

# DEVELOPMENT MANAGEMENT COMMITTEE 20<sup>th</sup> MARCH 2023

**Case No:** 22/00924/FUL (FULL PLANNING APPLICATION)

**Proposal:** REPLACEMENT OF OLD BUILDINGS TO CREATE A  
ORGANIC NURSERY WITH FULL TIME WORK FOR  
DISABLED STAFF

**Location:** AGRICULTURAL BUILDINGS SOUTH OF 3 ASKEWS  
LANE, YAXLEY

**Applicant:** MR & MRS OLIVER

**Grid Ref:** 518539 291902

**Date of Registration:** 19.05.2022

**Parish:** YAXLEY

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## RECOMMENDATION - REFUSE

This application is referred to the Development Management Committee (DMC) as Yaxley Parish Council's recommendation of approval is contrary to the officer recommendation of refusal.

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises 2.23 hectares of land to the south-west of 3 Askews Lane, Yaxley within the countryside. The land has an agricultural classification as partly 'urban' and partly 'Grade 1' agricultural land and is widely visible from Askews Lane.
- 1.2 To the north of the site is Public Footpath No. 4 and Yards End Dyke and the built-up area of Yaxley, to the east boundary is a drainage ditch and residential properties 3 – 11 Askews Lane, to the south is the open countryside and to the west are the allotment gardens and football ground.
- 1.3 The site appears to be an unmaintained and overgrown area of open space and is in use as storage for various items such as building materials and general building waste, a new access has also been created to the east of the site near to No. 5 Askews Lane although this has not been included within the application. There is a small wooden shed type building providing in the region of 73.2sq.meters of floorspace (no existing plans have been provided) to the south-west of the site which appears to be in a significant state of disrepair and also three trailers to the north-east and a dilapidated touring caravan. Within the western

corner of the site are allotment gardens. It is unclear what remains of the other buildings given the unsafe nature and overgrown state of the land. These are described within the supporting documents and plans as being footings of previous buildings.

- 1.4 In terms of constraints, the site is not within or adjacent to a Conservation Area and there are no Listed Buildings or protected trees in the immediate vicinity. The site does however lie within Flood Zones 2 and 3.
- 1.5 This application is described as seeking full planning permission for the replacement of old agricultural buildings to create an organic nursery with full time work for disabled staff. The development would require the removal of the existing dilapidated storage building and the remaining footings of what appears to be a polytunnel and large greenhouse as shown on the proposed location plan. Two of the three storage containers are proposed to be retained within the proposed Unit 2.
- 1.6 The proposals seek the erection of two buildings with a net floor area of 485.68sqm as shown on the submitted plans (Unit 1 and Unit 2), Unit 1 would measure approximately 4.62m high, 32m long and 12m wide providing 384sqm of floorspace. The building will be clad in green steel profile, powder coated sheet, with 8no. 1.2m x 1.5m translucent polycarbonate profile roof sheets. This unit is proposed to house internal greenhouses for the purposes of growing plants and food as well as providing office space and disabled W/C. Other produce will be grown on the surrounding land within the site 2.23 hectare site.
- 1.7 Unit 2 is a barn style shed measuring approximately 3.86m high, 12.3m long and 8.2m wide, providing 101.68sqm of floorspace and is described as storage to accommodate vintage farm equipment and will house two reused storage containers described as storage for 'vintage barn equipment' and 'vintage parking equipment' within the supporting Planning statement.
- 1.8 The proposals as submitted show a mixed use development of 1) horticulture (Organic Nursery – agricultural use with an element of educational use (F1(a) Educational Use) within Unit 1, and 2) Vintage Machinery Store (B8 – Storage Use) within Unit 2.
- 1.9 Vehicular access is shown to utilise the existing gated access to the north of the site and the proposals include widening the access to approximately 6m. Parking is shown within the site for 13 vehicles.
- 1.10 This application follows a similar application which was refused in November 2021 under planning reference 18/02621/FUL. This previous application proposed to demolish the existing building on site and replace with two buildings to store vintage farm

equipment in. This proposal is to use one of the new buildings for the storage of vintage barn equipment and the other to grow food and plants and organic nursery (horticulture) providing employment for disabled staff. The size, scale and layout of the proposed buildings under this application have not changed from that of the previously refused application.

- 1.11 The application is supported by the following information, plans and reports:
- Planning Application Form and ownership certificate
  - Flood Risk Assessment
  - Biodiversity Checklist
  - Preliminary Ecological Appraisal
  - Proposed Plans
  - Location Plan
  - Topographical Surveys

## **2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 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 NPPF 2021 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, National Design Guide and the Noise Policy Statement for England 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
  - LP8: Small Settlements
  - LP10: The Countryside

- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision and Vehicle Movement
- LP30: Biodiversity and Geodiversity
- LP33: Rural Buildings

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

- Huntingdonshire Design Guide SPD (2017)
- Huntingdonshire Townscape and Landscape Assessment SPD (2022)
- Developer Contributions SPD 2011
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD 2017
- RECAP CCC Waste Management Design Guide (CCC SPD) 2012

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

## 4. PLANNING HISTORY

The key planning applications relevant to this application are:

- 4.1 18/02621/FUL - Demolish existing farm type building and replace with Modern barn type building and build farm type building to enclose two existing containers to store the vintage farm equipment in – Refused 25.11.2021. for the following reasons:

1. The proposed development does not lie within the built-up area and would by virtue of its scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous encroachment of built development into the countryside that fails to protect the character of the area or recognise the intrinsic character and beauty of the countryside. The proposal does not meet any of the specific opportunities identified within the Huntingdonshire Local Plan and the proposal would therefore be unacceptable in principle and would be contrary to Policies LP1, LP2 LP10 (parts b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021), parts C1, I1, I2 and B2 of the National Design Guide (2019).

2. The application is not supported by sufficient detail relating to vehicle movements within and to and from the site, nor does it consider the potential for sustainable travel methods to be introduced. Therefore, based on the lack of detail the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036.

3. The proposed development is considered not to pass the Sequential Test in relation to flood risk as stipulated by the NPPF (2021) Insufficient information has been provided to justify the scale of development proposed in Flood Zone 3a and no details have been provided relative to the management of surface water within the site. The proposal is therefore considered to be contrary to Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and the NPPF in this regard.

## 5. CONSULTATIONS

- 5.1 Yaxley Parish Council recommends approval of the application and commented "*The Parish Council supports the application, once completed it will rejuvenate the area.*"
- 5.2 Cllr Gulson, Ward Councillor for Yaxley commented that "*if the application were to be refused, I would be looking to call it in to DMC.*" No further comments were received.
- 5.3 Cambridgeshire County Council, Local Highways Authority (LHA) whilst the LHA did not object, they sought further information and commented:  
*"if you are assessing it as a new site, then we need further information regarding the vehicle movements and how the staff with leaning difficulties will be travelling to the site. If they are expected to walk then, as you say, there may be highway safety issues. The Planning Statement says that there would be 15 vehicle movements per day but if the three employees are being individually driven there and then collected again, plus any supervisory/carer staff plus customers, then this will be greater. Also, if there are only 15 movements per day then why are thirteen parking spaces needed? Would you ask the agent for clarification please?"*
- 5.4 Cambridgeshire County Council, Lead Local Flood Authority (LLFA) – Made no review of the application as it is not a major development, however stated that sustainable drainage techniques (SuDS) should be used when managing surface water run-off.
- 5.5 Cambridgeshire County Council, Public Rights of Way (PROW) – Object to the proposals and commented:  
*"Public Footpath No.4a, Yaxley runs within the site northern boundary of the site. The Definitive Map team note that the alignment of the public footpath is not shown on the submitted plans. Also, that the Planning Statement refers to a proposal to widen "the existing vehicular access by widening the historic entrance point, which adjoins Yards End Dyke, to 6 metres". The Definitive Map team seek clarification as to how the applicant's proposals to widen the access affect the alignment of the public footpath. We request that the relevant plans be*

*amended to highlight the interaction between the Public Right of Way and the proposals. In the absence of this information, and the clarification requested concerning the access, the Highways Authority's Definitive Map team are unable to assess any impact of the planning application on the Public Right of Way and therefore raises an objection at this time."*

The PROW team requested several informatives be added should Members be minded to grant planning permission.

5.6 Environment Agency – None received.

5.7 The Cambridgeshire Wildlife Trust – Commented:

*"The submitted report is only a PEA, and as it has recommended further surveys for amphibians (great crested newts), reptiles and badgers, this information should ideally be provided as part of the planning application and prior to determination, having been undertaken at the appropriate time of year*

*The risk to each of these species may be low, however I am not comfortable conditioning all of suggested surveys, in particular the great crested newt ones. It would probably be better for the applicant to choose to go down the Natural England District Licencing route for great crested newt and to provide evidence they will be accepted into the scheme before the application is determined. Otherwise, the proposed surveys will need to wait until April-June next year.*

*As to the other species, in this case, the additional surveys for reptiles and badger could be conditioned, as there would appear to be scope to provide appropriate mitigation within the design of their scheme. A landscape plan incorporating the other suggested ecological enhancements should also be conditioned."*

5.8 HDC, Environmental Health – No objections, identified the superficial geology of the site as being Peat which produces quantities of ground gases of methane and carbon dioxide. Recommended conditions securing a ground gases risk assessment or a hydrocarbon gas mitigation method statement and a condition relating to the reporting of unexpected contamination.

5.9 HDC, Landscaping – recommended refusal of the proposals in their current form due to the unacceptable effects on landscape and views. Recommends appropriate landscape mitigation measures to be secured by condition.

5.10 HDC, Urban Design – recommends refusal and consider the previous reasons for refusal equally apply to the revised scheme.

## **6. REPRESENTATIONS**

6.1 Representations were received from 3 Askews Lane and Fen View, 9 Askews lane raising the following summarised concerns (full comments are available on public access):

- No objection to the development/buildings or site itself but traffic issues will hasten the destruction of the bridge which will impact on other users;
- Access not fit for the proposed purpose as it's a single lane;
- Lack of information, regarding size of vehicles coming to the site, or if it is for retailers and wholesale purposes. Potential HGV's being brought to the site on a regular basis;
- Widening of the gate would indicate the intention for larger vehicles;
- Lack of sufficient highway infrastructure;
- conflicting information no parking details on the application form however the plans show 13 parking spaces;
- Less than an acre of the 6 acre site is proposed for the development, the remaining plot is detailed as dense vegetation which including abandoned equipment and caravan and not maintained. The use of this land is not addressed in the proposal therefore it does not justify the comment that the site will be rejuvenated;
- The site should be used for crop or outdoor produce growing like the surrounding fields;
- Outside the built-up area;
- Unit 2 proposes to house 2 containers storing vehicles which currently stand on the land without prior council approval. We cannot see the connection with the proposed use, would appear to be for personal use of the proprietor.
- conflicting information provided on the plans regarding the proposed materials which are not in keeping with the area;
- no detail on how water will be resourced or how it will be discharged;
- Lack of renewable energy – solar panels;
- the previous nursery use ceased 7-10 years ago, if the business fails concern is the buildings would be used for residential purposes;
- No business plan to demonstrate how it is sustainable or succeed; and
- We understand the proprietor recently stepped off the parish council, and therefore concerned that there is a conflict of interest in their (Parish Council) approval of this application.

## **7. ASSESSMENT**

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 47 of the NPPF (2021). 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:
- Huntingdonshire's Local Plan to 2036 (2019)
  - Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
  - St Neots Neighbourhood Plan (2016)
  - Godmanchester Neighbourhood Plan (2017)
  - Houghton and Wyton Neighbourhood Plan (2018)
  - Huntingdon Neighbourhood Plan (2019)
  - Bury Neighbourhood Plan (2021)
  - Buckden Neighbourhood Plan (2021)
  - Grafham and Ellington Neighbourhood Plan (2022)
- 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 report addresses the principal, important issues which are in this case:
- The Principle of the Development
  - Design, Visual Amenity and the Impact upon the Character and Appearance of the Countryside
  - Impact upon Residential Amenity
  - Highway Safety, Parking Provision and Access and Public Footpath
  - Biodiversity
  - Flooding Risk and Surface Water Drainage
  - Infrastructure Requirements (CIL)



## **The Principle of the Development**

### The site and Location

- 7.6 The NPPF (2021) outlines a presumption in favour of sustainable development. Paragraph 6 of the NPPF is explicit supporting sustainable economic development. Paragraph 84 (Supporting a prosperous rural economy) identifies that planning decisions “should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.”
- 7.7 Whilst recognising the need to protect the countryside and locating development in sustainable locations, the NPPF also seeks to build a strong, competitive economy with one of the core principles set out in the NPPF states that planning should proactively drive and support sustainable economic development to deliver, amongst other criteria, business and industrial units that the country needs.
- 7.8 Pages 53 - 55 of the Local Plan provides the general definition of built-up areas "A built-up area is considered to be a distinct group of buildings that includes 30 or more homes. Land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area." The supporting guidance on page 54 of the Local Plan is relevant to this application in that the "The built-up area will exclude sports and recreational facilities and agricultural buildings which extend into the countryside or primarily relate to the countryside in their use, form character or connectivity.
- 7.9 Whilst the site is located close to the residential dwellings to the north and east, the land clearly relates more to the countryside in terms of its previous use. Whilst there is development on three sides of the site, the allotments and the football ground are excluded from the built up area guidance in terms of defining what is considered to be the built-up area. The site is therefore considered to be within the countryside and outside of the built-up area of Yaxley.
- 7.10 Assessment of horticulture (Organic Nursery – agricultural use with an element of educational use (F1(a) Educational Use) – Unit 1 and Storage of vintage machinery – Unit 2.
- 7.11 With regard to the NPPF, the construction of new buildings in the open countryside for the purposes of agriculture is not an inappropriate development. In relation to determining whether or not an agricultural building is inappropriate, the NPPF does not set out any limiting criteria in relation to size or any other matters. Whilst unit 1 and the surrounding land is proposed to be used as an organic nursery for horticultural purposes (with an incidental educational use), the agricultural use of the land could be carried

out without the need for Planning permission. The matter for the LPA is if the proposed mixed use development as a whole is acceptable in this countryside location.

7.12 Given the location of the site within the countryside, Policy LP10 of Huntingdonshire's Local Plan to 2036 'The Countryside' is considered relevant and aims to protect the character and beauty of the countryside by restricting development unless it accords with the limited and specific opportunities provided under other relevant Policies within the plan. Specifically, LP10 states that:

7.13 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.

7.14 With regards to part a. of Policy LP10, some 98% of the district comprises land within Grades 1 to 3, with 15% being Grade 1 and an estimated 77% of land falling within the definition of best and most versatile land. Whilst the proposal would result in the loss of an area designated as 'urban' and Grade 1 agricultural land, the proposed Unit 1 building will be used for agricultural purposes and conforms to criterion a. of LP10. The storage building Unit 2 does not appear to relate to the agricultural use and there are no exceptional circumstances or benefits of storage in this location, therefore the proposals would not meet criteria a. of this policy.

7.15 In regards to the assessment of parts b. and c. of Policy LP10 the proposals seek agricultural style buildings which would be compatible with this rural countryside location. The buildings would be seen in the wider context of the existing buildings and would adversely affect the use and enjoyment of the countryside by others. To ensure any proposed external lighting is kept to a minimum, a condition could be added to the decision notice requiring landscaping and lighting details to be submitted and agreed in writing by the LPA, prior to development to help minimise the effects of the development. However, as stated above the application does not sufficiently demonstrate a need for Unit 2 which is intended to be for the storage of vintage barn equipment and unrelated to the agricultural use of the overall

site. This building appears to be unnecessary and would therefore result in unjustified harm to this countryside location. The proposals as a whole would therefore fail to meet the aims and objectives of Policy LP10 parts a, b and c, which seek to protect the countryside from unnecessary development amongst other things.

7.16 In terms of replacing the existing dilapidated shed/storage building, Policy LP33 of the Local Plan 'Rural Buildings' provides support for the conversion of rural buildings where:

a. the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
- iv. structurally capable of being converted for the proposed use; and

b. the proposal:

- i. would lead to an enhancement of the immediate setting; and
- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

7.17 A proposal for the replacement of a building in the countryside (as in this case) will be supported where criteria a, i to iii above are fulfilled and the proposal would lead to a clear and substantial enhancement of the immediate setting. A modest increase in floorspace will be supported.

7.18 Assessment in terms of criteria a. i to iii. The proposals seek to replace the existing storage shed which has a footprint measuring in the region of 73.2sqm and is disused, meeting criteria a.i. In terms of criteria a.ii and a.iii the existing storage shed is not considered to be of permanent construction and is in a state of dereliction and disrepair and would require significant reconstruction to function as a storage building.

7.19 Whilst it is acknowledged that the proposals could lead to an enhancement of the area with the removal of the dilapidated storage building and footings of previous agricultural structures and removal of building materials, the net increase in floor space for the proposed two buildings (412.48sqm) is not considered to be a modest increase in floorspace. The proposals would therefore fail to meet the requirement of Policy LP33 a.i to iii.

7.20 Whilst it is accepted that the proposed development is on land classed as 'urban' as defined within the agricultural land classification the land does not appear to be in use for agricultural purposes at present, no sufficient justification has been provided by the applicant as to the requirement for two buildings at the scale proposed in this location such to

demonstrate how these would accord with the other relevant policies within the plan. There is concern that whilst a building for an organic nursery may be required the large size and scale of unit one seems excessive for this use, and its prominent sitting along the northern edge of the site would result in visual harm to the surrounding countryside location without sufficient justification. The second building whilst smaller would still intrude into the surrounding countryside setting, and its storage use does not seem to have a genuine need in this countryside location that would outweigh its visual harm.

7.21 The limited supporting information within the planning statement details that the intention is to reactivate the site into an organic nursery using unit 1 for growing produce and storage of what is described within the planning statement as either vintage barn machinery or vintage parking machinery and does not appear to relate to the overall proposed use of the site as an organic nursery. The Planning Statement also states that the applicant intends to employ disabled staff and also to provide educational facilities but no further details of how this will be achieved have been provided.

7.22 Policy LP19 states that a proposal for business uses (Class 'B') will be supported where it:

- a. is within a defined Established Employment Area;
- b. immediately adjoins and is capable of being integrated with an Established Employment Area;
- c. involves the reuse of land in use or last used for business use (class 'B'); or
- d. involves the reuse or replacement of existing buildings as set out in Policy LP33 'Rural Buildings'

7.21 The application site is not within an Established Employment Area (EEA), adjoining or capable of being integrated within an EEA. The applicant has not demonstrated how this will involve the re-use of land previously used as business class 'B'. In relation to Policy LP33 and as established above the proposals do not meet the criteria of Policy LP33.

7.23 Overall it is considered that the applicant has failed to adequately demonstrate the need for two buildings of this size and scale in this location to allow the Local Planning Authority to support the application under the requirements of LP19. The proposed replacement buildings do not accord with the requirements of LP33 and it is further considered that the proposals would result in some degree of harm to the countryside location and whilst there may not be a significant level of harm in relation to part c of LP10 it is concluded that the proposal would not meet the requirements of part b in recognising the intrinsic character and beauty of the countryside.

7.24 The development is therefore considered to be unacceptable in principle and is not supported on this basis.

### **Design, Visual Amenity and the Impact on the Character and Appearance of the Countryside**

7.25 The application site lies to the southern edge of Yaxley lying outside of the main village centre. The area is characterised as rural open land with clear and uninterrupted views across the open Fen countryside. There is a small level of residential/agricultural development to the immediate north-east.

7.26 As established in the preceding sections of this report the land in question appears as unmaintained, it contains a dilapidated shed building, storage trailers, a caravan and various other items such as building materials and building waste. It does not have a substantial boundary and clear views are available on to the site. It is accepted that some degree of clearance and development may be of benefit to the aesthetics in the locality.

7.27 This proposal seeks to replace the existing (partially collapsed) building with an agricultural building (unit 1) of a larger scale, at a depth of approx. 32 metres by approx. 12 metres and height of approx. 3.9 metres. Whilst its construction would appear typical of a building designed for the purposes of agricultural use details of how plant will be grown within the building have not been provided. Furthermore, it is proposed to enclose the two trailers to the north-east of the site with a further building of similar design but reduced scale which has no apparent link to the proposed use of the site as an organic nursery.

7.28 Officers note that the land in question is at a slightly lower level in comparison with Askews Lane itself and the application is accompanied by topographical detail which reflects this variance. However, notwithstanding this matter it is considered that the buildings proposed, given their scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous addition to the countryside location and would be harmful to the character and appearance of the area and to the wider countryside without any justification.

7.29 The development is therefore considered to be contrary to Policies LP1, LP2, LP10 (parts b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021) and the National Design Guide.

### **The Impact upon Residential Amenity**

7.30 Policy LP14 of the Local Plan 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. Paragraph 130 (f) of the NPPF (2021) also reflects these aims.

- 7.31 Owing to the separation distance between the proposed buildings and adjacent dwellings, the variance in land levels there are considered to be no concerns with regard to overbearing impacts, overshadowing or loss of light. Owing to the design of the buildings there are also considered to be no issues with regard to overlooking or loss of privacy.
- 7.32 In terms of impacts of other factors such as noises and obtrusive light, Unit 1 is described as an Organic Nursery (horticulture) with associated office space and cloakroom facilities whilst Unit 2 will be used for the storage of vintage barn equipment/vintage parking machinery. It is considered that based upon the information submitted that there are no obvious reasons that these operations may be detrimental to residential amenity particularly given the rural nature of the area and separation distances from the nearby residential dwellings.
- 7.33 As part of the assessment of the application HDC's Environmental Health Team have been consulted and whilst they raised no objections to the proposals in this regard they have identified that there is potential for contamination within the site and have recommended certain conditions to be appended to any decision notice in this regard.
- 7.34 Therefore, subject to conditions based on the information submitted Officers conclude that the proposed development is acceptable with regard to overbearing impacts, overshadowing, loss of light, overlooking and loss of privacy, would not have a significantly detrimental impact on residential amenity and subject to conditions (securing further investigations/mitigation of potential contamination) would be safe for the occupiers of the proposals.
- 7.35 It is therefore concluded that the development as proposed would accord with LP14 of Huntingdonshire's Local Plan to 2036 and the NPPF (2021) in this regard.

### **Highways Safety, Parking Provision, Access and Public Footpath**

- 7.36 Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.

- 7.37 The proposals seek to utilise the existing access from Askews Lane which will be widened to 6m. And, whilst the application form states that there is no vehicle parking conversely the submitted plans show parking provision within the site for 13 vehicles. Also, it is indicated that the longer-term plan for the site would potentially result in increased vehicle movements and therefore the impact of this would need to be considered.
- 7.38 The site is also located of a stretch of highway that has no footpath and any staff accessing the site on foot would have to walk within the highway.
- 7.39 The proposals have also been assessed in consultation with Cambridgeshire County Council as the Local Highways Authority (LHA). Whilst initially they did not object to the proposals, they asked the LPA for further clarification on the condition of the glasshouses. Following confirmation from the LPA that the glasshouses were not evident on the site, the LHA requested further information be submitted by the applicant in regards to the potential vehicle movements, and details of how staff with learning difficulties will be travelling to the site and stated that there may be highway safety issues. The LHA also questioned the need for 13 parking spaces and concluded that further clarification was needed in terms of highway safety impacts.
- 7.40 Given the scale and nature of the proposed use the Local Planning Authority would also seek the inclusion of some measures such to support sustainable methods of transport, whilst secure cycle storage is referred to in the Planning Statement no details have been provided within the submitted plans.

#### Public Footpath

- 7.41 Public Footpath No.4 runs along the northern boundary to the site, the proposals seek to widen the existing access which is within close proximity to the public right of way. The proposals have therefore been assessed in consultation with Cambridgeshire County Council, Public Rights of Way (PROW) team who have objected to the proposals and seek further clarification from the applicant as to how the proposals to widen the access affect the alignment of the public footpath and request the plans are amended to reflect the changes to allow a proper assessment of the impacts on the right of way if any.
- 7.42 Therefore, based upon the lack of detail and clarity associated with potential increased vehicle and pedestrian movements and lack of information to adequately assess the impacts of the proposal on the public right of way and adjacent highway, the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036 in terms of highway safety.

## **Biodiversity**

- 7.43 Policy LP30 of the Local Plan to 2036 states a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and would ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.44 The application is accompanied by a Preliminary Ecological Appraisal (P.E.A) prepared by Elite Ecology dated July 2021. The summary of the survey concludes that there are no designated sites on or adjacent to the proposed development site and that no habitats of conservation concern were located on the site itself. However, the site is considered to hold the potential to support protected and/or rare species (amphibians great crested newts, reptiles and badgers) and therefore the P.E.A makes recommendations relating to further site investigations, mitigation, and enhancement measures.
- 7.45 On the previously refused application the Cambridgeshire Wildlife Trust (CWT) did not comment on the proposals and the Officer considered that if the refused decision was appealed that the surveys could be conditioned. However, this is not the case, and as per the CWT comments on this application the surveys would be required prior to determination of the application in order to fully assess the potential impacts on protected species, in particular the impacts on great crested newts. In addition, this proposal has failed to demonstrate how a net gain in biodiversity would be achieved.
- 7.46 The proposals are therefore considered to be contrary to Paragraph 174(d) of the National Planning Policy Framework 2021 and Policy LP30 of Huntingdonshire's Local Plan to 2036 in this regard.

## **Flood Risk and Surface Water Drainage**

- 7.47 The overall approach to the consideration of flooding in the planning process is given in paragraphs 148-169 of the NPPF and these paragraphs set out a sequential, risk-based approach to the location of development. This approach is intended to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. It involves applying a Sequential Test to steer development away from medium and high flood risk areas (FZ2 and FZ3 land respectively), to land with a low probability of flooding (FZ1).
- 7.48 The NPPF recognises that flood risk and other environmental damage can be managed by minimising changes in the volume



and rate of surface run-off from development sites through the use of Sustainable Drainage Systems (SuDs). Further the accepted principles are that surface water arising from a developed area should, as far as practicable, be managed in a sustainable manner to minimise the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

7.49 In this case, the application site lies almost entirely within flood zone 3a as identified by the Strategic Flood Risk Assessment 2017 and the Environment Agency Flood Maps for Planning. Due to the nature of the proposed agricultural and storage use, the development is considered a 'less vulnerable' use and therefore whilst the sequential test to flood risk should be applied, it is not a requirement for the exception test to be completed. The proposed development will result in an increase in floor area of 'built development' of approximately 484 square metres.

7.50 The NPPF (2021) in paragraphs 159 and 161 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at the highest risk (whether existing or future). It further states that all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change such to avoid, where possible, flood risk to people and property. The PPG indicates that the aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. This approach is also reflected in the Cambridgeshire Flood and Water Supplementary Planning Document 2017. Where development is proposed in areas that are at the highest risk of flooding.

7.51 The application is accompanied by a Flood Risk Assessment prepared by Ellingham Consulting Ltd dated June 2021, the conclusions of which determine that:

- The site has a medium risk of flooding (annual probability between 1% and 3.3%);
- The site has a very low risk of surface water flooding (annual probability less than 0.1%); and
- The site is not within an area at risk of reservoir flooding

It also details that:

- The probability of the development flooding from localised drainage systems is low. The risk of the site flooding from Yards End Dyke or Yaxley Lode is less than 1% annual probability (1 in

100 chance each year) because of the standards of the existing flood defence systems and storage within existing drainage channels

- Failure of Yaxley Fen Pumping Station or Bevill's Lean Pumping Station could lead to an increased level of risk at the site.

- The probability of the site flooding from any Environment Agency system during the design life of the development is less than 1% annual probability (1 in 100 chance each year) because of the standards of the existing flood defence systems.

- The proposed development will reduce the permeability of the site and therefore there is the potential that the development will increase flood risk elsewhere.

7.52 The FRA also does not recommend any flood mitigation measures and considers the development to pass the sequential test. It is noted that the FRA details that the site to be acceptable as it is protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Map for Planning. The 2010 SFRA demonstrates that the risk of flooding at the site when the Middle Level Barrier Bank is considered is low.

7.53 However, the Local Planning Authority does not consider this statement, or the actions taken as an acceptable application of the Sequential Test which should seek to identify suitable development sites over a wider area. This could include sites within a neighbouring settlement or indeed at any other site within the district. Officers note the introduction of permeable tarmac and paving to the areas of hardstanding, but it is considered that given the scale of the buildings proposed in comparison with the level of built development which currently exists within the site along with the lack of justification for development of this nature and scale in this location that the proposed development is unacceptable in terms of its impact on flood risk. Aside from the permeable areas there is also no supporting detail explaining how surface water will be managed. Though it is accepted that the site is currently an area of unmaintained land which appears to have been used as a storage area there is likely to be a more appropriate means to address its appearance as opposed to the erection of two buildings with a total overall surface area of approx. 484 square meters and introduction of hardstanding (permeable or otherwise).

7.54 In conclusion it is not considered that sufficient information has been submitted by the Applicant to demonstrate that the sequential test has been passed, as there is no justification as to why buildings of this size and scale should be provided in this location when there are other sites in the locality which are not at risk of flooding or at a lower risk of flooding. As such the proposal fails the Sequential Test as explained above and set

out in the NPPF 2021. Compliance with the Sequential Test is a fundamental requirement of the NPPF and Planning Policy Guidance. Further, no specific details as to the management of surface water have been provided. As such, the development is considered to be contrary to the requirements of Policies LP5 and LP16 of Huntingdonshire's Local Plan to 2036 and the requirements of the NPPF in this regard.

### **Community Infrastructure Levy (CIL)**

7.55 The development would be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

### **Planning Balance**

- 7.56 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.57 Whilst the principle of agricultural development in this location is supported, the storage of vintage barn machinery / vintage parking machinery appears to be unrelated to the agricultural use therefore its countryside location cannot be justified. Overall, therefore, given the limited and conflicting information within the application submission, on balance, the mixed use development is not supported in this countryside location.
- 7.58 Whilst the proposals aim to bring about some employment, including disabled staff there is insufficient and conflicting information within the application to establish how this would be achieved.
- 7.59 Given the lack of information within the application the proposals do not adequately demonstrate a need for the development of this scale in this countryside location and would result in some visual harm to the character and appearance of the area.
- 7.60 The proposals fail to demonstrate the proposals will be safe in terms of highway safety for vehicles or pedestrians and fail to adequately demonstrate how the site will be accessed via sustainable travel modes either on foot or by cycle. It also fails to demonstrate how access improvements can be carried out without harm to the adjacent Public Right of Way.
- 7.61 The proposals also do not demonstrate that they will be safe in regards to flood risk, how surface water will be managed within the site or why there are no other sites available within a lower flood risk zone thereby justifying why the proposals must be located in this high risk flood zone.

- 7.62 The proposals fail to demonstrate that there will be no significant detrimental impacts on protected species and demonstrate how a net gain in biodiversity would be achieved as a result of the development.
- 7.63 On balance the identified harm is not considered to be outweighed by the limited public benefits of the scheme.
- 7.64 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is concluded that the proposed development is contrary to policy and not acceptable. The proposed development is considered to be in conflict with the Development Plan when taken as a whole and is not acceptable. There are no overriding material considerations that indicate that permission should be granted in this instance. Therefore, it is recommended that the application be refused.

## **Conclusion**

- 7.65 Having regard to all relevant material considerations, it is concluded that the proposal would not accord with local and national planning policy. Therefore, it is recommended that members recommend the application be refused.

## **8. RECOMMENDATION - REFUSAL for the following reasons:**

Reason 1 - The proposed development does not lie within the built-up area and would by virtue of its scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous encroachment of built development into the countryside that fails to protect the character of the area or recognise the intrinsic character and beauty of the countryside. The proposal does not meet any of the specific opportunities identified within the Huntingdonshire Local Plan and the proposal would therefore be unacceptable in principle and would be contrary to Policies LP1, LP2, LP10 (parts a, b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021), parts C1, I1, I2 and B2 of the National Design Guide).

Reason 2 - The application is not supported by sufficient detail relating to vehicle movements or how pedestrians will access the site on foot safely or potential impacts on the public right of way to the north of the site, nor does it consider the potential for sustainable travel methods to be introduced. Therefore, based on the lack of detail the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036

Reason 3 - The proposed development is considered not to pass the Sequential Test in relation to flood risk as stipulated by the

NPPF (2021) Insufficient information has been provided to justify the scale of development proposed in Flood Zone 3a and no details have been provided relative to the management of surface water within the site. The proposal is therefore considered to be contrary to Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and the NPPF in this regard.

Reason 4 - The proposals fail to demonstrate that there would be no significant detrimental impacts on protected species and fails to demonstrate that the proposals can achieve a net gain in biodiversity. The proposals are therefore considered to be contrary to Paragraph 174 (d) of the National Planning Policy Framework 2021 and Policy LP30 of Huntingdonshire's Local Plan to 2036.

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**CONTACT OFFICER:**

Enquiries about this report to **Debra Bell, Senior Development Management Officer. Email [Debra.bell@huntingdonshire.gov.uk](mailto:Debra.bell@huntingdonshire.gov.uk)**

**From:** developmentcontrol@huntingdonshire.gov.uk  
**Sent:** 01 June 2022 09:29  
**To:** DevelopmentControl  
**Subject:** Comments for Planning Application 22/00924/FUL

**Categories:** [REDACTED]

## Comments summary

Dear Sir/Madam,

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

Comments were submitted at 01/06/2022 9:29 AM from Mrs Helen Taylor.

### Application Summary

Address:	Agricultural Buildings South Of 3 Askews Lane Yaxley
Proposal:	Replacement of Old buildings to create a organic nursery with full time work for disabled staff
Case Officer:	Debra Bell

[Click for further information](#)

### Customer Details

Name:	[REDACTED]
Email:	clerk@yaxleypc.org.uk
Address:	Yaxley Parish Council, The Amenity Centre, Main Street, Yaxley pe7 3lu

### Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer made comments in support of the Planning Application
Reasons for comment:	
Comments:	The Parish Council supports the application, once completed it will rejuvenate the area.

Kind regards

# Development Management Committee



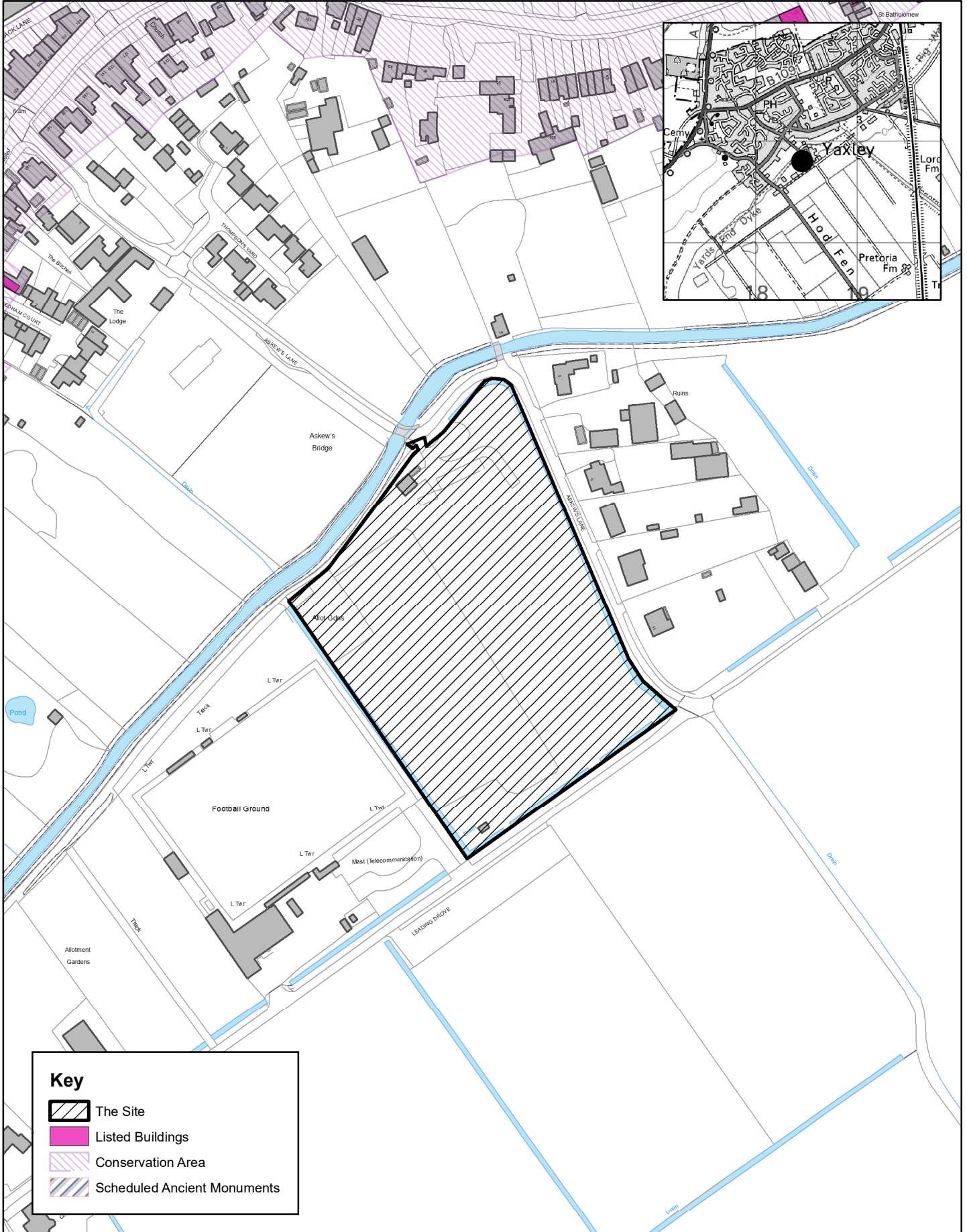
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Application Ref: 22/00924/FUL

Date Created: 06/03/2023

Location: Yaxley

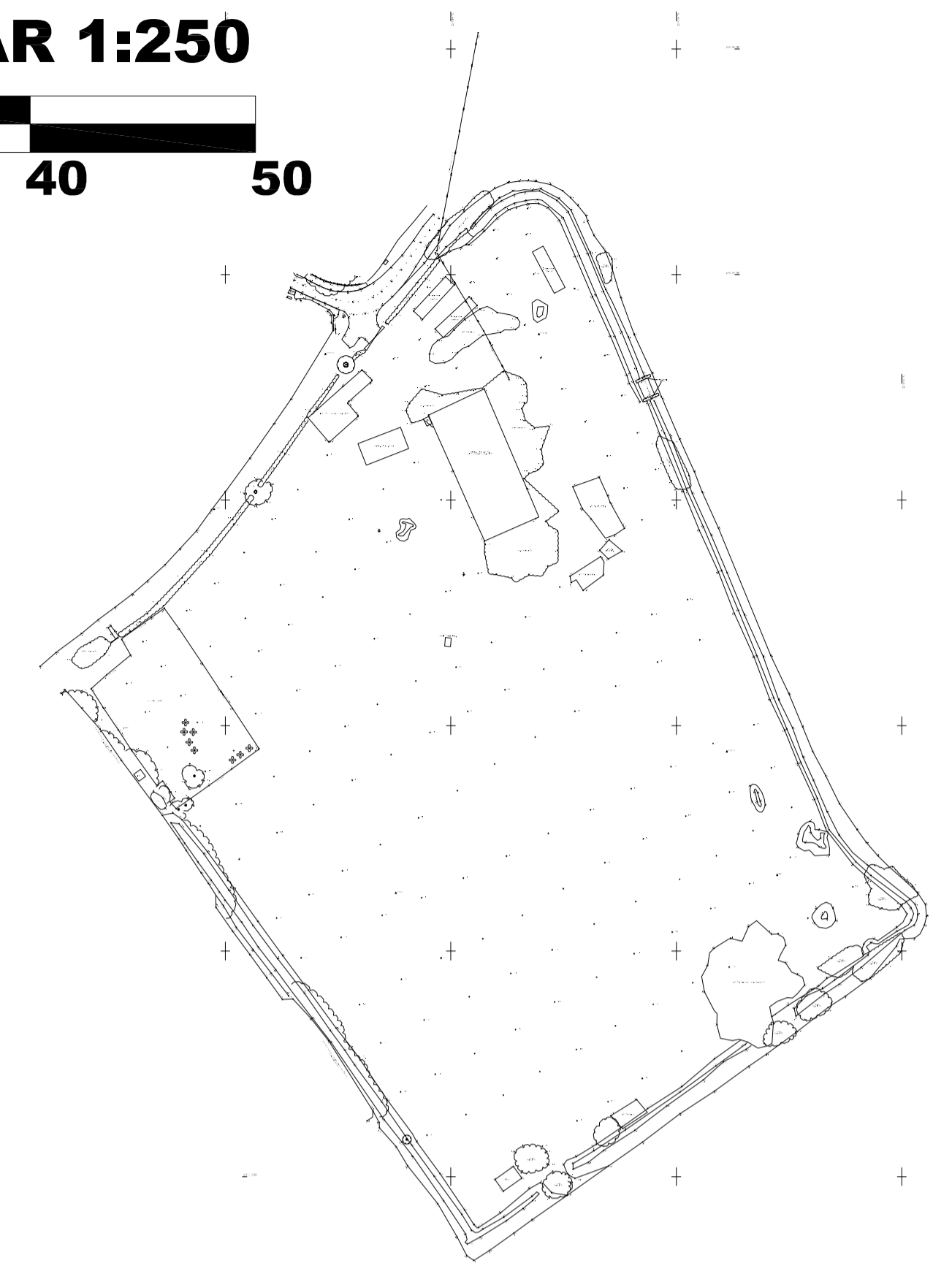
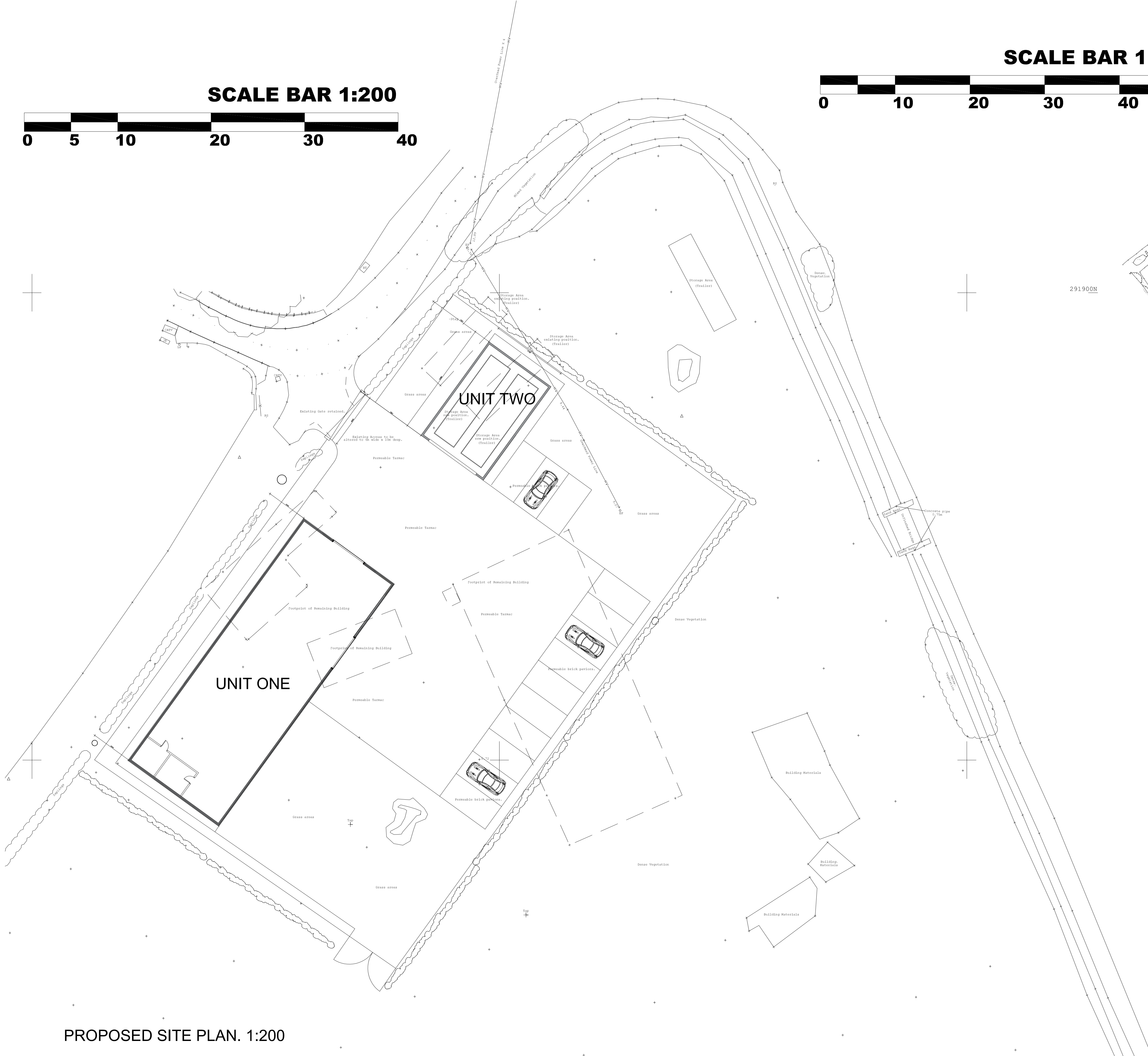
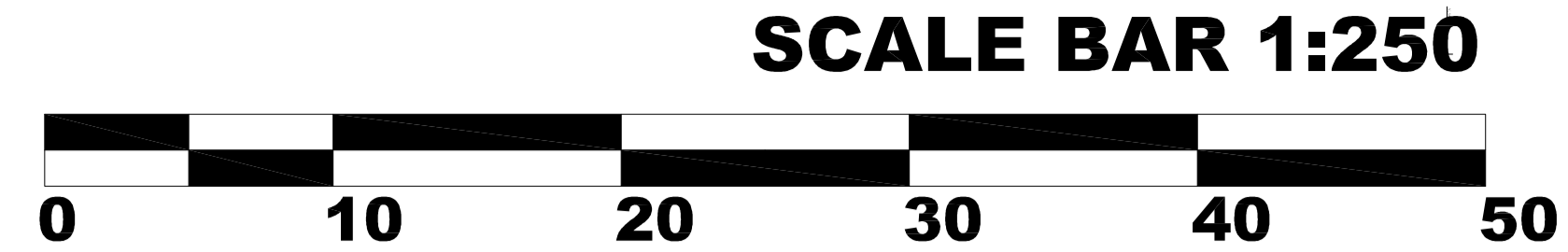
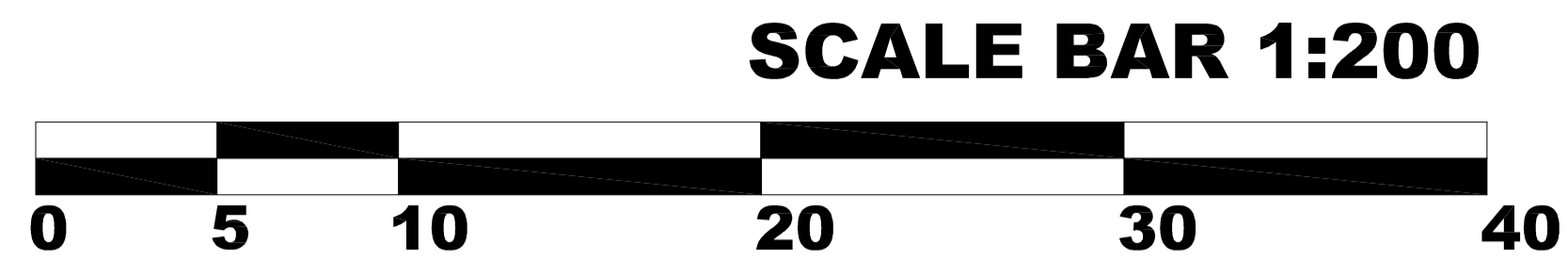
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**LOCATION PLAN. 1:1250**

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 Revision 'C' - BOUNDARY DIMES ADDED. By Paul B  
 APRIL 2022

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Drawing Title:  
 PROPOSED SITE AND LOCATION PLAN.

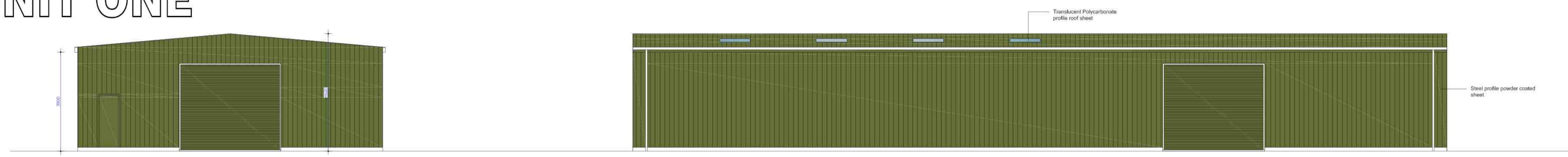
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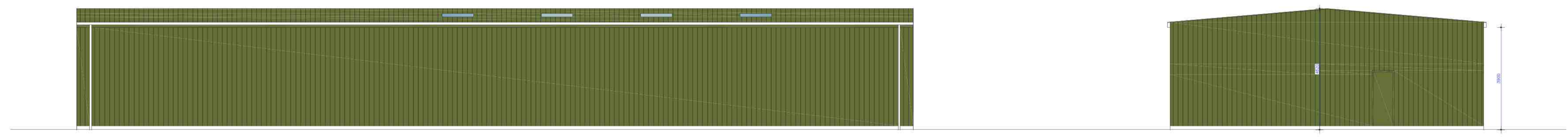


# UNIT ONE



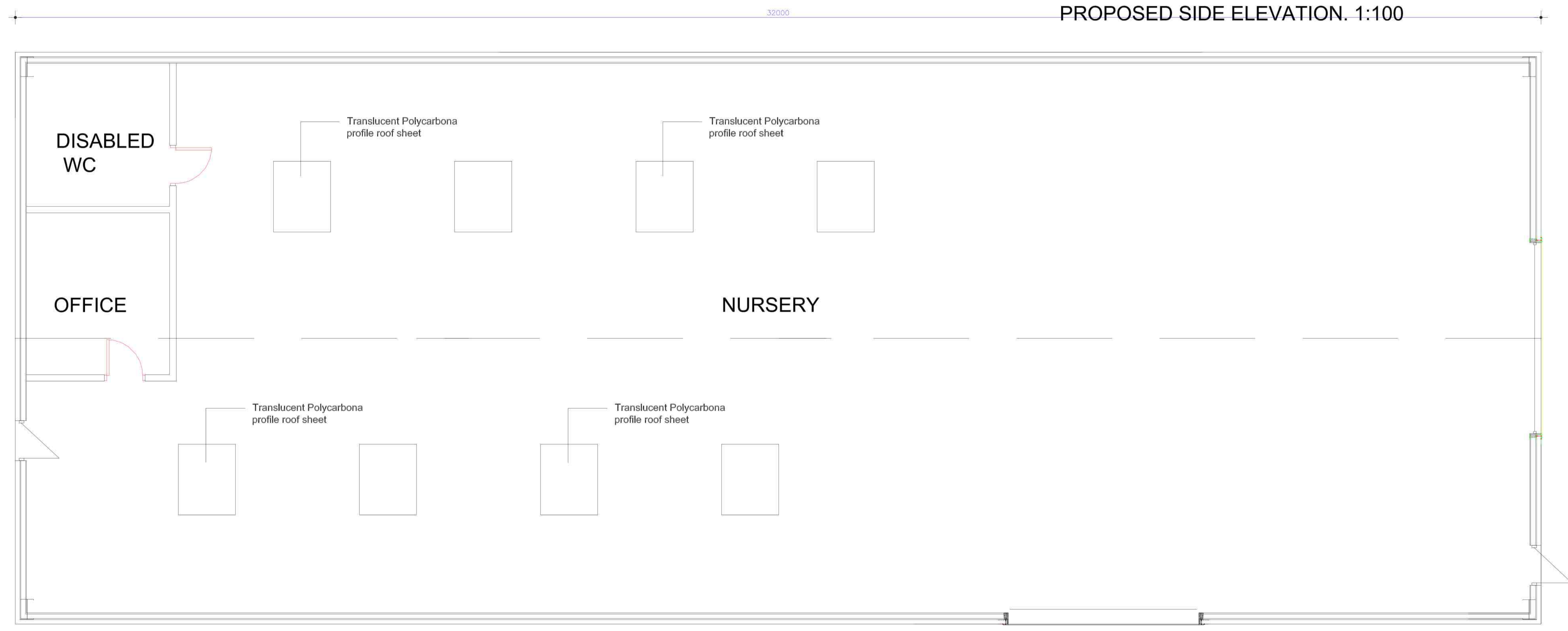
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PROPOSED FRONT ELEVATION. 1:100

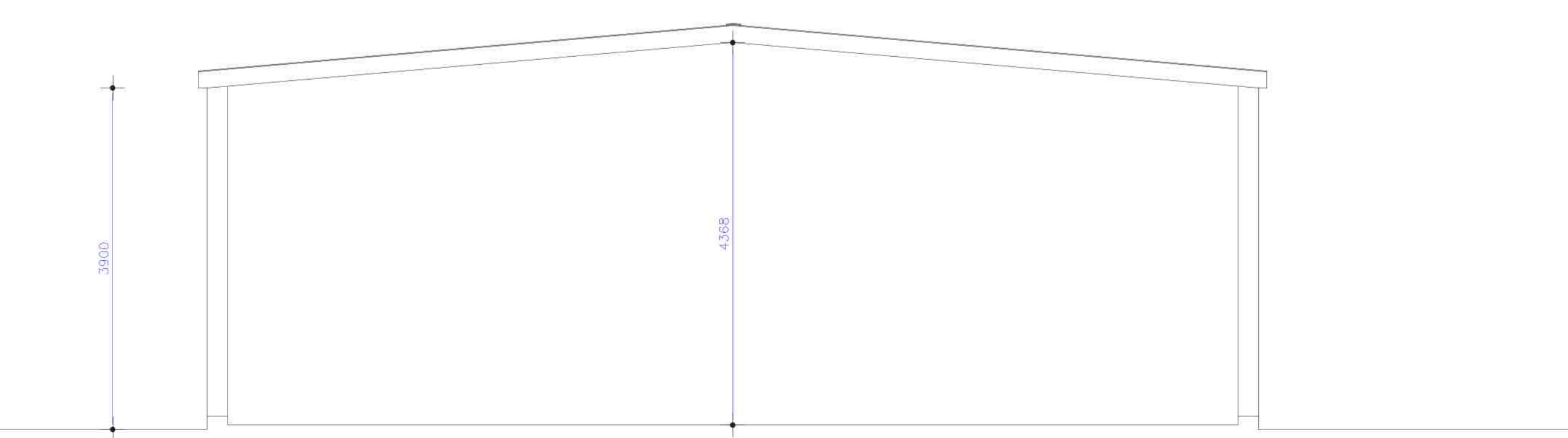


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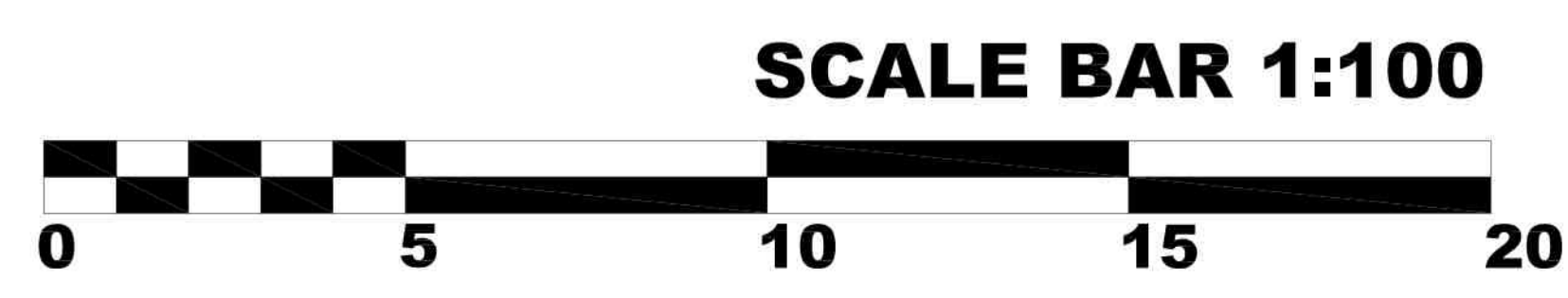
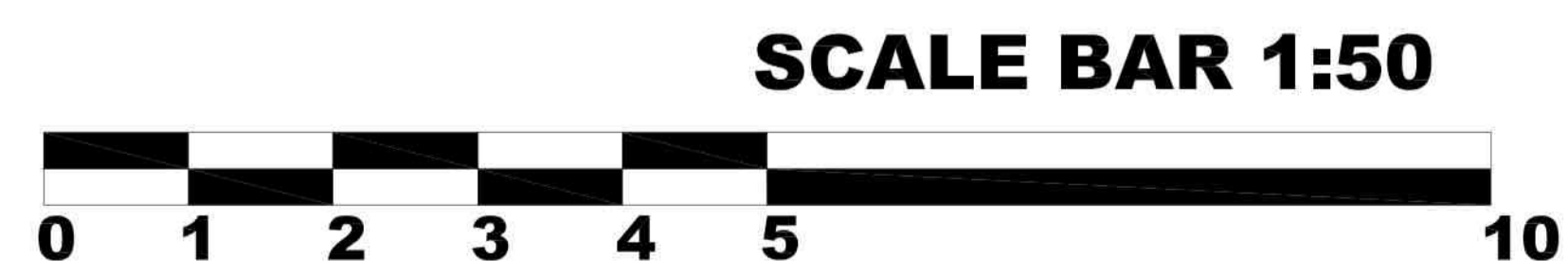
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PROPOSED GROUND FLOOR PLAN. 1:50



SECTION A-A 1:50

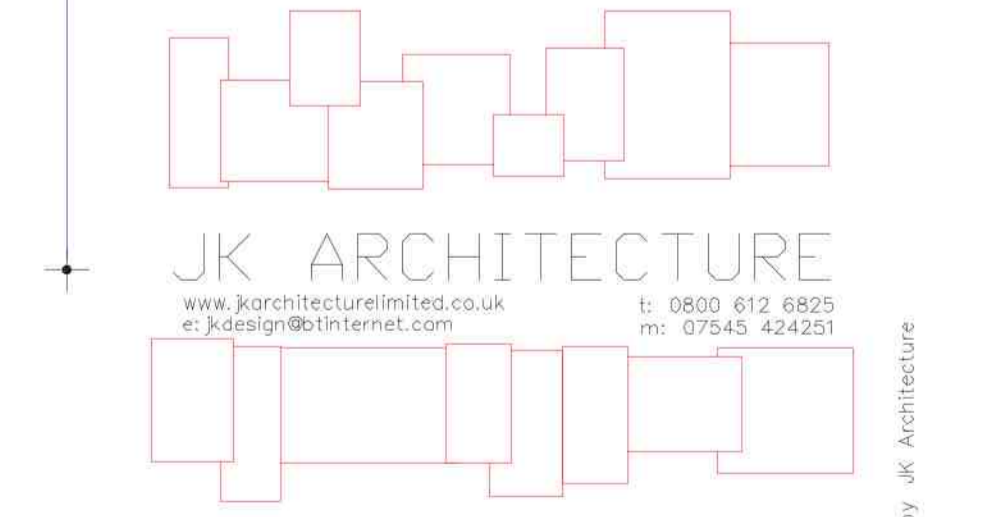


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Revision 'B' - PLANNING ISSUE: By Paul B JUNE '21



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Drawing Title: PROPOSED GROUND FLOOR AND ELEVATIONS

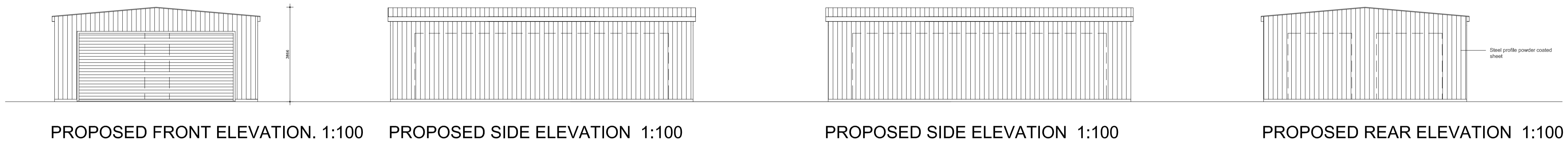
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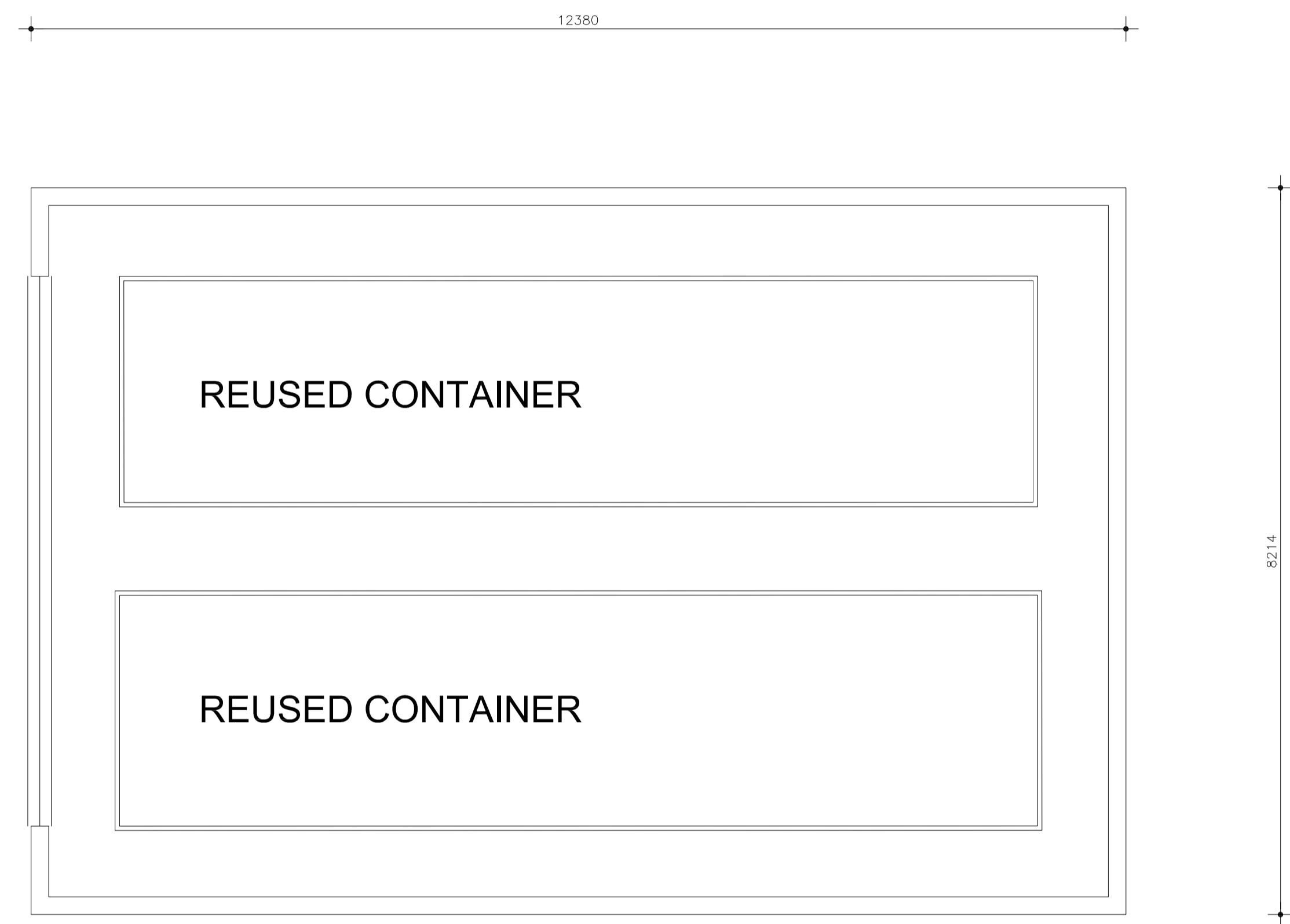
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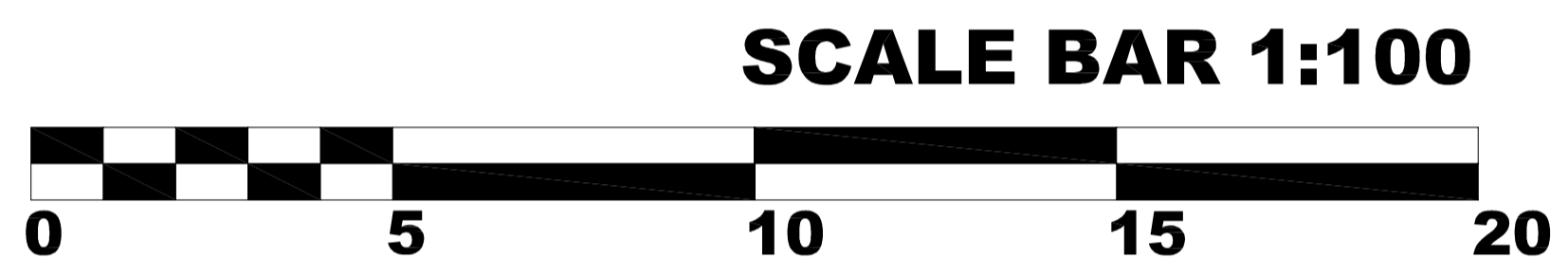
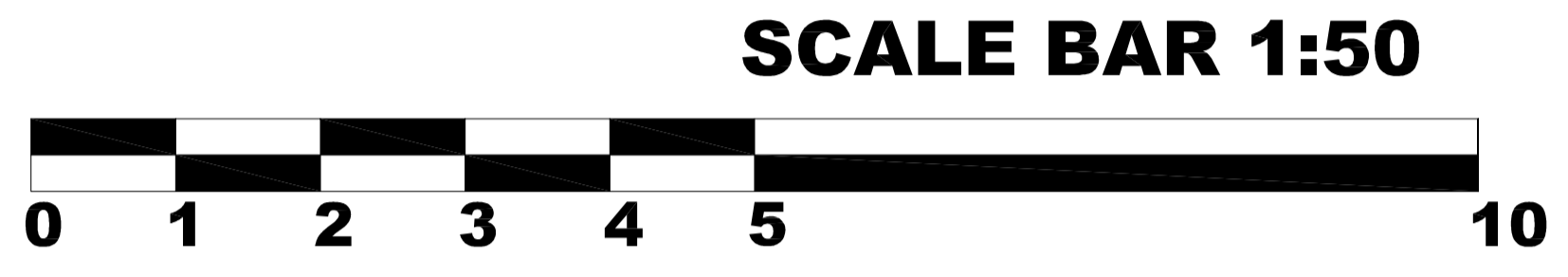
# UNIT TWO



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PROPOSED GROUND FLOOR PLAN. 1:50

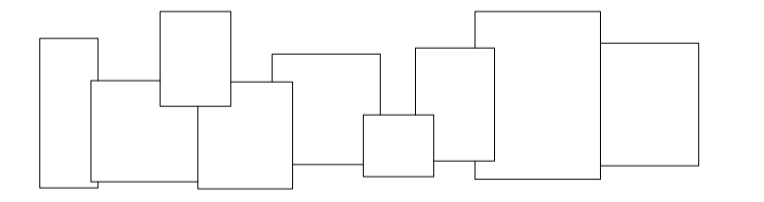


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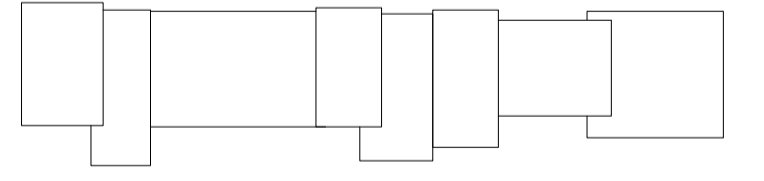
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Drawing Title:  
 PROPOSED GROUND FLOOR AND ELEVATIONS

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