OFFICER REPORT

Case No: 25/00651/FUL Full Planning Application

Proposal: Erection of equine yard and change of use to equestrian use.

Location: Land North Of Lords Fen Broad Drove Yaxley

Applicant: Mr & Mrs Paul and Angela Buckley

Grid Ref: 519645 291948

DESCRIPTION OF SITE AND APPLICATION

The application site is Land North of Lords Fen, Broad Drove, Yaxley. The site is within the open countryside lying approx. 350m south from the developed edge of Yaxley. The site is within Flood Zone 3 as per the most recent Environment Agency (EA) Flood Risk Maps and Data. The site is also within the landscape and visual setting of the Great Fen.

This application seeks permission to change the use of the land to equestrian use and develop a section to the east to an equestrian yard for private leisure use. This will involve the erection of an American barn, turn-out and tie up areas, facilities for animal waste disposal and a Menage.

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

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

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
LP17: Parking Provision and Vehicle Movement
LP23: Tourism and Recreation
LP30: Biodiversity and Geodiversity
LP37: Ground Contamination and Groundwater Pollution

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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

RELEVANT PLANNING HISTORY

None relevant.

CONSULTATIONS

Yaxley Parish Council - Recommends approval.

HDC Ecology Team (informal consultation) - No objections subject to condition.

HDC Environmental Health Team - No objections.

HDC Economic Development Team - No representations received at the time of determination.

Environment Agency (EA) - No objections - consult Internal Drainage Board (IDB).

Cambridgeshire County Council (CCC) Highways Team - No objections.

Middle Level Commissioners (IDB)- No objections but additional consent required.

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 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 a number of adopted neighbourhood plans, however, there is not an adopted neighbourhood plan in place for Yaxley. 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 (including impact on the countryside)
*Design and visual amenity
*Residential amenity
*Highway considerations
*Flood risk
*Biodiversity

*The principle of the development

The site is an area mainly laid to grass with some permeable hard surfacing in some sections and informal post and rail fencing. It lies outside of the built-up area of any defined settlement and therefore is considered to be within the countryside. Policy LP10 is therefore the starting point for assessment.

LP10 seeks to limit development within the countryside unless it is permitted via other Local Plan Policies. One such example is Policy LP23 (Tourism and Recreation), and this is expanded on in the proceeding sections of this report. Regardless of any relaxation, LP10 requires that all development within the countryside should avoid the loss of valuable agricultural land and respect the character and beauty of the countryside by avoiding the introduction of incongruous development and factors such as noise, odour and obtrusive light.

In this case, the land in question is defined as Grade 1 agricultural land (and so land of the highest value). The submitted Planning Statement presents a strong argument as to why the scheme should not be disregarded purely due to the loss of this land. Amongst other matters it points out that the NPPF (2024) no longer requires the protection and enhancement of the best and most versatile agricultural land. Instead, it advises that decisions should consider the economic and other benefits of the best and most versatile agricultural land (Para.187 (b). Some benefits could include positive health benefits from users of a site (though in this case it is recognised that as this will be for private use the wider public benefits are minimal) but also the economic benefits. For example, the use of the site is likely to generate business for vets, animal waste collectors, feed distributors and so on.

Furthermore, it should be recognised that (as is also referred to in the Planning Statement) the vast majority of the land will remain undeveloped. The scheme by virtue of its scale and nature could not be reasonably be considered to result in the 'irreversible loss' (such as land given over to

housing) of valuable agricultural land. Therefore, when considered as part of the 'planning balance' it is not considered to cause significant harm which would justify a refusal of the application.

In considering other requirements of Policy LP10 it is not considered that the proposal by virtue of its scale, siting or proposed use would result in development which would be uncharacteristic of this rural location. The site will be for the personal use of the applicants (and will be conditioned as such). It is recognised that the use could result in some degree of intrusion from matters such as artificial light etc, but such matters can easily be controlled by condition and again, would not present a justifiable reason for refusal.

Overall, it is concluded that on balance, the proposal accords with Policy LP10 of the Local Plan to 2036.

Turning attention to Policy LP23, this allows for a new or expanded tourism, sport or leisure use within the countryside subject to a number of tests. These tests are:

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.

The Planning Statement recognises that the site lies in excess of 300m from the developed edge of Yaxley. It is questionable if this could be considered as 'well-related' in the context of the policy. However, there is relatively good connectivity to the village (a metalled access road leads from the end of Windsor Road up to the railway bridge where a track allows vehicle access to the site beyond this via Broad Drove). The agent has confirmed by email that the applicants live relatively locally (and within the district). The proposed use also dictates the location somewhat and so it is not considered overly isolated or unreasonable for such a development to be located at the site proposed. Furthermore, the NPPF (2024) at Para. 125(b) states that: "planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production."

In terms of parts b and c this is discussed in further detail in the proceeding sections of this report. However, for the purposes of this assessment there are no concerns regarding ecological enhancements, nor impact on the landscape (referenced in the earlier assessment). There are no heritage impacts (or opportunities for enhancement) in this location and the development proposed would not appear uncharacteristic of a rural location with any potential factors for harm (such as light pollution) secured by condition.

Turning to part d, the Planning Statement advises that the site is served by a water supply and that other services can be installed on site. The Design and Access Statement details that the muck bunker (located within a service area) will be emptied regularly by a licensed farmer. Lastly, in terms of part e, impact on the Great Fen is assessed below, but given the intention to use the site for personal equestrian use (which will be conditioned) there is no reason to consider that there will be a significant
Impact as a result of vehicle movements or visitors to the site.

Overall, the proposal is considered to broadly accord with Policy LP23 of the Local Plan to 2036.

As referenced in the preceding sections of this report, the site, whilst not within the Great Fen is within the Great Fen Landscape and Visual Setting. The Huntingdonshire Landscape and Townscape SPD (2022) advises that development proposals should:

*Maintain existing hedgerows, hedgerow trees and woodlands.

*Protect the character of historic lanes with hedge-banks.

*Create soft edges to built developments which have a visual relationship with the surrounding landscape.

*Conserve or where appropriate enhance the significance of the heritage assets including any contribution made to significance by their settings.

*Conserve the archaeological heritage dispersed throughout the landscape.

*Support the establishment or reinstatement of orchards, particularly in the eastern part of the area.

As can be seen, in this case, this has limited relevance to the development in question. As already assessed, there are considered to be minimal impacts on the surroundings as a result of the development proposed and there is limited scope to include some of the requirements above. The development does however include soft landscaping which is a welcome contribution and which will assist in some screening from the wider landscape. This can be secured by condition.

As such, the development is considered to be acceptable with regard to its impact on the Great Fen Landscape and Visual Setting and accords with Policy LP3 of the Local Plan to 2036.

Overall, having regard to the above assessment, the development is considered to be acceptable in principle subject to compliance with all other material planning considerations and conditions.

*Design and visual amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan state, amongst other matters, that proposals will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, contributes positively to the character and identity of the area and successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape.

In this case, as referenced in the preceding sections of this report, the site lies within the open countryside to the south of Yaxley. Whilst the application site subject to the change of use is extensive, only a relatively small section to the east is subject to 'built development.' Even then, this is not considered uncharacteristic of the locality. The scale of the proposed structures and Menage is considered to be commensurate to the proposed use and their material finish would not result in an incongruous addition to the rural landscape. Furthermore, generous soft landscaping is proposed within and surrounding the site which will assist in screening. No specific details (aside from that to support Biodiversity net Gain) of the landscaping has been provided (species, densities etc) and so this shall be secured by condition for both hard and soft landscaping.

Overall, it is not considered that the development as whole would be uncharacteristic of the locality or would result in the introduction of built development which would be considered incongruous or harmful. It therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

In reaching this conclusion this is on the basis that the site will be for personal use as detailed in the submission and consulted upon. Any commercial use could alter this view and so the use shall be secured by condition.

*Residential amenity

Policy LP14 of the Local Plan states that 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. HDC's Environmental Health Team have been consulted and raise no objections in terms of increased noise, odour or contaminated land.

In this case, it is concluded that the proposed development given its nature, location and separation to all adjacent dwellings and land along with the lack of objection from specialists will not be detrimental to residential amenity and therefore accords with Policies LP14 and LP37 of the Local Plan to 2036.

*Highway safety

The site will be accessed at its north-eastern corner from Broad Drove. Where a parking and turning area is provided. As referenced in the preceding sections of this report, there is vehicular access off Windsor Road down to the site with access from Broad Drove. The personal use of the site is unlikely to present with significantly increased vehicle movements. CCC as the Local Highways Authority have been consulted on the proposals and raise no objections subject to a condition being added to any permission to prevent the site being used for third party or commercial use. This shall be secured by condition.

Overall, the scheme is considered to be acceptable in terms of highways safety impacts and therefore is considered to accord with Policy LP17 of the Huntingdonshire Local Plan to 2036.

*Flood risk

The application site is wholly within Flood Zone 3a and some parts of it are also shown to be at risk of surface water flooding as per the most recent EA Flood Risk Maps and Data. The application is accompanied by a Flood Risk Assessment and the EA have been consulted. Development of this nature (classed as less vulnerable as per the NPPF (2024)) is acceptable within Flood Zone 3a. The FRA concludes that the primary risk of flooding at the site is fluvial flooding which is a very low risk due to the control measures in place on the River Nene and the nearby watercourses controlled by the IDB.

The FRA applies the sequential test and considers this to be passed as the surroundings of the site are all within FZ3. The LPA considers that the results of this test are questionable as Section 4 of the Cambridgeshire Flood and Water SPD (2017) states that the geographical area over which the sequential test is to be applied is usually over the entire Local Planning Authority area and may only be reduced in discussion with the Local Planning Authority because of the functional requirements and objectives of the proposed development (e.g. catchment area for a school, community facilities, a shop, a public house, appropriate land use areas and regeneration zones etc), and because there is an identified local need for that type of development.

However, notwithstanding the above, the LPA have adopted a pragmatic approach on this occasion. This is partly due to the lack of objection from the EA (as below) but also that changes of use (to development of this nature) are exempt from the sequential test. Furthermore, the 'built development' (the American barn and muck bunker) are less than 250m² which is the threshold for the test being applied to non-residential extensions. It is accepted that this is not the case here but consideration should be given to this position and the previously refereed to merits of the application balanced against the minimal risks.

The EA have reviewed the submitted details and raise no objections, agreeing that the site is at low risk of flooding from tidal and river sources. They advise that the main risk would be associated with watercourses which are the responsibility of the IDB and recommend that they are consulted. The LPA also consider it prudent to add an informative note to the permission recommending that the applicant registers for the flood warning service.

The Middle Level Commissioners (IDB) have commented on the application having noted that they believe the development to fall within 9m of the IDB byelaw strip. They point out that the grant of planning permission is not an assumption that permission will be also granted by the IDB. This is a matter which the applicant will need to address separately. In this case, the LPA notified the agent of this at an early stage of the process, and it is understood that the applicant is liaising with the IDB in this respect.

In terms of surface water, discharge from the buildings shall be dealt with at the building regulations stages. It is noted that there will be a degree of hard surfacing included as part of the development but subject to a condition to secure this as permeable within the landscaping condition alongside the permeability of the surrounding land that there would not be any significant adverse impacts.

Overall, the proposal is considered to broadly accord with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is subject to Biodiversity Net Gain legislation pursuant to the Environment Act 2021. This means that a 10% statutory Biodiversity Net Gain (BNG) would be required with any future application, following the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits unless it can be demonstrated that the development would be exempt.

In this case the application is accompanied by a Preliminary Ecological Appraisal dated February 2025. This concludes that the site does not present with any ecological constraints for development and no protected or important species would be impacted by it. The appraisal makes some recommendations for mitigation and enhancement, these measures are considered acceptable and will be secured by condition.

In terms of BNG the submitted metric and BNG details state that a 10% BNG can be achieved on site. HDC's Ecology Officer has been consulted and is broadly supportive of the proposals. A query was raised as to potential impacts of 'over grazing' of the site (which would lower the value) but, given that this is for private use and the limitations afforded to it (by virtue of the limited scale of the barn etc) Officers are satisfied that this will not be an issue. In any event, the BNG will require long-term monitoring and action will need to be taken if the BNG is not being realised during the monitoring period. This shall be secured by condition.

Overall, having regard to the above matters, the development is considered to be acceptable with regard to biodiversity impacts and accords with Policy LP30 of the Local Plan to 2036.

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to be compliant with the relevant national and local policy as it is acceptable in principle, would be visually acceptable and would not be harmful in terms of residential amenity, highway safety, flood risk or ecology.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP3, LP5, LP10, LP11, LP12, LP14, LP15, LP17, LP23, LP30 and LP37 of Huntingdonshire's Local Plan to 2036 and consequently, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**