HUNTINGDONSHIRE DISTRICT COUNCIL

25/00544/PIP

OFFICER REPORT

Case No: **25/00544/PIP** **Permission in Principle**

Proposal: **Permission in Principle for up to 3 dwellings**

Location: **Land North East Of Gloucester Barn Fen Road Pidley**

Applicant: **Mr David Hopkins**

Grid Ref: **533124 278261**

DESCRIPTION OF SITE AND APPLICATION

The application site is a section of land to the north-east of Gloucester Barn, a detached dwellinghouse located to the east of Pidley village.

The site measures approx. 0.24ha extending north from the developed edge of Fen Road into the countryside. There is some hard surfacing to the front, and, when the site visit was completed some shipping containers within it along with items being stored such as timber, sand etc. There is a gated access from Fen Road and a partial close boarded fence to a section of the south. Remaining boundary treatments are largely trees/hedgerows (at least to the section to the south). There is some separation provided by informal fencing and small-scale boundary treatments with the section of land (included within the red line) to the north which is largely laid to grass.

The site is bounded by Gloucester Barn to the west/south-west. Aerial imagery appears to indicate that the full depth of the land extending north is adjacent to the garden area of Gloucester Barn. However, under the approval for Gloucester Barn (ref 15/00377/FUL), the red line did not extend to this depth and the approved block plan referenced a 1.2m high post and rail fence set approx. 6.15m from the rear elevation of the extension of Gloucester Barn. Application 20/00451/FUL included the change of use of land as garden curtilage and proposed the extension of the garden land beyond the post and rail fence mentioned above to the tree belt to the north. This was resisted and revised plans were eventually approved limiting the extent of garden land similar to that approved under the original 15/00377/FUL permission. Recent aerial imagery does not appear to separate the two sections of land, so, whilst the rear of Gloucester Barn may appear as residential curtilage it does not appear that this has ever been authorised. As such, the majority of the land to the western boundary of the northern section of the site (equating to approx. 25m depth) is considered to share a boundary with the countryside as opposed to any established residential use. The Inspector references the importance of this landscape buffer in the appeal decision (19/00011/REFUSL).

Overall, whilst there has been encroachment of built development along Fen Road, in general it largely retains a rural character and there are views across the open countryside (including the golf course) from all directions of the site.

The site is not within a Conservation Area and there are no Listed Buildings or trees subject to Preservation Orders in the immediate vicinity. The site also lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data and is not identified as being at high risk of flooding from other sources as per the 2024 Strategic Flood Risk Assessment.

The current proposal is the first part of a permission in principle application, which only assesses the principal issues namely location, use, and amount of development proposed and establishes

whether a site is suitable in principle. Should this application be successful, the applicant will have to submit a Full Technical Details Consent (FULTDC) application covering all other detailed material planning considerations. Permission in Principle is sought for up to three dwellings on the site.

The proposed site has had two previous applications refused. Application ref 19/00115/PIP related to a smaller section of the site for up to three dwellings and was subsequently dismissed at appeal (19/00011/REFUSL) A further application (ref 19/00732/PIP) was for two dwellings (same scale of site as the earlier refusal) and was refused but not appealed.

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
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP9: Small Settlements
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
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)
Annual Monitoring Review regarding housing land supply (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
Land Availability Assessments (2024)
The National Design Guide (2021)

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

RELEVANT PLANNING HISTORY

19/00115/PIP - Permission in Principle for up to 3 dwellings (Refused)

19/00011/REFUSL - Permission in Principle for up to 3 dwellings (Appeal Dismissed)

19/00732/PIP - Permission in Principle for up to 2 dwellings (Refused)

CONSULTATIONS

*Pidley Parish Council recommend refusal with reasons summarised as below:

*Overdevelopment of the site too excessive for the infrastructure of the village
*Inability for sewage system to cope with development
*Loss of green belt
*Lack of transport links to serve the parish
*Damage/loss of habitat for wildlife
*Visual impairment to nearby houses
*No current footpath/access
*Loss of trees
*Dangerous bend on road

*CCC Highways - No objections in principle. Improvements required which can be dealt with under FULTDC.

*HDC Environmental Health - No objections in principle - contamination assessment would be required under FULTDC.

*HDC Landscapes Team - No representations received at the time of determination.

REPRESENTATIONS

Two comments have been received and are available to view on HDC's Public Access Site. One advises that they support the application (no specific detail provided) and the other objects for reasons summarised below:

*Reasons for refusal under the 2019 application remain relevant.
*Development within the wider context of the village is not sustainable housing.
*Not supported by the Parish Council under the 2024 'call for sites'.
*Loss of greenfield and grade 2 agricultural land.
*Development would undermine the small village with limited infrastructure.

SUMMARY OF ISSUES

This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether permission in principle is acceptable for a site, having regard to specific legislative requirements and, in accordance with ref. 58-012-20180615 of the NPPG, as to whether the location, land use and amount of development proposed is acceptable. The permission in principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. PIP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PIP to minimise the upfront and at-risk work of applicants.

The report addresses the principal, important and controversial issues which are in this case:

1. Location
2. Land Use
3. Amount of Development
4. Other Matters

1. Location

NPPF paragraph 78 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against our housing requirement. A substantially revised methodology for calculating local housing need and the reimposition of this as a mandatory approach for establishing housing requirements was introduced on 12th December 2024 in the revised NPPF and associated NPPG (the standard method).

As Huntingdonshire's Local Plan to 2036 is now over 5 years old it is necessary to demonstrate a five year housing land supply (5YHLS) based on the housing requirement set using the standard method. NPPF paragraph 78 also requires provision of a buffer to ensure choice and competition in the market for land. As Huntingdonshire has successfully exceeded the requirements of the Housing Delivery Test a 5% buffer is required here. The 5-year housing land requirement including a 5% buffer is 5,501 homes. The current 5YHLS is 4,430 homes equivalent to 4.03 years' supply.

As a result of this, the presumption in favour of sustainable development is applied for decision-taking in accordance with paragraph 11 (d) and footnote 8 of the NPPF in relation to applications involving the provision of housing. This is generally referred to as 'the titled balance'. As no 5YHLS can be demonstrated the Local Plan policies concerned with the supply and location of housing as set out in the Development Strategy chapter (policies LP2, LP7, LP8, LP9 and LP10) of Huntingdonshire's Local Plan to 2036 are considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications.

The Local Plan is undergoing a review/update and the Land Availability Assessments (LAA)consider this site. The site was put forward as part of a larger site (Pidley-cum-Fenton 6: Gloucester Barn, Fen Road, Pidley) for delivery of four plots of custom and self-build housing. This also includes land to the front of Gloucester Barn (currently subject to a separate application for a single storey dwelling ref 25/00259/OUT - still under consideration at the time of preparing this report) and land under consideration for Permission in Principle for up to two dwellings under application ref 25/00543/PIP. The outcome of the evaluation was that the site (as a whole) was not suitable for delivery of housing for four key reasons:

*Is in a location that could not be effectively masterplanned to become part of the existing community.

*Would create an extension to the village with limited relationship to the main concentration of residential development within the village.

*Has the ability to substantially impact the landscape and biodiversity and ecology through the removal of extensive tree coverage.

*Would require the assembly of land in multiple uses (garden land, employment and greenfield), however the site promoter notes this is in single ownership.

In solely assessing this site, whilst Policies LP9 (small settlements) and LP10 are out of date (and so afforded less weight in the determination of this application) they are not to be entirely disregarded.

Pidley is defined as a small settlement under Policy LP9 of the Local Plan which states that these settlements can support proposals within the built-up area (BUA) of the settlement subject to tests relating to the sustainability of the settlement (levels of infrastructure, accessing services by sustainable travel methods and so on) as well as the impact on the settlement as a whole. The Local Plan defines a BUA as a distinct group of buildings that include 30 or more homes. It also states that land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the BUA.

The Local Plan goes on to state that the BUA will exclude open spaces which extend into the countryside and are not well contained by strong boundary features or primarily relate to the countryside in their use, form or character.

For the purposes of this assessment, given the character of the site and its relationship with the surrounding countryside that it lies outside of the BUA. As such, Policy LP10 (The Countryside) is the correct policy for assessment.

LP10 seeks to limit development in the countryside unless allowed through other opportunities provided for within the Local Plan. 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 the land is defined as grade 2 agricultural land. As identified in the 2019 refusal, the loss of agricultural land is largely inevitable if housing is to be provided within this rural district and as such has to be considered in the planning balance particularly given the engagement of tilted balance. Given that the scale of development in the refused application was not considered to result in significant harm in terms of the loss of agricultural land it would be unreasonable for the LPA to raise this as an issue at this stage, particularly given tilted balance considerations.

In terms of parts b of LP10, permission in principle applications are not required to provide any details as to layout, scale, design etc. However, in considering this, the LPA are of the view that the introduction of residential development on this site would result in the further erosion of land which forms a natural separation between the village and the countryside beyond (particularly given the depth of the site extending north). The site appears as detached from the main settlement (the centre of the village lying approx. 350m south-west when using the most accessible route) and is considered to relate much more to the countryside than to the settlement and so would fail to recognise the character and beauty of the countryside by the introduction of alien features.

In terms of part c, whilst there is the potential for some impacts arising from residential development being introduced in this location, given the quantum proposed it is unlikely that this would be significant harmful. Matters such as external lighting could be controlled by condition and the Environmental Health Team has not raised any objections. Given the surrounding uses of land (and recognising that there are other dwellings in the vicinity), a refusal solely on these grounds would not be justified.

Whilst the site is considered to lie outside of the BUA (and so Policy LP9 need not be applied under normal circumstances), given that tilted balance is engaged, an assessment has been conducted as to if the site was within the BUA of the settlement. In this case, the impact on the character and appearance of the area has been addressed above and so the assessment relates largely to the sustainability of the location.

Pidley has limited services, there is a Church, Village Hall, and Public House and it is recognised that there is a bus services providing connectivity to surrounding settlements. However, these are largely focused on the centre of the village. The application site lies approx. 350m from the centre close to where Fen Road becomes a 60mph speed limit (though the access remains within the 30mph zone). There are no footpaths or cycleways providing a link to the village centre and so occupants of the dwellings would likely need to rely on a private motor vehicle in order to access everyday services and it would be questionable as to if they could access services safely by sustainable travel methods.

In principle there are no fundamental objections to some growth within small settlements and, whilst the concerns raised in objections are noted, it is not considered that this quantum of development within a suitable site in Pidley would place an unacceptable degree of pressure on the infrastructure (subject to the outcome of consultations at FULTDC stage). However, in this case, the site by virtue of its separation from the village and lack of connectivity (footpath/cycle path etc) is considered to be an unsustainable location for residential development and would fail the requirements of Policy LP9 of the Local Plan despite the engagement of tilted balance and consideration of the housing supply issue.

Overall, whilst as required by titled balance reduced weight has been applied to Policies LP9 and LP10 of the Local Plan to 2036 it is considered that allowing this development outside of the built-up area of Pidley would result in encroachment and expansion of a small settlement into the countryside. The applicant has not demonstrated that the development would fall within a category which would allow for the relaxation of these policies. Further, opportunities for occupants of the dwellings to access everyday services by sustainable travel methods would be limited. It is concluded that this scheme would result in significant and demonstrable harm to the rural location and the wider settlement and is contrary to Local Plan Policies LP9 in entirety and LP10 (part b).

2. Land use

The site lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data and the 2024 Strategic Flood Risk Assessment does not identify the site as being at high risk of flooding from other sources (such as surface water). Flood Zone 1 is defined as having the

lowest risk of flooding in the Government's National Planning Practice Guidance (PPG) and development of this nature is acceptable within Flood Zone 1.

Therefore, whilst the concerns raised regarding sewage disposal are noted, this site is appropriate in respect of flood risk and surface water and drainage of the site (including sewage) could be considered at the FULTDC stage in the event of a successful appeal.

Policy LP14 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of a proposed development and maintained for users and occupiers of neighbouring land and buildings and concerns have bene raised regarding potential impacts.

The Huntingdonshire Design Guide 2017 states when considering residential development there are three key issues that need to be addressed which are loss of privacy, reducing the level of daylight and being overbearing in size and layout.

Officers need to be satisfied at this stage that the site is capable of accommodating the quantum of development proposed without having a detrimental impact on neighbour's amenity and the amenity of the proposed occupiers.

HDC's Environmental Health Team have been consulted and raise no objections in terms of noise or odour impacting neighbours nor future occupants of the dwelling. They do advise that there is some concern as to if the land may be contaminated and this would be dealt with at the FULTDC stage in the event of a successful appeal.

As detailed in the preceding sections of this report there are other residential dwellings and land in the vicinity of the application site and the layout would need to be carefully considered to prevent any harm arising from the factors detailed within the Huntingdonshire Design Guide. However, for the purposes of this assessment it is considered that the site is capable of accommodating the quantum of development proposed and could be arranged such to limit negative impacts on occupants of adjacent dwellings and land and future occupants of the proposed dwellings. Such matters would need to be considered at FULTDC stage in the event of a successful appeal.

Cambridgeshire County Council's Highways Team have been consulted as part of this process and raise no objections in principle but do note that given the proximity of the access close to where the road speed changes from 30mph to 60mph visibility to the north-east will need to be increased in accordance with recognised standards. Further, the access would need to be constructed in accordance with the highways authority guidance. Such matters would need to be considered at FULTDC stage in the event of a successful appeal.

Overall, it is considered that the scheme could be realised in accordance with Policies LP5, LP15, LP14, LP17 and LP37 of the Local Plan to 2036.

3. Amount of Development

Local Policy LP12 states new development will be expected to be well designed based upon a thorough understanding of the constraints and appraisal of the site's context, delivering attractive, usable and long-lasting buildings and spaces. A proposal will be supported where it can demonstrate that it contributes positively to the areas character and identity, successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape.

In this case, whilst the LPA are satisfied that the density of development can be accommodated on the site and matters of scale, design and massing are not matters for consideration at permission in principle stage as discussed above it is considered that the proposal would result in the introduction of development to a rural location which would be harmful to its character and which would result in further erosion of the buffer between the village and the wider countryside.

Furthermore, the siting is not considered to be sustainable having regard to the separation from the centre of the village and the limited services therein. It would therefore fail to accord with Policies LP11 and LP12 (in particular parts a, b, c, f and i), parts C1, I1, M1 and M2 of the National Design Guide (2021), and the provisions of the NPPF (2024), in particular Para. 135 parts a, c and f.

4. Other Matters

The Planning Practice Guidance (PPG) states that the scope of permission in principle is limited to location, land use and amount of development as assessed above. In the event of a successful appeal the applicant would need to also receive a grant of technical details consent before the development can proceed.

The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or trees.

*Trees

There are trees at various points surrounding the site but no obvious trees within it. Any future development would need to carefully consider the tree belt to the north and HDC's Arboricultural Officer would be consulted.

*Ecology

Policy LP30 of the Local Plan states that a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and that a proposal will ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type and location of development.

Further to the above (and separate from the requirements of LP30) the development will be 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.

The presence of grassland, trees and hedging within, surrounding, and immediately adjacent to the site means that a preliminary ecological survey and any additional species-specific surveys would be required as part of any FULTDC application to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and appropriate mitigated. Details of how a 10% BNG will be achieved in accordance with the legislation would also be required.

*Water Efficiency

Any future application for technical details consent would need to confirm compliance with the optional Building Regulation requirement for water efficiency in Approved Document G, as set out in criteria j. of Policy LP12 of Huntingdonshire's Local Plan to 2036.

*Accessible and Adaptable Homes

Policy LP25 of Huntingdonshire's Local Plan to 2036 requires all new dwellings to comply with optional Building Regulation requirement M4(2) 'accessible and adaptable homes', unless it can be demonstrated that site specific factors make this impractical or unviable. Any future application for technical details consent would need to confirm compliance with this policy.

*Developer Contributions

Any subsequent Technical Details application should be accompanied by a signed Unilateral Undertaking for the provision of wheeled bins in accordance with the Developer Contributions SPD (2011).

*Community Infrastructure Levy (CIL)

As the proposed development is for new residential dwellings, the development would be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Conclusion

Section 38(6) Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
The proposed development is contrary to the development plan, being residential development in the open countryside and in the rural policy area outside the built-up area of a settlement, which does not meet any development plan policy exceptions. Reduced weight has been given to the relevant policies given the situation with the Council's five-year housing land supply and application of tilted balance but it remains that the development would result in significant and demonstrable harm and is contrary to Policies LP9, LP10 (part b), LP11, LP12 (parts a, b, c, f and i), the National Design Guide (2021) parts C1, I1, M1 and M2, and the provisions of the NPPF (2024), in particular Para. 135 parts a, c and f and should be refused.

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