



Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 21 AUGUST  
2023**

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item  
No.**

**LATE REPRESENTATIONS(Pages 3 - 8)**

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## DEVELOPMENT MANAGEMENT COMMITTEE – August 21<sup>st</sup> 2023

### LATE REPRESENTATIONS SUMMARY

#### 3(a) 23/00490/FUL - ERECTION OF GRAIN STORE, ASSOCIATED HARD STANDING AND NEW VEHICLE ACCESS - MANOR FARM, BULL LANE, BROUGHTON

##### Further neighbour representation received

A further neighbour representation has been received on the following grounds: *The LHA do not seem to have any concern about the impact on the environment caused by the obvious increase in traffic resulting in this development and the size of the actual access to the building that it considers is necessary. No-one travels along this road at 60 mph. It has 4 blind bends and is single tracked with a small number of passing bays. In one part of the Lane the verge has been designated as a County Wildlife site (one of 67 protected road verges in Cambridgeshire). That section along with the rest of the Lane will suffer from traffic 'chewing up' the green edges to the road as vehicles meet to the detriment of the quality of the environment.*

##### Officer comments

The Local Highway Authority have advised that the proposal would be acceptable in terms of highway safety as the quantity of vehicle movements are appropriate and the access is of a suitable size. Officers accept this advice.

Regarding the impact upon biodiversity, Officers note the concerns raised and refer to paragraph 7.26 of the Officer Report which assesses the impact upon biodiversity. Officers highlight the following line from the paragraph: *The surrounding landscaping and environs - trees, hedgerows, watercourses etc are likely to provide some level of habitat but these are unlikely to be significantly affected by the development*

*which would be typical in a suitable agricultural setting.* Officers therefore do not consider the potential impact of the associated traffic upon the immediate hedgerow would warrant reason for refusal in this case.

**4(a) 22/00890/FUL - APPLICATION FOR FULL PLANNING PERMISSION FOR RETENTION OF EXISTING DETACHED FOUR BEDROOM DWELLING (INCLUDING EXTENSIONS) - FULL HOUSE, TOLL BAR LANE, KEYSTON, HUNTINGDON, PE28 0RB.**

Since the report was written a representation has been received from Smith Jenkins, the Planning Agents handling this application. The statement (as at appendix 1) is intended to provide further context to the circumstances of the applicants. It does not alter the Officer recommendation of approval.

**4(b) 22/00891/FUL - APPLICATION FOR FULL PLANNING PERMISSION FOR RETENTION OF EXISTING DETACHED FOUR BEDROOM DWELLING INCLUDING THE RETENTION OF THE EXISTING GARAGE EXTENSION (REAR EXTENSION OMITTED) - FULL HOUSE, TOLL BAR LANE, KEYSTON, HUNTINGDON, PE28 0RB.**

Since the report was written a representation has been received from Smith Jenkins, the Planning Agents handling this application. The statement (as at appendix 1) is intended to provide further context to the circumstances of the applicants. It does not alter the Officer recommendation of approval.

**4(c) 23/00228/FUL - ERECTION OF 5 No. DWELLING HOUSES AND ASSOCIATED WORKS - LAND WEST OF GROVE COTTAGE MALTING LANE, ELLINGTON**

An email was received from the agent on 15<sup>th</sup> August 2023, formally requesting withdrawing the application. No reason was provided for the withdrawal.

16<sup>th</sup> August 2023

Huntingdonshire Council  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

By email:  
Developmentcontrol@huntingdonshire.gov.uk  
dadmin@huntingdonshire.gov.uk

Our Ref: 1046  
Your Ref: 22/00890/FUL  
& 22/00891/FUL

Dear Sir

**Proposal: Application for full planning permission for retention of existing detached four- bedroom dwelling (including extensions)**

&

**Application for full planning permission for retention of existing detached four- bedroom dwelling including the retention of the existing garage extension (rear extension omitted)**

**Site Address: Full House Toll Bar Lane Keyston**

We act on behalf of [REDACTED] in respect of the above planning applications.

This is a representation on behalf of the Applicants, and request this is passed to Members in advance of determination of the above planning applications.

### **Planning History**

[REDACTED] purchased Full House in 2021 from the developer of the property, and were not involved in the construction of the property or its previous planning history. The Committee Report is clear that the history of the application site is complex but that a planning permission was granted in 2005 (planning permission reference 04/03717/FUL) for the construction of Full House alongside alterations to the adjacent property, known as The Thatches.

The Applicants were not aware that there was an enforcement investigation into the property at the time of the purchase, and bought the house in good faith from the developer. The searches from the Applicants' solicitor did not highlight any issues with the planning history of the building nor the on-going work of the LPA in investigating a potential breach of planning control. It was only after they purchased the house that they became aware of the investigation by Officers of the Council. The

Applicants have fully co-operated and engaged with all enquiries made of them, and as a result made the two planning applications that are to be determined at Committee on 21<sup>st</sup> August 2023.

As outlined in the report to Committee, the planning permission granted in 2005 was implemented, as confirmed by a lawful development certificate. Officers consider that the principle of development on this site was established through the approval of the implemented permission. The current applications have been made because the development may not have been completed in accordance with the approved plans. There are difficulties with the approved plans including numerous inconsistencies, which has resulted in the disputed measurements that have been discussed with Officers. The Officer's report at paragraph 7.8 explains the differences in some detail. However, taking into account those differences, Full House as complete is broadly similar to that which was approved, and relates in scale to The Thatches, its neighbour. The relationship to The Thatches in terms of separation distance, and height is broadly as approved.

The materials used in the construction of the dwelling were approved by the LPA in September 2021 (permission reference 20/80149/COND).

The original planning permission (reference 04/03717/FUL) did not remove permitted development rights from the property, and the ability to construct ground floor and side extensions to the house would have been available to the home owner. These could have created a house larger in scale now under consideration for application reference 22/00890/FUL. This represents a material consideration as a fall back position in the determination of the current application.

### **The Home Owners**

██████████ purchased Full House as their family home for themselves and their son. It is their family home where they wish to remain living. The personal circumstances of the occupiers are a material consideration in the determination of this application. Personal circumstances are capable of being material considerations in planning cases, as confirmed by case law (Great Portland Estates Plc v The City Of Westminster [1984] UKHL 10 (31 October 1984)).

If ██████████ are not successful in obtaining planning permission to retain their home, and the Council commences enforcement action, then they would be homeless. They would likely present to the Council as homeless in this instance and be in priority need for re-housing due to their dependent child. The Council would have a legal duty to re-house them.

Given a refusal of planning permission could lead to the loss of the Applicants' home, decision takers should have regard to the rights conveyed to the Applicants under Article 8, and Article 1 of the First Protocol, of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998 (Article 8 and Article 1 of the First Protocol). Article 8 is the right to respect for private and family life, home and correspondence and Article 1 of the First Protocol is the right to the peaceful enjoyment of possessions including property.

While this must be weighed in the planning balance alongside other matters, the retention of a family house is a benefit, such that when added to the other benefits considered by the case officer in his report, his conclusions should be supported.

The Applicants ask that you give this matter your full consideration, and request that planning permission is granted for retention of their home.

We would be grateful if you can confirm receipt of this information.

Yours sincerely



Director  
Smith Jenkins Ltd

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