OFFICER REPORT

Case No: 25/00015/FUL **Full Planning Application**

Proposal: Retrospective application for mixed development comprising of agricultural & B2, B8, E(g) and Sui Generis uses

Location: Glebe Farm School Lane Kings Ripton

Applicant: Mr Philip Rayner

Grid Ref: 526301 276561

DESCRIPTION OF SITE AND APPLICATION

Glebe Farm is located to the east of the village of Kings Ripton and was historically an agricultural enterprise. In recent years diversification of the site has taken place and a number of buildings have been approved on the site which are now used for purposes which support the diversified use. As such, the site now has a mixed use of agricultural and commercial uses (Classes B2, B8, E(g) (formerly B1) and Sui Generis - the agricultural element) and has become the sole gluten free oats producer in England.

Whilst there is a varied planning history associated with the site (in terms of the buildings which have been provided) its use has never been regularised. This application is therefore a retrospective application which seeks to regularise the use and correct any breach. The applicant has worked closely with the Local Planning Authority (LPA) to progress this.

The northern part of the site lies withing Flood Zones 2 and 3 (the remainder and majority of buildings in Flood Zone 1) and has an overall very low risk of flooding (now and in the future) from all sources as per the most recent Environment Agency Flood Risk Maps and Data. There is a Grade II Listed Building west of the site and the Kings Ripton Conservation Area boundary is approx. 100m to the west. The site also lies within the Central Claylands Landscape Character Area.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

During the lifetime of the application Sui Generis use has been added to the description. This is for completeness to cover the agricultural use which is established and which has been an historic use. It is included for completeness. There is also a building shown on the plan annotated as 'farm office.' This is subject to a separate application (24/00246/FUL) which remains under consideration. It is not authorised by the approval of these plans.

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
LP6: Waste Water Management
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP19 Rural Economy
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings
LP36: Air Quality
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)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
The National Design Guide (2021)

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

RELEVANT PLANNING HISTORY

Given the nature of the site there is a wide and varied history associated with it. History from 1974 Onwards is available to view on HDC's Public Access Site. The most recent relevant history is detailed below:

0301127FUL - Change of use of farm buildings to storage and warehousing (B8) (Permission)

1000430FUL - Erection of freestanding general purpose agricultural produce and implement storage building (Withdrawn)

1001397FUL - Erect freestanding general purpose agricultural produce and implement storage building (Permission)

1301213FUL - Erect a general purpose agricultural building and implement shed with relocation of existing 100 caravan storage area (Permission)

1301953FUL - Retrospective application for temporary planning permission for continued use of Portable Cabin offices (Permission)

15/00981/FUL - Proposed grain store and relocated caravan park - inclusive of tree/hedging screen. (Permission)

18/01824/FUL - Proposed grain store and relocation of caravan park - inclusive of tree/hedging screen (Permission)

20/01773/FUL - Installation of an additional biomass boiler unit, associated plant and covering building. Retention of two existing biomass boiler units (Permission)

21/00784/FUL - Proposed grain store (Permission)

24/00246/FUL - Retrospective planning for Farm Office (Pending Consideration)

24/00247/ADV - Retrospective planning for Signs (Consent)

24/01510/CLED - Lawful Development Certificate (Existing) for change to Class B2 due to food manufacturing from farm crops on site since 2000 (Withdrawn)

CONSULTATIONS

Kings Ripton Parish Council - No representations received at the time of determination.

CCC Highways - No objections (following receipt of additional information).

CCC Rights of Way Team - No objections.

HDC Environmental Health Team - No objections.

Environment Agency - No objections.

Cadent - Holding objection - see details in the proceeding sections of this report.

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, there is not an adopted neighbourhood plan in place for Kings Ripton. 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:

o Principle of Development
o Design, Visual Amenity and the Impact upon the Character of the Area
o Impact on Heritage Assets
o Residential Amenity
o Highway Safety and Access
o Flood Risk
o Biodiversity
o Other issues

*The principle of the development

The site is located east and outside of the built-up area of Kings Ripton which is the nearest settlement and therefore considered to be within the countryside. As such, Policy LP10 of the Local Plan is the starting point for assessment. It should be re-affirmed at this stage that this application seeks only to regularise the use of the site and not for the siting (either proposed or retrospective) of any of the buildings on the submitted plan. The agent has provided details indicating that these are either historic or authorised and the planning history listed above corresponds with this. As such, impact on the character and appearance of the area due to scale and massing has been assessed under these earlier approvals and does not form part of this assessment.

Policy LP10 seeks to limit development within the countryside except where it is permitted through other policies of the Local Plan. One such policy which allows LP10 to be relaxed is LP19 (Rural Economy) and this is discussed in more detail below. Regardless of any relaxations 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 classified as grade 2 and 3 agricultural land. The section of the site hosting the majority of the buildings is grade 3 land. In this case, given that these are already in place and authorised this application does not need to consider the loss of the land. In any event, the benefit to the rural economy that this site provides (mixing agricultural and commercial uses) would outweigh any minor harm caused.

Along the same theme, the site is set well back from the main road (the B1090) to the south, is set lower and there are extensive bunds. As such, it is barely visible in the landscape and, given the agricultural character of the area does not result in operations/movements which would be uncharacteristic. The same applies when considered from the village (the entrance to the original farm being to the west). Parts b and c of the policy overlap in this instance (given that use is being considered). The site has been operating at scale for some time (indicated by the requirements and assessments of the previously approved applications), HDC's Environmental Health Team have been consulted, they acknowledge the existing (unregularised) use and advise that they have no records of any complaints relating to noise or odour originating from the site and therefore do not object. Therefore, the use of the site is not considered to be contrary to the aims of parts b and c and, overall would broadly comply with Policy LP10 of the Local Plan.

As referenced above, Policy LP19 of the Local Plan allows for the expansion of or diversification of a rural business subject to certain tests. The Policy specifically states that: "a proposal for farm diversification will be supported where it is demonstrated that it is complementary and subsidiary to the ongoing agricultural operations of the farm business, and that it meets criteria e-h". These are set out below:

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.

The above tests are more focused on when a business wishes to expand outside of its operational site. In this case there is no intention to extend beyond the operational site further into the countryside. A review of the previous proposals show the varying degree of additional buildings (as reflected in the site history) and a visit reveals that they are all grouped relatively closely. It is acknowledged that historically the site may have been smaller, but it cannot be considered that the operational farmyard has extended further into the countryside in a way which could be considered harmful. As such, parts e and h of the policy are not considered relevant in this instance. Further, matters relating to parts g and h have been considered in the preceding sections of this report and are also considered acceptable.

Overall, the development broadly accords with the aims of Policy LP19 of the Local Plan.

It should also be acknowledged that Paragraphs 88 and 89 of the NPPF (2024) seeks to support a prosperous rural economy and recognise that sites to meet local business needs in rural areas may need to be located beyond existing settlements. As referenced in the preceding sections of this report and details in the submitted supporting detail the business has diversified expanding from an agricultural business to a becoming the sole producer of gluten free oats and oat products and one of the major producers in western countries. The company employs 50-60 staff (as of

2024) and engages with a further 10-20 contract engineers and technical staff from within the local area. As such, Officers are satisfied that the activities within the site support a thriving rural economy and are consistent with the aims of the NPPF 2024 in this regard.

One final area of consideration in establishing the principle is that the site is located within the Central Claylands Landscape Character Area. The Huntingdonshire Landscape and Townscape SPD (2022) states that development proposals should:

*Protect and manage areas of ancient woodland and existing hedgerows.

*Plant new blocks of native woodland and hedgerows to provide a stronger sense of structure to the landscape.

*Protect the remaining orchards and where appropriate extend them or establish new orchards.

*Protect village greens and their immediate surrounding character.

*Retain the built form of distinctive nucleated villages.

*Sensitively redevelop redundant airfields reflecting their prominence in local and long-distance views.

Again, given that this relates only to a change of use the matters above are not considered wholly relevant. However, there is some overlap with the points already considered above and the development is considered to broadly accord in these respects and will not result in harm to the character area and accords with Policy LP3 of the Local Plan to 2036.

Overall, the development is considered to accord with Local Plan Policies LP3, LP10 and LP19 and the provisions of the NPPF (2024) and is acceptable in principle subject to compliance with other material planning considerations and conditions.

*Design and visual amenity

This proposal relates only to the use of the site and does not propose any built development. A brief assessment of the existing built development has been provided in the preceding sections of this report as has the impact of the change of use on the character of the area. There is considered to be no conflict with the design policies of the Local Plan to 2036.

*Impact on Heritage Assets

As detailed above, the site lies to the east of the Kings Ripton Conservation Area (approx. 100m) and there is a Grade ll Listed Building (Glebe House) to the west approx. 17m away.

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.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 which considers the impact on the heritage assets. As detailed above, there is no additional built development proposed and so the assessment of the impact on the heritage assets relates solely to use. In this case, the site has been in agricultural use (with other uses in breach) for some time. Given the measures included with earlier permissions to limit the visual impact and the established and proposed uses which do not give rise to any factors which would be uncharacteristic of a working farm, it is not considered that significant harm would be caused to the heritage assets.

Overall, the development is considered to be acceptable with regard to its impact on the designated heritage assets and accords with Policy LP34 of the Local Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF (2024).

*Residential amenity

Given the absence of any additional built development this assessment focuses on matters such as noise and odour and impacts from additional vehicle movements. Neighbours have been formally consulted on the scheme and the LPA has posted two site notices. No representations have been received at the time of determination. As detailed in the preceding sections of this report, HDC's Environmental Health team have been consulted, they acknowledge that the operations have been taking place for some time and have no record of any complaints relating to increased noise or odour. Vehicle movements are assessed in more detail below but it is noted that the main access to the site is via the B1090 as opposed to via the village access and so any residential disturbance from the operations is minimised.

Overall, having regard to the above assessment and lack of objection from specialists, the development is considered to be acceptable with regard to its approach to residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway safety and access

Given the established nature of the site there is provision for vehicles (including heavy good vehicles - a weighbridge is in place) within the site. There is also a large parking area for staff. Cambridgeshire County Council as the Local Highways Authority have been consulted. Initially they asked for further information and specific details before providing comments. A Transport Assessment has been provided and CCC have been re-consulted and have included their Transport Assessment Team in this consultation. They have advised that the details are acceptable and neither team raise objections with regard to highway safety provided the improvement works proposed are completed and subject additional conditions (which will also control the improvement works).

A Public Right of Way shares part of the access track (but is not within the operational site). The Rights of Way Team at CCC have been consulted and raise no objections subject to the footpath remaining unobstructed at all times. Informative notes shall be added to the permission with regard to this.

Overall, having regard to the above, subject to conditions, the development is acceptable in terms of highway safety and access and accords with Policy LP17 of the Local Plan to 2036.

*Flood risk

The site lies within Flood Zones 1 (majority of the buildings and access) with the northern part of the site within Flood Zones 2 and 3. It has an overall very low risk of flooding from other sources as per the most recent Environment Agency Flood Risk Maps and Data. Development of this nature is acceptable within this categorisation and a change of use does not require the application of the Sequential or Exception Tests as per the NPPF (2024). The Environment Agency have been consulted and raise no objections.

In terms of surface water, given the established nature of the site and lack of built development there will be no displacement. The application is accompanied by a Flood Risk Assessment (FRA) which details that storm water tanks are positioned around the farm which collect water from the buildings and used for irrigation of the land.

Overall, having regard to all of the above matters it is not considered that the development will result in increased risk of flooding nor the displacement of surface water. It therefore accords with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is 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.

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. Further, applications for changes of use are often granted the exemption given that they would generally not affect valuable habitats above the threshold.

That said, despite this, LP30 does still apply and a net gain should be achieved where possible. In this case however, Officers are satisfied that given the commercial nature of the site, opportunities for providing a net gain are limited and so it is not considered necessary to pursue these on this occasion.

Overall, having regard to the above matters, the development is considered to be acceptable with regard to biodiversity impacts and broadly accords with Policy LP30 of the Local Plan to 2036 in this regard.

*Other matters

*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. No CIL forms have been provided with the application, but this is a matter which will be pursued by the Council's Implementation Team.

The proposal is considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

*Impact on utility apparatus

Cadent have been consulted and have registered a holding objection (dated 14th January 2025) as they believe the application site to be in the vicinity of gas assets. The letter indicated that further correspondence would follow. No further advice has been received from Cadent. Officers have pursued this with Cadent to no avail. It would be unreasonable to delay the determination of this application solely for this reason particularly given the established nature of the site. An informative note shall be added to the permission recommending that the applicant seeks advice from Cadent before carrying out any future excavations (regardless of any separate planning requirements).

*Conclusion

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

The proposed development is acceptable in principle, and there would be no harm to the character or appearance of the area, the Conservation Area, Listed Buildings, on residential amenity, highway safety, increased flood risk, or biodiversity and it can therefore be supported.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP3, LP4, LP5, LP10, LP11, LP12, LP14, LP15, LP17, LP19, LP30, LP34 and LP36 and LP37 of Huntingdonshire's Local Plan to 2036 and consequently, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
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