OFFICER REPORT

Case No: 24/02401/FUL Full Planning Application

Proposal: Change of use of an agricultural building to a fitness centre. (Retrospective)

Location: Hilltop Retreat Hill Top Farm Gransden Road

Applicant: Miss Victoria Strahan

Grid Ref: 524649 256559

DESCRIPTION OF SITE AND APPLICATION

The site includes a brick-built pitched-roof single storey agricultural building attached to a similar building on its northern side surrounded by hardstanding on its southern side and open agricultural fields and trees on its northern side with an approximate footprint of 100 sqm. The site currently sits within buildings collectively known as Hill Top Fam situated to the north of Gransden Road approximately 1.2km from the eastern edge of Abbotsley.

The site is in Flood Zone 1 according to Environment Agency mapping data and the Huntingdonshire Strategic Flood Risk Assessment which also places the site in an area of low groundwater and surface water risk.

Furthermore, the site is not within close proximity of any designated heritage assets, the closest being a Grade II Listed building commonly known as Moor Farm, Moor Farm, Potton Road, Abbotsley approximately 880 metres to the north east. Nor is the site within close proximity to any legally protected trees.

The proposal would utilise an existing access from Gransden Road, which is a 50mph speed limit.

The nearest residential property appears to be approximately 18 metres south from the building subject to this proposal on the site known as Hill Top Farm.

The application seeks planning approval for a retrospective change of use of an agricultural building to a fitness centre. The application form states that the retrospective use commenced on 1st November 2024 and it is put forward that the building lay empty for some time.

The submitted plans show that there would be no changes to the existing structure externally. The proposed studio would cover an area of around 100 square metres and would have 10 to 15 car parking spaces, although these spaces are not demarcated on the submitted plans.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (12 December 2024) (NPPF 2023) 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).'

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.

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

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
* LP1: Amount of Development
* LP2: Strategy for Development
* LP10: The Countryside
* LP11: Design Context
* LP12: Design Implementation
* LP14: Amenity
* LP16: Sustainable Travel
* LP17: Parking Provision
* LP19: Rural Economy
* LP21: Town Centre Vitality and Viability
* LP22: Local Services and Community Facilities
* LP23: Tourism and Recreation
* LP30: Biodiversity and Geodiversity
* LP33: Rural Buildings

Supplementary Planning Documents/ Guidance
- Huntingdonshire Design Guide Supplementary Planning Document (2017)
- Developer Contributions SPD (2011)
- Developer Contributions: Updates Costs 2019/2020
- Huntingdonshire Landscape and Townscape Assessment (2022)
- Cambridgeshire Flood and Water SPD 2017
- Huntingdonshire Tree Guidance Note 3
- Annual Monitoring Review regarding housing land supply.

Neighbourhood Plans

None relevant

PLANNING HISTORY

None relevant

CONSULTEES

Abbotsley Parish Council: RECCOMENDS APPROVAL. Supporting comments:
"It was considered that the development would not impact adjoining properties. The sight increase in the amount of traffic is reasonable and this is the re-use of an existing building. For these reasons the Parish Council unanimously agreed to recommend approval."

Cambridgeshire County Highways - No objections.

Huntingdonshire District Council Environmental Health Services - No objection to the proposal but raises concerns relating to noise impacts to residential property known as 'Hill Top Farm'

REPRESENTATIONS

None received at time of determination.

SUMMARY OF ISSUES

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.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of 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".

In Huntingdonshire the Development Plan consists of:
o Huntingdonshire's Local Plan to 2036 (2019)
o Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
o St Neots Neighbourhood Plan (2016)
o Godmanchester Neighbourhood Plan (2017)
o Houghton and Wyton Neighbourhood Plan (2018)
o Huntingdon Neighbourhood Plan (2019)
o Bury Neighbourhood Plan (2021)
o Buckden Neighbourhood Plan (2021)
o Grafham and Ellington Neighbourhood Plan (2022)
o Great Gransden Neighbourhood Plan (2023)
o The Stukeleys Neighbourhood Plan (2023)
o Sawtry Neighbourhood Plan (2023)

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.

The main matters for consideration are:

- The Principle of Development
- Design and Visual Amenity
- Impact upon Residential Amenity
- Highway Safety, Parking Provision and Access
- Biodiversity

Principle of Development

The proposal seeks retrospective permission for a change of use of an existing agricultural building into a fitness centre falling within Class E at Hill Top farm, Gransden Road Abbotsley.

When considering proposals to change the use of the building, Officers must give regard to Schedule 2, part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This legislation allows development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a Class E use, subject to limitations.

In this case information available to Officers confirm that the site was in agricultural use on 3rd July 2012 and has been in agricultural use when last in use and concerns a building under 1000 square metres, not being part of a military explosives area, a safety hazard area nor a listed building or scheduled monument. Indeed the only part the proposal fails Class R criteria is paragraph R.3(1) which requires the developer before changing the use of the site to provide to the Local Planning Authority when the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres is the date the site will begin to be used, the nature of the use and a plan indicating the site showing which builds have changed use as the proposal is retrospective.

However, it should be noted that should a Permitted Development application have come forward prior to the change of use, the Local Planning Authority would likely have approved the proposal subject to the limitations as set out within Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and this does form a material consideration of the application.

The site sits within a set of buildings known collectively as 'Hill Top Farm' sited approximately 1.2 km from the main built-up area and in policy terms is located in the countryside due to its siting outside of a distinct group of buildings that includes 30 or more homes as set out in the built-up areas definition on Page 53 of the Huntingdonshire Local Plan. Policy LP10 'The Countryside' of the Local Plan to 2036 is therefore relevant.

This sets out:

"Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. 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".

In terms of part a of LP10, the site is within agricultural land class Grade 2. Therefore, there is some conflict with LP10 part a(i). As there would be minimal external changes to the building on site and to the site itself, there is acknowledgement that the proposal would be acceptable in regards to part b. Part c is also considered acceptable as although there will be an intensification of the site, matters such as lighting could be controlled by condition as well as noise, odour or other environmental impacts in this case.

Paragraph 4.110 offers guidance on proposals in the countryside and sets out that: 'The aim of supporting a thriving rural economy recognises the need to support traditional agricultural and other land-based businesses, as well as the continued diversification of rural businesses into sectors such as tourism and recreation. The policies in this Local Plan which support this aim include LP 19 'Rural Economy', LP 20 'Homes for Rural Workers' and LP 23 'Tourism and Recreation'. In addition, LP 22 'Local Services and Community Facilities' aims to protect the valued local services and community facilities which support the social and economic vitality of settlements.

Therefore, having regard to the above limited and specific opportunities provided for in other policies in the Local Plan, Local Plan Policies LP19 (Rural Economy). LP23 (Tourism and Recreation) and LP33 (Rural Buildings) are most relevant. These policies are taken in turn below.

LP19 of the Local Plan to 2036 pertains to the rural economy and states:

"In the countryside there are limited and specific opportunities for sustainable development related to maintaining a healthy rural economy. A proposal for business development in the countryside will only be supported where it fulfils the requirements of one of the following categories.

New business development

A proposal for business uses (class 'B' [Now Class E]) will be supported where it:
a. is within a defined Established Employment Area;
b. immediately adjoins and is capable of being integrated with an Established Employment Area;
c. involves the reuse of land in use or last used for business uses (class 'B') or
d. In all cases office uses (class 'B1a') will be limited to a total of 600m2 floorspace.
Expansion of an existing business

A proposal for the expansion of an established business within its existing operational site will be supported.

A proposal for the expansion of an established industrial or rural business on land outside of its existing operational site in the open countryside will be supported where it is demonstrated that:

e. opportunities to reuse existing buildings have been fully explored; and replacement or new build are only proposed where it can be demonstrated that no suitable reuse opportunities are available;
f. any opportunities to make more efficient use of land within the existing site boundary are not suitable for the proposed use;
g. it avoids the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) particularly Grade 1 where possible and should use land of lower agricultural value in preference to land of higher agricultural value; and
h. the scale, character and siting of the proposal will not have a detrimental impact on its immediate surroundings and the wider landscape.
A rural business is one which has a legitimate reason to be located in the countryside, including but not limited to agriculture, horses, horticulture or forestry.

Farm diversification

A proposal for farm diversification will be supported where it is demonstrated that it is complementary and subsidiary to the ongoing agricultural operations of the farm business, and that it meets criteria e-h above."

The last use of the building is agricultural and is associated with the wider Hill Top Farm operations. It is noted that a fitness centre would be a Class E use.

The site is not within a defined Established Employment Area, not does it immediately adjoin or is capable of being integrated with any Established Employment Area (The nearest Established Employment Area is approximately 2.8 km to the east, Sandy Road Industrial Estate Great Gransden). It is also noted that the site has an agricultural 'sui generis' use class and therefore does not benefit from any Class B [now Class E] Use Class. It is therefore not demonstrated that parts a-c of LP19 are satisfied and by virtue does not meet part d.

It is considered that the proposal does not also meet the criteria of Farm Diversification as set out above as a fitness use (Class E) would not be complimentary or subsidiary to the ongoing operations of the farm business. The proposal is In terms of criteria e and f, the proposal is for the re-use of an existing structure (previously agricultural) which, as the Planning Statement notes was previously empty. No justification has been put forward for its rural setting nor why the site is appropriate for diversification from its current agricultural operations. In terms of part g, while the proposal is sited in Agricultural Land Class 2, it is an existing agricultural use and not used currently for the purposes of agriculture and so is considered to have a neutral impact to its current Agricultural Land Class. In terms of part h, the proposal is for a conversion with minimal operational changes and is therefore considered to be compliant in terms of its scale, character and siting and will not have a detrimental impact on its immediate surroundings and the wider landscape.

Overall, the proposal is considered contrary to Local Plan Policy LP19 as it does not include rural-based functions related to agriculture, horses, horticulture or forestry. As set out above, a fitness centre would not meet the criteria of farm diversification and is not within or associated with any established employment areas or has any historic business use class. Furthermore, fitness centres are readily found in urban settings and is not considered to have a legitimate reason to be located in the countryside. The proposal does not meet the criteria set out in Local Plan Policy LP19. The next Local Plan policy to consider would be Local Plan Policy LP23 (Tourism and Recreation).

Local Plan Policy LP23 states:

A proposal for a new or expanded tourism, sport or leisure use in the countryside will be supported where it can be demonstrated that:
a. it is well-related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere;
b. it does not cause harm to, and where appropriate, enhances the ecological, landscape and heritage significance of the proposed location;
c. the impact of the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible;
d. adequate servicing can be provided, including water supply, electricity and for sewage and waste disposal; and
e. it will not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure.

Part a is not justified as due to its approximate 1.2km separation from the nearest settlement (Abbotsley) with no pavements or footpaths to the northern or southern parts of the site so is not considered to be well-related to a defined settlement. Given its conversion nature, minimal exterior changes, servicing provision and siting, it is considered that the proposal has the capacity to meet parts b, c, d and e. However, due to the discordance with part a, on the whole, the proposal is considered not compliant with Local Plan Policy LP19 and is unacceptable in terms of Tourism and Recreation development in the countryside. The next Local Plan policy to consider would be Local Plan Policy LP33 (Rural Buildings).

Local Plan policy LP33 states:

A proposal for the conversion of a building in the countryside that would not be dealt with through 'Prior Approval/ Notification' will be supported where it can be demonstrated that:

a. the building is:
i. redundant or disused;
ii. of permanent and substantial construction;
iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and

iv. structurally capable of being converted for the proposed use; and

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

The proposed conversion of the existing agricultural building meets all of part a of LP33 as the agricultural building was redundant or disused (as evidenced by its retrospective use) and is of permanent and substantial construction, not in such a state of dereliction or disrepair that significant reconstruction would be required and structurally capable of being converted for the proposed use. The proposal would also bring the agricultural building back into use, enhancing its current setting and does not adversely affect the form, scale, massing or proportion of the building as the proposal is for a change of use only with no amendments to the building itself.

Overall, it is accepted that the proposal would conflict with the Local Plan in terms of LP10, LP19 and LP23, but would accord with the aims and objectives of Local Plan Policy LP33 and would also be acceptable against Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (should the proposal be submitted before the use had changed. Therefore it is considered that on balance the proposal is acceptable in principle subject to other material considerations as assessed in the rest of this report.

*** Design and Visual Amenity.**

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024)

This application seeks approval for the change of use of an agricultural building to a fitness centre. (Retrospective) at Hilltop Retreat Hill Top Farm Gransden Road Abbotsley St Neots PE19 6UA. The proposed change of use would be limited to internal works to the property only, with some un-delineated parking assigned on the site. Given the high close boarded fencing to the front of the site, it is acknowledged that only part of the roof is visible from the public realm.

As such, the Local Planning Authority are satisfied that the proposal would not result in any impacts on the character or appearance of the site, the streetscene of Gransden Road or the surrounding area.

As such, the proposal is deemed to be in accordance with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

***Residential Amenity**

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

Formal consultation was carried out with Huntingdonshire's Environmental Health Officer who originally raised concern regarding the residential use approximately 18m from the site at Hill Top Farm and asked for a tenant's agreement limiting the hours of operation to daytime as noise become an issue and the applicant is not the owner of the site. Subsequently a signed agreement between the applicant and the residents at Hill Top Farm was submitted agreeing to 6.30am-9pm operation times Monday to Saturday and this agreement is considered to be sufficient. Given that

the landowner of the site is the resident of the nearby dwelling and that commercial noise is covered by separate legislation, it is considered that any detrimental impacts in terms of disturbance on this occasion is acceptable on balance.

Overall, it is considered that an acceptable standard of amenity would be provided for all users of the development and maintained for neighbours. The development is considered acceptable in terms of overshadowing, overlooking, overbearing impact, loss of privacy, loss of light and would not have a significant detrimental impact upon residential amenity. The proposal is therefore considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 135(f) of the NPPF (2024).

*** Highway Safety, Parking Provision and Access**

Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles. Paragraph 116 of the NPPF (2024) states that development should only be prevented or refused on Highway Safety Grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy LP16 of Huntingdonshire's Local Plan to 2036 also encourages sustainable transport modes.

The proposal would not change the current access of the site and proposed 10-15 parking spaces on site on existing hardstanding which are not delineated on the proposed plans. Given the remoteness of the site and its distance from settlements it is considered that cycle spaces are not reasonable to require in this instance. Nevertheless, the site would allow for safe cycle storage should it be required by users of the site.

Cambridgeshire County Council as the Local Highways Authority have reviewed the proposals and advised that the proposed is located on the B1046 but has adequate parking and turning within the site boundaries and note that although the access dimensions and visibility splays aren't provided it appears the access is adequate for the proposed use, including that of the adjacent kennels, and the visibility splays are achievable. The Local Highways Authority conclude that following a review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

It is considered that there is sufficient parking and manoeuvring space on the site for a commercial use of this nature, size and location. The proposals are not considered to cause any adverse impacts on highway safety and are therefore considered to meet the aims and objectives of Paragraph 115 of NPPF (2024) and Policies LP16 and LP17 of Huntingdonshire's Local Plan 2036.

*** Biodiversity**

Paragraph 187 of the NPPF (2024) states Planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 states that development proposals should demonstrate that all potential adverse impacts on biodiversity have been investigated.

A biodiversity checklist accompanies the application, noting no on-site or nearby ecology constraints to the proposal.

In this case, the site is as-built with no additional built form proposed nor is any built form proposed to be demolished. Therefore, whilst no measures for a net gain have been proposed there is no net loss. The development therefore accords with Policy LP30 of the Local Plan in this regard. Additionally, the development is de minimis in terms of Biodiversity Net Gain legislation. Therefore,

whilst no measures for a net gain have been proposed there is no net loss. The development therefore accords with Policy LP30 of the Local Plan in this regard.

Overall, the proposal is therefore considered broadly to be in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036, Section 15 of the National Planning Policy Framework and Biodiversity Gain Requirements (Exemptions) Regulations 2024 in this regard.

There are no other material planning considerations which have a significant bearing on the determination of this application.

*Conclusion
The proposed development is considered to be compliant with the relevant national and local policy as it:
* Would not have a harmful impact upon the character and appearance of the area;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would allow for sufficient parking provision and vehicle movement; and
* Would not have a significantly detrimental impact upon biodiversity.

CONTACT OFFICER:
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