

**Case No:** 0803447FUL (FULL PLANNING APPLICATION)

**Proposal:** USE OF LAND FOR DOMESTIC PURPOSES AND  
ERECTION OF TENNIS COURT

**Location:** 5 OFFORD ROAD

**Applicant:** MR S EMBLEY

**Grid Ref:** 522913 268880

**Date of Registration:** 05.12.2008

**Parish:** GODMANCHESTER

---

**RECOMMENDATION - REFUSE**

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 The site relates to a large detached dwelling, set back from the road at the top of Offord Hill. The area between the highway and the front of the dwelling is landscaped and screens views of the dwelling from the highway. There is an existing residential lodge to the south of the site. The nearest residential dwelling to the north of the site is approximately 120 metres away and separated by an agricultural field. The boundaries to the site are defined by trees and shrubs.
- 1.2 The proposal seeks a change of use of part of the land for domestic purposes and erection of tennis court. The area of land referred to is approximately 4194 sq metres and to the west of the site. (This area of land has been identified on the location plan).
- 1.3 Planning permission has recently been granted for the erection of a stable and store, approximately 5.6 metres in depth by 9.2 metres in width with an asymmetric roof.

**2. NATIONAL GUIDANCE**

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS7: "Sustainable Development in Rural Areas" (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.3 **PPS9: "Biological and Geological Conservation" (2005)** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

- 2.4 **PPG16: “Archaeology and Planning” (1990)** sets out the Secretary of State’s policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

### 3. **PLANNING POLICIES**

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

#### 3.1 **East of England Plan - Revision to the Regional Spatial Strategy (May 2008)**

East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

#### 3.2 **Cambridgeshire and Peterborough Structure Plan (2003)**

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

None relevant

#### **Huntingdonshire Local Plan (1995)**

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan95](http://www.huntingdonshire.gov.uk/localplan95)

- **En11:** “Archaeology” – Permission will normally be refused for development that would have an adverse impact on a scheduled ancient monument or an archaeological site of acknowledged importance.

- **En12:** “Archaeological Implications” – permission on sites of archaeological interest may be conditional on the implementation of a scheme of archaeological recording prior to development commencing.
- **En13:** “Archaeological Implications” – in areas of archaeological potential, planning applications may be required to be accompanied by the results of an archaeological field evaluation or desk-based assessment.
- **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
- **En18:** “Protection of countryside features” – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- **En20:** Landscaping Scheme. - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

### 3.3 **Huntingdonshire Local Plan Alterations (2002)**

Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan](http://www.huntingdonshire.gov.uk/localplan) - Then click on "Local Plan Alteration (2002)

None relevant

### 3.4 **Huntingdonshire Interim Planning Policy Statement 2007**

Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **P8** – Development in the Countryside – Outside the defines limits of the Key Centres (limited or potential growth) development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.

- **G2** – Landscape Character - development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape
- **G3** – Trees, hedgerows and Other Environmental Features - development proposals should minimise risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **B9** – Sites of Archaeological Interest – a proposal that could affect a site or area of archaeological interest should; be accompanied by a suitable assessment of the nature and significance of any remains; not cause harm to remains or their setting which are recognised or identified as being of national importance and allow for their preservation in situ; or make satisfactory arrangements for the physical preservation recording or removal of other remains, as appropriate.

### 3.5 **Huntingdonshire Local Development Framework submission Core Strategy 2008**

Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

### 3.6 **Huntingdonshire Landscape and Townscape Assessment (2007) ‘Landscape Character Area 5’**

## 4. **PLANNING HISTORY**

- 0803446FUL - Erection of stable and store – permission granted
- 0801908FUL – use of land for domestic purpose and erection of a stable/store and enclosed tennis court – refused permission 3.9.2008
- 0800038FUL – erection of two sets of entrance gates and wall – permission granted
- 0703005FUL- erection of swimming pool enclosure and amendment to approved scheme under 0600448FUL – permission granted

- 0702414FUL - erection of swimming pool enclosure and amendment to approved scheme under 0600448FUL – refused
- 0600448FUL – erection of coach house with link to house – permission granted

## 5. CONSULTATIONS

- 5.1 **Godmanchester Town Council** – recommend **APPROVAL (copy attached)**

## 6. REPRESENTATIONS

None received

## 7. SUMMARY OF ISSUES

- 7.1 The main issues to consider are the impact of the proposal on the surrounding landscape, impact on residential amenity and impact on potential archaeological remains.
- 7.2 The proposal seeks a change of use of the land and erection of tennis court, approximately 35 metres in length by 20 metres in width and enclosed by a 2.7 metre high fence. The proposed fence would be mesh fencing in a green colour and supported by steel tube posts, also to be green. The tennis court would be sited in the north eastern corner of the site.
- 7.3 The site lies within the area defined as the South East Claylands, which has extensive areas of high quality landscape. The site is generally well screened by soft landscaping and it is noted that the applicant intends to plant additional soft landscaping within the site.
- 7.4 The site would have appeared to have been an orchard historically, although now only a few trees remain. The site retains an informal appearance and does not appear as part of the formal curtilage to the dwelling. To the south and south west the land is identified as a paddock area.
- 7.5 It is recognised that there is soft landscaping which screens the site, however there remains a principle objection to the introduction of the tennis court into this area of land and its subsequent change of use for domestic purposes. This area of land has an informal appearance and provides a transition from the formal appearance of the curtilage to the surrounding countryside. The site is not classified as domestic curtilage associated with the dwelling and as such does not benefit from permitted development rights.
- 7.6 The change of use of land and introduction of a hard standing (to form the tennis court) would alter the appearance of the land. The proposal would result in an extension of domestic activity into this area of land, which currently makes an important contribution to the character of this rural area. The boundaries do provide screening to the site, however during the changing seasons, when the existing trees and hedging are not in leaf, the screening will be limited and this shall only emphasise the incongruous appearance of an enclosed tennis court and altered surface within this rural landscape. It is

therefore considered that this proposal fails to conserve or enhance the quality and distinctive characteristics of this rural area.

- 7.7 Planning policy seeks to restrict development in the open countryside to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services. This proposal does not comply with the criteria identified above. Whilst it is appreciated that the tennis court would be a form of outdoor recreation, it is a residential use being incidental to the enjoyment of the dwelling.

### **Amenity**

- 7.8 Given the location of the site it is not considered that the proposed change of use and erection of a tennis court would have a detrimental impact on residential amenity.

### **Archaeology**

- 7.9 The County Council have commented on this application and have stated that the site lies in an area of high archaeological potential. In light of this, if the application was considered to be acceptable in all other respects, it is recommended that an archaeological evaluation is delivered through the imposition of a condition.

### **Conclusion**

- 7.10 The proposal is not considered to be acceptable and does not accord with the relevant planning policies which seek to protect the open countryside. The proposal would result in a change in character of this informal area of land and would introduce an incongruous element into the area which is not akin with the rural landscape.

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.

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

- 8.1 The proposed change of use of the land for domestic purposes and erection of a tennis court would extend the residential curtilage into the open countryside and would introduce an incongruous element into the rural landscape to its detriment. The proposal would not ensure that the quality and character of the wider landscape is protected or enhanced and would result in the loss of the former orchard land. The land currently has an informal appearance and provides an important transition between the existing curtilage and the surrounding countryside.

In addition there is no essential need for this proposal in this countryside location. It is not required for the efficient operation of agriculture, horticulture, forestry or other similar activities and as such has not been justified.

The proposal is contrary to PPS7, ENV7 of the East of England Regional Spatial Strategy, policy En17 of the Huntingdonshire Local Plan, policies P8 and G2 of the Huntingdonshire Interim Planning

Policy Statement, policy CS1 of the Submission Core Strategy and Huntingdonshire Landscape and Townscape Assessment (2007) 'Landscape Character Area 5'.

**BACKGROUND PAPERS:**

Planning Application File Reference: 0803447FUL

East of England Plan – Revision to the Regional Spatial Strategy May 2008

Cambridgeshire and Peterborough Structure Plan, 2003

Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alteration, 2002

Huntingdonshire Interim Planning Policy Statement 2007

Huntingdonshire Local Development Framework Submission Core Strategy 2008

Huntingdonshire Landscape and Townscape Assessment (2007) 'Landscape Character Area 5'

**CONTACT OFFICER:**

Enquiries about this report to **Michelle Nash Development Control Officer**  
**01480 388405**