

DEVELOPMENT MANAGEMENT COMMITTEE 17th MARCH 2025

Case No: 24/00938/FUL

Proposal: RETROSPECTIVE CHANGE OF USE OF LAND FROM EQUESTRIAN USE (SUI GENERIS) TO A MIXED USE OF EQUESTRIAN AND GYPSY/TRAVELLER RESIDENTIAL USE (SUI GENERIS) CREATING 1 PITCH COMPRISING 1 MOBILE HOME WITH ASSOCIATED PARKING AND AMENITY.

Location: TOWER FARM AND STABLES, TOSELAND ROAD, YELLING, PE19 6SA

Applicant: MR TOM BROWN

Grid Ref: 524776 262704

Date of Registration: 24th July 2024

Parish: YELLING, TOSELAND,

RECOMMENDATION - APPROVE

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

1. DESCRIPTION OF SITE AND APPLICATION

Site and Surroundings

- 1.1 The application site comprises approximately 0.5 hectares of land located to the north of High Street, Yelling, opposite the Yelling Water Tower. The village of Yelling is located to the east and the village of Toseland to the west.
- 1.2 The site is bound by existing hedgerows along its western and southern boundaries.
- 1.3 The site is accessed directly from High Street, via an existing access which cuts through the southern boundary hedgerow.
- 1.4 The site is outside of the built-up area of Yelling, within the countryside. The site falls within Flood Zone 1 of the Environment Agency's Flood Map for Planning. There are no other site constraints - there are no PRow, TPO trees or designated

heritage or ecology sites on the site or in close proximity to the site.

- 1.5 In 2020 planning permission was granted for the erection of stables, a menage, hay barn, feed room, store and car parking on the site for private equine/leisure use. This planning permission has been commenced and is there extant.
- 1.6 In 2022 planning permission was granted for the erection of a day room on the application site, which was designed to provide shelter, drink making and washing facilities for users of the equestrian site. This planning permission has not expired and is therefore still capable of being implemented on the site.

Proposal

- 1.7 This application seeks approval for the retrospective change of use of the site from equestrian use (sui generis) to a mixed use of equestrian and gypsy/traveller residential use (sui generis) creating 1 pitch comprising 1 mobile home with associated parking and amenity. At the time of writing this report the mobile home has been erected on site (hence the application is 'retrospective') but it is understood that it is not currently being occupied.
- 1.8 The application boundary (red line) covers an area of circa 0.5 hectares, within which the proposed use and all of the associated built form is contained. The wider blue line encompasses land within the same ownership (circa 3.45 hectares), which is used for grazing. A gate provides access from the grazing land (blue line) into the northern boundary of the application site (red line).
- 1.9 The mobile home is located in the south east corner of the application site, an area which was already covered by existing hardstanding (crushed gravel). The mobile home will be surrounded by a small area of garden (laid to grass and bound by a low-level fence), a shed for storing bicycles, bin storage and an area of hardstanding, including 3 x parking bays.
- 1.10 The previously approved structures on the site are as follows:
- hay barn located in the south western corner of the site;
 - day room and store located along the sites northern boundary;
 - stable blocks and feed room located along the sites eastern boundary.
- Construction of some of these previously approved structures has started (therefore the relevant planning permissions are extant) but not been completed. All the previously approved structures are to be retained and remain unchanged by the current application.

- 1.11 The mobile home measures circa 14.1 metres in length by 4.6 metres in width and contains 2 bedrooms, a living/dining/kitchen

area, and 2 no shower rooms. It has a typical appearance for a mobile home with a ridge height of 3.72m.

- 1.12 The Supporting Statement suggests that the mobile home is intended to be used by the applicant and his family, who are members of the local travelling community, however, a personal permission is not being sought. On this basis, the site will be a registered traveller pitch for a single mobile home for use by a single family (i.e. it could be occupied by anyone meeting the definition of a gypsy/traveller).
- 1.13 The application site will be served by the existing vehicular access from High Street. No changes are proposed to the access arrangements as part of this application.
- 1.14 It is proposed that a native hedgerow will be planted along the sites eastern and northern boundaries. The existing hedgerows along the sites southern and western boundaries will be retained.
- 1.15 This application has been accompanied by the following:
- Supporting Statement
 - Biodiversity Checklist
 - Policy Guidance Checklist
 - Drawings
- 1.16 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.
- 1.17 During the course of the application the description of development was amended to more accurately reflect the proposal and the mixed use of the site. Where land is, or buildings are, being used for different uses which fall into more than one use class, then the overall use class is regarded as a mixed use and categorised as 'sui generis'. A full 21 day reconsultation was completed including consultation with neighbours, the Parish Councils and the posting of a site notice.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2024 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;

- building a strong, competitive economy;
- achieving well-designed, beautiful and safe places;
- conserving and enhancing the natural, built and historic environment

2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

2.4 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
- LP3: Green Infrastructure
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- LP6: Waste Water Management
- LP8: Key Service Centres
- LP10: The Countryside
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision
- LP27: Gypsies, Travellers and Travelling Showpeople
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows

3.2 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document (2017)
- Developer Contributions SPD (2011)
- Huntingdonshire Landscape and Townscape SPD (2022)
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD (2017)
- LDF Developer Contributions SPD (2011)
- Annual Monitoring Review regarding housing land supply (2020)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

3.3 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
- N3 - Support rich and varied biodiversity
- H1 - Healthy, comfortable and safe internal and external environment
- H2 - Well-related to external amenity and public spaces
- H3 - Attention to detail: storage, waste, servicing and utilities.

For full details visit the government website

4. PLANNING HISTORY

- 4.1 19/02608/FUL - Proposed stables, manège, hay barn, feed room, store and car parking (permission granted 09.11.2020).

Officer note – Officers note the concerns of the parish council, however without evidence to the contrary, Officers are satisfied that this permission was commenced within the conditioned timescale and is therefore considered extant.

- 4.2 21/02883/FUL - Siting of timber clad mobile cabin for use as a Day Room. To include washing, changing and toilet facilities (refused 22.03.2022).

Officer note – The mobile cabin applied for under application reference 21/02883/FUL was assessed as a private dwelling (not as a mobile cabin for occupation by gypsies/travellers).

- 4.3 21/80067/COND - Conditional Information for 19/02608/FUL: C3 (Materials), C4 (Landscaping) (conditions discharged 16.08.21).

- 4.4 22/00824/FUL - Proposed timber clad Day Room for use by users of the site for the purpose of providing toilet facilities, refuge from the weather, tea and coffee making facilities, drying, washing and changing area and storage of equipment (withdrawn).

- 4.5 22/01500/FUL – Proposed Day Room (permission granted 29.11.2022).

Officer note – this permission has not expired.

- 4.6 22/80146/COND - Conditional Information for 19/02608/FUL: C11 (Access), C12 (No Gates) (Condition 11 not discharged. Condition 12 discharged 10.01.2023).

- 4.7 24/80114/COND - Discharge of Condition 7 (Biodiversity Enhancement) for 19/02608/FUL (condition discharged 28.05.2024).

5. CONSULTATIONS

5.1 Yelling Parish Council

14.08.2024 – recommends refusal. The main points of objection are summarised below:

- The proposal results in ambiguity surrounding the use of the application site;
- Objective evidence needs to be presented to unequivocally demonstrate the traveller status of the applicant to the District Council's satisfaction. This is currently absent.
- The application site location and the intended mixed use do not meet the requirements for consideration under policies D and F of 'Planning Policy for Traveller Sites (PPTS), August 2015', (as amended).
- The application does not satisfy all of the criteria set out in and as required by Local Plan policy LP27, Gypsies, Travellers and Travelling Showpeople.
- The intended mixed use partly as a traveller site is inconsistent with the District Council's approvals of previous planning consents 19/02608/FUL and 22/01500/FUL and their conditioning to protect residential amenity and preserve the rural, non-domestic character of the area. The construction and other activities undertaken since do not demonstrate due regard for these consents and there are concerns this could suggest future escalation.
- It is unclear whether the consent being sought is or should be intended to be personal, temporary or permanent in nature.

24.02.2025 - recommends refusal. A copy of the Parish Council's full response is attached. The main points of objection are summarised below:

- There are inconsistencies and inaccuracies in the application documentation. The previous consents have not been materially progressed and the static caravan on site has a notice saying it is being used for welfare purposes.
- Abuse of retrospective planning applications.
- Highway safety considerations – access and sight lines have not been approved by the Highway Authority and removal of the existing hedge will be required to provide adequate sight lines.
- Surface water and flood risk assessment – the soil conditions are not suitable for soakaways and the site is liable to flooding.
- Foul & waste contamination assessment – a strategy for foul and waste water removal is needed.
- Environmental contamination assessment – there are indications that the ground level at the site has been raised.
- The 'existing block Plan' submitted is misleading and inaccurate.

- The proposal conflicts with Local Plan Policy LP10.

5.2 Toseland Parish Council

10.08.2024 – Object to the proposal. refusal. The main points of objection are summarised below:

- The proposal is highly rural and conflicts with national planning policy for traveller sites.
- There is a lack of full and proper consideration for biodiversity, including the drainage ditches at the front of the site.
- The proposal conflicts with Local Plan Policies LP20 and LP27.
- The site has never been made suitable for grazing horses despite the previous permission.
- The size of the site is disproportionate.
- The retrospective nature of the indicates a disregard to the planning process.
- It is not a sustainable or suitable site.

22.02.2025 – Object to the proposal. refusal. A copy of the Parish Council's full response is attached. The main points of objection remain as previously summarised above, with additional points summarised below:

- Building work commenced on site contrary to previous proposals and the current proposal is retrospective. This raises significant concerns about future development.
- The application is inaccurate with regard to the proximity of existing watercourses.
- The access to the site is unsafe and unsuitable for vehicular access. There is no safe access for pedestrians.
- The water treatment unit is a considerable distance from the mobile home.

5.3 CCC Highways – whilst the vehicular access to the site is substandard, having regard to the previous planning permissions approved at the site, the proposal could serve to reduce the number of vehicle movements to/from the site. The Local Highway Authority would not therefore be able to substantiate an objection in the context of paragraph 116 of the NPPF where “development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety”.

6. REPRESENTATIONS

6.1 A total of 69 neighbour objections have been received. The objections raise the following matters:

- The description of development is not clear if the proposal relates to a single mobile home or an expansion into a full travellers site. The site is too large for a single caravan and therefore will likely be used as a much larger gypsy and

traveller site. It is not clear how many people will live on the site.

- The proposal states there are no watercourses within 20 metres however there is a stream 5 metres from the site boundary.
- The proposal contradicts with the NPPF and the Planning Policy for Traveller Sites.
- The proposal is not supported by local planning policy including LP10 and LP27.
- There will be an adverse impact upon the amenity of existing residents including noise and light pollution.
- Increases in traffic would cause highway safety issues in the locality.
- The proposal will harm the character of the countryside.
- Too much on site parking is proposed.
- Loss of high quality agricultural land.
- Adverse impact on a conservation area.
- Works required to the access are likely to require the removal of hedgerow.
- The proposal will harm ecology and biodiversity.
- The area is prone to flooding.
- There is no need for the proposed development. The proposal is not supported by the Gypsy and Traveller Accommodation Assessment (2016).
- A mobile home was previously refused on the site and nothing has changed.
- The access to the site was erected without permission from the Highway Authority and is therefore unlawful and unsafe
- The proposal is retrospective and therefore in line with the Written Ministerial Statement issued December 2015, this is a material consideration.
- There are no pavements or safe crossings for future residents to use.
- It is not clear how the site will be managed including sewer and waste management.
- The site is not used for horses currently and therefore is likely to just be used as a gypsy and traveller site.
- The proposal is not 'sui generis'.
- The proposal will encroach on the privacy of existing dwellings;
- No evidence of how potable water will be provided to the site.
- The culverting of the drainage ditch to facilitate the access was done without the consent of the LLFA.
- The proposal will be visible from public footpaths.

6.2 Councillor Catmur (Ward councillor for Great Paxton) - objects on the following grounds:

- The site is not close to the village of Yelling and therefore does not meet policies LP10, LP26 and LP27 of the

Huntingdonshire Local Plan to 2036, National Planning Policy Framework or Government Planning Policy for Traveller Sites.

- The nearest shop/school is over 3.5 miles away.
- The proposed site is likely to affect the character of a village that is a conservation area.

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 the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3. In Huntingdonshire the Development Plan (relevant to this applications) 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 in the determination of this application are:
- The Principle of Development (Including Impact upon the Character and Appearance of the Area, Amenity, Flood Risk and Highway Safety, Access, and Parking Provision)
 - Biodiversity
 - Developer Contributions
 - Other matters

The Principle of Development (Including Impact upon the Character and Appearance of the Area, Amenity, Flood Risk and Highway Safety, Access, and Parking Provision)

Development in the countryside

- 7.6. The application site is located in the countryside and therefore must be assessed against Policy LP10 of the Local Plan which states that “Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan and that 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.”
- 7.7. With regard to parts a and b, the proposal would not result in the loss of agricultural land. The existing lawful use of the application site is for private equestrian use and the site proposed for the mobile home was covered in hardstanding (loose gravel). On this basis the application site does not represent agricultural land.
- 7.8. In terms of parts b and c, these matters are assessed in detail further below in ‘Principle of Development’ section of report against Policy LP27. Overall, subject to conditions, the proposal is considered to recognise the intrinsic character and beauty of the countryside and would not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

Gypsy and Traveller Policy

- 7.9. This proposal seeks to provide 1 mobile home for use by a gypsy/traveller.
- 7.10. As established above, the site lies outside the built-up area of Yelling, which is a Small Settlement, the site is therefore considered to be within the countryside.
- 7.11. The following policies are of relevance to the principle of a gypsy and traveller pitch in the countryside:
- Local Plan Policy LP27 (Gypsies, Travellers and Travelling Showpeople)

- National policies set out within the government's 'Planning policy for traveller sites' (December 2024)

7.12. Paragraph 4 of the NPPF (2024) states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites and that decisions on traveller sites should also have regard to the Framework so far as relevant. The Planning Policy for Traveller Sites (PPTS) sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The PPTS includes policies on plan-making and on decision-taking. Paragraph 24 of the PPTS states that local planning authorities should determine applications in accordance with the presumption in favour of sustainable development and the policies in the NPPF and PPTS.

7.13. A full assessment of the proposal against the relevant policies follows below.

Traveller sites in rural areas

7.14. As stated above, the site is not located within the built-up area of Yelling, and therefore in planning policy terms it is in the open countryside where planning policies for the countryside apply.

7.15. The Planning Policy for Traveller Sites (PPTS) updated in December 2024 is not opposed in principle to traveller sites being located in the countryside, so long as they are not within Green Belt land. Huntingdonshire does not have any areas of Green Belt. Stipulations in the PPTS include: -

- * Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan; -
- * Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure'.

7.16. Local Plan policy LP27 relates to Gypsies, Travellers and Travelling Showpeople and its purpose, as stated in paragraph 7.33 of the Local Plan, is to enable the appropriate provision of sites to meet the specific needs of such groups. It states that new traveller sites outside of the built-up area will be supported in sustainable locations where they respect the scale of the nearest settled community and will be very strictly limited in open countryside that is away from existing settlements.

7.17. In principle, the Council will therefore support a proposal which contributes to the delivery of Gypsy and Traveller pitches in the countryside, where it satisfies each of criteria a) to j) of Policy LP27

(assessed below). This accords with the approach outlined by the PPTS.

Policy LP27 of Huntingdonshire's Local Plan to 2036

- 7.18. Policy LP27 of the Local Plan to 2036 sets out a range of criteria to be satisfied. These are set out below, and the scheme is subsequently assessed against the provisions of each of these criteria:

LP27.a) The location is within 1.5 miles of a primary school and 2 miles of a GP surgery:

- 7.19. Supporting text to policy LP27 (paragraph 7.39 of the Local Plan) states that for the purposes of the policy the distances threshold chosen represent walking or cycling distances: "These distances [used in criteria a] should be used as a guide rather than a fixed limit; account will also be taken of qualitative aspects, and in particular the nature of the route to the nearest primary school, including the presence or lack of pavements and/or cycle paths."
- 7.20. As is common of a rural location, there are no schools or GP surgeries within walking distance of the site. Even in the event that there were such facilities within walking distance of the site, by virtue of its rural location, there are no pavements or cycle lanes along High Street (which is a national speed limit road), which would facilitate a walking or cycling route from the application site.
- 7.21. The nearest schools to the application site are:
- Papworth Community School, Papworth Everard (3.3 miles);
 - Great Paxton Church of England School, Great Paxton (3.8 miles);
 - Newton Primary School, Eltisley (3.8 miles).
- 7.22. According to the NHS 'find a doctor' service, the nearest GP surgery to the site is Papworth Surgery which is 2.4 miles.
- 7.23. These are not within walking or cycling distance, however, as stated above, the sites' location is not conducive to safe walking or cycling (regardless of distance). The occupants of the mobile home will therefore be reliant upon the use of private car to access services and facilities and this conflicts to a degree with part a of Policy LP27 and an objective of Policy LP16 (Sustainable Travel) which is to support an increasing proportion of journeys being undertaken by sustainable travel modes. However, it is also recognised that the scale of the proposed development (one mobile home) is relatively minor, and occupants would be reasonably close to services and facilities such that required car journeys would be relatively short in distance and therefore the level of harm associated with a reliance of private car usage in this instance is considered to be limited and would not justify refusal of the proposal.

LP27.b) The character and appearance of the wider landscape would not be significantly harmed:

- 7.24. The site is located in the countryside, however there are no Public Rights of Way on or near the site.
- 7.25. The sites southern boundary with High Street and western boundary with Toseland Road is marked by a well established hedgerow. Publicly accessible views into the site are therefore only really possible from the existing access point into the site from High Street, however High Street is a national speed limit road with no public footway (therefore views into the site will only really be possible for people travelling past the site by car).
- 7.26. The proposed ridge height of the mobile home is 3.72m. The height of an established field boundary hedgerow is typically 2.5m, therefore views of the proposed mobile home from adjacent land will be significantly screened by the existing and proposed hedgerows.
- 7.27. Furthermore, the proposed mobile home will be viewed in the context of the existing extant / permitted development on site, including the approved stable block and feed room, store, barn and day room, all of which has an approved ridge height 4.2m.
- 7.28. It is therefore considered that the mobile home would not be seen as an anomalous feature in the countryside and is of acceptable scale and appearance, subject to details of external materials which could be agreed by condition.
- 7.29. The concerns raised by the Parish Council's and neighbours about the impact of the proposal upon the character of Yelling conservation area are noted. Yelling conservation area is located circa 0.6 miles from the application site, therefore by virtue of this distance, the height of the proposed mobile home and intervening landscape features (including hedgerows and other built form), it is not considered that the proposal will have an impact upon the character of Yelling conservation area.
- 7.30. Overall, having regard to the existing character of the site, it is considered that the scale and siting of the proposed mobile home, coupled with the existing landscape screening to the roadside boundary (the retention of which can be secured by condition) and the proposed hedgerow screening to the east and north (the provision and retention of which can be secured by condition) would satisfactorily mitigate the visual impact of the proposed development and minimise its impact on the character and appearance of the wider landscape. The proposal is therefore considered to accord with this criterion.

LP27.c) The location and scale of sites does not dominate the nearest settled community, when the proposal is considered collectively with other nearby traveller sites

- 7.31. LP27, criterion c) is based on the national PPTS (2024) paragraphs 14 and 26.
- 7.32. PPTS Paragraph 14 states that: “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”
- 7.33. PPTS paragraph 26 states that: “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”
- 7.34. No definition is provided of what should be considered the ‘nearest settled community’. However, the nearest settled communities in this context are considered to be Yelling and Toseland rather than the sporadic dwellings nearby. The distance between the application site and the built edge of the village of Yelling is circa 0.4 miles east. The distance between the application site and nearest dwelling in Toseland is circa 120 metres west.
- 7.35. The 2011 Census showed around 0.12% of the usually resident population of Huntingdonshire identified as being gypsies and travellers, significantly lower than the 0.22% average of the GTAA 2016 study area.
- 7.36. The Council holds no record of any other planning permissions for gypsy and traveller sites having been granted within the parishes of Yelling or Toseland.
- 7.37. Paragraph 7.41 of the Local Plan states, “It is anticipated that new Gypsy and Traveller sites will be in the form of small family sized sites of up to four pitches although some larger sites that already exist, or new sites of up to eight pitches, may be appropriate depending upon local circumstances.”
- 7.38. Overall, it is considered that the proposal is acceptable against this criterion.

LP27.d) The proposed boundary treatment provides a good balance between minimising the development’s impact on surrounding countryside and its integration into the local community

- 7.39. Paragraph 7.42 of the Local Plan states that appropriate boundary treatments should be provided which facilitate integration with the local community rather than completely enclose the site forcing a sense of isolation. As discussed under part b above, the site is already enclosed by existing established hedgerows on its southern and western boundaries. New hedgerows are proposed on the sites northern and eastern boundaries by this application.
- 7.40. The hedgerows (existing and proposed) are considered to help mitigate the impact of the proposal on the surrounding countryside without forcing a sense of isolation. The proposal is therefore considered to accord with this criterion.

LP27.e) There will not be a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses

- 7.41. To the north and east of the site are arable fields which are in the applicant's ownership. These fields are used for grazing and there is an access gate between the application site and the fields. To the west is Toseland Road (the other side of which is an arable field).
- 7.42. To the south, on the opposite side of High Street is Yelling Water Tower, a collection of buildings associated with Home Farm (some of which are in residential use) and Mill View (a residential dwelling).
- 7.43. Given the separation distances between the proposed mobile home and the existing dwellings on the opposite side of High Street, it is not considered that the proposal will result in a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses.
- 7.44. It is noted that neighbour comments have raised concern about potential light and noise pollution.
- 7.45. No external lighting is proposed as part of the current application. A condition controlling any future external lighting could be imposed to protect dark skies and limit disturbance to wildlife, however, given the intervening between the site and the nearest residential dwellings it is not considered that any light spillage from the site would be harmful to residential amenity so as to justify withholding permission.
- 7.46. It is not anticipated that a single gypsy and traveller mobile home would generate a significant level of noise which would disturb the residential amenity of the nearest existing dwellings, particularly having regard to the intervening distance, the road and soft landscaping.

- 7.47. The 2020 planning permission included conditions preventing the burning of stable waste on site and preventing the keeping of livestock on site or the storage of slurry or sewage sludge. It is considered reasonable to reimpose these conditions in the interests of the residential amenity of future occupiers of the mobile home and existing residential dwellings in the vicinity.
- 7.48. The proposal therefore accords with this criterion and Local Plan Policy LP14 (Amenity).

LP27.f) The site provides a high level of residential amenity for the proposed residents, for example in relation to protection from noise and provision of play facilities

- 7.49. Land to the north and east of the application site is used for grazing horses. It is not anticipated that the use of this land for grazing would generate any noise or disturbance for future occupiers of the mobile home. In addition, as the land is in the same ownership, this is a matter which would be within their control.
- 7.50. The proposed mobile home is set back from High Street by an existing hedgerow. Whilst the road is national speed traffic it is a rural lane and therefore not subject to high levels of traffic.
- 7.51. The proposed block plan includes a small garden around the mobile home. In addition to the mobile home, the approved day room on the site would provide additional space and facilities which would be accessible to future residents of the mobile home.
- 7.52. Given the location and proposed layout of the site, it is considered that the proposal would result in an acceptable standard of residential amenity for future occupiers and is acceptable against this criterion.

LP27.g) The health and safety of occupants is not put at risk, including through unsafe access to sites, poor air quality, contamination or unacceptable flood risk

- 7.53. The proposal uses the existing site access from High Street which was deemed suitable to serve the private equestrian use approved under previous planning permission references 19/02608/FUL and 22/01500/FUL.
- 7.54. Whilst neighbour concerns about increases in traffic are noted, comments from the Local Highway Authority have confirmed that the proposal to establish a mobile home on the site could serve to reduce the level of vehicle movements compared to the equestrian use. This is on the basis that the approved equestrian use will require regular visitation e.g. for riding, putting horses in/out, transporting horses to/from site, visitation for security, presence for visiting vets and farriers, feed and bedding deliveries and other sundry movements associated with animal husbandry – the need

for some of which would be removed by someone living on the site. As per the previous permissions for the site, a condition would be imposed preventing commercial use of the site, in addition to preventing vehicles over 3.5 tonnes from being stationed, parked or stored on the site.

- 7.55. As acknowledged by the Local Highway Authority, whilst the existing vehicular access to the site is substandard in relation to access visibility, given that the proposal would not result in an increase in vehicle movements (and is more likely to result in a decrease in movements to and from the site), it would not be reasonable to recommend refusal on highway safety grounds or require further improvements to the existing access. Paragraph 116 of the NPPF clearly states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 7.56. Neighbour concerns about flooding are noted, however, Environment Agency mapping shows that the application site is located in Flood Zone 1 (which represents land at the lowest risk of flooding from rivers and sea flooding) and has a very low chance of surface water flooding. On this basis, as the application site measures under 1 hectare, there is no requirement for the application to be accompanied by a Flood Risk Assessment. A condition will be imposed requiring the submission and approval of details of foul and surface water drainage for the site.
- 7.57. It is noted that neighbours have raised concern about the culverting of the drainage ditch for the access to the site. No changes to the access are proposed by the current application and a permit from the LLFA for a culvert is a matter which falls outside of the planning system.
- 7.58. The Supporting Statement says that rainfall runoff from the mobile home will drain to a soakaway which will be provided on site. No details of the location of the proposed soakaway have been provided, however details of surface water drainage could be secured by condition.
- 7.59. There are no known contaminants on the site. There are no known air quality problems on the site or the surrounding area.
- 7.60. The stables and feed room are located to the north of the mobile home. It is not considered that the continued use of the site for private equine purposes, alongside the mobile home, will cause any risks to the health and safety of the occupants (a condition can be applied, as per the previous permissions, to prevent any commercial equine use of the site).

7.61. Measures to prevent and minimise fire risks would be set out on the caravan site licence.

7.62. The proposal is therefore considered to accord with this criterion.

LP27.h) There is adequate space for operational needs, including the parking and turning of vehicles

7.63. The site as approved under the previous planning permissions (references: 19/02608/FUL and 22/01500/FUL) includes on-site parking and turning space which was considered sufficient to serve the private equestrian use of the site. This parking area and turning space is to be retained by the current application, in addition to 3 extra parking spaces to serve the mobile home.

7.64. 3 parking spaces is considered sufficient to serve the 2-bedroom mobile home. As per the previous planning permissions at the site, a condition can be imposed to prevent commercial use of the site.

7.65. The proposal is therefore considered acceptable against this criterion and Local Plan Policy LP17 (Parking Provision and Vehicle Movement).

LP27.i) There are appropriate management arrangements in place, where the site may have multiple owners or tenants or be used for transit purposes

7.66. The proposal is for one gypsy and traveller mobile home which the Supporting Statement suggests is to be used by the applicant and his family. However, given that the proposal is not seeking a personal consent (the proposal is for a permanent gypsy and traveller mobile home which may be used by anybody who qualifies as a gypsy or traveller), a condition is recommended which requires anybody occupying the mobile home to meet the definition of a gypsy/traveller. In addition, conditions prevent commercial uses and limiting the tonnage of vehicles using the site is recommended.

LP27.j) The site can be safely and adequately serviced by infrastructure

7.67. A subterranean foul water treatment unit was previously approved under planning permission reference 22/01500/FUL, located adjacent to the store building on the sites northern boundary. The mobile home is proposed to be connected to this permitted water treatment unit. The applicant advises that the site already benefits from mains electric and water connections. It is proposed that surface water from the mobile home will be discharged to a new soakaway, however details of surface water drainage can be secured by condition.

- 7.68. Notwithstanding the existing permission for the subterranean foul water treatment unit (this permission has not expired), a condition can be imposed to secure the future submission and approval of the means of foul water drainage associated with the mobile home.
- 7.69. It is considered that the site can be appropriately serviced by infrastructure and therefore the proposal is acceptable against this criterion.

Conclusion on overall compliance with LP27

- 7.70. By virtue of its rural location, the proposal cannot strictly meet criteria (a) of Local Plan Policy LP27. However, case law has established that the wording of local plan's should be read sensibly and in the context of their objectives. Officers recognise that the distances applied in criteria (a) are not intended to be applied rigidly and the overall aim of the criteria is to reduce the number of trips taken by private car. Having regard to the level of development proposed (one mobile home) and the fact that there are schools and a GP surgery within the wider locality, it is considered that the level of car journeys generated by the proposal would be 'de minimis' and would not cause harm which would warrant refusal of the proposal. On this basis, it is considered that the proposal complies with the requirements of Local Plan Policy LP27 when read as a whole.

Need for gypsy and traveller sites

- 7.71. Policy A of the PPTS (Using evidence to plan positively and manage development) requires that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- 7.72. Under the PPTS Policy B (Planning for traveller sites), planning authorities should, amongst other things, set pitch targets for gypsies and travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans, planning authorities should, amongst other things:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
 - b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
 - c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites;
 - d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;

e) protect local amenity and environment.

- 7.73. Paragraph 11 of The PPTS (2024) sets out that criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.
- 7.74. Paragraph 13 of the PPTS (2024) requires LPAs to ensure that traveller sites are sustainable economically, socially and environmentally and includes the criteria that should be used in the setting of LPA policies.
- 7.75. The Huntingdonshire Local Plan to 2036 does not specifically allocate any sites for gypsies, travellers or showpeople.
- 7.76. There is only one public gypsy and traveller site in the district, in St Neots, and this is full.
- 7.77. Policy LP27 of the Huntingdonshire Local Plan to 2036 refers to The Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA 2016), which identified a need within Huntingdonshire for an additional 9 permanent residential Gypsy and Traveller pitches between 2016 and 2036, of which 5 were needed between 2016 and 2021.
- 7.78. The Council has undertaken work to update the GTAA 2016 to inform the emerging Local Plan Review. Officers have had sight of a draft updated GTAA which demonstrates an unmet need within the District. The full extent of the need is still under review, nevertheless, in light of the requirements of the PPTS (requiring LPAs to plan to meet their traveller needs in full), the unmet need for gypsy and traveller sites should be afforded weight as a material consideration which weighs in favour of the current planning application in the overall planning balance.

PPTS Policy H: Determining planning applications for traveller sites

- 7.79. Paragraph 25 of the PPTS states that when considering planning applications local planning authorities (LPAs) should consider the following:
- a) The existing level of local provision and need for sites,
 - b) The availability (or lack) of alternative accommodation for the applicants,
 - c) Other personal circumstances of the applicant,
 - d) The locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need

for pitches/plots should be used to assess applications that may come forward on unallocated sites, and
e) That LPAs should determine applications for sites from any travellers and not just those with local connections.

7.80. An assessment of the current proposal against each of these criteria is undertaken below.

- a) *The existing level of local provision and need for sites*
- b) *The availability (or lack) of alternative accommodation for the applicants*

7.81. As established above, there is only one existing public gypsy and traveller site in the district and it is full. The most up to date evidence demonstrates that there is an unmet need for sites.

PPTS Paragraph 25 (c) other personal circumstances of the applicant:

7.82. The proposal seeks the provision of a single gypsy and traveller mobile home. The Supporting Statement confirms that the applicant is of traveller status and keeps horses and attends horse fairs around the country as part of their traveller heritage. Nevertheless, the application seeks a gypsy and traveller mobile home which could be occupied by any qualifying person (as opposed to a personal permission).

7.83. No evidence of personal circumstances has therefore been submitted. Policy LP27 of Huntingdonshire's Local Plan to 2036 is relevant and the application has been assessed (above) with regard to the requirements of any gypsy and travellers, not just those of the applicant or those with local connections.

7.84. Article 1 of the First Protocol Human Rights sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life and his home. Refusal would represent an interference with the home and family life of the proposed occupiers, such that both Articles would be engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.

7.85. The future potential occupants of the proposed mobile home are an ethnic minority and thus have the protected characteristic of race under s149(7) of the Equality Act 2010. The proposal would meet the needs of those persons with a relevant protected characteristic, by reason of race, and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.

- 7.86. For the reasons set out above, the proposal is considered to be policy compliant and therefore no information on personal circumstances is required in this instance.

PPTS Paragraph 25 (d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches, should be used to assess applications that may come forward on unallocated sites:

- 7.87. The criteria within policy LP27 is therefore relevant and has been fully assessed above.

PPTS Paragraph 25 (e) that they should determine applications for sites from any travellers and not just those with local connections:

- 7.88. As stated above in relation to PPTS paragraph 25 (c), officers have assessed this application having regard to the requirements of any gypsy and travellers not just those of the applicant or those with local connections.

- 7.89. Paragraph 27 of the PPTS requires weight to be attached to factors such as:

- a) Effective reuse of brownfield land, untidy or derelict land;
- b) Sites which positively enhance the environment for example by soft planting;
- c) Promoting opportunities for healthy lifestyles, such as provision of adequate landscaping and play areas for children
- d) Not over enclosing or isolating a site with hard landscaping, walls and fences.

- 7.90. Having regard to these criteria: the application site already contains hardstanding and buildings; the proposal includes the provision of two new hedgerows (along the eastern and northern boundaries of the site); the site already has planning permission for a day room which could be used by future occupants and the proposal includes an area of garden around the mobile home which could be utilised by children; the existing and proposed hedgerows are considered to provide adequate privacy without isolating the site (no hard landscaping is proposed along the site boundaries).

Mixed use site

- 7.91. The proposal seeks a mixed use of equestrian use and gypsy and traveller residential use on the application site.

- 7.92. PPTS Policy F states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment. Local planning authorities should not however permit mixed use on rural exception sites.

- 7.93. The current site is not a rural exception site for the purposes of the PPTS (policy D of the PPFS allows rural exception sites specifically for affordable traveller sites). The Supporting Statement advises that the applicant keeps horses and attends horse fairs around the country as part of their traveller heritage.
- 7.94. Having regard to the existing lawful use of the site for equestrian uses and the link between the keeping of horses and traveller heritage, in this case it is not considered unreasonable for the site to accommodate the mix of uses proposed.

Evidence of gypsy / traveller status

- 7.95. The national Planning Policy for Traveller Sites (PPTS) document was updated December 2024 with an amended definition of Gypsies and Travellers in paragraph 1 within Annex 1:

1. For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 7.96. Whilst the Supporting Statement submitted with application outlines that the applicant and his family are members of the travelling community, no evidence to support this has been submitted. However, no information regarding gypsy/traveller status or personal circumstances is required in this instance because, for the reasons set out, officers are satisfied that the proposal is policy compliant as a gypsy and traveller site (a personal permission is not sought/required).
- 7.97. Only in the event that the proposal had not been policy compliant, would it have been necessary to consider a personal permission and therefore personal circumstances, which would require the submission of sufficient supporting evidence.

Biodiversity

- 7.98. Policy LP30 of the Local Plan states that a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. A proposal that is likely to have an impact, either direct or indirect, on biodiversity or geodiversity will need to be accompanied by an appropriate appraisal, such as a Preliminary Ecological Appraisal, identifying all individual and cumulative potential impacts on

biodiversity and geodiversity. A proposal will 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.

- 7.99. The application is accompanied by a Biodiversity Checklist.
- 7.100. It is noted that neighbour comments have suggested that there is a stream within 5 metres of the site. Mapping held by the council does not show any river streams on or near the site. It was noted from the officer site visit that there is a drainage ditch on the southern boundary of the site, however, during officer site visits, including the most recent visit in March 2025, the ditch did not contain any standing water. On the basis that it is a drainage ditch which does not contain a constant/permanent holding of water, officers are satisfied that this is a drainage ditch and would not be capable of providing a habitat for aquatic life. No works are proposed to the drainage ditch by the current application.
- 7.101. The area of the site where the mobile home and associated hardstanding is to be sited was covered by hardstanding (loose gravel). As a result, the siting of the mobile home does not result in the loss of any onsite habitat, such as modified grassland or hedgerow. The remainder of the site has extant planning permission (under previous planning permissions references 19/02608/FUL and 22/01500/FUL) and besides the change of use, no physical changes are proposed to the previously approved development by this planning application.
- 7.102. On this basis, whilst Parish Council comments and neighbour concerns are noted, Officers do not consider the presence of the drainage ditch would reasonably require a Preliminary Ecological Appraisal to be submitted prior to determination of the current application.
- 7.103. The proposal includes the provision of soft landscaping, including grass within the small garden area associated with the mobile home, in addition to the planting of a native hedgerow along the sites eastern and northern boundaries. These will deliver benefits in terms of biodiversity and wildlife (albeit these benefits have not been quantified as part of this application). No external lighting is proposed, however, in order to limit disturbance to wildlife a condition can be imposed controlling the future installation of any external lighting at the site.
- 7.104. Exemptions to the mandatory biodiversity net gain (BNG) requirements were set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and government guidance.
- 7.105. The 'de minimis exemption' removes the requirement to demonstrate a 10% BNG on any development that does not

impact a priority habitat and impacts less than: 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. The LPA is content that this planning application benefits from the de minimis exemption and is not therefore required to demonstrate a minimum BNG of 10%.

- 7.106. Therefore, subject to a condition for ecological enhancements, including the provision and maintenance of the native hedgerow, it is considered that in this case the proposal would not lead to a net loss in biodiversity in accordance with Policy LP30 of the Local Plan.

Developer Contributions

Bins

- 7.107. Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A completed signed and dated Unilateral Undertaking will be required to be submitted. On this basis the proposal would provide a satisfactory contribution to meet the tests within the CIL Regulations. The proposal would accord with Policy LP4 of the Huntingdonshire Local Plan to 2036 and the Developer Contributions Supplementary Planning Document (2011).

Other Matters

Definition of a gypsy and traveller pitch

- 7.108. It is noted that Yelling Parish Council and a number of neighbours have sought clarity over the proposed mixed use, particularly the size of the proposed pitch (relative to the size of the site) and the number of people who will be resident on the site.
- 7.109. As stated by paragraph 7.37 of the Local Plan, the council take a rounded approach to defining what constitutes a household and therefore a pitch. The GTAA 2016 (paragraph 4.1) defines a pitch as being "an area normally occupied by one household, which typically contains enough space for one or two caravans, but can vary in size". The starting point is therefore that a single pitch includes one static caravan, one touring caravan and one utility block.
- 7.110. In this case, the application seeks permission for 1 no. 2-bedroom mobile home with associated parking and amenity. The submitted plans (which would be subject to a compliance condition), show the location of the mobile home within the site and it is likely that the proposed mobile home could reasonably accommodate up to 4 occupants (the same as a 2-bedroom house). The existing planning permission includes a Day Room, including utilities which could be utilised by the occupants of the mobile home. Officers note the concerns from the Parish Council and propose a

condition, in addition to a plans compliance condition, that will specify the precise location of the mobile home within the planning unit in perpetuity. A condition limiting occupation to gypsy and travellers (including a definition of what constitutes a gypsy/traveller) and limiting the equine use to private use (no livery or commercial use) would also be imposed.

- 7.111. Each planning application must be assessed on its merits. Officers cannot pre-empt future scenarios and speculation about possible future development proposals for the site cannot be afforded weight as a material consideration.

Land raising

- 7.112. It is noted that the Parish Council has raised concerns about potential land raising of the site. This would be a matter for investigation by the council's enforcement team. To date, no evidence has been presented to the council to demonstrate that this has occurred.

Intentional unauthorised development

- 7.113. The establishment of a gypsy/traveller residential pitch on the site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement is relevant.

Conclusion

- 7.114. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.115. In accordance with the PPTS (December 2024), this application should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the PPTS for traveller sites
- 7.116. As set out by this report, subject to conditions, the proposal is compliant with the development plan, when read as a whole, including local plan policies LP10 and LP27. In addition, the proposal complies with the policies set out in the PPTS. Subject to conditions, no adverse impacts which would conflict with the overall aims of the NPPF or the PPTS have been identified.
- 7.117. In accordance with the NPPF presumption in favour of development, development proposals which accord with the development plan should be approved without delay.

7.118. On this basis, it is recommended that the proposal should be granted planning permission, subject to conditions and a unilateral undertaking.

8. RECOMMENDATION - APPROVAL subject to the following conditions and the provision of a unilateral undertaking for bins:

- 3 year implementation permission
- Approved plans
- Gypsy and traveller occupancy
- Use of the site for private equine purposes only
- Location of and maximum number of caravans permitted
- Submission and approval of a site development scheme including details of:
 - Internal site layout;
 - Appearance of structures and hard landscaping;
 - External lighting;
 - Foul and surface water drainage;
 - Proposed and existing planting (including hedgerows);
 - Any works required to existing boundary hedgerows;
 - Ecological enhancements.
- Boundary hedgerow protection and replacement (in the event of removal, damage or failure);
- No commercial activity, including storage and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- No burning of stable waste on site.
- No keeping of livestock or the storage of slurry or sewage sludge on site.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

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



22 February 2025

Attn: Case Officer Lewis Tomlinson
Development Control
Huntingdonshire District Council
By email: developmentcontrol@huntingdonshire.gov.uk

Dear Sirs

Planning Ref: 24/00938/FUL

**Objection to retrospective change of use from equestrian use (Sui Generis) to a mixed use of gypsy/traveller residential use (Sui Generis) creating 1 pitch
Location: Tower Farm and Stables, Toseland Road, Yelling**

I am writing on behalf of Toseland Parish Council to formally object to the planning application 24/00938/FUL.

The history of planning applications on this site relative to activity raises concern about future activity and disregard for approvals. For example, building work commenced contrary to previous applications or where applications were in progress. Those building works had subsequently to be halted. There has been a mobile home on the site for a number of months despite there being no permission for such a structure. This gives rise to very significant concerns that the application and site is a “Trojan Horse” for future expansion outside the original proposed use of an equestrian site.

The site is in a highly rural area, surrounded by farmland with no amenities. The Department for Communities and Local Government Planning Policy for traveller sites states: “Local planning authorities should very strictly limit new traveller site development in open countryside... Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community...”

There is a lack of full and proper consideration for biodiversity in the application including those relating to drainage ditches around the site as well as protected species which thrive in the local area. There is an anomaly in the application regarding the proximity of watercourses very close to the boundary.

The proposed site falls outside the guidelines for proximity to local schools, GP surgeries etc and is lacking in local amenities. There are no safe walking or cycling

routes and there is no public transport. Huntingdonshire's Local Plan LP27 7.39 states that "proposals for Gypsy and Traveller and Travelling Showpeople's sites should be in a location with good access to local health services and primary schools" "The threshold distance to a primary school is 1.5 miles... the threshold distance to healthcare services the distance is 2 miles.... account will also be taken of qualitative aspects, and particularly the nature of the route to the nearest primary school, including the presence or lack of pavements and/or cycle paths."

The location is close to a very busy and potentially dangerous cross roads with no pavements or pedestrian access. The crossroads has been the site of vehicular accidents and pedestrian mortality. The access to the site is unsafe and unsuitable for vehicular access.

The water treatment unit is a considerable distance from the mobile home.

No attempt has been made to make the site suitable for horses despite the approvals for an equine establishment previously given. The area marked for grazing is currently stubble. No re-seeding activity appears to be underway. Sustainable grazing land for horses takes many years to establish. There is considerable evidence of weeds, potentially including ragwort which is poisonous to horses (ref: Ragwort Control Act 2003, Weeds Act 1959). It is questionable whether there is any genuine intention to raise horses on this land, but rather to convert to additional residential units without permission.

The size of the site is disproportionate to the two existing nearby houses and the villages of Toseland and Yelling.

Permission for a mobile home has previously been refused on this site. Given the mobile home is now on site and permission is requested retrospectively, this indicates a disregard for the planning process. This gives rise to concerns that future expansion of the site could happen without appropriate permissions.

It is not a sustainable or suitable site.

Toseland Parish Council therefore objects to the proposals and recommends the rejection of this application by Huntingdonshire District Council.

Thank you for taking the time to consider our concerns.

Yours faithfully



Louise Mullan
Chair, Toseland Parish Council

From: [REDACTED]
Sent: 24 February 2025 09:15
To: Lewis Tomlinson; DMAdmin
Subject: RE: Planning Permission Consultation - Tower Farm And Stables Toseland Road Yelling (ref 24/00938/FUL)
Attachments: We sent you safe versions of your files; Planning Permission Consultation - Tower Farm And Stables Toseland Road Yelling (ref 24/00938/FUL)
Categories: [REDACTED]

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

For the attention of Lewis Tomlinson

It is understood that this application covers amendments to the description and plans associated with a previous application having this reference which was considered by Yelling Parish Council and recommended for refusal for the reasons notified in my email dated 14th August, (attached for ease of reference). For the avoidance of doubt, Yelling Parish Council has now considered these amendments and renews its recommendation for refusal for those reasons augmented with those added below.

(a) Application documentation – Inconsistencies and inaccuracies

The original application documentation contained a number of inconsistent and inaccurate comments as set out in Section 1 of the attached copy email. Given:

- (i) the planning history of the site and the fact that none of the consents dating back to 2019 for use for personal equestrian purposes have been materially progressed;
- (ii) the unapproved static caravan on the site has a notice that it is “On site for welfare facilities” despite the fact that the approval for the dayroom under application reference 22/01500/FUL was based on its intended use for the welfare of occupants of the site and to facilitate animal husbandry purposes;

the Parish Council considers that while this retrospective application may be intended to address these shortcomings it cannot be relied upon.

(b) Abuse of retrospective planning applications

The Parish Council is mindful of the concerns expressed in Parliament that retrospective planning applications are used by developers, commercial operators and private individuals to bypass the planning system, anticipating that enforcement action be too slow and that, once constructed, unauthorised developments will be approved regardless since the original use will by then be blighted. It is the Parish Council’s conviction that the succession of planning applications so far has been intended to veil the applicant’s true, long-term purpose and this retrospective application is the latest in the sequence to secure that purpose and should be viewed as such.

(c) Highways safety considerations - Access and sight lines

- (i) As noted in paragraph 2,(c),(ii) of my original email, the entrance to the site does not meet Cambridgeshire Highways required specification. The revised drawings submitted state, “1. The access is an approved access as part of application 19/02608/FUL. Details of the culvert, materials, and dimensions still to be discharged as part of Condition 11 attached to that application” and “2. As the access is approved in principle as part of 19/02608/FUL and no conditions required visibility splays, there is no requirement for visibility splays here. The access will not change as part of this application”.

The Parish Council understands that Cambridgeshire County Council's highways division has confirmed that it has no record of providing highways comments on application 19/02608/FUL and that the access as it stands is not in accordance with the relevant Highways Estate Roads Construction Specification document, (HERCS), and needs amendment. As the access is not currently compliant, the Parish Council does not consider it to be 'approved in principle' and any argument to avoid the proper highways splays founded on that assumption is without merit.

- (ii) For a derestricted road where a 60mph limit applies as in this case, sight lines extending 215 metres in either direction from a point 2.4 metres from the edge of the highway is required for any access point. These sight lines could not be achieved with the clearance of vegetation and changes to the ground levels. It is understood that the land which would be impacted by such changes is not in the ownership of the applicant.

(d) Surface water and flood risk assessment

- (i) The soil conditions in this area are of low permeability as evidenced regularly by the surface water puddling following periods of heavy rain. The soil is boulder clay overlying Oxford clay, (British Geological Survey data). It is therefore unlikely that the site will provide suitable drainage using for on-site soakaways.
- (ii) In considering Flood Risk Assessment, it is understood that comments have been provided to HDC that the site is permeable with no evidentiary support. Agreement with the owners of or those responsible for the drainage ditches in the immediate area would be needed as these are not owned by the applicant, (the drainage ditch to the southern boundary of the site is understood to be the responsibility of Cambridgeshire County Council).
- (iii) Given the potential for flooding, the Parish Council considers that a formal drainage strategy and Flood Risk Assessment prepared in accordance with Environment Agency guidance is required.

(e) Foul & waste water drainage

The site plans show a foul water treatment plant at the rear of the site servicing the intended static caravan. The nature of the foul water treatment is unclear as is any need for the removal of foul water from the site. However, given the comments under (d) above regarding soil permeability, it is unlikely that a soakaway would prove satisfactory so a strategy for foul and waste water removal is needed. In the event that a septic tank is required, additional heavy goods vehicle access would be required.

(f) Environmental contamination assessment

There are some indications that the ground level at the site has been raised which may have required a considerable volume of material. Given the regulatory position for the transportation and use of materials which have been excavated from other sites, the Parish Council considers that this needs to be confirmed and, where necessary, an Environmental Impact Assessment report undertaken.

(g) Block plans

For all practical purposes, the structures recorded on the drawing annotated as the 'existing block plan' have been constructed. This plan is, therefore, confusing as it:

- (i) omits elements such as the drainage ditches;
- (ii) fails to indicate the correct proximity of the hedging to the public highway;
- (iii) appears to exaggerate the distance from the centreline of the hedging to the drainage channel to the southern boundary of the site by nearly a metre;
- (iv) raises uncertainties about whether development which is the subject of previous consents 19/02608/FUL and 22/01500/FUL but which has not been completed in accordance with such consents, can be considered to be 'approved' for the purposes of this application;
- (v) the scaling of the manege suggests that this is not to the expected standard size and raises further questions about how seriously this site is intended for equestrian use.

h) The siting of a static caravan in a rural location

The Parish Council considers that policy LP10, 'The Countryside', contained in the Local Plan 2036 should be interpreted to prevent the siting of a static caravan in this rural location notwithstanding any other factors. The Parish Council notes an appeal decision by the Planning Inspectorate in 2023, reference APP/V2255/W/21/3286633, upholding a decision by Swale Borough Council not to grant planning consent for a caravan in similar circumstances as the development would *"cause significant harm to the character and appearance of the countryside, contrary to the relevant provisions of LP Policies which..... when taken as a whole, aim to deliver sustainable development in appropriate places and seek to protect the intrinsic value, landscape setting, tranquility and beauty of the countryside"*

Please let me know if you have any questions or need further information.

Kind regards

Yours faithfully

Phil Himbury
Clerk
Yelling Parish Council

From: Dmadin@huntingdonshire.gov.uk <Dmadin@huntingdonshire.gov.uk>

Sent: 04 February 2025 11:28

To: [REDACTED]

Subject: RE: Planning Permission Consultation - Tower Farm And Stables Toseland Road Yelling (ref 24/00938/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: Retrospective change of use of land from equestrian use (Sui Generis) to a mixed use of equestrian and gypsy/traveller residential use (Sui Generis) creating 1 pitch comprising 1 mobile home with associated parking and amenity.

Site Address: Tower Farm And Stables Toseland Road Yelling

Reference: 24/00938/FUL

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If you have any doubts or concerns relating to this email please contact us directly, our contact details are provided below.

Development Management
Huntingdonshire District Council

T: 01480 388388

E: dadmin@huntingdonshire.gov.uk

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From: [Phil Himbury](#)
To: [DMAdmin](#); [Lewis Tomlinson](#)
Subject: Planning Permission Consultation - Tower Farm And Stables Toseland Road Yelling (ref 24/00938/FUL)
Attachments: [ufm130_PARISH_Consult_Parish.pdf](#)

For the attention of Lewis Tomlinson

Yelling Parish Council has now met to consider this application and recommends refusal for the main reasons summarised immediately below.

- a. The application documentation contains a number of inconsistent and inaccurate comments and creates ambiguity about the exact nature of the proposal. It is unclear whether the existing consent for private equestrian use is to be retained but with the addition of a single mobile home to create a sub-area as a traveller site or entirely superseded as a traveller site with an initial single residence. The scope of the proposal needs clarification.
- b. The proposal is predicated on the fact that the applicant and any others intended to use the site have traveller status for planning purposes and this should be considered a material planning consideration overriding other development plan policies which limit or prevent development. The Parish Council contends that objective evidence needs to be presented to unequivocally demonstrate that status to the District Council's satisfaction and this is absent.
- c. The application site location and the intended mixed use do not meet the requirements for consideration under by policies D and F of 'Planning Policy for Traveller Sites (PPTS), August 2015', (as amended).
- d. The application does not satisfy all of the criteria set out in and as required by Planning policy LP27, Gypsies, Travellers and Travelling Showpeople.
- e. The intended mixed use partly as a traveller site is inconsistent with the District Council's approvals of previous planning consents 19/02608/FUL and 22/01500/FUL and their conditioning to protect residential amenity and preserve the rural, non-domestic character of the area. The construction and other activities undertaken since do not demonstrate due regard for these consents and there are concerns this could suggest future escalation.
- f. It is unclear whether the consent being sought is or should be intended to be personal, temporary or permanent in nature.

Additional explanatory commentary on the above is set out further below.

1. Application documentation - Inaccuracies and inconsistencies requiring clarification or elaboration

- (a) The application form describes the proposals as the "siting of a single mobile home with associated parking and amenity as part of a proposed traveller site", (emphasis added). Paragraph 3.2 of the Supporting Statement states that "the proposal is for the addition of a single mobile home with associated parking and amenity area as part of a traveller pitch for residential use by the applicant's family". Exactly what is being applied for and to whom does it extend?
- (b) The application form states that:
 - (i) the work or change of use has not already started which is incorrect as a static caravan, (not as specified in the proposal), has been located at the site since early May;
 - (ii) the site is not within 20 metres of a watercourse (e.g., river, stream or beck), which is incorrect as a drainage watercourse is located within 10 metres on the southern side of the public highway servicing the site.
- (c) Elements of the applicant's Supporting Statement require elaboration and/or clarification as below:
 - (i) The site is described in paragraph 1.2 as comprising "an area of hardstanding to the south-west corner for use as a manège with stabling and associated hay barns, feed rooms, stores and car parking". These developments were approved under previous applications dating back to 2019 but, given minimal progress with their construction in the interim, the Parish Council considers referencing them in this connection is premature and has significant reservations about how much reliance should be placed on them as indicators of the probable future use. In reality, the site is undeveloped.
 - (ii) It is inferred at paragraph 9.1 that the existing site access has been approved to the specifications required by the highways authority which is misleading. The Parish Council understands that the specific visibility splays required for access to a 60 mph highway would potentially require the removal of some of the existing hedges and so impact several of the required criteria under policy LP27.

- (iii) The citation at paragraph 10 (et. seq.) of the neighbouring residential property creating a development precedent is erroneous and irrelevant.
- (iv) Arguments referenced at paragraph 11.3 to animal husbandry as justification for the mobile home were previously rejected in a related application for this site, (see Officer Report for application 21/02883/FUL) on the basis that *“If the development site is too far away from the applicant’s home, it should not have been assumed that the local planning authority would be supportive of providing residential accommodation on site. The proposed building is clearly a pre-cursor to obtaining a dwelling at the site which is not supported by development plan policy”*. The Parish Council considers that this justification, together with that referenced at 11.4 to site security, remains inapplicable.
- (v) The assertion at paragraph 12.4 that Policy LP27 states that there is a current need for permanent residential Gypsy and Traveller pitches in Huntingdonshire is erroneous and, in fact misleading. Sections 7.34, 7.35 and Footnote 24 to this policy confirm that it is not considered justifiable to allocate land for traveller sites.
- (vi) Paragraphs 3.1 and 3.2 contend that the applicant and his family are members of the local travelling community. In exercising planning control, it is understood that local planning authorities must give due regard for planning purposes to the definition and meaning of ‘gypsies and travellers’ contained in the Government’s ‘Planning Policy for Traveller Sites’ (PPTS) (DCLG August 2015 as amended) and this is acknowledged in Section 7.36 of LP27. The definition is “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”. The Parish Council is aware that meaning of the phrase ‘persons of nomadic habit of life’ has previously been considered by the courts and interpreted as a functional test to be applied to the travellers’ normal way of life at the time of the determination, (*R v South Hams DC Ex p. Gibbs [1995] Q.B. 158 & Wrexham CBC v National Assembly of Wales [2003] EWCA Civ 835*) This is an objective test but, as no evidence has been provided in the application, it is unclear whether the applicant and his family members are properly within the relevant national and Local Plan policies.
- (vii) The Parish Council understands that the applicant and his family currently reside at another traveller site in another county council’s jurisdiction and considers that this raises fundamental questions about the rationale and justification for this application.

2. National and local planning policies

The relevant national and local planning policies are:

- (i) The National Planning Policy Framework, December 2023, (NPPF);
- (ii) Planning Policy for Traveller Sites (PPTS), August 2015, (as amended);
- (iii) Gypsy and Traveller Accommodation Assessment (GTAA), 2016;
- (iv) The Huntingdonshire Local Plan to 2036, (specifically LP 27, Gypsies, Travellers and Travelling Showpeople).

The NPPF and relevant Local Plan 2036 planning principles and policies pertaining to the development and use of the site for equestrian purposes and the siting of a ‘dayroom’ have been considered in determining previous applications, 19/02608/FUL and 22/01500/FUL. These consents were conditioned to restrict the site to private equestrian use, exclude residential or commercial use, overnight stays, use as or for letting as separate accommodation and independent business operations. The conditioning was to protect residential amenity and preserve the rural, non-domestic character of the area.

These objectives remain pertinent. The intended part use as a traveller site is inconsistent with them and supports its refusal.

The development of the site for equestrian use since the approval of application 19/02608/FUL has been minimal but it is noted that what construction and development that has been undertaken to date suggests that the previous approvals are not fully respected or observed and there is concern in the local community of further escalation.

‘Planning Policy for Traveller Sites (PPTS), August 2015’, (as amended) provides guidance on rural exception sites and mixed planning use traveller sites in policies D, paragraph 15 and F, paragraph 20 respectively. Rural exception site considerations are not applicable in this instance. Policy F, paragraph 20 specifically states that local planning authorities should not permit mixed use traveller sites which is clearly the use proposed in this case.

Planning applications are to be determined in accordance with the Local Plan 2036 of which policy LP27 has particular application for the determination of this proposal as set out further in section 3 below.

3. Planning Policy LP27

This policy states that new traveller sites outside of the Built-Up Area will be supported in sustainable locations where they respect the scale of the nearest settled community and will be very strictly limited in open countryside that is away from existing settlements.

Section 7.35, page 103 of the Local Plan, inter alia, records that “the identified need for permanent pitches between 2016 and 2021 has been met through approvals to planning applications” and that “the Council therefore does not intend to identify additional land for pitches. Given the highly uncertain nature of the potential further need, it is not considered justified to allocate land for this either” Footnote 24 to page 103 also records that “the Inspector’s Report (paragraph 90) acknowledged that the Local Plan is justified in not allocating sites for Gypsies and Travellers.

Section 7.36 states that where there is no identified need for Gypsy and Traveller pitches, government’s ‘Planning Policy for Traveller Sites’ (PPTS) (DCLG August 2015) states that criteria-based policies should be included in Local Plans to provide a basis for decisions in case applications nevertheless come forward. In particular, the PPTS includes a definition of Gypsies and Travellers and Travelling Showpeople which applicants will need to demonstrate that they meet. Proposals for occupants who do not meet the definitions set out in the PPTS will be assessed against other relevant policies in this Local Plan, subject to the provisions of the Equality Act 2010.

It follows that this applicant must first objectively demonstrate eligibility as a gypsy or traveller within the PPTS definition and, on that assumption, the application must satisfy **all** of the criteria contained in LP27.

4. Interaction of LP27 with application 24/00938/FUL

It is the Parish Council’s view that, in substance, the application does not satisfy any of the criteria set out in LP27. These criteria together with the Parish Council’s specific comments are detailed in the table below.

a. the location is within 1.5 miles of a primary school and 2 miles of a GP surgery.	The location does not meet the distance criteria for schools or GP surgeries. Although considered guidelines, the distances have been specifically defined in terms of walking and/or cycling and reliance on public transport provision is specifically excluded when assessing the location. The distances to the nearest school and GP surgery at Great Paxton and Papworth Everard are both in excess of 3.5 miles so reliance on private transport would seem equivalent and so not relevant in determining whether this policy objective is satisfied. Access to the site is solely by road, with no footpaths or bus stops nearby, rendering it unsuitable for sustainable development.
b. the character and appearance of the wider landscape is not significantly harmed.	The character and appearance of the wider landscape will be adversely affected.
c. the location and scale of sites does not dominate the nearest settled community, when the proposal is considered collectively with other nearby traveller sites.	The location and scale of site will undoubtedly affect both Yelling and Toseland as the nearest settled communities. It should be noted that the majority of Yelling is a Conservation Area.
d. the proposed boundary treatment provides a good balance between	This may not be able to be achieved effectively. The access to

minimising the development's impact on surrounding countryside and its integration into the local community;	the site has not been fully completed. Toseland Road has a speed limit of 60mph and it is understood that a residential access requires the 'X' dimension for the visibility splay to be 4.5meters and not be obstructed by vegetation. This is likely to require significant alteration or removal of the hedgerows which would have an adverse impact on the surrounding countryside and the seclusion of the site.
e. there will not be a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses;	The residential amenity of the nearby residential properties will be significantly adversely affected.
f. the site provides a high level of residential amenity for the proposed residents, for example in relation to protection from noise and provision of play facilities;	The proximity of the proposed site of the mobile home to the public highway (<8 metres), the restricted size of the plot allocated for amenity use limited and the use of the remainder of the site for equestrian purposes means a high level of residential amenity for proposed residents cannot be met.
g. the health and safety of occupants is not put at risk, including through unsafe access to sites, poor air quality, contamination or unacceptable flood risk;	It is considered that the proposed location of the site of the mobile and the small amenity area immediately adjacent to the public highway and the site entrance represent the probability of an unacceptable health and safety risk.
h. there is adequate space for operational needs, including the parking and turning of vehicles	No comment.
i. there are appropriate management arrangements in place, where the site may have multiple owners or tenants or be used for transit purposes; and the site can be safely and adequately serviced by infrastructure.	No comment.
j. the site can be safely and adequately serviced by infrastructure.	No comment.

Please let me know if you have any questions or need further information.

Kind regards

Yours faithfully

Phil Himbury
Clerk
Yelling Parish Council

From: Dmadmin@huntingdonshire.gov.uk <Dmadmin@huntingdonshire.gov.uk>

Sent: Thursday, July 25, 2024 12:00 PM

To: [REDACTED]

Subject: RE: Planning Permission Consultation - Tower Farm And Stables Toseland Road Yelling (ref 24/00938/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: Retrospective Siting of a single mobile home with associated parking and amenity as part of a proposed traveller site.

Site Address: Tower Farm And Stables Toseland Road Yelling

Reference: 24/00938/FUL

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Development Management
Huntingdonshire District Council

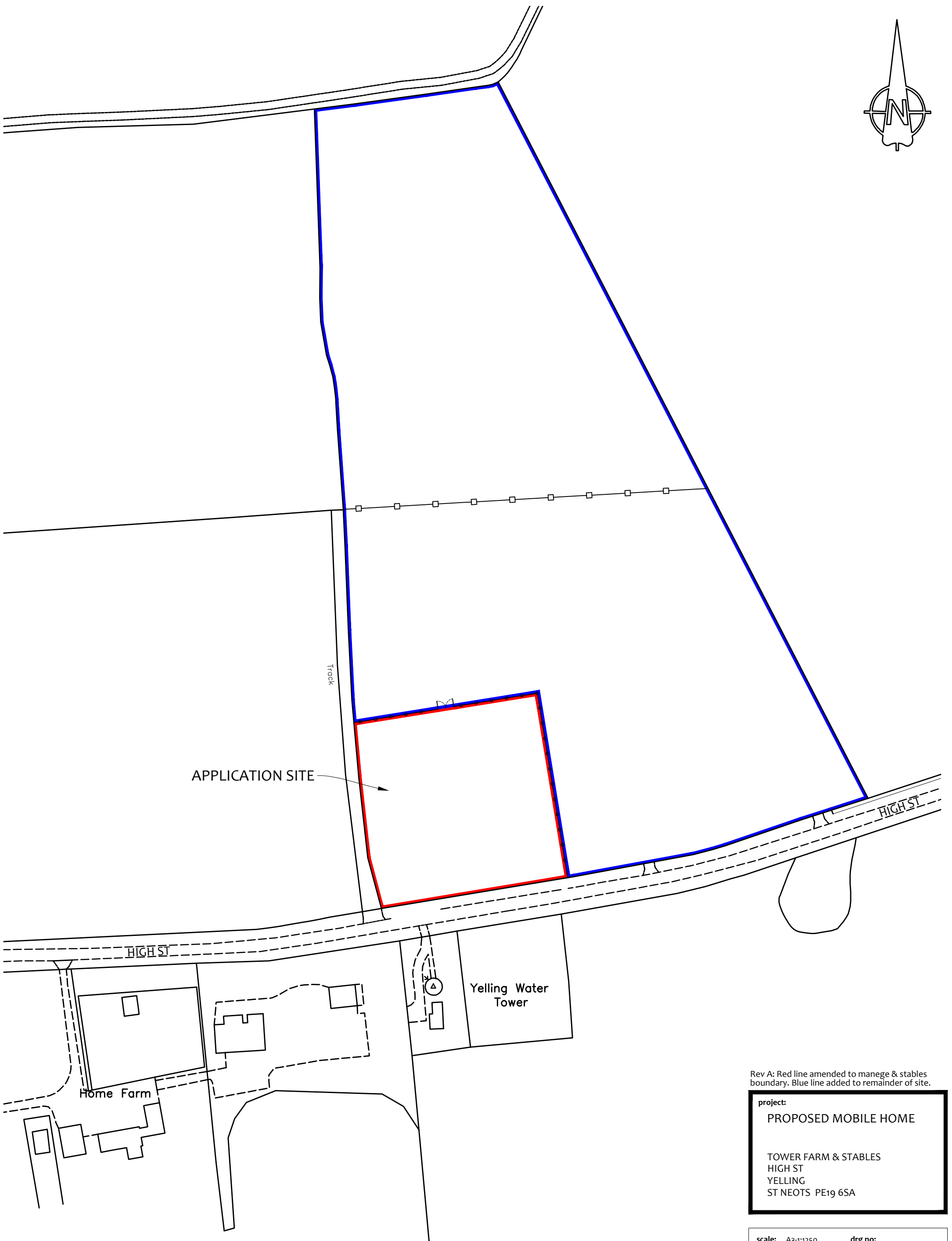
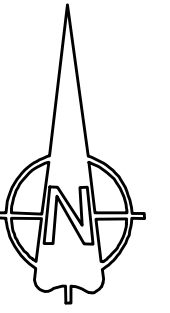
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E: dadmin@huntingdonshire.gov.uk

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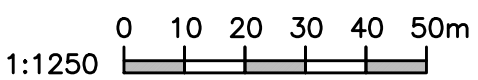
Rev A: Red line amended to manege & stables boundary. Blue line added to remainder of site.

project:
PROPOSED MOBILE HOME

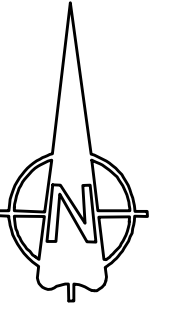
TOWER FARM & STABLES
HIGH ST
YELLING
ST NEOTS PE19 6SA

scale: A3-1:1250 drg no:
date: May 2024 PD 1553/01A
drawn: DNR

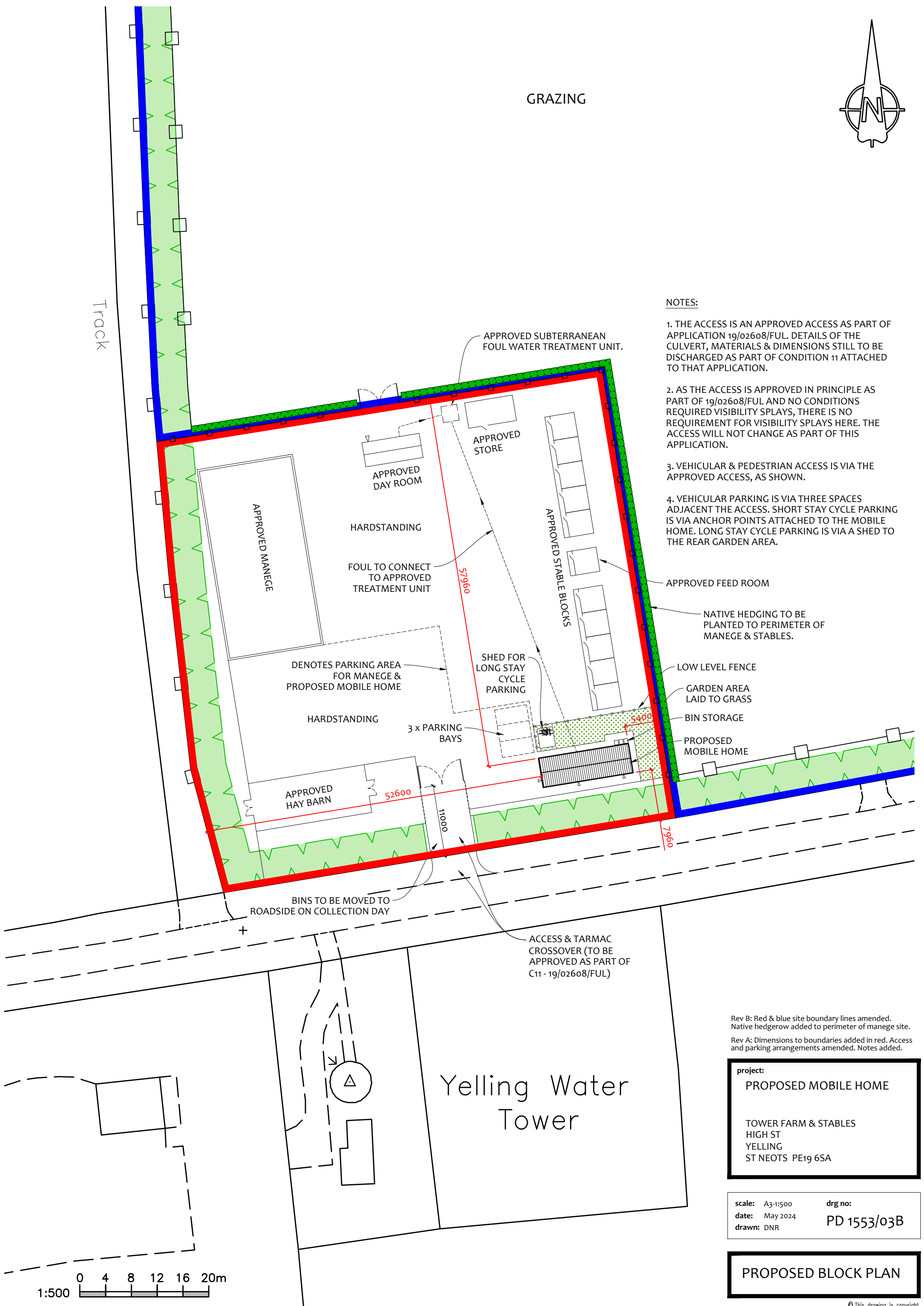
SITE LOCATION PLAN



GRAZING



Track



NOTES:

1. THE ACCESS IS AN APPROVED ACCESS AS PART OF APPLICATION 19/02608/FUL. DETAILS OF THE CULVERT, MATERIALS & DIMENSIONS STILL TO BE DISCHARGED AS PART OF CONDITION 11 ATTACHED TO THAT APPLICATION.
2. AS THE ACCESS IS APPROVED IN PRINCIPLE AS PART OF 19/02608/FUL AND NO CONDITIONS REQUIRED VISIBILITY SPLAYS, THERE IS NO REQUIREMENT FOR VISIBILITY SPLAYS HERE. THE ACCESS WILL NOT CHANGE AS PART OF THIS APPLICATION.
3. VEHICULAR & PEDESTRIAN ACCESS IS VIA THE APPROVED ACCESS, AS SHOWN.
4. VEHICULAR PARKING IS VIA THREE SPACES ADJACENT THE ACCESS. SHORT STAY CYCLE PARKING IS VIA ANCHOR POINTS ATTACHED TO THE MOBILE HOME. LONG STAY CYCLE PARKING IS VIA A SHED TO THE REAR GARDEN AREA.

Rev B: Red & blue site boundary lines amended.
Native hedgerow added to perimeter of manege site.
Rev A: Dimensions to boundaries added in red. Access and parking arrangements amended. Notes added.

project:
PROPOSED MOBILE HOME

TOWER FARM & STABLES
HIGH ST
YELLING
ST NEOTS PE19 6SA

scale: A3-1:500 drg no:
date: May 2024 PD 1553/03B
drawn: DNR

PROPOSED BLOCK PLAN

Yelling Water Tower

ACCESS & TARMAC CROSSOVER (TO BE APPROVED AS PART OF C11-19/02608/FUL)

BINS TO BE MOVED TO ROADSIDE ON COLLECTION DAY

