. 865m<sup>2</sup>. It is located to the south of a row of dwellings developed under planning application reference numbers 19/01968/OUT (allowed under appeal) and 21/00737/REM. As listed below, a Section 73 application was later permitted for the variation/removal of some of the conditions.

- 1.1 The site is not within a Conservation Area and there are no Listed Buildings in the immediate vicinity. The site is however located within the setting of a Scheduled Monument (discussed in more detail in the proceeding sections of this report). There are no Tree Preservation Orders within or adjacent to the site, the site is also within Flood Zone 1 and has an overall very low risk of flooding as per the most recent Environment Agency Flood Risk Maps and Data.
- 1.2 This application seeks retrospective planning permission for the change of use of the land to residential garden thereby including the land within the curtilage of 1 Meadow View.

- 1.3 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.
- 1.4 It is noted that other works have been undertaken within the site subject to this application including the addition of boundary treatments, swimming pool, and associated outbuildings. These matters are not for consideration under this application and will be the subject of a separate planning application if Members choose to support the change of use of the land.

## **2. NATIONAL GUIDANCE**

- 2.1 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).’
- 2.2 The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - achieving well-designed, beautiful and safe places;
  - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

## **3. PLANNING POLICIES**

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Amount of Development
  - LP2: Strategy for Development
  - LP4: Contributing to Infrastructure Delivery
  - LP5: Flood Risk
  - LP9: Small Settlements
  - LP11: Design Context
  - LP12: Design Implementation
  - LP14: Amenity
  - LP15: Surface Water
  - LP30: Biodiversity and Geodiversity
  - LP31: Trees, Woodland, Hedges and Hedgerows

- LP32 Protection of Open Space
- LP34: Heritage Assets and their Settings

### 3.2 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document (2017)
- Huntingdonshire Landscape and Townscape SPD (2022)
- Huntingdonshire Strategic Flood Risk Assessment (2024)
- Cambridgeshire Flood and Water SPD (2024)
- LDF Developer Contributions SPD (2011)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local For full details visit the government website [Local policies](#)

## 4. RELEVANT PLANNING HISTORY

- 4.1 19/00746/OUT – Erection of 3 detached dwellings and garages with access (Refused)
- 4.2 19/01968/OUT – Erection of 3 detached dwellings and garages with access (Refused)
- 4.3 20/00024/REFUSL – Erection of 3 detached dwellings and garages with access (Appeal Allowed)
- 4.4 21/00737/REM – Application for approval of reserved matters (Appearance, Access, Landscaping, Layout and Scale) following outline approval 19/01968/OUT for the erection of 3 detached dwellings and garages (Details Approved)
- 4.5 21/80268/COND – Conditional information for 19/01968/OUT (C16 – WSI) (Refused)
- 4.6 21/01807/NMA – Non-material amendment to amend condition 1 of permission 19/01968/OUT to include the reserved matters of access, layout and scale (Other Consent)
- 4.7 22/00400/S73 – Variation of conditions 2 (approved plans), 3 (materials as approved), 4 (implement landscaping as approved), 8 (implement and retain parking and turning), and 12 (bin and bike stores) and removal of condition (access dimensions plots 2 and 3) for 21/00737/REM to add additional vehicular access and change gutter/downpipe material to UPVC (Permission)
- 4.8 22/80063/COND – Conditional information for 21/007367/REM (C10 – scheme of access surfacing and drainage) (Withdrawn)

## 5. CONSULTATIONS

- 5.1 Yaxley Parish Council recommends refusal as set out below:

“The Parish Council is unable to support this application due to concerns over the development of land without prior permission. The ecology report conducted three years ago as part of the house's planning approval highlighted the presence of bats and golden-crested newts, emphasizing the area's potential ecological importance and the need for its protection. Members are also concerned about the removal of the hedgerow and would like to see a planning restriction placed on the land to ensure it can be restored to its original agricultural access if needed, preventing any further development.”

- 5.2 Historic England - No comments received, at the time of writing the report.
- 5.3 HDC Conservation Team (informal) – No comments to make.

## **6. REPRESENTATIONS**

- 6.1 One objection has been received and is available to view on HDC's Public Access Site. It is also included below for completeness:

“The problem here is clear. The permission for the adjacent development was entirely unambiguous. There was no intention to imply that change of use for this site would be accepted, permission was clearly limited to the boundaries of the existing property. As a matter of principle and good practice, the application should be refused and the land restored to an undeveloped corridor.”

## **7. ASSESMENT**

- 7.1 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.
- 7.2 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. This is reiterated within paragraph 48 of the NPPF (2024). 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”.
- 7.3 In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, there is not an

adopted neighbourhood plan in place for Norman Cross.  
Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

- 7.4 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.
- 7.5 The main issues to consider in the determination of this application are:
- The principle of development
  - Design and visual amenity
  - Impact on heritage assets
  - Residential amenity
  - Flood risk
  - Biodiversity and impact on hedgerows

### **The principle of the development**

- 7.6 As detailed in the preceding sections of this report, this application relates to an area of land lying between three new dwellings erected during the past five years and The Milestone Hotel to the south. The A1 is to the west whilst to the east is a Scheduled Monument. From the history of the site, it appears that the land subject to this application was a strip of land which was left redundant adjacent to the site when the housing site was developed. A review of the original plans shows the red line site boundary was positioned relatively tight to the side of number 1. This appears to have just been a land ownership issue. As such, this section of undeveloped land remained between the southern boundary of the residential house number 1 and the northern boundary of the hotel car park. Given that the land to the south is developed (i.e. the hotel), this did not serve as any sort of visual landscape buffer to wider undeveloped countryside land.
- 7.7 The outline application was refused on a number of grounds, one of which being the consideration that the site lay outside the built-up area (BUA) of any settlement. However, during the appeal (20/00024/REFUSL) the Planning Inspector considered that due to a number of factors (most notably the development of Great Haddon) that the site should not be assessed against the policies which assess countryside impact or those which permit development within the countryside. As such, whilst the Inspector recognised that the site was detached from both Folksworth and

Yaxley the development of Great Haddon would (and has) altered the landscape along this section of road and therefore concluded that Policy LP10 (The Countryside) and associated policies which permit development in the countryside should not be used for the assessment. For these reasons these policies are not applied to this determination.

- 7.8 Folksworth and Yaxley fall into separate categories within the Local Plan. The former a small settlement (Policy LP9) and the latter a Key Service Centre (LP8). Stilton (another small settlement) is to the south of the site and in fact located closer than Folksworth or Yaxley but feels more physically disconnected due to the sporadic development leading to both Folksworth and Yaxley along the main access routes. The site falls within Yaxley for administrative purposes. In either case, both policies support development considered to be within the BUA.
- 7.9 In this case, given that this relates to a section of land being used as residential garden for an established dwelling the sustainability of the site is not considered wholly relevant and the matters for consideration under these policies generally relate to the impacts on the character of the area. These are assessed in further detail in the proceeding sections of this report but, for the purposes of this assessment are not considered to be harmful. Further, the proposal does not impact an area of open space of public value nor a designated local green space.
- 7.10 Overall, having regard to the above assessment, the development is considered to broadly comply with the relevant settlement policies for development within the BUA (whichever policy is applied) and is not harmful to the character or appearance of the surrounding area. It is therefore considered to be acceptable in principle subject to compliance with other material planning considerations and conditions.

### **Design and visual amenity**

- 7.11 The application site sits opposite the A1, adjacent to a hotel and in the setting of modern built development (as per the earlier appeal decisions and approvals). Boundary treatments appear to be a mixture of post and rail fence to the east with close board fencing of varying scales to the south and west. There are gates installed at the western boundary with the Great North Road. It is noted that a section of the land to the far south has been separated by fencing (with a gate leading from the main section of the land) and, at the time of the site visit housed chickens. The land is laid to lawn and there have been some additions such as a small outbuilding, swimming pool, hot tub and hard landscaping. These are not excessive and could not be considered atypical of residential development. This application however only concerns itself with the change of use of the land.

- 7.12 In considering the proposals the LPA have given regard to the concerns raised in the consultee comments/objection. Officers agree planning permission should be secured prior to carrying out any development, however the planning system requires retrospective applications to be considered in the same manner as normal planning applications. Therefore, no weight can be given to the fact that the application is retrospective, as each planning application must be assessed upon its own merits, against all relevant planning policies and material considerations. The fact the land was not included in the earlier housing planning application does not mean that it cannot be considered for inclusion under any future applications.
- 7.13 Given the history of the site, the LPA has the benefit of photographs taken at the time of the previous applications, as well as historic aerial photography. There didn't appear to be a great deal of difference between the appearance of the site which now hosts the dwellings and this section of land. The land was associated with the bungalow and there was a hedgerow separating the two sections of land. Imagery from 2020 also shows that there was a hedgerow splitting the (now developed) land from the residential curtilage of the bungalow. Hedgerows (some dense and others more sporadic) formed the boundary with the Great North Road.
- 7.14 Whilst the loss of the hedgerows and vegetation (the ecological impacts of which are considered in the proceeding sections of this report) are acknowledged, given the developed nature of the surroundings and the Inspector's view at appeal regarding the separation from the wider countryside it cannot be considered that the change has resulted in visual harm to the character or appearance of the surrounding area. It is in use as a residential garden, with associated boundary treatments and swimming pool and outbuildings etc and this has not resulted in the further urbanisation of the surroundings, or unacceptable development that is uncharacteristic of its location.
- 7.15 Therefore the development is considered to be acceptable in terms of its design, character and visual impacts in accordance with Policies LP11 and LP12 of the Local Plan to 2036.

### **Impact upon heritage assets**

- 7.17 As detailed in the preceding sections of this report, whilst the site is not within a Conservation Area nor the setting of any Listed Buildings, the Scheduled Monument of the Norman Cross Depot for Prisoners of War lies to the east of the site. It has been designated due to the earthwork and buried remains of the former Norman Cross Depot for Prisoners of War. Which was built in 1796-97, closed in 1814, and the buildings on site

demolished 1816. It has special archaeological interest and potential to contain important buried remains.

Para. 205 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 206 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

- 7.18 This application seeks to change the use of a strip of land between the residential housing and adjacent hotel car park into additional garden land for one of the houses. Whilst the comments of Historic England are awaited and will be reported to Members at the Committee meeting, Officers do not consider the change of use to domestic garden land has resulted in harm to the adjacent Schedule Monument, its buried remains or earthworks or its setting. Therefore, Officers do not consider the proposal has resulted in harm to the Scheduled Monument HDC's Conservation Team have also been informally consulted and advised that they had no comments to make.
- 7.19 Overall, and subject to the comments of Historic England the fact that the surrounding land has already been developed, and the established nature of the site which appears as a natural continuation of the residential development it is concluded that the impact on the heritage asset is neutral and the development accords with Policy LP34 of the Local Plan to 2036, and the provisions of the NPPF.

### **Residential Amenity**

- 7.20 Policy LP14 of the Local Plan to 2036 states that "a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings."
- 7.21 The land subject of this application is located between the host dwelling and the adjacent hotel car park. Therefore, there is no resulting harm to neighbouring residential amenity from this proposal. Given the nature of the site, the relationship (and uses) of adjacent land, and the use of the site it is considered



that there would be no negative impacts on residential amenity and the development accords with Policy LP14 of the Local Plan to 2036.

### **Flood risk**

- 7.22 The site is located within Flood Zone 1 and has an overall very low risk of flooding from all sources. Its scale does not require the submission of a Flood Risk Assessment nor the application of the Sequential or Exception Tests. As such, no further justification in terms of flood risk is required.
- 7.23 Overall, the development is acceptable in terms of its approach to flood risk and surface water and therefore accords with Policies LP5 and LP15 of the Local Plan to 2036.

### **Highway safety**

- 7.24 It should be noted that the vehicle access gates have been installed serving the land subject to this application, do not form part of this application. They are however similar to the other vehicle accesses serving dwellings on this section of road. They are well set back from the highway to allow vehicles to stop clear of the public highway (linear with those installed as part of the adjacent development) and there are good visibility splays along the road from the highway edge. At the time that the site visit was completed it did not appear that this access had been formalised by means of installation of hard surfacing or a dropped kerb.
- 7.25 On the basis of the change of use of the land only the development is considered to be acceptable in highway safety terms and therefore accords with Policy LP17 of the Local Plan to 2036 in this regard.

### **Impact on hedgerows and ecology**

- 7.26 Policy LP30 of the Local Plan to 2036 states that “a proposal will ensure no net loss in biodiversity and achieve a net gain where possible.” Further, pursuant to the Environment Act 2021, 10% statutory Biodiversity Net Gain (BNG) would be required for applications made on or after 12 February 2024, unless the development under consideration is exempt. In this case, biodiversity net gain does not apply, as this is a retrospective proposal made under section 73A, so the opportunities for identifying the pre-commencement baseline value and gain, impose controls or evaluation of habitats have been lost.
- 7.27 However, notwithstanding the above, the requirements of Policy LP30 still applies, and so this does not mean that matters surrounding biodiversity are overlooked. Concerns have been raised by the Parish Council regarding the previously assessed

value of the adjacent housing site under the previously referred to permissions. Upon review of the outline permission the Officer Report detailed that a Phase One Ecology Report had not been provided. This was subsequently provided under the appeal (20/00024/REFUSL). This did not highlight any major concerns in relation to impact on protected species including bats and great crested newts. It concluded the housing site had low ecological value, and lack of protected species meant that there would be no direct negative impact or detriment to the site's ecology by the housing development. It made recommendations for mitigation/enhancement. The Inspector felt it appropriate to secure these by condition. As such, a Biodiversity Management Plan accompanied the reserved matters application (21/00737/REM), was considered appropriate and again secured by condition. The tree report submitted with the Reserved Matters application described the hedgerow on the southern boundary with this application site poor quality patchy scrub and recommended that it be removed.

7.28 Whilst it is important to note that the above ecology/tree reports do not relate to the land of the strip of land currently under consideration, but as the application site it is positioned directly adjacent to them, they do have some relevance and is hoped providing the above comments has helped address comments raised by the Parish Council. Given these findings of these adjacent ecology reports, alongside the level of development undertaken in the intervening years it is reasonable to consider that the development that has taken place is unlikely to have resulted in harm to any protected species. Whilst the loss of hedgerow/vegetation would have resulted in the loss of some biodiversity value there was no formal protection on these hedges and so they could have been removed at any time with no permissions required from the LPA. It is considered that some biodiversity enhancements are possible on the site to help mitigate some of the loss of biodiversity and habitat and if Members are minded to approve the application this could be secured by way of a planning condition.

7.29 Overall, having regard to the above, and subject to condition, the proposal is considered to be acceptable in terms of impacts biodiversity impacts and broadly accords with Policies LP30 and LP31 of the Huntingdonshire Local Plan to 2036.

## **8. RECOMMENDATION – APPROVAL subject to conditions to include the following**

- Development retained in accordance with approved plan.
- Biodiversity enhancement

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**CONTACT OFFICER: Kevin Simpson**

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**From:** DevelopmentControl  
**Sent:** 26 February 2025 15:54  
**To:** DevelopmentControl  
**Subject:** Comments for Planning Application 25/00176/FUL

**Categories:**

## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 26/02/2025 3:53 PM from

### Application Summary

Address:	1 Meadow View Great North Road Norman Cross Peterborough PE7 3TE
Proposal:	Change of use from field to residential garden (retrospective)
Case Officer:	

[Click for further information](#)

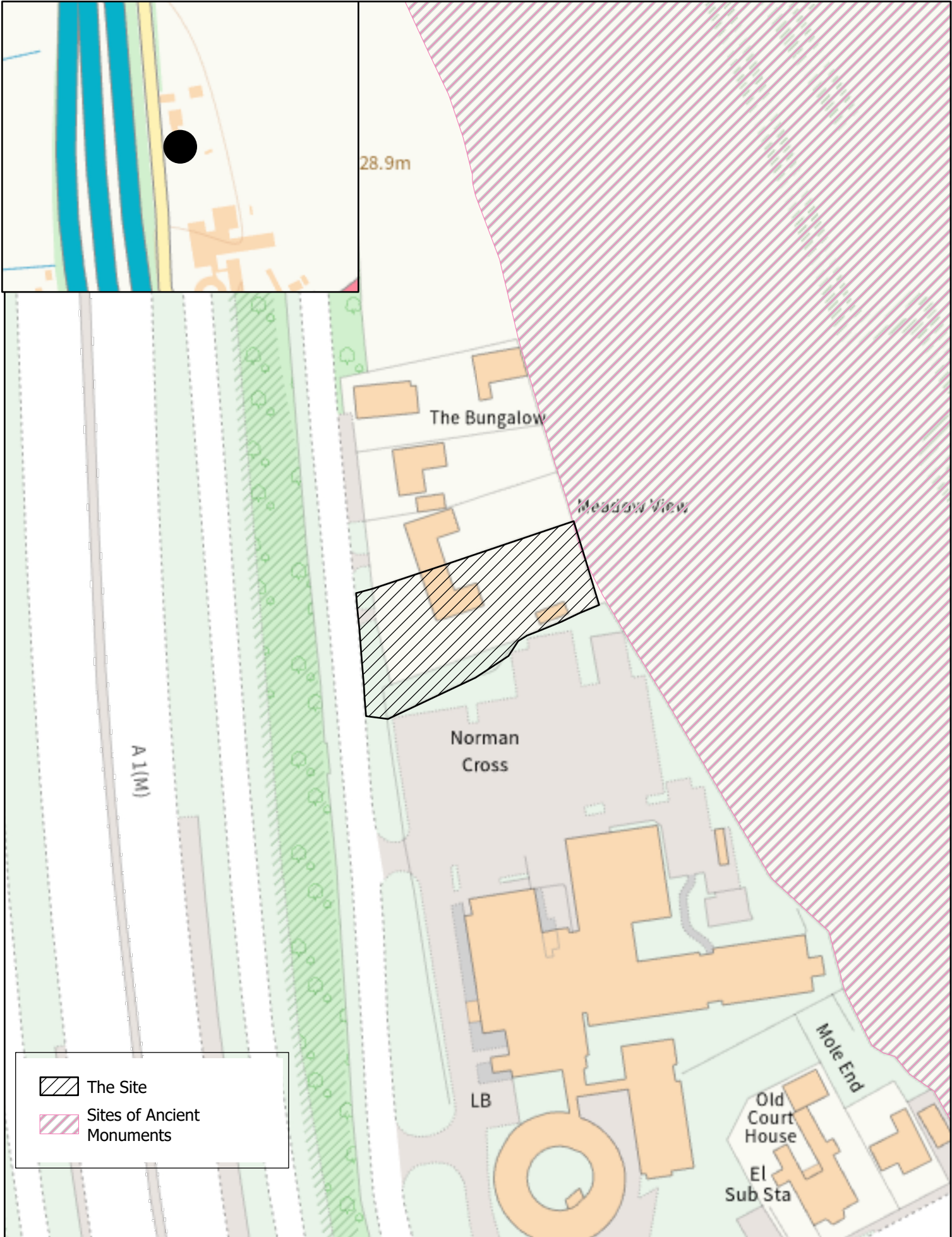
### Customer Details

Name:	
Email:	
Address:	48 Main Street Yaxley Peterborough

### Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	The Parish Council is unable to support this application due to concerns over the development of land without prior permission. The ecology report conducted three years ago as part of the house's planning approval highlighted the presence of bats and golden-crested newts, emphasizing the area's potential ecological importance and the need for its protection. Members are also concerned about the removal of the hedgerow and would like to see a planning restriction placed on the land to ensure it can be restored to its original agricultural access if needed, preventing any further development.

Kind regards





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Scale Bar  
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Rev. Date Details

## Planning

**Drawing Name**  
Site Location Plan

**Project Name**  
1 Meadow View,  
Great North Road, Norman Cross,  
Peterborough, Cambridgeshire,  
PE7 3TE

**Project No.**  
1188

**Rev.**  
-

**Drawn**  
TJM

**Dwg No.**  
001

**Scale**  
1:1250 @ A4

**Date**  
29.01.2025



Proposed Block Plan

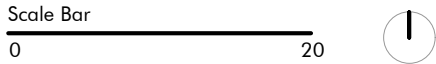


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Rev.	Date	Details
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1188

**Rev.**  
-

**Drawn**  
TJM

**Dwg No.**  
002

**Scale**  
1:500 @ A3

**Date**  
29.01.2025