Huntingdonshire
DISTRICT COUNCIL

Pathfinder House, St.Mary's Street
Huntingdon PE29 3TN
www.huntingdonshire.gov.uk

The Owners of 1, 2 and 11-24 Waters Edge
Wansford
Peterborough
Cambs

Our Ref: AM/0001441S73

22nd January 2013

Dear Sir/Madam,

Planning position – Waters Edge, Wansford

I am writing to you in order to clarify the planning position in relation to the on-going occupation of nos. 1, 2 and 11-24 Waters Edge (those dwellings erected to date under planning references 0001441S73 and 0200293REM). For the reasons set out below, I can now formally confirm that there is no planning restriction limiting the residential occupancy of these lodges to secondary or holiday residences. For the avoidance of doubt they can therefore be occupied as a person's sole, primary, secondary and/or holiday home.

Outline planning permission (reference 96/1592) for a development described as 'Re-development and restoration of quarry to provide marina, leisure and employment uses' was granted on 8 April 1998. The planning permission was subject to an agreement under section 106 of the Town and Country Planning Act 1990 which, amongst other things, stated that the 24 'Leisure Lodges' shall only be occupied as secondary or holiday residences.

However, a subsequent planning permission was granted in 2000 (reference 0001441S73) and the lodges were erected under this permission and the 2002 reserved matters approval (0200293REM), not the 1998 permission. Whilst the 2000 application sought to 'vary' the time limit conditions on the 1998 permission and Note 6 on the 2000 permission states that the permission is related to an Agreement under section 106, legal cases have established that an approval of an application to 'vary' a permission creates a new, standalone permission. In the absence of a further legal agreement specifically related to the 2000 permission, the dwellings erected under the 2000 planning permission and 2002 reserved matters approval (i.e. 1, 2 and 11-24 Waters Edge) are not subject to the restrictions in the 1998 S.106 agreement and are not therefore subject to the secondary or holiday residences only restriction.

I trust this response is helpful in setting out the basis of the applicable planning permission in relation to 1, 2 and 11-24 Waters Edge.

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I would advise you to keep this letter so that it can be produced to explain the planning status of your property if you sell it in the future. I can confirm that an appropriate explanatory note will also be placed on the Land Charges Register.

Yours sincerely,



Andy Moffat
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