# OFFICER REPORT

**Case No:** 24/01943/FUL Full Planning Application

**Proposal:** Creation of Monkey enclosure including erection of night shelter

**Location:** Johnsons Of Old Hurst Church Farm Church Street

**Applicant:** Mr Johnson

**Grid Ref:** 530066 277272

## DESCRIPTION OF SITE AND APPLICATION

The application site is Johnsons located within Church Farm, Church Street, Oldhurst. It is a well-known local business and an example of a farm which has seen diversification and now offers facilities such as a farm shop, café, restaurant and houses exotic animals for the public to view. The site lies within Flood Zone 1 and, whilst there are no constraints associated directly with it the Grade ll* Listed St Peters Church and Grade ll Listed Trinity Farmhouse lies south-west of the site.

This application seeks permission to create a Monkey enclosure (using an existing section of established land) and to erect a covered enclosure for the Monkeys (the only built development).

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

During the lifetime of the application the description has been revised and amended plans have been received. These were purely for a point of clarity and do not materially affect the scheme applied for or consulted upon. Therefore, on the balance of fairness further public consultation was considered not to be necessary on this occasion.

## NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (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).'

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 May 2019

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP9: Small Settlements
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP17: Parking Provision and Vehicle Movement
LP19: Rural Economy
LP23: Tourism and Recreation
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings

Supplementary Planning Documents (SPD) and Guidance:

*Huntingdonshire Design Guide Supplementary Planning Document (2017)
*Developer Contributions Supplementary Planning Document (2011)
*Huntingdonshire Landscape and Townscape Supplementary Planning Document (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2017)
*Cambridgeshire Flood and Water Supplementary Planning Document (2017)

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

**RELEVANT PLANNING HISTORY**

The site has an extensive planning history associated with it under Church Farm and Johnsons. The history from 1974 onwards is available to view on HDC's Public Access Site. There is no recent history considered to be relevant to this application.

**CONSULTATIONS**

Oldhurst Parish Council - Support.

Cambridgeshire County Council Local Highway Authority - No objection.

HDC Environmental Health Officer - No objection subject to conditions.

HDC Ecology Officer - No comments received at the time of determination.

Historic England - No comment - seek views of internal heritage advisers.

**REPRESENTATIONS**

None received at the 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 47 of the NPPF (2023). 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 a number of adopted neighbourhood plans, however, there is not an adopted neighbourhood plan in place for Oldhurst. Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

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 issues to consider are:

*The principle of development
*Design, visual amenity, impact upon the character of the area and heritage assets
*Amenity
*Highway safety
*Flood risk
*Biodiversity

*The principle of the development

The application site lies outside of the built-up area of Oldhurst and is therefore considered to be within the countryside. Policy LP10 of the Local Plan is the starting point for assessment. LP10 states 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.

In this case, whilst the site in its entirety contains valuable agricultural land, the development proposed does not impact an area given over to agricultural purposes and is better related to the commercial functions of the site. Further, it cannot be reasonably considered that the development proposed would result in the irreversible loss of land. Matters regarding design and other impacts (parts b and c) are discussed in further detail in the proceeding sections of this report but for the purposes of this assessment it is not considered that the proposal would be contrary to the aims of this Policy.

LP10 seeks to limit development in the countryside unless there are specific opportunities identified in other Policies of the Local Plan to permit it. Two such 'relaxations' are LP19 (Rural Economy) and LP23 (Tourism and Recreation). LP19 supports the expansion of an established rural business within its existing operational site whilst LP23 supports new or expanded leisure use within the countryside subject to compliance with certain tests.

In this case, the proposal is clearly very much a part of the established business and is not dissimilar to other facilities which have been permitted within the site. The intricacies of the proposal is discussed in further detail in the proceeding sections of this report but, it is considered to broadly comply with the tests set out within the above Policies and is therefore acceptable in principle subject to compliance with other material planning considerations and conditions.

*Design, visual amenity, impact upon the character of the area and heritage assets

The site is relatively deep within the established site which, as referred to above provides a number of different functions. The site is open to the public and there is a large parking area, café, restaurant and shop etc. The proposed enclosure makes use of an existing fenced area and proposes no additional built development or landscaping. The covered enclosure for the Monkeys is a small 6.5m x 3.45m pitched roof structure north-east of the enclosure. It will not appear dominant or prominent in the landscape and will be read within setting of the commercial functions of the site (and will share the facilities and services associated with it) and will have no wider impact on the landscape character of the countryside. Matters regarding noise and odour are discussed under residential amenity below but it is not considered that any factors arising from this proposal would be uncharacteristic of the area.

Overall, having regard to the above, the development accords with Policies LP10 (b & c) LP11 and LP12 of Huntingdonshire's Local Plan to 2036.

As detailed in the preceding sections of this report, the site is within the setting of the Grade ll* Listed St Peter's Church and Grade ll Listed Trinity Farmhouse.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 212 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

In this case a Heritage Statement accompanies the application and Historic England have been consulted. They had no comments to make on the proposal but stated that this should not be read as a comment on the merits of the application. HDC's Conservation Team were informally consulted but no comments were received at the time of determination. However, in this case, given the separation between the Listed Buildings and the site and the scale and design of the building proposed in relation to the established development on the site, there is considered to be no harm to the designated heritage assets and the proposal therefore accords with Policy LP34 of

the Local Plan to 2036, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the NPPF (2024).

*Residential amenity

Local Plan Policy LP14 provides caveated support for proposals that would maintain a high standard of amenity for occupiers of neighbouring land and buildings.

In this case, there are no residential dwellings in the immediate vicinity of the site but naturally it is accepted that noise and odour can travel. As such, HDC's Environmental Health Team have been consulted. Initially they requested further detail on the proposals and, following this clarification they raise no objections subject to a condition to secure the breed of Monkey to be kept on site.

In terms of other matters, given the separation to adjacent land and buildings, it is not considered that the development would give rise to matters of overbearing impact, overshadowing, loss of light, overlooking or loss of privacy and is considered capable of complying with Policy LP14 of Huntingdonshire's Local Plan to 2036.

*Highway safety

The siting of the development does not impact any areas given over to parking. It could be considered that the result of the scheme would be the attraction of more visitors to the site but given its scale alongside the established commercial nature of the site this is unlikely to result in harmful intensification. Nevertheless, Cambridgeshire County Council as the Local Highways Authority have been consulted and raise no objections stating that there will be no adverse effect on the public highway as a result of the development.

The proposal therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036.

*Flood risk

The site lies in Flood Zone 1 where development of this nature is acceptable. The scale of the site and nature of the development does not require the application of the Sequential or Exception Tests or the submission of a Flood Risk Assessment. There will be a small amount of built development (the covered enclosure) but this is very small in scale and, given the permeability of the surrounding land and the overall low risk of flooding from all sources the development is considered to be acceptable with regard to its approach to flood risk and therefore accords with Policy LP5 of Huntingdonshire's Local Plan to 2036.

*Biodiversity

Policy LP30 if the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible. In this case, no additional built form the development is de minimis in terms of Biodiversity Net Gain legislation (less than 25m² habitat impact) and so this does not apply.

In this case, whilst no measures for a net gain have been proposed it is concluded that there is no net loss. The covered enclosure is on a section of maintained grassland and, given the activities taking place within the site its value in terms of biodiversity is low. Attempts to install bird and bat boxes on the building would likely prove fruitless given its limited height and the proposed use. The biodiversity value of the wider site and species it supports should also be considered in this 'on balance' consideration.

Overall, the development broadly accords with Policy LP30 of Huntingdonshire's Local Plan to 2036.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

*Acceptable in principle

And it:

* Would not be harmful to the character or appearance of the area or the wider countryside;
* Is acceptable with regard to its impact on the designated heritage assets;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Is acceptable with regard to highway safety;
*Would not result in an increased risk of flooding in the locality;
*Is acceptable with regards to the impact on biodiversity;
*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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**CONTACT OFFICER:**
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