OFFICER REPORT

Case No: 25/00893/FUL Full Planning Application

Proposal: Retrospective planning application for change of use of amenity land to garden & the erection of a new 2 Metre high garden fence & gate

Location: 17 Valiant Square Bury Huntingdon

Applicant: Ms Tracey Marshall

Grid Ref: 527905 283500

DESCRIPTION OF SITE AND APPLICATION

The application site is occupied by a detached dwellinghouse located on the corner of Valiant Square in Bury. There are no constraints relevant to the site.

Retrospective planning permission is sought for the change of use from amenity land to garden & the erection of a new 2 metre high garden fence and gate.

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;
* achieving well-designed places;
* conserving and enhancing the natural environment;
* conserving and enhancing the historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

The National Design Guide (2021)

*C2 – Value heritage, local history and culture
*I1 – Respond to existing local character and identity
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
*H1 - Healthy, comfortable and safe internal and external environment
*H2 - Well-related to external amenity and public spaces

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP17: Parking Provision and Vehicle Movement
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP32: Protection of Open Space

Bury Village Neighbourhood Plan 2019-2036 (May 2021)

Supplementary Planning Documents

- Huntingdonshire Design Guide Supplementary Planning Document 2017
- Huntingdonshire Landscape and Townscape Assessment (2022)

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

RELEVANT PLANNING HISTORY

1000474TREE - Felling and removal of one Cherry tree – Consent

23/01999/TREE - TO28 - whole crown reduction to 6m above ground level – Consent

24/00148/TREE - L/TPO/269 T028 Silver Birch. Application is to Fell and plant with a replacement more suitable to the site. The replacement would be 1 x small to medium sized upright tree as recommended by the tree surgeon. Please note that this is a change to my original request(consent granted) which was to do a whole crown reduction to 6m above the ground. The change in request has arisen following consultation with a Tree Surgeon Rob Ayres (Ayres Tree Care) who I asked to quote to undertake the work approved. His recommendation states: having read the tree report from Ethical Arboriculture (dated 16 Feb 2022) and then inspected the tree, due to the condition of the tree and feeling that it has reached the end of its natural life, I feel that, realistically, the tree needs to be felled and a replacement planted which would be more suitable to the site with it being adjacent to the road and next to a street light. I would recommend replanting with a small to medium sized upright tree which will not be problematic in the future - Consent

CONSULTATIONS

Bury Parish Council were consulted but no comments were received at the time of determination.

Highways – noted that the application for change of use of land which does not form part of the public highway. The Local Highway Authority raises no objections to the proposed development.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Principle
- Design and Visual Amenity

- Residential amenity
- Highway Safety
- Trees
- Biodiversity

Principle

The application site is located within an established residential area of Bury, Ramsey which is defined as a Spatial Planning Area under Policy LP7 of Huntingdonshire's Local Plan to 2036. However, in this case the proposed development does not fall into any of the categories detailed under Policy LP7 which concern residential development.

Policy LP32 of the Local Plan looks to avoid the loss of open space, outdoor recreation facilities, allotments and areas of garden land that provide amenity value. In this case, the area of land in question measures approximately 183 square metres comprising grassland.

Bury Village Neighbourhood Plan 2019-2036, Part 34, 35.1 states that Local Green Space designation will not be appropriate for most green areas or open space and the designation should only be used where the green space meets the criteria set out in the NPPF. Namely that it is in reasonably close proximity to the community it serves; where the green area is demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife and where the green area concerned is local in character and is not an extensive tract of land.

The area of land in question does not fit into one of the above categories and is therefore not Designated Green Space. Whilst the loss of this small section of land is acknowledged, it is considered to be of low public value and would not be contrary to the aims of Policy LP32 of the Local Plan or the Bury Village Neighbourhood Plan 2019-2036. The proposal is therefore considered to be acceptable in principle, subject to other material considerations.

Design and Visual Amenity

Policies LP11 and LP12 of the Local Plan and the Huntingdonshire Design Guide SPD (2017) set out key principles of good design to support proposals that respond positively to their context, integrate successfully with the surrounding built form and create well designed and sustainable developments that are functional to meet the needs of present and future occupiers.

The application site is a two-storey detached dwellinghouse located on a corner plot within an established residential area of Bury.

The proposal seeks a retrospective change of use of approximately 183 square metres of grassed amenity land located to the east side and south rear garden of No17 Valiant Square, which forms additional private garden space. The land extends the original boundaries of the dwelling by approximately 3.1 metres to the rear and 7.5 metres to the side, thereby forming an enlarged private garden area.

A 2 metre high close-boarded timber fence with trellis detail has been erected to enclose the additional land. A gate is incorporated into the fence along the eastern side boundary. The new fence line has been realigned to project eastward towards the road (Valiant Square) and southward to match the rear garden depth of the adjacent dwelling at No. 16 Valiant Square. Importantly, a 2 metre wide grass verge remains between the fence and the highway kerb along the eastern boundary.

Fencing is a common boundary treatment to the rear of properties within Valiant Square. The extension of the private garden and erection of a 2 metre high timber close-boarded fence does not

appear visually intrusive within the wider context, particularly as it aligns with the rear garden boundary of No. 16 to the west. While the fencing projects closer to the highway along the eastern side, a 2 metre wide grass verge remains in place between the fence and the kerb, softening the visual impact. A larger grass verge remains on the opposite side of the road, maintaining an open streetscene character.

Although boundary treatments adjacent to roads are typically expected to be of brick or a more substantial material, the previous treatment was also fencing. The new fencing does not extend beyond the front building line and is therefore not prominent or incongruous when viewed from the street.

On balance, it is not considered that the proposed change of use or associated boundary treatment would appear visually intrusive or uncharacteristic within the street scene.

As such, the proposal is considered acceptable in design terms and would not result in any adverse harm to the character or visual amenity of the surrounding area. The proposal therefore accords with Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036.

Residential Amenity

Policy LP14 of the Local Plan to 2036 states 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.

In terms of neighbour amenity, the proposed change of use of the land to form additional private garden space with the 2-metre boundary fence, would not result in any built form or development that would give rise to overshadowing, loss of light, or an overbearing impact on neighbouring properties. The aligning of the 2 metre boundary fence to align with that to the rear of No 16 Valiant Square would represent a continuation of existing boundary treatments and would not introduce any new features that would adversely affect neighbouring residential amenity.

The change of use would enhance the quality of the outdoor space available to the occupants of the application property without affecting the use or enjoyment of neighbouring dwellings or communal areas. Furthermore, the proposal would not result in any additional overlooking or loss of privacy for surrounding residents.

The proposal therefore accords with Policy LP14 of Huntingdonshire Local Plan to 2036 and Section 12 of the NPPF (2024) in this regard.

Highway safety

The proposed change of use and retention of the 2 metre grass verge between the new fence line and the road ensures there is no encroachment onto adopted highway land or obstruction to pedestrian visibility. There is no impact on parking provision or vehicular access. The development is therefore acceptable in highway terms.

Given the limited scope of the proposal and its nature, it is not considered that the development would give rise to any highway safety concerns.

The proposal is therefore acceptable in terms of highway safety in accordance with LP17 of Huntingdonshire's Local Plan to 2036.

Trees

There are a number of trees in the vicinity of the site that were historically protected by Tree Preservation Orders (TPOs). However, it is noted that consent was granted for the felling and

removal of these trees under previous applications in 2010, 2023, and 2024. As such, the TPO-protected trees in question are no longer in situ.

Given the retrospective nature of the proposal and the limited ground disturbance associated with the change of use and the erection of the boundary fence, it is not considered that the development would cause harm to any remaining trees within or adjacent to the site.

Therefore, the proposal is considered acceptable in terms of its impact on trees and complies with Policy LP31.

Biodiversity

Policy LP30 of the Local Plan to 2036 states that "a proposal will ensure no net loss in biodiversity and achieve a net gain where possible." Further, pursuant to the Environment Act 2021, 10% statutory Biodiversity Net Gain (BNG) would be required unless the development under consideration is exempt. In this case, at present there is no legislation to deal with applications which are made retrospectively as matters relating to BNG are generally pre-commencement and so opportunities to impose controls or evaluation of habitats are lost.

Overall, the proposal is considered to be acceptable in terms of biodiversity impacts and broadly accords with Policy LP30 of the Huntingdonshire Local Plan to 2036.

Conclusion

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

* Is acceptable in principle;
* Is of an appropriate scale and design;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would not have a significantly detrimental impact upon Highway Safety;

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

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CONTACT OFFICER:

Enquiries about this report to **Robyn Kerrigan**