

DEVELOPMENT MANAGEMENT COMMITTEE 22nd May 2023

Case No: 22/00757/FUL

Proposal: ERECT A DETACHED SINGLE STOREY BUILDING FOR E(D) USE

Location: HIGHFIELD FARM, WEST PERRY, PERRY

Applicant: MR STEPHEN ELLERBECK

Grid Ref: 516473 266190

Date of Registration: 30 MAR 2022

Parish: SOUTHOE AND MIDLOE

RECOMMENDATION - REFUSE

This application is referred to the Development Management Committee (DMC) because the Officer recommendation is contrary to the Parish Council recommendation.

1. DESCRIPTION OF SITE AND APPLICATION

Site and Surroundings

- 1.1 The site is located within the open countryside. The site forms part of the previously developed site of the farmyard, where former silos were located. The proposed building is to be located to the east of the building that is currently used as a gym. Highfield Farmhouse, a Grade II Listed Building is located further east beyond the existing gym building. To the north-west of the proposed building are offices. The site is accessed by a shared access that serves all of these buildings and the wider farm complex to the south. The access forms part of a Public Right of Way. The site is in Flood Zone 1.
- 1.2 A single storey café building in association with the adjacent existing gym building has been erected to the north of the proposed building. This currently does not benefit from planning permission. This has been referred to the Planning Enforcement Team for investigation. Given the siting of the building in comparison to the proposed building within this application, officers consider it does not have a significant impact upon the assessment of this proposal.

Proposal

- 1.3 The application seeks planning permission for the erection for a detached single storey building for use class E(d) with associated car parking and cycle parking. The proposal would use the existing access to the site.
- 1.4 Use class E(d) is: Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms).
- 1.5 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.
- 1.6 The application is supported by the following documents;
 - Design and Access Statement
 - Proposed drawings

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th 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 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
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation

- LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and vehicle movement
 - LP23: Tourism and Recreation
 - LP25: Accessible and adaptable homes
 - LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland Hedges and Hedgerows
 - LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide Supplementary Planning Document (2017):
 - Developer Contributions SPD (2011)
 - Huntingdonshire Landscape and Townscape Assessment (2007)
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - Annual Monitoring Report – Part 1 (Housing) 2019/2019 (October 2019)
 - Annual Monitoring Report – Part 2 (Non- Housing) 2018/2019 (December 2019)
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
- 3.4 The National Design Guide (2021)
- * C1 - Understand and relate well to the site, its local and wider context
 - * I1 - Respond to existing local character and identity
 - * I2 - Well-designed, high quality and attractive
 - * B2 - Appropriate building types and forms
 - *M3 - Well-considered parking, servicing and utilities infrastructure for all users
 - * H1 - Healthy, comfortable and safe internal and external environment

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

4. PLANNING HISTORY

- 4.1 0501246FUL - Change of use of redundant building to dwelling and erection of extensions PERMITTED
- 4.2 0603784FUL - Erection of 3 holiday lodges PERMITTED
- 4.3 16/02503/FUL - Erection of new agricultural grain store PERMITTED
- 4.4 19/02601/P3MPA - Change of Use of Agricultural Buildings to class B1/B8 (Business/Storage or Distribution) PERMITTED

- 4.5 20/01640/P3MPA - Change of Use of Agricultural Buildings to (Use Class D2 - Assembly and leisure proposed) PERMITTED

5. CONSULTATIONS

- 5.1 Southoe and Midloe Parish Council – Recommends approval.

It is within the footprint of the other building parameters.

- 5.2 Local Highway Authority – No objection.

Following the provision of the associated vehicle movements for the above use, Highways would have no objections to that proposed, given that they are not significant in relation to the existing uses on site.

- 5.3 Environmental Health - No objection.

No objection subject to a condition ensuring that there is no residual contamination from the previous use (such as agrochemicals, fertilizers, pesticides, herbicides, fuels, lubricants, buried animal carcasses, areas of waste incineration, asbestos containing materials, etc) that may impact on the future users of the development.

- 5.4 Definitive Maps Team – No objection.

A Public Bridleway No. 8, Southoe and Midloe runs over the access to the site. No objection subject to informatives regarding Public Bridleway No.8 remaining open and unobstructed at all times; building materials not being stored on the Public Right of Way and contractors' vehicles not being parked on it.

6. REPRESENTATIONS

- 6.1 No comments have been received.

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 & Peterborough Minerals and Waste Local Plan (2021)
- 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 as part of this application are:
- Principle of Development
 - Design, Visual Amenity and impact on the surrounding area
 - Impact upon heritage assets
 - Residential Amenity
 - Parking Provision and Highway safety
 - Flood Risk and drainage
 - Biodiversity
 - Other matters

Principle of Development

- 7.6 The site is located within the open countryside and the proposal is for commercial development, use class E(d): Indoor sport and recreation.
- 7.7 Paragraph 84 a) of the National Planning Policy Framework states planning decisions should enable the sustainable growth and expansion of all type of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.
- 7.8 Local Plan Policy LP10 (Countryside) states: *that all development within 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*
 - 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*

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

- 7.9 The applicant has submitted a Design and Access Statement which outlines: 'The proposed building is at present without a confirmed end user. Given its rural locality, and modest size, positioned in between current class E use, Office and Leisure use buildings, our clients view this structure as an opportunity for further recreational space to be provided. Unit 3 is suitable for E (d) Indoor sport, recreation or fitness use'.
- 7.10 It is clear from the submitted Design and Access Statement that the proposal is for a new speculative commercial development. Officers consider the proposal is for new business development and not the expansion of an established business.
- 7.11 Local Plan Policy LP19 (Rural Economy) states: *a proposal for new business development in the countryside will only 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 uses (class 'B'); or*
 - d. involves the reuse or replacement of existing buildings as set out in policy LP 33 'Rural Buildings'.*
- In all cases office uses (class 'B1a') will be limited to a total of 600m² floorspace.*
- 7.12 The site is not within a defined Established Employment Area; it does not immediately adjoin and is not capable of being integrated with an Established Employment Area; it would not involve the reuse of land in use or last used for business uses (class 'B') as the former buildings on the site were silos which were agricultural use; and it would not involve the reuse or replacement of existing buildings as the proposal is for the erection of a new building.
- 7.13 The proposal does not comply with any of the criteria set out for new business development in the countryside as set out in Policy LP19 parts a), b), c) and d).
- 7.14 As the proposal is for development within use class E(d): Indoor sport and recreation Local Plan Policy LP23 is also relevant.
- 7.15 Local Plan Policy LP23 (Tourism and Recreation) states: *that a proposal for a new or expanded tourism, sport or leisure use in the countryside will be supported where it can be demonstrated that:*
- a. it is well-related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere;*

b. it does not cause harm to, and where appropriate, enhances the ecological, landscape and heritage significance of the proposed location;

c. the impact of the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible;

d. adequate servicing can be provided, including water supply, electricity and for sewage and waste disposal; and

e. it will not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure.

- 7.16 Officers consider the site is not well related to a defined settlement given its distance away from Perry or other settlements. As the proposal is also for speculative commercial development with no identified end user, the application also fails to present robust operational or sustainability reasons why it needs to be located within the open countryside in a location that is not well related to a defined settlement.
- 7.17 The proposal does not comply with any criterion a) set out for new sport or leisure development in the countryside as set out in Policy LP23. However, the proposal is considered to comply with parts b), c), d) and e) of Policy LP23 which are considered in more detail in the sections below.
- 7.18 To summarise, the site is not within or adjoining an Established Employment Area and is not capable of being integrated with one. The development would not involve the reuse of land in business use and it would not involve the reuse or replacement of existing buildings. There is also no known end user for the proposed building. The development can therefore not be seen as the expansion of an existing business and no justification for the need for the building to be in the proposed location has been provided.
- 7.19 The application fails to demonstrate that the principle of development is acceptable. The proposal is for the erection of a gym building within the open countryside and is in a location that would not be well-related to a defined settlement nor within or adjoining an Established Employment Area. No robust operational or sustainability reasons for the proposed location have been provided. The proposal is therefore contrary to Policies LP19 parts a), b), c) and d), and LP23 part a) of the Huntingdonshire Local Plan to 2036.

Design, Visual Amenity and impact on the surrounding area

- 7.20 Policy LP11 of the Local Plan states that proposals will be supported where it is demonstrated that they positively respond to their context and draw inspiration from the key characteristics of their surroundings, including the natural, historic and built

environment. Policy LP12 of the Local Plan states that proposals will be supported where they contribute positively to the area's character and identity and where they successfully integrate with adjoining buildings, topography and landscape.

- 7.21 The building would be of a modest scale and form and would largely be screened from longer distance views by the adjacent buildings. The proposed materials of tata steel or similar grey cladding for the walls and roof are in keeping with the building to the east and the wider setting. The materials may be secured by condition.
- 7.22 Overall, the proposal would respond positively to its context within the countryside setting and would contribute positively to the area's character and identity. The proposal is therefore considered to accord with Policies LP10, LP11, LP12 and LP23 parts b) and c) of the Local Plan, the Huntingdonshire Design Guide (2017), the National Design Guide and the NPPF (2021) in this regard.

Impact on Heritage Assets

- 7.23 Highfield Farmhouse, a Grade II Listed Building is located further east beyond the existing gym building.
- 7.24 Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.25 Para. 199 of the NPPF set 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. 200 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...'
- 7.26 Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.
- 7.27 The proposed development would be screened by the existing large building to the east of the development and would not be visible from the Grade II listed building, Highfield Farmhouse, located to the east of the site and would therefore have a neutral impact on the setting of this listed building. The proposal would

therefore preserve the setting of the nearby Listed Building in accordance with Policies LP23 part b) and LP34 of the Local Plan, and the NPPF (2021) in this regard.

Residential Amenity

- 7.28 Policy LP14 states that a proposal will be supported where a high standard of amenity is maintained for all occupiers of neighbouring land and buildings.
- 7.29 The proposed use and size of the building for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public in line with Use Class E(d) would not have a detrimental impact on the users of the offices or the adjacent gym given the compatibility and the expected noise levels associated with the building. The traffic movements associated with the proposed development would be limited and would not have any adverse impacts upon the nearby properties and uses.
- 7.30 Given the distance away from the nearest residential property, officers consider that the proposed development and its use would not have any significant adverse impacts upon residential amenity. The proposal therefore accords with Policy LP14 of the Local Plan and the guidance in the NPPF.

Parking Provision and Highway Safety

Parking

- 7.31 Policy LP17 states that a proposal will be supported where it incorporates adequate parking for vehicles and cycles.
- 7.32 The proposal shows 2 car parking spaces, 1 disabled car parking space and 4 cycle parking spaces within the site. Officers consider that the parking for the proposal can be sufficiently accommodated within the site and would be of an appropriate amount given the size of the proposed unit. If the application were to be recommended for approval, appropriate conditions for the control of the car/cycle parking would be recommended to ensure it is provided for the building. Subject to that condition, the proposal would be in accordance with Policy LP17 of the Huntingdonshire Local Plan to 2036.

Highway Safety

- 7.33 Policy LP17 of the Local Plan 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.

- 7.34 The proposal would use the existing access arrangements for the site. The Local Highway Authority have been consulted as part of the application and have advised the development is acceptable in highway safety terms. Therefore, the proposal is unlikely to have any adverse effect on the public highway in accordance with policies LP16 and LP17 of the Huntingdonshire's Local Plan to 2036.

Flood Risk and Drainage

- 7.35 National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 159-169 of the NPPF (2021)).
- 7.36 The application site is situated in Flood Zone 1 based on the Environment Agency Floods Maps and the Strategic Flood Risk Assessment (2017) and is therefore at low risk of flooding.
- 7.37 Given the existing surrounding buildings and uses, officers consider adequate servicing can be provided.
- 7.38 The proposed development is therefore considered to accord with Policies LP5, LP6 and LP23 part d) of the Local Plan to 2036 and the NPPF (2021) in this regard.

Biodiversity

- 7.39 Policy LP30 of Huntingdonshire's Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible.
- 7.40 The site is entirely laid to hardstanding and is of low value in biodiversity terms. Officers consider the proposal would not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure. It is considered the development would have a neutral impact on biodiversity such that the proposed development accords with Policies LP23 part e) and LP30 of the Local Plan, paragraph 174 d) of the NPPF (2021), The Wildlife and Countryside Act (1981) and the Habitats and Protected Species Regulations (2017).

Other Matters

Community Infrastructure Levy (CIL)

- 7.41 The development would be CIL liable in accordance with the Council's adopted charging schedule; CIL payments would cover

footpaths and access, health, community facilities, libraries and lifelong learning and education.

Public Right of Way

- 7.42 A Public Bridleway No. 8, Southoe and Midloe runs over the access to the site. The Definitive Maps Team raise no objection subject to an informatives regarding Public Bridleway No.8 remaining open and unobstructed at all times; building materials not being stored on the Public Right of Way and contractors' vehicles not being parked on it. If the application were to be recommended for approval, this informative would be recommended. Subject to the informative, Officers consider the proposal would not adversely affect the amenity of the footpath in accordance with policies LP10 part c) and LP16 of the Local Plan.

Conclusion

- 7.43 The site is not within or adjoining an Established Employment Area and is not capable of being integrated with one. The development would not involve the reuse of land in business use and it would not involve the reuse or replacement of existing buildings. There is also no known end user for the proposed building. The development can therefore not be seen as the expansion of an existing business and no justification for the need for the building to be in the proposed location has been provided. The application fails to demonstrate that the principle of development is acceptable.
- 7.44 The proposed development is otherwise considered to comply with policy however as it would have an acceptable impact upon amenity and highway safety, would have a neutral impact upon heritage assets, and would not harm biodiversity or have any issues with regard to flood risk.
- 7.45 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 planning permission be refused.

8. RECOMMENDATION - REFUSAL for the following reasons:

1. The application fails to demonstrate that the principle of development is acceptable. The proposal is for the erection of a gym building within the open countryside and is in a location that would not be well-related to a defined settlement nor within or adjoining an Established Employment Area. No robust operational or sustainability reasons for the proposed location have been provided. The proposal is therefore contrary to Policies LP19 parts

a), b), c) and d), and LP23 part a) of the Huntingdonshire Local Plan to 2036.

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CONTACT OFFICER:

Enquiries about this report to **Lewis Tomlinson Senior Development Management Officer** – lewis.tomlinson@huntingdonshire.gov.uk

From: southoe_pc@yahoo.co.uk
To: [DMAdmin](#)
Subject: Southoe & Mildoe PC comments to: Highfield Farm West Perry Perry (ref 22/00757/FUL)
Date: 12 May 2022 11:08:29

Dear Planners,

**Erect a detached single storey building for E(d) use Site Address: Highfield Farm West Perry
Perry Reference: 22/00757/FUL**

No objection. It is within the footprint of the other building parameters.

Many thanks
Ramune

Clerk to Southoe & Midloe Parish Council: -
Ms Ramune Mimiene
8 Bernard Road
Brampton
Huntingdon
PE28 4RW
07596 163703
southoe_pc@yahoo.co.uk
<http://southoe-midloe.btck.co.uk/>

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From: Dmadmin@huntingdonshire.gov.uk <Dmadmin@huntingdonshire.gov.uk>
Sent: 08 April 2022 13:16
To: Southoe_pc@yahoo.co.uk
Subject: RE: Planning Permission Consultation - Highfield Farm West Perry Perry (ref 22/00757/FUL)

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Erect a detached single storey building for E(d) use

Site Address: Highfield Farm West Perry Perry

Reference: 22/00757/FUL

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Development Management
Huntingdonshire District Council

T: 01480 388388

E: dadmin@huntingdonshire.gov.uk

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Development Management Committee



Scale = 1:2,500

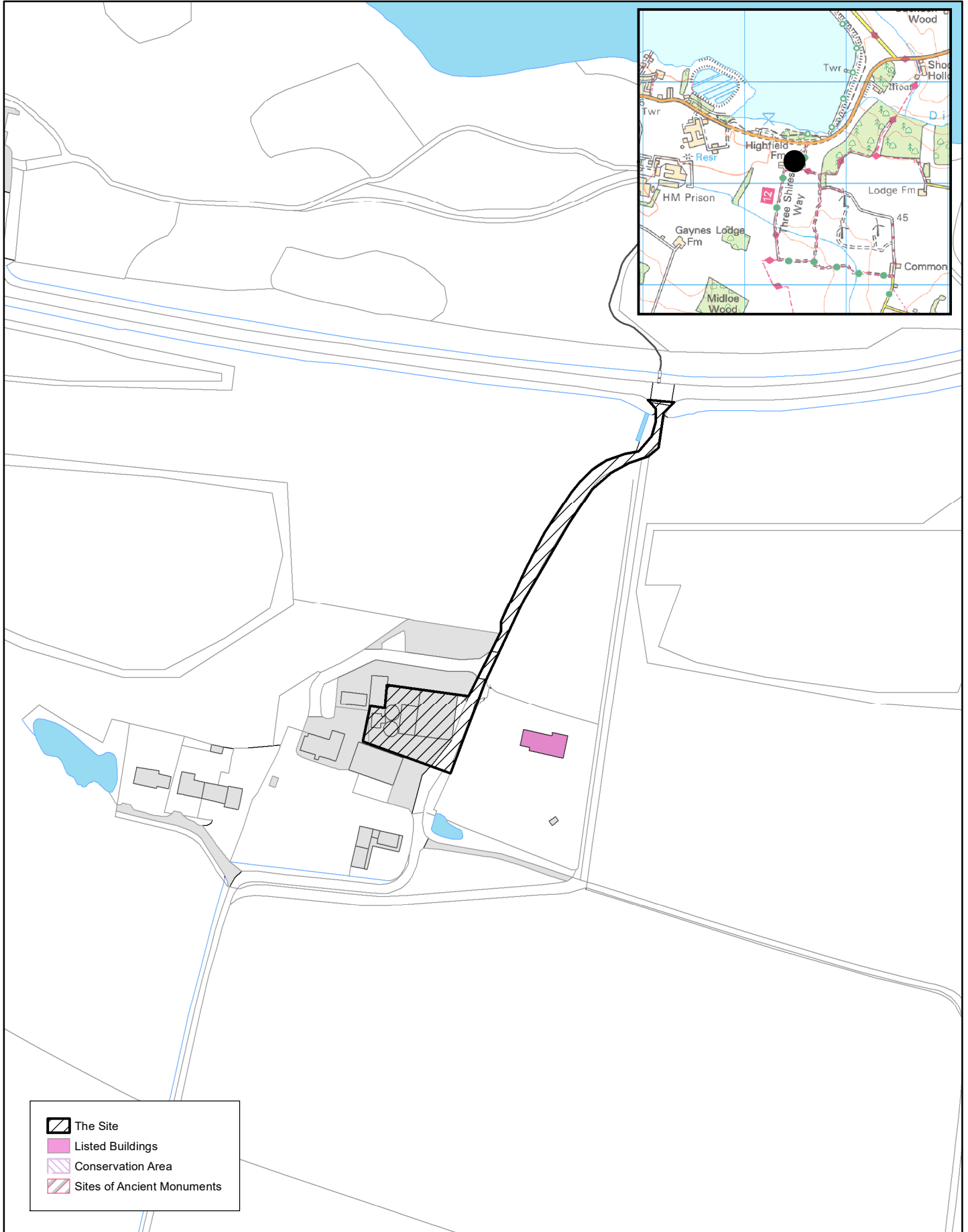
Date Created: 09/05/2023

Application Ref:22/00757/FUL

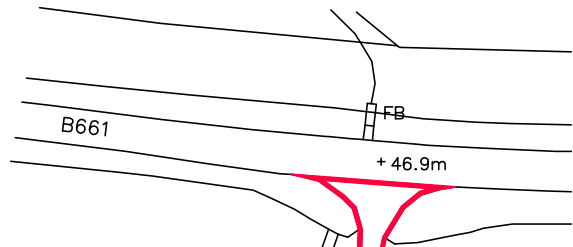
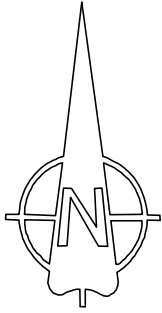
Location: Southoe and Midloe



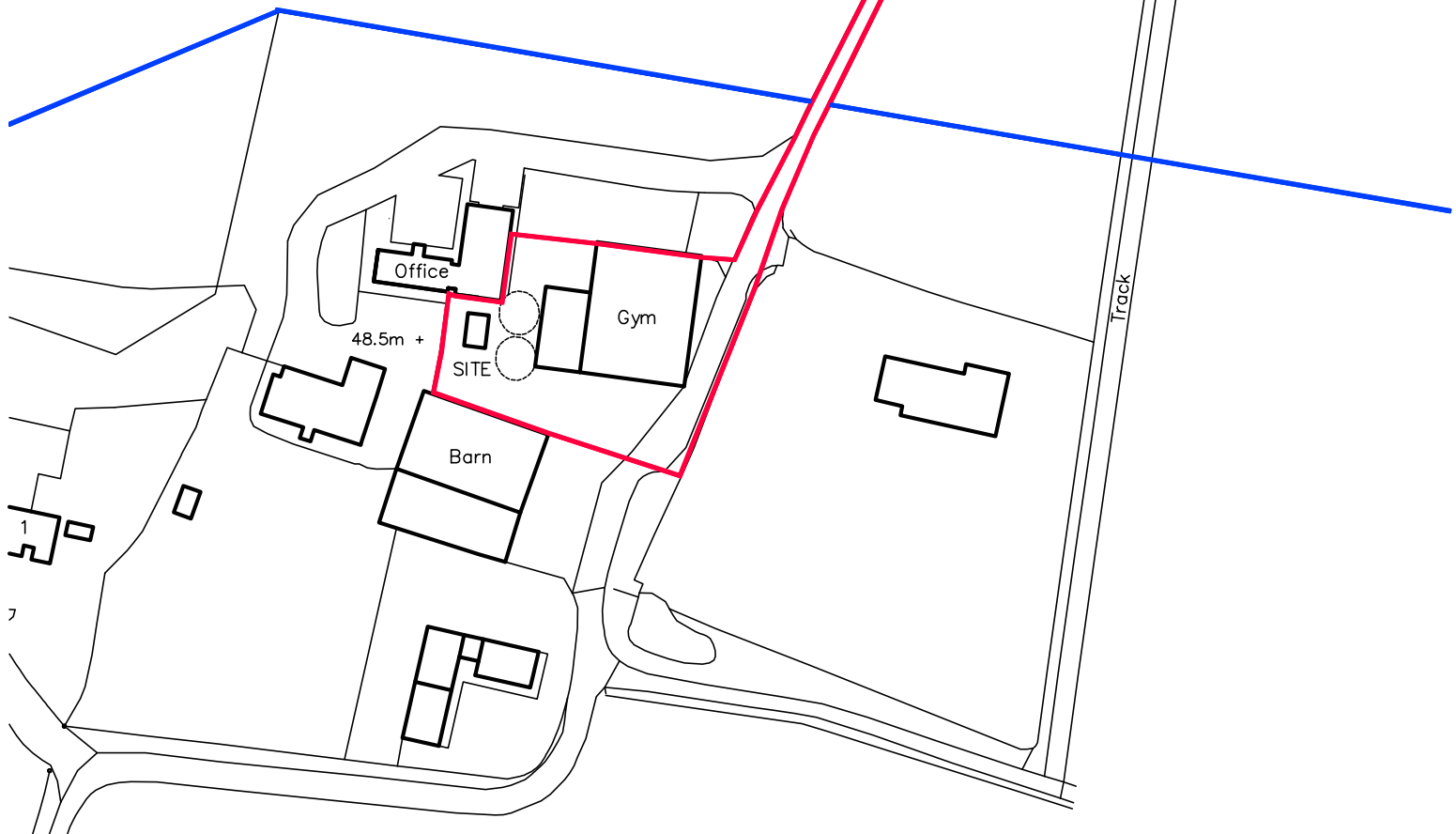
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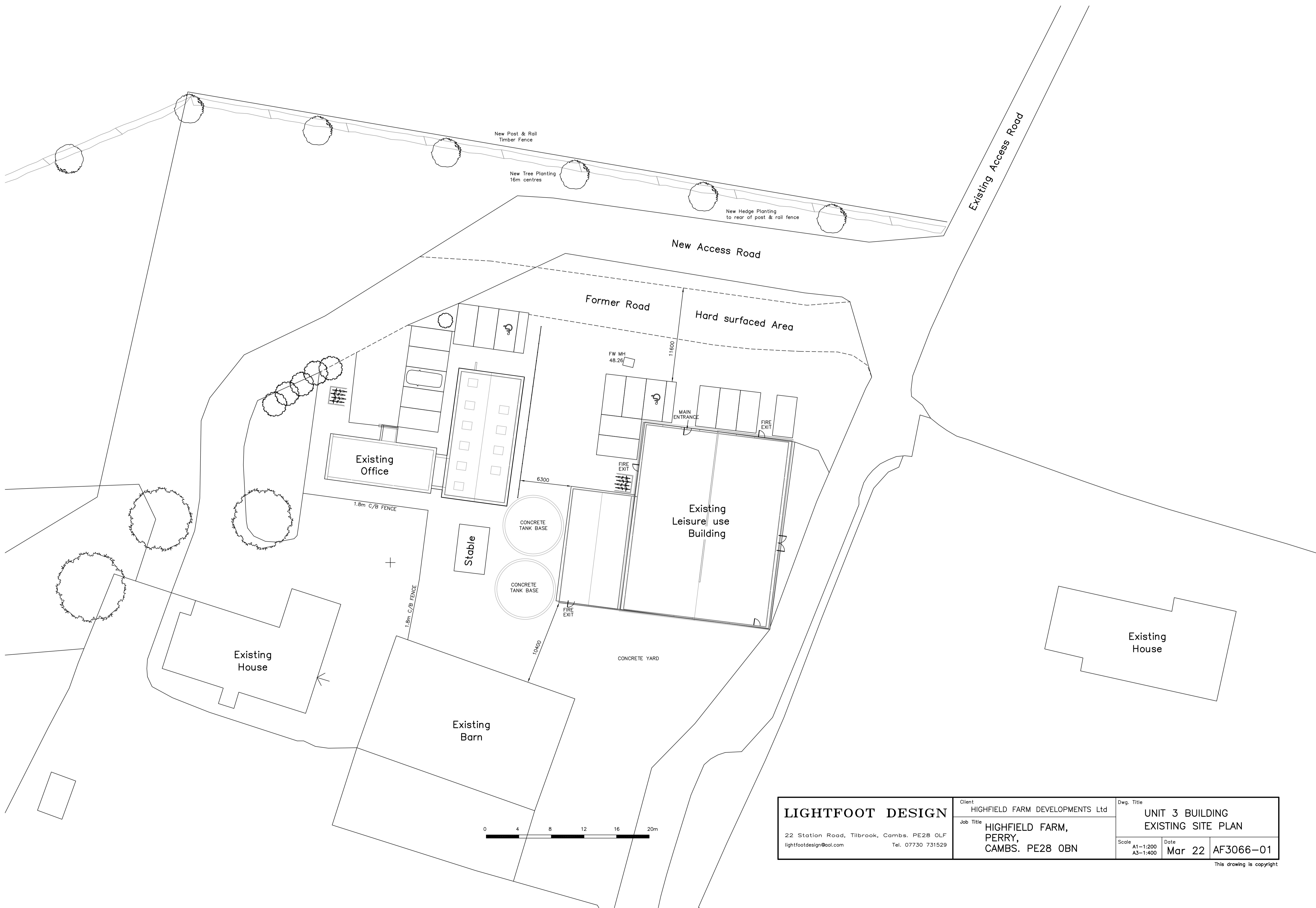
- The Site
- Listed Buildings
- Conservation Area
- Sites of Ancient Monuments



Solar Farm

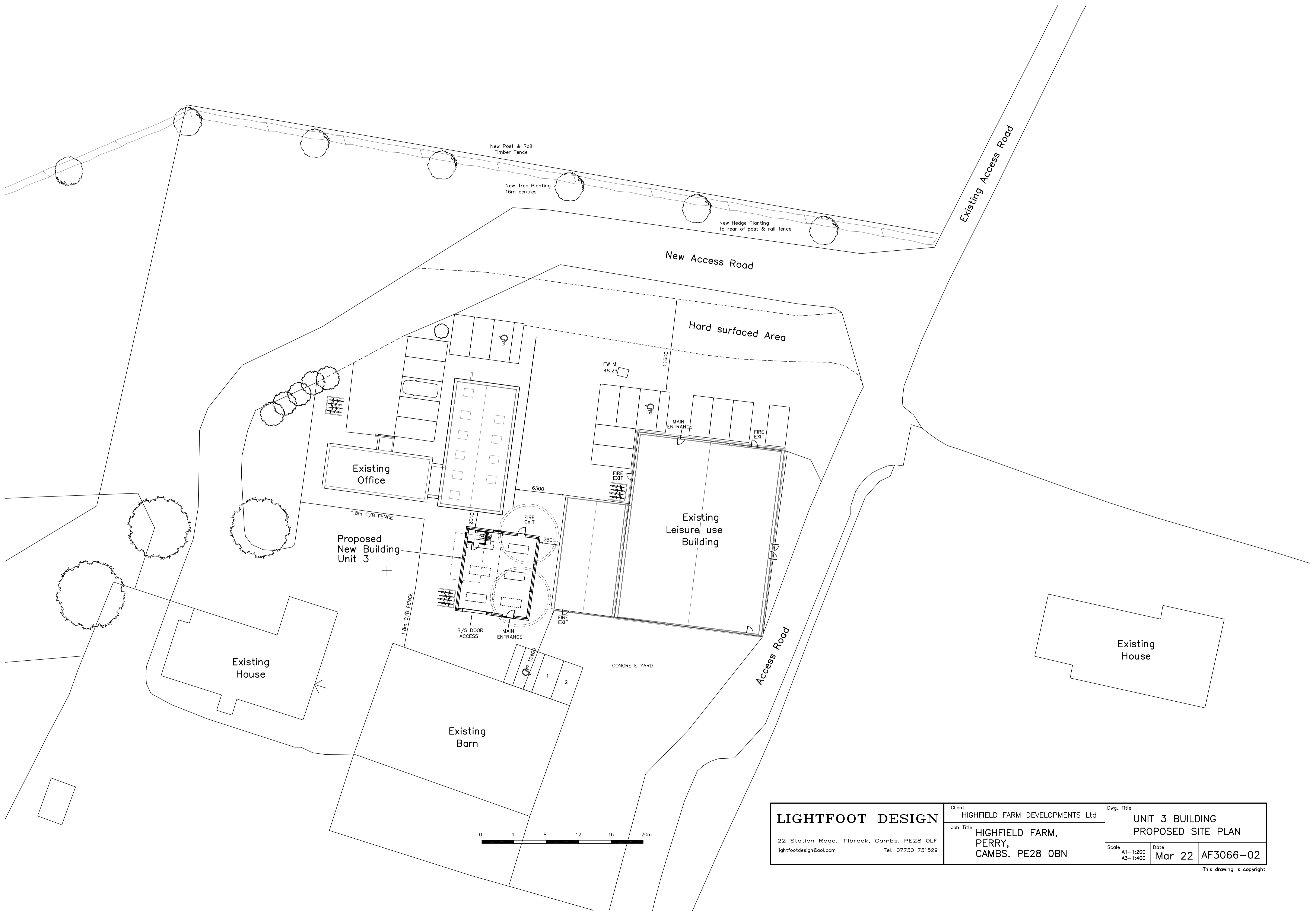


LOCATION PLAN 1:1250



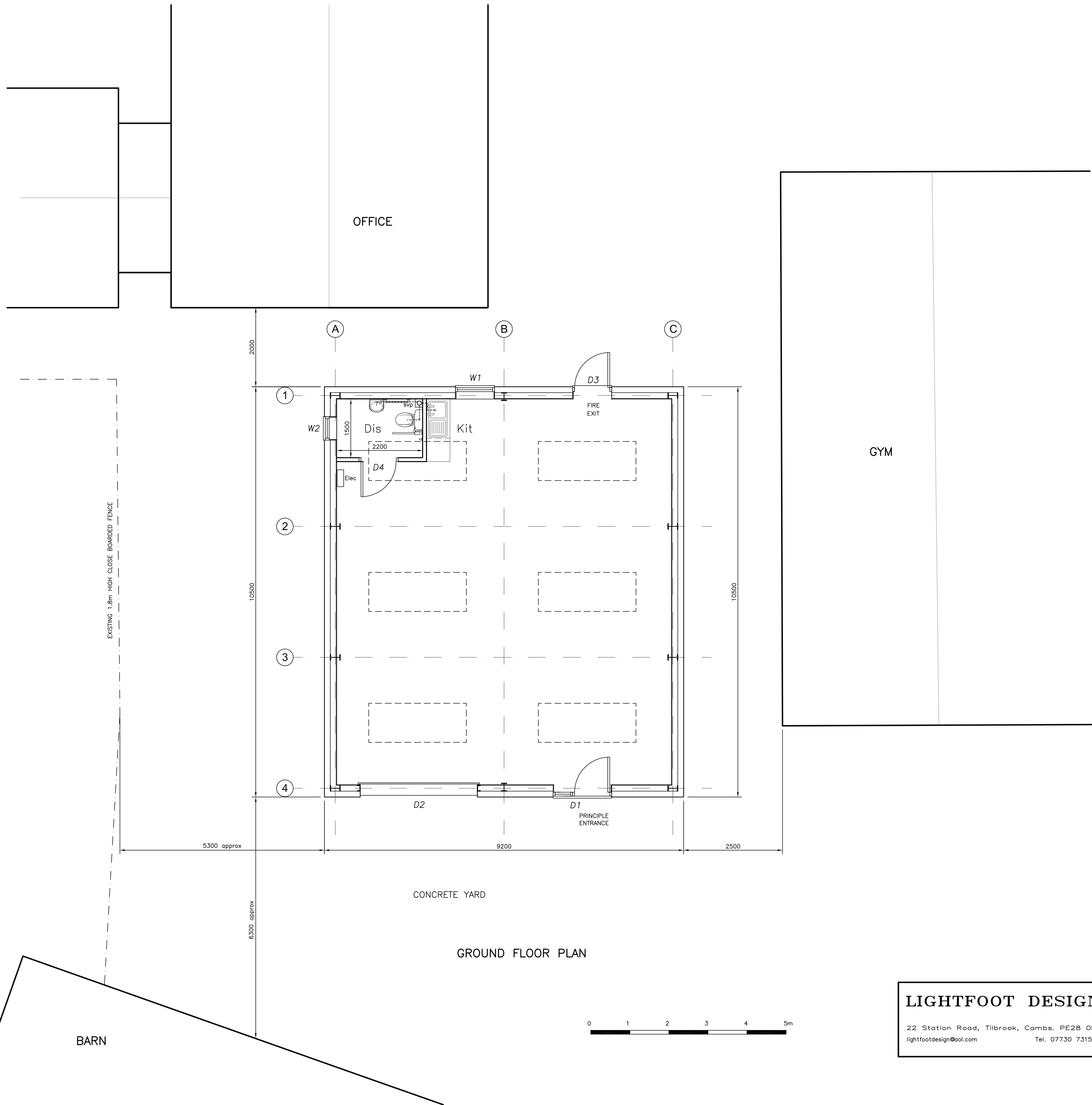
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	Job Title HIGHFIELD FARM, PERRY, CAMBS. PE28 0BN	Scale A1-1:200 A3-1:400
	Date Mar 22	AF3066-01

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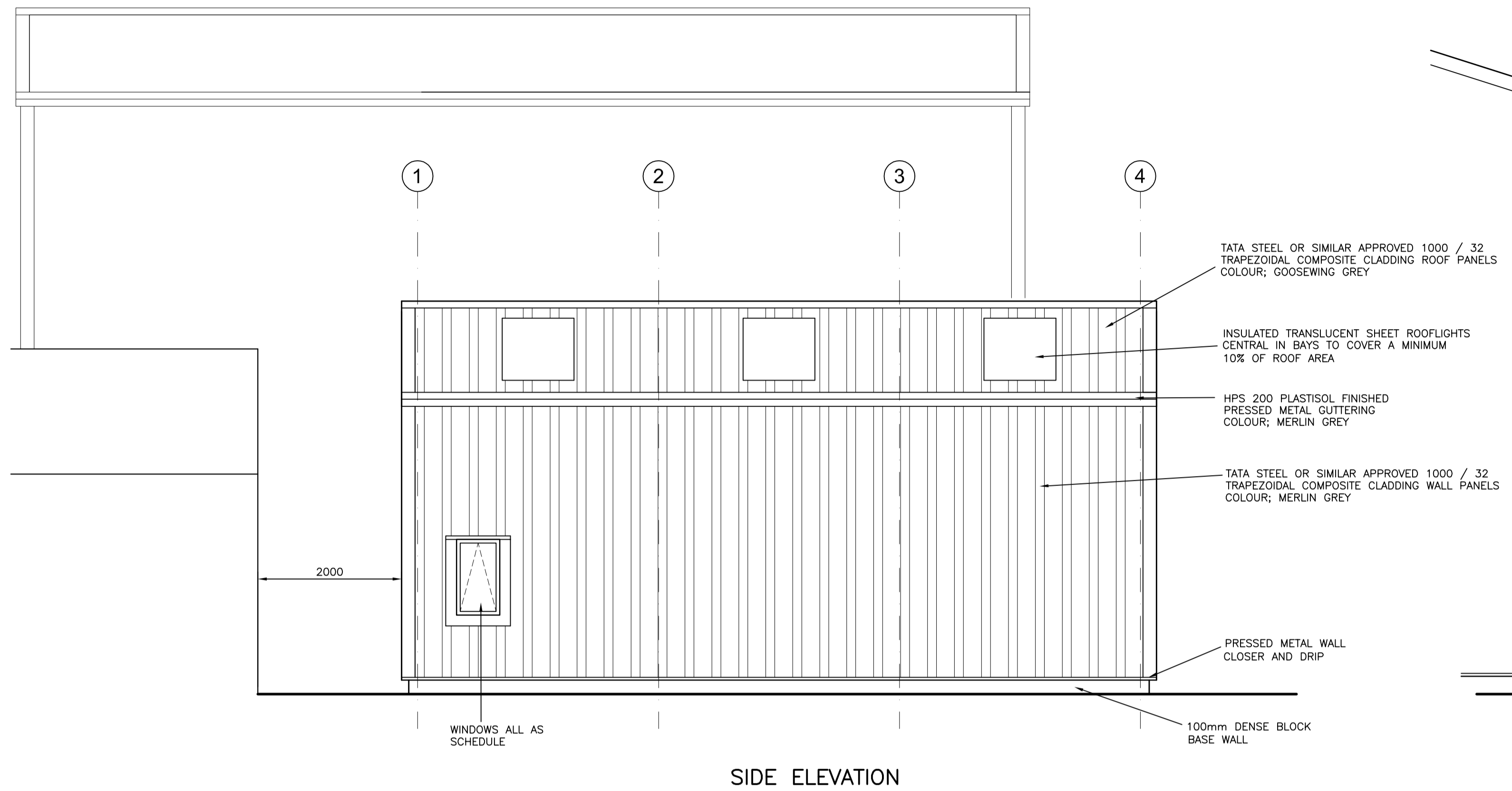
GROUND FLOOR PLAN



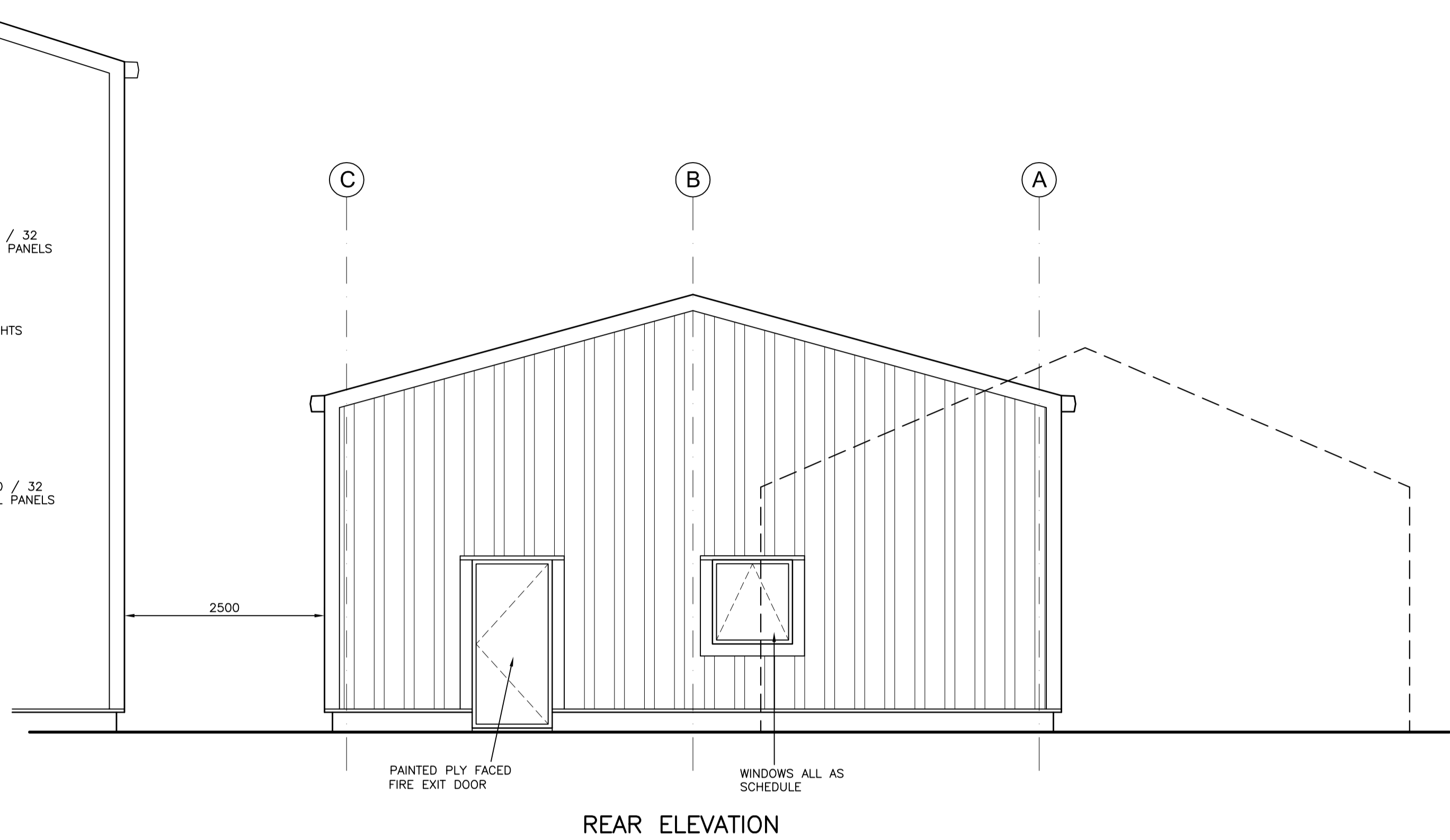
LIGHTFOOT DESIGN 22 Station Road, Tilbrook, Cambs. PE28 0LF lightfootdesign@aol.com Tel. 07730 731529	Client HIGHFIELD FARM DEVELOPMENTS Ltd	Dwg. Title UNIT 3 BUILDING PROPOSED LAYOUT	
	Job Title HIGHFIELD FARM, PERRY, CAMBS. PE28 0BN	Scale A1-1:50 A3-1:100	Date Mar 22

Floor Area = 910sqft (84.6sqm)

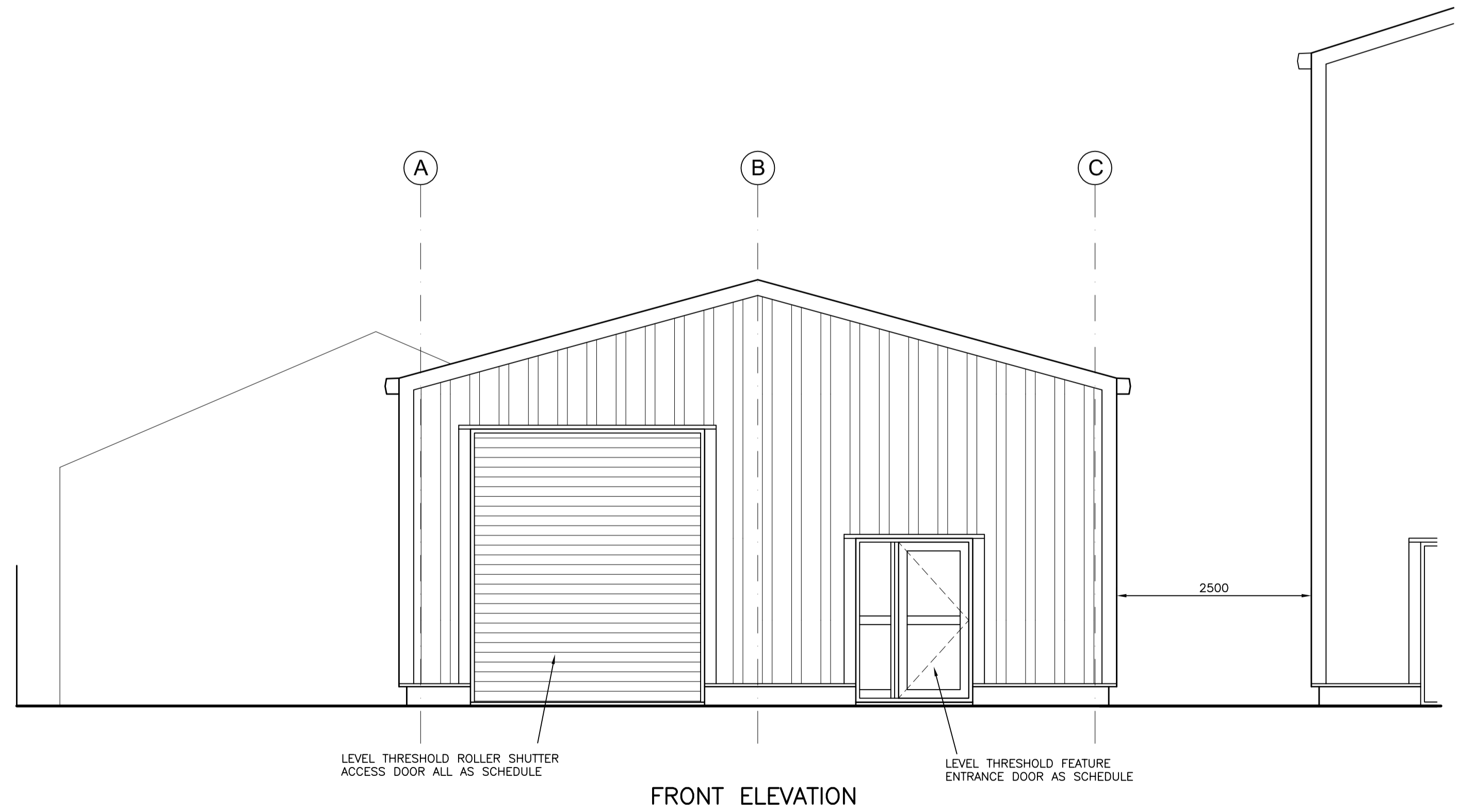
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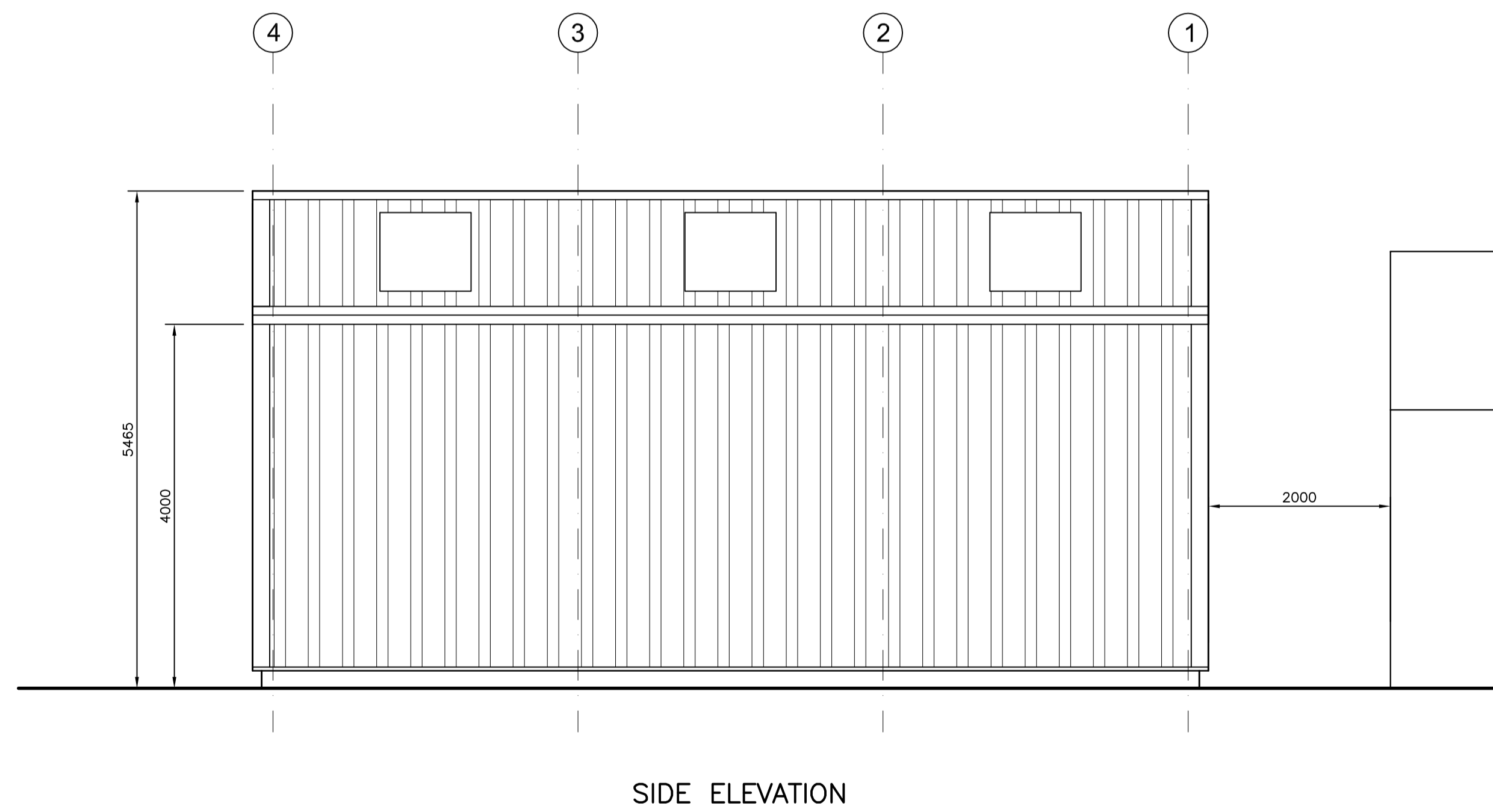
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



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	Job Title HIGHFIELD FARM, PERRY, CAMBS. PE28 0BN	Scale A1-1:50 A3-1:100

Floor Area = 910sqft (84.6sqm)

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