OFFICER REPORT

Case No: 25/01052/FUL **Full Planning Application**

Proposal: **Change of Use from grass yard to open storage including the siting of 10No. Shipping containers mounted on ground screws and addition of hoggin track**

Location: **The Stables Long Drove Somersham**

Applicant: **Mr Edward Keymer**

Grid Ref: **537729 279238**

DESCRIPTION OF SITE AND APPLICATION

The application site is The Stables, which is to the south of Long Drove, Somersham. The site is to the north-east of the village, outside of the built-up area within the countryside.

This application seeks permission for the change of use from a grass yard to open storage to include the siting of 10 shipping containers mounted on ground screws and the addition of a hoggin track. Essentially a B8 use under the current September 2020 Use Class Order.
The site is accessed from Long Drove, has earthen tracks and grassed areas within it. There are a number of buildings to the southern section of the site. Boundary treatments consist of palisade fencing to the western boundary (a recent approval under ref 25/00242/FUL). There are trees, planting and fencing forming the northern and eastern boundaries, there is informal planting to the southern boundary and some low-level boundary treatment passing through the site (separating the section of open land with the land where the buildings are located). At the time of the site visit there was evidence that some works had already been undertaken, vehicles parked on site and materials being stored.

In terms of constraints, a Flood Risk Zone crosses the site diagonally with both Flood Zone 2 and 3 on site as per the most recent Environment Agency (EA) Flood Risk Maps and Data. The containers are not proposed on a section of land within the Flood Risk Zone but it should be noted that there are no details of the area of the land proposed for open storage. As such, some development may be taking place within the Flood Risk Zone. EA Data also reflects some surface water flood risk on the wider site but again, not within the footprint of the proposed containers. The site is not within a Conservation Area and there are no Listed Buildings or trees subject to Preservation Orders in the immediate vicinity.

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
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP17: Parking Provision and Vehicle Movement
LP19: Rural Economy
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows

The National Design Guide (2021):

C1 - Understand and relate well to the site, its local and wider context
I1 - respond to existing local character and identity
I2 - Well-designed, high quality and attractive places and buildings
I3 - Create character and identity
B2 - Appropriate building types and forms

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)
Land Availability Assessments (2024)

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

RELEVANT PLANNING HISTORY

0201304FUL - Erection of stables and hay barn (Permission)

0302386FUL - Siting of mobile home for temporary period, breeding of horses, production of worms and distribution of carrots (Refused)

1302001FUL - Change of use of barn to carrot packing shed (retrospective) and erection of extension for the storage and repair of irrigation pipes (Permission)

25/00242/FUL - Erection of 1.8m security gate and fence (Permission)

CONSULTATIONS

Somersham Parish Council - Recommend approval (no material reasons given)

HDC Ecology Officer (informal) - Insufficient detail to assess Biodiversity Net Gain (BNG)

HDC Arboricultural Officer - No objections.

HDC Countryside Officer - No representations received at the time of determination.

Cambridgeshire County Council Highways Team - No objections subject to personal use.

Cambridgeshire County Council Lead Local Flood Authority (LLFA) - No representations received at the time of determination.

Environment Agency (EA) - Recommend refusal.

Middle Level Commissioners (MLC) - No representations received at the time of determination.

The adopted Scheme of Delegation requires a Town or Parish Council to provide material planning reasons for either a recommendation of approval or refusal of an application. In this case, no such reasons have been provided and as such this decision is delegated.

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. There is no adopted Neighbourhood Plan in place for Somersham and so no weight has been given to any Neighbourhood Plan 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 design, visual amenity and impact on the countryside)
*Residential amenity
*Highway considerations
*Flood risk
*Impact on Trees
*Biodiversity
*Other matters

*The principle of the development (including design, visual amenity and impact on the countryside)

It should be noted that the current use of the site is unclear. The Design and Access Statement details that the business occupying the site is focused on landscape, forestry and horticultural management with works taking place typically within a one-hour travel from Somersham. Officers consider that this use does not align with the approved use of the site. The planning history related to the site (as set out above) does not identify that a change of use of the land for the current use has been obtained. The 0201304FUL permission suggests an equestrian use (alluded to in the Design and Access Statement) with the 1302001FUL permitting the change of use of a barn to a carrot packing shed and an extension for storage and repair of irrigation pipes. The Officer report for 1302001FUL detailed that the carrots would be bought from local growers, bagged within the site and returned to customers. The Officer highlighted at the time that the use was not 'essential' within the meaning of Policies which permitted such development in the countryside but that this use had been taking place since 2006. The Design and Access Statement asserts that the current use (the business being focused on landscape, forestry and horticultural management) is effectively an agricultural use, Officers do not opine with this view. Whilst the red line for the 1302001FUL application did cover the same area, the application for the change of use related only to the barn. Officers consider that the current use is essentially a B8 use under the current September 2020 Use Class Order and this does not appear to have been established either by a planning permission nor by obtaining a Certificate of Lawfulness (if the use can be demonstrated for a period in excess of ten years).

The site lies outside of the built-up area of the village within the open countryside. As such, Policy LP10 (The Countryside) is the starting point for assessment. LP10 seeks to limit development in the countryside unless allowed through other opportunities provided for within the Local Plan. One such opportunity is via Policy LP19 (Rural Economy) which is discussed later in this report. Regardless of any policy relaxation, 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 (and so not land of the highest grading). Much of the surrounding land is also grade 2 land. However, for the purposes of this assessment, given the planning history and current use and appearance of the site, Officers are satisfied that it

is not in use for agricultural purposes at present and so on balance, Officers raise no objection to this relatively minor loss of land.

In terms of parts b of LP10, Long Drove has a rural character, there are very few examples of built development, and, for the most part (in the immediate vicinity of the application site) there are views across the open countryside. To the north of the site is an equestrian use (with an approved mobile home on the site - planning refs 0603584FUL & 0901536S73) but aside from this, the area is rural. It is acknowledged that the site as it exists (with the level of built form) does deviate from the otherwise lack of built development but in its present form does not appear as overly incongruous. Officers consider that permitting the change of use of the site for open storage and the siting of shipping containers would result in harm to this rural landscape and introduce factors which would be alien to the location. The submitted Design and Access Statement details that external storage would consist of gravel, sand, soil, timber and so on but as detailed in the preceding sections of this report, the plans do not indicate where this open storage will be taking place. The full extent of the site (shown within the submitted red line) extends approx. 160m from the access from Long Drove. Whilst it is acknowledged that some level of control could be introduced (restriction of height of stored materials for example and that additional landscaping is proposed), it remains that the application lacks detail for Officers to make a thorough assessment and that the introduction of such storage is uncharacteristic of the location. Furthermore, the applicant does not make it clear why the provision of such temporary forms of storage (shipping containers as opposed to permanent buildings) are preferred and why ten are required. For example, a single, permanent building, characteristic of the surroundings and other buildings on the site may be viewed more positively with appropriate justification and reduce some of the concerns which Officers have.

In terms of part c, notwithstanding the concerns regarding the visual intrusion and out of character built form, Officers are concerned that ancillary factors of such a use, (additional vehicle movements within the site/vehicles depositing materials and so on) would all amount to the erosion of the intrinsic character of the countryside, and, regardless of current operations taking place, the expansion of a use is unsuitable in this rural location. Such uses are generally focused on industrial or established employment areas where these ancillary factors are expected and are focused such that they do not cause harm to the rural character of an area. It is considered that this scheme is inappropriately sited and contrary to Policy LP10 (parts b and c).

Policy LP19 of the Local Plan details that 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.

LP19 goes on to state that 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 with Para. 6.22 specifically stating that "the primary justification for employment related development in the countryside is where either a rural location is essential to the successful operation of the business or the business is dependent upon natural resources only available in limited locations.

The LPA acknowledge that there are established industrial uses within rural areas and, as required, these are assessed upon their own merits. However, in this case, the existing use does not appear to be lawful and the intended expansion of this operation is considered to cause harm and there is no legitimate justification for its siting.

The Design and Access Statement attempts to justify the need for the additional space and storage containers and refers to the buildings (on site) housing machinery but that more outdoor space is needed to store lower value items. It does not detail why the existing buildings on site cannot be used to store the higher value materials, (are they at capacity, in poor repair, not to modern standards in terms of security etc). Furthermore, it also fails to demonstrate a particular area where the open storage will be taking place and so lacks the detail required for Officers to make a thorough assessment of the full impacts of the proposals.

Overall, Officers consider that:

*The existing use of the land is not established and the current use is likely to be unlawful and not supported under the current Huntingdonshire Local Plan to 2036. Therefore, with the absence of this established planning position (land use) the proposals cannot be considered as the expansion of an established business within its operational site.

*Even if the land use were established either by a planning permission or by the passage of time this would result in the expansion outside of what would be considered the operational site of the business (having regard to the extent of the red line and the current layout of the site).

*Insufficient detail has been provided as to why the existing buildings cannot be used or more efficient use of the land cannot be achieved.

*The introduction of shipping containers and open storage would cause harm to the surroundings and rural landscape.

*The business is not classed as a 'rural business' and therefore does not have a legitimate reason to be located within the countryside.

Overall, the proposed development would fail to accord with the requirements of Policy LP19 of the Huntingdonshire Local Plan to 2036 (particularly parts e, f and h).

N.B - It should also be noted that the site lies within the Fen Margin Landscape Character Area as defined within the Huntingdonshire Landscape and Townscape SPD (2022). The SPD states 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.

In this case it is clear that not all of the above points would relate to the development proposed and that some elements would be difficult to achieve. It is not considered that significant harm would be caused to Fen Margin Landscape Character Area and so applying the full weight of Policy LP3 is not considered to be appropriate in this instance.

Overall, having regard to the location of the site, the queries over the current use and lack of supporting detail provided by the applicant it is considered that the proposal would cause harm to the character and appearance of the countryside. The business is not a business which has a legitimate reason to be located in the countryside and ancillary factors relating to the proposed use, (vehicle movements, transportation of materials etc) would introduce factors which would be uncharacteristic and significantly harmful to the rural location. Uncontrolled open storage potentially extending approx. 160m into the countryside and the introduction of shipping containers (with no detailed justification for their provision) would result incongruous and alien features within a rural landscape and as a whole would erode the intrinsic character and beauty of the countryside. The proposal fails to accord with Policies LP10 (parts b & c), LP11, LP12 (parts a-d) and LP19 (parts e, f and h) of the Huntingdonshire Local Plan to 2036, Paras. 135 (parts b & c) and 187 (part b) of the NPPF (2024) and parts C1, I1, I2, I3 and B2 of the National Design Guide (2021).

Flood risk is dealt with in the proceeding sections of this report.

*Residential amenity

Officers note that there are some residential uses in the vicinity of the application site. There is a mobile home to the north (on the equestrian site and referenced in the preceding sections of this report) as well as Legacy Park, a travellers site to the east. Permission was granted for Legacy Park to extend the site to the west (thus abutting the eastern boundary with the application site) for some residential uses under permission reference 23/02358/FUL. Given the lack of detail provided with the application as to how far the open storage would be extending within the site Officers cannot be sure of the level of operations taking place close to the site boundaries. Whilst there are no concerns in relation to overbearing impacts, overshadowing or loss of light either due to the storage containers by virtue of their limited scale and the open storage (which could be secured by condition), it is noted that neither the application form or Design and Access Statement details the hours of operation. As such, Officers cannot be satisfied that the development would not encourage factors (increased vehicle movements, deliveries, movement of materials and so on) at times of the day which could cause harm in terms of noise, and that matters such as increased odour, dust etc has been considered. As such, the development is considered to be contrary to Policy LP14 of the Huntingdonshire Local Plan to 2036 and Para. 135 (f) the NPPF (2024).

*Highway Safety

The site has a gated access from Long Drove and there is no intention to alter this. The new entrance arrangement stated on the plans refers to the scheme approved under 25/00242/FUL. Cambridgeshire County Council's Highways Team have been consulted and raise no objections provided that the containers are used for the business only and not self-storage etc. Officers are satisfied that this could be secured by condition in the event of a successful appeal. As such, the scheme is considered to be acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of the Local Plan to 2036.

*Flood Risk

The application site lies within a mixture of Flood Zones 1, 2 and 3. A section of the north is within Flood Zone 1 but a large degree of the east and a section of the south is within Flood Zones 2 and 3. (Almost the entire section of land to the east of the area proposed for the containers is Flood Zone 2 and 3). Some sections of the site are also susceptible to surface water flood risk. The application is accompanied by a Screening Report prepared by Groundsure Location Intelligence.

This report appears to provide a high-level consideration of flood risk on the site but does not amount to a Site-Specific Flood Risk Assessment (FRA). Whist the NPPF (2024) does not require the sequential or exception tests to be applied to applications for change of use, the requirements of footnote 63 still does apply and states that a Site-Specific Flood Risk Assessment must be provided for all development in Flood Zones 2 and 3. The Environment Agency have been consulted and have raised an objection stating that the submitted FRA does not meet the requirements as set out within Planning Practice Guidance (PPG).

Officers have given careful consideration to the detail provided and advice of the EA as specialists and conclude that it cannot be guaranteed that the development is acceptable within Flood Zones 2 and 3 nor that it would be safe for its lifetime and would not increase the risk of flooding elsewhere. With the absence of information to the contrary it is concluded that the development would not accord with Policies LP5 and LP15 of the Huntingdonshire Local Plan to 2036 or the provisions of the NPPF (2024).

*Impact on Trees

The site is not within a Conservation Area nor are there any Tree Preservation Orders in place. There is some informal planting in place within the site and some leylandii type hedging to the north. HDC's Arboricultural Officer has been consulted and has reviewed the submitted details. Having done so he raises no objections, observing that the trees on site would be of low value and that the root protection areas (in the vicinity of the proposed containers) would be unlikely to be affected.

Overall, having regard to the relatively low impact of the development and the advice of specialists, the scheme is considered acceptable with regard to its impact on trees and therefore accords with Policy LP31 of the Huntingdonshire Local Plan to 2036.

*Biodiversity

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), new 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) is required 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 any development would be exempt.

In this case, Officers accept that the nature of the development means that providing reasonable enhancements such as bat boxes and bird boxes would be challenging and that the use of the site is likely to limit their effectiveness. This however does not negate the need for BNG consideration. In the event of a successful appeal Officers would suggest a condition to limit external lighting on the site which could cause harm to nocturnal species given the exposed rural location.

No ecological assessments accompany the application and so it is unclear if there are any habitats of protected species which could be impacted by the development. That said, having visited the site and assessed its current condition Officers consider that opportunities for the site to provide a habitat for protected species are likely to be low (there are no dilapidated buildings, areas of long grass, watercourses or ponds etc). The submitted application form details that the site would fall within the de-minimis category (affecting less that 25m² of on-site habitat) as it is not creating floorspace. This is also asserted in the Design and Access Statement. The Officer view does not align with this. The site visits revealed that a large degree of the land was laid to grass (which must

be considered in a BNG baseline) and the works already completed appeared to have removed this grass. Whilst the containers will not be directly on the ground they will cover the grass (and so reduce its value). In any event, the section of land proposed for the hoggin track amounts to more than 25m² and so this needs to be considered. Officers have consulted the Council's Ecology Officer who has confirmed that the development would not meet the BNG exemptions and as such a baseline calculation of the BNG value of the land should have been provided as well as enhancements in accordance with legislation. It is noted that additional planting is proposed but without the baseline it cannot be guaranteed that this will provide the required 10% BNG over a monitoring period of 30 years.

Overall, the development is considered to be contrary to the requirements of Policy LP30 of the Huntingdonshire Local Plan to 2036 and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

*Conclusion

Section 38(6) TCPA 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 site, by virtue of its location in the open countryside is inappropriate for the nature of development proposed. The business is not classed as a business which has a legitimate reason to be located within the countryside. Furthermore, insufficient detail has been provided to allow Officers to obtain clarity on the current established use of the site and why the current facilities are insufficient. It is considered that ancillary factors relating to the proposed use, (vehicle movements, transportation of materials etc) would introduce factors which would be uncharacteristic and significantly harmful to the rural location. Uncontrolled open storage and the introduction of shipping containers would result in incongruous and alien features within a rural landscape and as a whole, the development would erode the intrinsic character and beauty of the countryside. The proposal fails to accord with Policies LP10 (parts b & c), LP11, LP12 (parts a-d) and LP19 (parts e, f and h) of the Huntingdonshire Local Plan to 2036, Paras. 135 (parts b & c) and 187 (part b) of the NPPF (2024) and parts C1, I1, I2, I3 and B2 of the National Design Guide (2021).

*Insufficient detail has been provided as to the extent of the land proposed for the open storage and the hours of operation of the site. As such, it cannot be guaranteed that there will not be an unacceptable impact on the occupants of the adjacent land contrary to Policy LP14 of the Huntingdonshire Local Plan to 2036 and the provisions of the NPPF (2024).

*The applicant has failed to provide a detailed Site-Specific Flood Risk Assessment having regard to the location of the site within Flood Zones 2 and 3 and susceptible to surface water flooding. As such, it has not been possible for Officers to determine the suitability of the site for the proposed development, if it will be safe for its lifetime and that it will not increase flood risk elsewhere. The development therefore fails to comply with Policies LP5 and LP15 of the Huntingdonshire Local Plan to 2036 and the provisions of the NPPF (2024).

*The applicant has failed to provide any information relating to Biodiversity Net Gain. Incorrectly stating that the development would be exempt. No details of a baseline habitat value have been provided and so it cannot be guaranteed that a 10% net gain can be achieved in accordance with legislation contrary to the requirements of Policy LP30 of the Huntingdonshire Local Plan to 2036 and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Overall, for the reasons above, it is recommended that the planning application is refused.

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CONTACT OFFICER:
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