OFFICER REPORT

Case No: 25/00081/FUL **Full Planning Application**

Proposal: **Retrospective application for change of use of site for storage containers using existing access.**

Location: **AJ Farm Fenside Road Warboys**

Applicant: **Mr A Bareham**

Grid Ref: **532036 281720**

DESCRIPTION OF SITE AND APPLICATION

The application site at AJ Farm, located along Fenside Road, is currently occupied by a mixed-use site consisting of a number of storage containers with temporary office facilities, alongside a static caravan. The site is in Flood Zone 1 of the Environment Agency's Flood Map for Planning and the application site is considered to be in the countryside and not within or well related to the built-up area of any settlement listed in Huntingdonshire's Local Plan to 2036.

This application seeks retrospective permission for the change of use of the site for storage containers using existing access.

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 15th May 2019)

LP2: Strategy for Development

LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP19: Rural Economy
LP17: Parking Provision and Vehicle Movement
LP30: Biodiversity and Geodiversity

Neighbourhood Plan and relevant policies where applicable

Huntingdonshire Design Guide Supplementary Planning Document (2017)

The National Design Guide (2021)

Huntingdonshire Townscape and Landscape Assessment Supplementary Planning Document (2022)

Huntingdonshire Strategic Flood Risk Assessment (2024)

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

RELEVANT PLANNING HISTORY

20/00390/FUL - Proposed position of temporary mobile home and site arrangements (Refused)

CONSULTATIONS

Warboys Town Council - Recommend refusal, make the following comments:

o The proposal constitutes an industrial development in a rural/agricultural area, which is inappropriate for the location and does not align with the character of the surrounding landscape.
o Advertisements on the containers are not in keeping with the rural setting and would have a detrimental impact on the visual amenity of the area.
o A previous application for a caravan on the site was rejected, reinforcing the unsuitability of this type of development in this location.

Officer comments: Officers note the comments made by Warboys Town Council, and these are addressed in the preceding sections of this report.

HDC Environmental Health - No objections with regard to environmental health matters.

Cambridgeshire County Council Highways - Additional information 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 47 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 Warboys. 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 in the determination of this application are:

- The Principle of Development, Design and Visual Amenity
- Residential Amenity
- Biodiversity
- Parking Provision and Vehicle Movement

*The Principle of Development, Design and Visual Amenity

This application relates to the change of use of the application site at AJ Farm to a storage container facility including temporary office facilities. Given the location of the application site within the countryside and outside the built-up area Policy LP10 is considered relevant. Policy LP10 states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. As such, 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.

It is considered that part a. is not wholly relevant in this case, as per the submitted Design and Access Statement alongside Officers undertaking a site visit, the application site consists of primarily hard surfacing including gravel and has not been used for agricultural purposes since 2017. This means the development would not result in the loss of the best and most versatile agricultural land as the current status of the site has no agricultural value.

With regard to part b, the proposal is located to the north of Warboys and is considered to be in the countryside. The Huntingdonshire Townscape and Landscape Assessment Supplementary Planning Document (2022) defies this area of the countryside as the 'Fen Margin' Landscape Character Area, which is characterised by a variety of rural land uses, with substantial areas of agricultural land and wildlife habitats. Whilst some development directly to the north of the built-up area of Warboys has began to visually detract from the typical rural character, this is not the case for the location of the application site. It is noted that the land immediately surrounding the application site itself, located along Fenside Road, consists of a farm with surrounding agricultural land, primarily arable farmland and pastures, and reflects the typical rural character and landscape of the Fen Margin. The proposal, consisting of 23 coloured containers of various sizes and which

include advertisements alongside the supporting temporary office buildings, does not constitute rural development and as such is incongruous within the broader landscape by virtue of its appearance and type of development.

Taking into account the above assessment, the proposal does not recognise or complement the intrinsic character and beauty of the countryside contrary to part b of Policy LP10 and is not acceptable in this regard. Consequently, the proposal also fails to accord with Policy LP11 of Huntingdonshire's Local Plan, as it promotes a negative relationship with its surroundings and fails to draw inspiration from the rural character and appearance of the area. Additionally, Policy C1 of the National Design Guide and Policy LP12 of the Local Plan state how development should respond positively to the features of the surrounding context and enhance positive qualities of the areas character and identity. The proposal contributes negatively to the views on Fenside Road and as a non-agricultural development with temporary appearance, fails to integrate within its wider surroundings. As such, the proposal also fails to accord with Policy C1 of the National Design Guide as well as Policy LP12 of Huntingdonshire's Local Plan.

The impact of the proposal on part c. of Policy LP10, concerning residential amenity and the effect on the enjoyment of the countryside for other users will be considered in the preceding sections of this report.

It must also be noted that Policy LP10 restricts development in the countryside to limited and specific opportunities. Opportunities in the countryside are limited under a number of policies which are not considered relevant to this application. However, Policy LP19 (Rural Economy) must be considered as this provides specific opportunity for development within the countryside. This is applicable to the nature of the development as a storage container facility, with a proposal for business development in the countryside will be supported where it fulfils the requirements of the following categories. The proposal consists of the expansion of an established rural business, with the submitted Planning Statement stating that the prior use of the paddock land to the north of the site was to breed and rear geese. As this is the case, Policy LP19 states that a proposal for the expansion of an established rural business on land outside of its existing operational site in the open countryside will be supported where it demonstrates 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.

Policy LP19 also states that 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.

Part e., part f. and part g. of Policy LP19 are not considered wholly relevant in this case, as previous sections of this report have established that the development would not result in the loss of the best and most versatile agricultural land as the current status of the site has no agricultural value. Additionally, a site visit confirms that there are no buildings that can be reused, with no distinct agricultural buildings on site.

Taking into account part h., the proposal is considered to have a detrimental effect on its immediate surroundings and the wider landscape. As mentioned in previous sections of this report, the large, colourful storage containers with advertisements do not recognise the intrinsic character and beauty of the countryside, and have a detrimental impact upon the character of the landscape with the proposed use not considered a rural business. As per Policy LP19 of Huntingdonshire's Local Plan, a rural business is one which has a legitimate reason to be located in the countryside. The proposed use of the site as a 'storage yard, with the inclusion of containers and temporary office building to set on site' as taken from the Planning Statement as part of the submitted application, is not considered as a business which has a legitimate reason to be located in the countryside. This is instead an industrial business, and as such is more suited for an industrial estate or 'Established Employment Area' set out by part a. of Policy LP19, therefore not aligning with the character of the surrounding landscape, and representing an unsustainable business in the countryside. Officers would consider the use is rather a new business development in the countryside and fails to accord with the requirements a-d of LP19 in this regard.

Officers note that whilst section 6.24 of Huntingdonshire's Local Plan mentions that activities in the countryside by farmers may need to be diversified to ensure continued economic viability. However, this section also highlights that agricultural operations should remain the dominant land use, with diversification projects to be of an appropriate scale for the location and fit into the landscape. The addition of a storage container facility of 2030m² in size does not fit into the surrounding agricultural landscape and does not complement the ongoing agricultural operations of a farm business. Taking into account these points, the proposal therefore fails to meet Policy LP19 and is not acceptable in this regard.

*Residential Amenity

Given the location in the countryside and away from the built-up area of Warboys, it is not considered that there would be any unacceptable material impacts in terms of overbearing, loss of light or privacy. The proposal is therefore considered acceptable with regards to Policy LP14 of Huntingdonshire's Local Plan.

As mentioned in previous sections of this report, part c. of Policy LP10 of the Local Plan states that development in the countryside should not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others. Considering the nature of the development as a storage facility, it is not considered that the proposal would result in any noise, odour or obtrusive light that would adversely affect the use of the countryside by others. However, as previously mentioned, the proposal fails to accord with policy b. of Local Plan Policy LP10 and thus does not recognise the intrinsic character and beauty of the countryside. As such, this impacts the visual enjoyment of the countryside by other users, with the development failing to integrate within its immediate surroundings. As a result, the proposal is unacceptable with regards to part c. of Policy LP10 of Huntingdonshire's Local Plan.

*Biodiversity

Policy LP30 of Huntingdonshire's Local Plan to 2036 states that a development should ensure no net loss in biodiversity and achieve a net gain where possible. The application form details that whilst the proposal would not be exempt from Biodiversity Net Gain legislation, the application is retrospective and thus this legislation does not apply, with retrospective planning applications exempt. Whilst this is the case, given the current nature of the site as well as the nature and scale of the works proposed it is considered that achieving a net gain would be challenging. However, having regard to the above assessment, the proposal is exempt from Biodiversity Net Gain and as such broadly accords with Policy LP30 of the Local Plan to 2036 in this regard.

*Parking Provision and Vehicle Movement

The submitted application form details there will be 6 parking spaces in place as a result of the proposed works. In addition to this, the use of the site as a storage container facility will result in the movement of vehicles in and out of the site for the hauling of goods contained in the proposed storage containers. As such, the Local Highways Authority have been consulted, and they have noted that no information has been provided regarding the number of vehicle movements associated with the storage usage. No visibility splay details have been provided to ensure there is sufficient visibility for the access commensurate to the speed of the road. Additionally, the proposed site plan indicates that the access is 4 metres wide, which is not sufficient width to allow two vehicles to pass simultaneous, leading to highway safety dangers should vehicles stop and inhibit the free flow of traffic on the highway.

Based on these comments, Officers consider that the proposal fails to provide sufficient evidence that the development provides a safe means of access for the use proposed and would not lead to unacceptable highway safety dangers, resulting in the failure to meet part a. and part d. set out in Policy LP17 of the Local Plan, and NPPF.

*Conclusion

The proposed development is not considered to be compliant with the relevant national and local policy as:

* The change of use of the site to a storage container business use, on this rural countryside site, is not a rural business which has a legitimate reason for being located in the countryside. It therefore represents an unsuitable and unsustainable business use in this countryside location contrary to Policy LP19 of the Huntingdonshire Local Plan (2019). The storage containers, temporary site office and caravan structures on site, result in visual harm to the character and appearance of this rural site, and fail to recognise the intrinsic character and beauty of the countryside and the landscape of the Fen Margin, and as such are contrary to Policies LP10 part b., LP11 and LP12 of the Huntingdonshire Local Plan to 2036 and Policy C1 of the National Design Guide (2021).

* The 4m access width is substandard and is insufficient to allow 2 vehicles to pass, leading to highway safety dangers. The application fails to demonstrate that the access to the site could provide safe access and egress for two vehicles to simultaneously enter and leave the site in a forward gear. Additionally, no visibility splay details for the access have been provided, so it can't be established whether sufficient visibility can be achieved for the access and use, which would be commensurate with the speed the road. No details of the existing and proposed vehicle movements associated with the site and use have been provided to ensure the use and access would be acceptable in highway safety terms . Due to the insufficient access width, the lack of sufficient details of visibility splays and traffic movements, the proposal would likely result in highway safety dangers contrary to Policy LP17 and the NPPF.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be refused.

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CONTACT OFFICER:
Enquiries about this report to **Josh France**