OFFICER REPORT

Case No: 24/01866/FUL Full Planning Application

Proposal: Erection of self build dwelling and garage

Location: 28 St Neots Road Abbotsley St Neots

Applicant: Mr and Mrs D and J Holmes

Grid Ref: 522473 256744

DESCRIPTION OF SITE AND APPLICATION

The site is located on the northern side of the B1046 St Neots Road. It currently falls within the extensive garden curtilage of 28 St Neots Road and extends to approximately 0.4ha.To the west is a farm track and the end of the village's 30mph speed limit zone. To the east are large, detached properties in extensive grounds. The small cul-de-sac of Field Close is opposite the site to the south, which is the exception to what is otherwise a strongly linear pattern of surrounding development. To the north is farmland.

The site is situated in Flood Zone 1 according to the Environment Agency's Flood Maps for Planning and the Huntingdonshire Strategic Flood Risk Assessment (2024). The site is outside but adjacent to the Abbotsley Conservation Area (which does not extend beyond the greenhouse wall of No. 28). There are no Listed Buildings in the immediate vicinity and no Tree Preservation Orders in force.

This application seeks permission to erect a single two-storey detached self-build dwelling along with a separate building for garage space/storage.

This application has been accompanied by the following:

*Proposed plans
*Design and Access Statement
*Planning and Heritage Statement
*Preliminary Ecological Appraisal
*Arboricultural Impact Assessment & Method Statement
*Vehicle Speed Survey and Visibility Splay Assessment
*Unilateral Undertaking to provide a wheeled bins contribution

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
LP34: Heritage Assets and their Settings

Supplementary Planning Documents (SPD) and Guidance:

*Huntingdonshire Design Guide Supplementary Planning Document (2017)
*Developer Contributions SPD (2011)
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Cambridgeshire Flood and Water SPD (2017)
*Annual Monitoring Review regarding housing land supply (2024)
*Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

There is no Made or emerging Neighbourhood Plan relevant to the application site.

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

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
*B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
*N3 - Support rich and varied biodiversity
*H1 - Healthy, comfortable and safe internal and external environment

*H2 - Well-related to external amenity and public spaces
*H3 - Attention to detail: storage, waste, servicing and utilities.

For full details visit the government website

RELEVANT PLANNING HISTORY

Aside from extensions to the existing dwelling at 28 St Neots Road, the following are relevant to this application:

0502401CLED - Certificate of lawfulness for continuation of use as part of garden (Certificate Issued 6th October 2005)

24/00533/FUL - Erection of self-build dwelling and garage (Withdrawn 18th September 2024)

Officer note: 0502401CLED confirmed the lawful use of land as gardens incidental to 28 St Neots Road. It included the current application site.

CONSULTATIONS

Abbotsley Parish Council - Recommends approval. Whilst technically outside the village envelope and Conservation Area, site nonetheless feels integral to the village. Design concerns with the withdrawn scheme have been addressed. No harm identified to appearance or neighbouring properties.

Cambridgeshire County Council Local Highways Authority - No objections subject to conditions.

HDC (Conservation Officer) - No objection. "Unlikely to have an unacceptable impact on the setting of the Conservation Area due to construction of Field Close opposite which has introduced modern built form nearby."

HDC Arboricultural Officer - No objections subject to conditions.

HDC Operations (Waste) team - No representations received at the time of determination.

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, as stated above, there is not an adopted neighbourhood plan in place for Abbotsley.

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
*Design, visual amenity, impact upon the character of the area and wider countryside
*Impact on heritage assets
*Amenity
*Highways considerations
*Flood risk
*Biodiversity
*Impact on trees

*The principle of the development

The 2005 Lawful Development Certificate confirms that the site is residential curtilage. Supporting text at Local Plan paragraph 4.85 contains guidance and definitions of what constitutes the built-up area, advising that this "will include elements of the grounds of large curtilages that relate closely to the buildings, for instance formal gardens, ancillary parking and hard tennis courts". In this instance the application site forms part of the lawful formal gardens of 28 St Neots Road and can therefore reasonably be considered to fall within the built-up area.

The Local Plan defines Abbotsley as a Small Settlement and consequently the assessment criteria at Policy LP9 are relevant in determining whether the principle of development is acceptable:

'a proposal that is located within a built-up area of a Small Settlement will be supported where the amount and location of development proposed is sustainable in relation to

(a) the level of service and infrastructure provision within the settlement;

(b) opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport; and

(c) effect on the character of the immediate locality and the settlement as a whole.'

With regard to criteria (a) and (b), whilst it is recognised that there are limited services and facilities within Abbotsley itself (chiefly a village hall, church and public house), there is a peak hours bus service operating from the village to Cambridge and St Neots which stops immediately outside the site. The location is therefore considered sustainable regarding accessibility to services, facilities and infrastructure.

Compliance with criterion (c) is assessed below. Subject to that assessment, the proposed development is considered to be acceptable in principle.

*Design, visual amenity, impact upon the character of the area and wider countryside

Local Plan Policy LP11 provides support to proposals that can demonstrate a positive response to their context, whilst Policy LP12 expects new development to be well designed and offers support

where a positive contribution to the area's character and identity can be demonstrated, together with successfully integration with adjoining buildings and landscape.

Section 12 of the NPPF (2024) seeks to achieve well designed places, noting that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The National Design Guide (2021) sets out the characteristics of well-designed places and demonstrates what good design means in practice. It covers the following: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Of particular note to the current proposals is guidance relating to design and how this understands and relates well to the site within its local and wider context, how the history of the place has evolved and that local sense of place and identity are shaped by local history, culture and heritage, how a proposal responds to existing local character and identity, whether proposals are well designed, high quality and attractive and whether they are of an appropriate building type and form.

The HDC Design Guide (2017) is relevant to the current application proposals, in particular chapter 4 and sections 3.7 and 3.8. The guide states that the size, shape and orientation (the form) of a building can have a significant impact upon its surroundings. The form of new buildings should generally reflect traditional built forms found in Huntingdonshire. The scale, massing and height of proposed development should be considered in relation to that of adjoining buildings, the topography, pattern of heights in the area and views, vistas and landmarks. It is noted that the proposals include an outbuilding forward of the principal elevation (which is not generally supported). However, in this case it is not an unfamiliar feature in the locality, the design is acceptable and appears subservient to the host dwelling and so can be supported.

The guide notes that with regard to building detailing, the district has various architectural styles and materials which reflects the local vernacular. It is noted that new buildings should be designed in harmony and proportional to each other, complimenting the overall street character of the place. Appropriate spaces between buildings helps to create an interesting streetscape. Detailed guidance is also provided relating to roofs, eaves and ridge lines and chimneys. With regards to materials, these should complement the successful parts of any surrounding developments in order to conserve or enhance the distinctive character of the various parts of the district and to ensure that buildings sit comfortably within the landscape.

There is a variety of building form and style on this part of St Neots Road, mostly of a linear form presenting simple pitched roofs fronting the public realm peppered with the occasional secondary gable. The proposed development respects this context and is considered acceptable in terms of its siting, footprint, height, form, bulk, elevational treatment and architectural language. Subject to the use of appropriate materials and landscaping (which shall be secured by condition) the design is considered to comply with Local Plan Policies LP11 and LP12 and therefore criterion (c) of Policy LP9.

In terms of the impact on the countryside, whilst as established above the site is considered to lie within the built-up area of Abbotsley it will have some impact on views from the open countryside (namely the agricultural land to the north and west. However, given that the land is established as residential garden land the proposal would not result in the loss of high-quality land given over to agriculture. Further, for the reasons assessed earlier it is not considered that the development would impact the landscape character of the area or cause harm when considered against the other factors mentioned in Policy LP10.

Overall, it is considered that the proposal would not (subject to condition) result in harm to the character or appearance of the area or the wider countryside and therefore accords with Policies LP10, LP11 and LP12 of the Local Plan to 2036.

As detailed in the preceding sections of this report, the site lies adjacent to the Abbotsley Conservation Area (boundary to the east).

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Para. 212 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

In this case a Heritage Statement accompanies the application and HDC Conservation Team have been consulted. Having reviewed the submitted details, they raise no objections to the development.

Therefore, having regard to these comments alongside the earlier assessment, it is concluded that the development is acceptable with regard to its impact on the designated heritage assets and therefore accords with Policy LP34 of the Local Plan to 2036, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the NPPF (2024).

*Residential amenity

The proposed development would not cause any material overshadowing, overlooking or overbearing impact to existing adjacent properties. Suitable living conditions would be provided for its future occupiers and the Council's Environmental Health Officer has raised no concerns in respect of matters that might affect residential amenity. Consequently, the proposed development is considered to comply with Policy LP14 of the Local Plan to 2036.

*Highway safety and parking

The Local Highway Authority has no objection to the proposed development, including the formation of a new access onto the B1043. Conditions have been suggested in respect of the set-back of gates, means of crossing the existing roadside drainage ditch, prevention of run-off onto the highway, standard of construction for the new access, and provision of onsite parking/turning. These conditions are considered to meet the relevant tests and are recommended accordingly. The appropriate ownership certificate has been submitted as part of the process in order to cover the works required within the highway.

The proposals include a double garage and store. This accords with the recommendations of the Design Guide in terms of scale and will also offer one cycle space per bedroom as required by LP17. There is ample space for off road parking within the site.

Overall, therefore, the proposed development is considered to comply with Policies LP16 and LP17 of the Local Plan to 2036.

*Flood risk

The site lies in Flood Zone 1 where development of this nature is acceptable. The proposal does not require the submission of a Flood Risk Assessment or the application of the Sequential or

Exception Tests as per the NPPF (2024). Matters such as surface water disposal shall be dealt with at the building regulations stages but given that a condition will be attached to prevent surface water discharging onto the highway and a further landscaping condition (under which permeable paving can be provided) it is concluded that there will be no surface water run off impacts.

Accordingly the development complies with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 if the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible. The development being self-build (a matter which shall be secured by condition) means that it will be exempt from Biodiversity Net Gain legislation. Matters relating to LP30 do still need to be addressed. In this case the application is accompanied by a Preliminary Ecological Appraisal. This concludes that subject to mitigation measures the development can proceed with no harm to protected, important and assessed species. It goes on to state measures for enhancements. Therefore, subject to a condition to secure a Biodiversity Method Statement detailing how these will be implemented the development accords with Policy LP30 of the Local Plan.

*Impact on trees

The formal gardens currently occupying the application site contain a number of trees, mostly younger specimens understood to have been planted by the applicants. A limited number of these existing trees would need to be removed to facilitate the proposed development. HDC's Arboricultural Officer has been consulted and raises no objections to the development subject to the submission of an Arboricultural Method Statement and compliance with the suggested tree protection measures. The Officer has also suggested a separate landscaping condition which has already been addressed above (and which shall be included in the permission).

Having regard to the details submitted and the advice of specialists (as above) The development is considered to be acceptable with regard to its impact on trees and, subject to condition complies with Policy LP31 of the Local Plan to 2036.

Other matters:

*Accessible and adaptable homes

Policy LP25 of the Local Plan to 2036 requires proposals that include housing to meet the optional Building Regulation requirement M4(2)" Accessible and adaptable dwellings" unless it can be demonstrated that site specific factors make this unachievable. The proposed development will be conditioned to be designed in accordance with and will be built in accordance with the M4(2) standards.

*Water efficiency

LP12 of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The proposed development will be conditioned and designed in accordance with and will be built in accordance with the LP12 (j) standards.

Developer contributions (Wheeled Bins)

A Unilateral Undertaking to secure the provision of wheeled bins has been submitted to the LPA and is retained on file. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard.

Developer contributions (CIL)

The development will 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. A completed Community Infrastructure Levy Form has been provided to the Local Planning Authority dated 31st of October 2024. The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

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

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP4, LP5, LP9, LP10, LP15, LP16, LP17, LP11, LP12, LP14, LP30, LP31 and LP34 of Huntingdonshire's Local Plan to 2036 and consequently it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
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