OFFICER REPORT

Case No: 25/00950/FUL **Full Planning Application**

Proposal: Retrospective planning for a new 4 bed dwelling, following approval of planning Ref 21/01655/FUL | Conversion of a disused agricultural building to form 1No. dwelling

Location: Agricultural Buildings South East Of Rose Cottage Puddock Road Warboys

Applicant: Mr And Mrs S Robinson

Grid Ref: 531754 282456

DESCRIPTION OF SITE AND APPLICATION

The application site previously comprised a profiled cement building with a profiled cement roof, which included integrated PV panels. Planning permission was granted under reference 21/01655/FUL for the conversion of a disused agricultural building to form 1No. dwelling.

The site is situated on the southeastern side of Puddock Road, Warboys, within the wider Cherry Lodge Farm area. While the application address refers to Cherry Lodge, the dwelling located to the southwest of the site, the application site itself appears to have a registered address of Hay Barn House, Puddock Road, Warboys, Huntingdon, PE28 2UB.

According to the Environment Agency's Flood Map for Planning, the site lies within Flood Zone 3 and is identified as Flood Zone 3a in the Council's 2024 Strategic Flood Risk Assessment. There are no designated heritage assets in the immediate vicinity.

This application seeks retrospective planning permission for a newly constructed four-bedroom dwelling. Although permission had previously been granted for the conversion of the existing agricultural building, the original structure was demolished and replaced with a new-build dwelling.

The application follows a refused application 24/00693/FUL and seeks to overcome the following refusal reasons:

1. Planning permission was previously granted for the conversion of a disused agricultural building to one dwelling under reference 21/01655/FUL. The former agricultural building was demolished and therefore this permission does not provide a fallback position. This application seeks retrospective permission for a new build dwelling in the countryside which has been constructed on a similar footprint to the former building. The constructed dwelling does not accord with the specific and limited opportunities for development in the countryside provided for by policies of the Huntingdonshire Local Plan to 2036 and does not comply with Huntingdonshire's strategy for development which seeks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. The development proposal therefore conflicts with Policies LP2 and LP10 of Huntingdonshire's Local Plan to 2036.

2. Planning permission was previously granted for the conversion of a disused agricultural building to one dwelling under reference 21/01655/FUL whereby the sequential and exception tests were not required in accordance with paragraph 174 of the latest NPPF 2023. The former agricultural building was demolished and therefore this permission does not provide a fallback position. The current proposal for a new build dwelling requires the sequential test however it is considered that it fails as there are likely to be sites with lower risk of flooding available for one open market dwelling

elsewhere in the District. The development is contrary to Policy LP5 of the Huntingdonshire Local Plan to 2036, Section 4 of the Cambridgeshire Flood and Water SPD 2017 and Section 14 of the National Planning Policy Framework 2023. The development is therefore unacceptable in principle as it would place people and property at an unwarranted risk of flooding.

3. Planning permission was previously granted for the conversion of a disused agricultural building to one dwelling under reference 21/01655/FUL. A Phase 1 Desk Study submitted under application reference 21/80376/COND to address Condition 8 of the previous permission recommended the removal of made ground from proposed garden and landscape areas together with the installation of sub-floor ventilation measures to the new dwelling. This application does not evidence that the recommendations have been implemented. As such, insufficient information has been submitted to demonstrate that appropriate measures have been taken to ensure that risks from land contamination to occupants of the dwelling have been remediated and mitigated where necessary. The development is therefore contrary to Policy LP37 of the Huntingdonshire Local Plan to 2036.

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 2023 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 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
*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

Supplementary Planning Documents (SPD) and Guidance:
*Huntingdonshire Design Guide SPD (2017)
*Huntingdonshire Townscape and Landscape Assessment SPD (2022)
*Developer Contributions SPD (2011)

*Cambridgeshire Flood and Water SPD (2017)
*Annual Monitoring Report, regarding housing land supply.

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

PLANNING HISTORY
24/00693/FUL- Retrospective planning for a new 4 bed dwelling, following approval of planning Ref 21/01655/FUL | Conversion of a disused agricultural building to form 1No. dwelling -Refused

23/02500/FUL - Retrospective planning for a new 4 bed dwelling, following approval of planning Ref 21/01655/FUL | Conversion of a disused agricultural building to form 1No. dwelling - Refused

23/02500/FUL - Retrospective planning for a new 4 bed dwelling, following approval of planning Ref 21/01655/FUL | Conversion of a disused agricultural building to form 1No. dwelling - Withdrawn

21/01655/FUL - Conversion of a disused agricultural building to form 1No. dwelling - Approved

16/00096/FUL - Change from pent roof to pitched roof on Main barn of previously approved application Ref No 15/01923/PMBPA - Approved

15/01938/PMBPA - Change of use of agricultural building and land within its curtilage to a dwelling - Approved

15/01923/PMBPA - Change of use of agricultural building and land within its curtilage to a dwelling - Approved

14/01619/PMBPA - Prior approval for change of use from agricultural building to dwelling house - Refused

0905044CCM - Use of land and building for storage and transfer of compacted farm waste material (retrospective) - Approval

CONSULTATIONS
Warboys Parish Council - Recommend approval.

HDC Environmental Health - A "Phase 1 Desk Study" written by Demeter Environmental Ltd (report reference 14-10-04 Revision 0, dated November 2014) was submitted in support of a previous application for this site (21/01655/FUL). This study recommended the removal of Made Ground from proposed gardens and landscape areas together with the installation of gas membranes and sub-floor ventilation to new dwellings. There is no evidence of any remedial measures in relation to the Made Ground so as the report recommends, either the Made Ground be investigated further, or it be removed. In relation to the potential ground gas risk, a radon barrier has been installed and independently verified which I find acceptable considering the potential ground gas was methane from a Peat geology which was unlikely to have produced significant quantities of gas in this area, however, there is no evidence of sub-floor ventilation measures. Before occupation of this development, the above measures must be addressed. Therefore, if you are minded to grant permission to this proposal, I recommend a repeat of the previous land contamination condition altered to a "prior to occupation" style requirement. With this condition, the applicant has the option to investigate further (part A and B) or remediate without any further investigation in adherence with the Demeter report (part C).

The EHO was reconsulted on the application following the receipt of additional information. Whereby the EHO responded with the following "From the photographs I can see the house has air vents and is surrounded by paving and gravel. I therefore have no objection to proposal outlined in 25/00950/FUL. You may want to discharge the land contamination conditions attached to the other planning consents like 21/01655/FUL."

Environment Agency - No comment at the time of determination. It is however noted by officers the EA raised "no objection as the flood resistance measures enacted exceed those required in the previous planning approval" during the previous and similar application on the site (24/00693/FUL).

CCC Highways - Deferred response for clarification as to whether the access would be a shared agricultural and residential use.

It is however noted that the Local Highways Authority LHA raised no objection to the same development proposal under application ref 24/00693/FUL noting the following "I note that the same access dimensions are indicated as for the previously accepted planning application (21/01655/ful). The effect of the proposed development upon the Public Highway should be mitigated if the suggested conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal."

SUMMARY OF ISSUES

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

- Principle of development (including Flood Risk)
- Design, Visual Amenity and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway Safety, Access and Parking Provision
- Biodiversity
- Accessible and Adaptable Dwellings
- Water Efficiency
- Developer Contributions

*Principle of development

Huntingdonshire's strategy for development is set out in Policy LP2 of the Local Plan and looks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. In addition, small and windfall sites will be permitted on sites which are in conformity with other policies of this plan providing further flexibility in the housing supply.

Policy LP10 of the Local Plan to 2036 states that development within the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan. Amongst other requirements, development must protect the intrinsic character and beauty of the countryside and not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

Policy LP33 (Rural Buildings) of the Local Plan outlines the Council's approach to proposals involving the reuse or replacement of buildings in the countryside, outside the scope of the Prior Approval/Notification process. The previous application (21/01655/FUL) was assessed under Policy LP33, as it related to the reuse of an existing rural building. In contrast, the current application seeks permission for a new-build dwelling, which does not fall within the limited and specific opportunities supported by the Local Plan for development in the countryside. As such, the proposal does not accord with the Council's settlement hierarchy, as set out in Policy LP2 of the Local Plan.

The principle of residential development on the site was previously established through planning permission 21/01655/FUL, which approved the conversion of an existing agricultural building into a dwelling. While this is a material planning consideration, the permission does not represent a fall-back position, as the original building has since been demolished and the approved scheme can no longer be implemented.

The newly constructed dwelling occupies a broadly similar footprint to the former building. However, based on a comparison of the submitted and previously approved plans, the proportions of the new dwelling are slightly larger. For instance, the depth of the approved conversion was 9.336 metres,

whereas the new build measures 9.616 metres. Additionally, the new dwelling is approximately 0.225 metres taller than the conversion scheme. The applicant has advised that, during demolition, they were instructed to pile the foundations, which necessitated the complete removal of the original structure.

Despite the modest increase in footprint and height, the new dwelling is not considered to result in any additional harm when compared to the approved conversion. It retains a barn-like appearance and benefits from a limited curtilage, which helps mitigate its visual impact. However, as outlined above, the proposal conflicts with Huntingdonshire's development strategy, which does not support new-build dwellings in the countryside unless they fall within one of the limited and specific exceptions set out in the Local Plan.

The site is located over one mile from the nearest settlement, Warboys (a Key Service Centre), which offers a range of services and facilities including a doctor's surgery, primary school, local shop, and public house. The connecting roads lack pavements and street lighting, making walking or cycling to these services undesirable for future occupants. As such, it is likely that the majority of trips would be made by private vehicle.

For the reasons outlined above, the proposal is considered to be in conflict with Policies LP2 and LP10 of the Local Plan.

As previously mentioned, the application site falls within Flood Zone 3 on the Environment Agency's Flood Map for Planning and Flood Zone 3a on the Strategic Flood Risk Assessment (2024). Paragraph 170 of the National Planning Policy Framework (NPPF 2024) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 174 of the National Planning Policy Framework 2024 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.

As set out in the officer report for the conversion scheme (21/01655/FUL), the sequential and exception tests were not required for the change of use in accordance with paragraph 176 of the updated NPPF. However, the current proposal seeks retrospective permission for a new build dwelling and therefore the sequential test and exception tests are required.

The submitted Flood Risk Assessment states "the sequential test is considered to be passed on the basis that the application seeks to replace an existing/consented residential dwelling. It therefore cannot be located to any alternative site or it would fail to be a 'replacement' application and would simply be for the provision of a new dwelling that would result in an additional dwelling as one would not be being removed as part of the development."

As set out in the Officer's report for application ref 24/00693/FUL, the development constitutes the erection of a new dwelling, as the previous permission was rendered void when the original structure was demolished. Consequently, this does not represent a valid fallback position. While some weight may be given to the previous permission, it is not considered sufficient to demonstrate that the Sequential Test has been passed. Although the applicant contends that the retrospective nature of the proposal means the development cannot be relocated to an alternative site, it is considered that other sites within the District with a lower risk of flooding would be available for a single open market dwelling. Even where a Flood Risk Assessment indicates that the development can be made safe for its lifetime without increasing flood risk elsewhere, the Sequential Test must still be satisfied. As the Sequential Test has not been passed, it is not necessary to apply the Exceptions Test.

The submitted FRA states the flood resilient construction recommended and the raising of Finished Floor Levels (FFL) to 0.35m AOF will ensure the replacement dwelling is better protected against flooding than the consented dwelling which has a minimum FFL of -0.2m. The raised FFL of the

dwelling compared to the conversion scheme is given positive weight, however the above measures do not preclude the requirement for the sequential test to be passed.

To address refusal reason 2 of application 24/00693/FUL, the applicant has submitted an email from their planning consultant asserting that a fallback position exists and should be considered a material planning consideration. The consultant refers to a prior approval granted under application reference 25/00925/PMBPA for the conversion of an adjacent barn within the wider Cherry Lodge Farm area into three dwellings. The agent argues that if the barn is not converted, and the existing dwelling on the current application site is retained, this would result in a net reduction in the number of dwellings within the floodplain. This is despite the removal of the profiled cement building from the application site. The applicant's fallback position is based on the premise that the wider Cherry Lodge Farm area has permission for three additional dwellings within Flood Zone 3, and that choosing not to implement this permission would reduce the overall number of dwellings at risk of flooding.

Officers do not agree with the applicant's claimed fallback position for the following reasons. Application 25/00925/PMBPA relates to a change of use of an existing agricultural building to three residential dwellings. As outlined above, the Sequential and Exception Tests were not required for this type of application, in accordance with paragraph 176 of the National Planning Policy Framework (NPPF).

Importantly, prior approval 25/00925/PMBPA was granted on an adjacent site, not on the site subject to the current application. Each planning application must be assessed on its own merits, and in this case, 25/00925/PMBPA was for a change of use rather than the construction of new residential dwellings within Flood Zone 3. It was therefore assessed under a different policy framework.

The prior approval allows for implementation up to 25 July 2028 (approved on 24 July 2025), and there are no conditions tying the conversion of the barn to the current application site. Furthermore, there are no restrictions preventing the build-out of the three dwellings once prior approval has been granted, aside from the time limit and the requirement to build in accordance with the approved plans. In other words, there is no mechanism to control whether or not 25/00925/PMBPA is implemented, and therefore it cannot be relied upon as a genuine fallback position.

During the course of the application, the applicant cited case law—Mansell v Tonbridge & Malling BC [2017] EWCA Civ 1314—to support their fallback position. They argue that by not implementing the approved Class Q scheme for three dwellings at Cherry Lodge Farm (within Flood Zone 3), the overall flood risk would be reduced. The case confirms that a fallback position can be material if there is a real prospect of implementation, even if not probable.

However, officers note that the Class Q approval (Ref: 25/00925/PMBPA) relates to an adjacent site, not the site subject to this application. The only relevant planning permission for the current site is Ref: 21/01655/FUL, which was rendered void following demolition of the original structure.

The applicant asserts that a binding Section 106 Unilateral Undertaking was submitted in relation to application Ref: 25/00925/PMBPA, committing not to implement the Class Q scheme. However, upon review, officers found no signed undertaking associated with that reference. Notwithstanding this, the Unilateral Undertaking submitted as part of the current application (Ref: 25/00950/FUL) includes a schedule in which the owner agrees not to implement the 'Extant Prior Approval'.

Officers consider this undertaking immaterial to the current application, as it relates to a separate site. Specifically, the applicant has agreed to reduce residential development within Flood Zone 3, which pertains to a different parcel of land and does not directly influence the assessment of this proposal.

It is acknowledged that the Council has previously accepted residential development at Cherry Lodge Farm through Ref: 21/01655/FUL and the Class Q approval. However, both relate to the conversion of existing agricultural buildings, not the erection of a new dwelling. These applications

were determined on the basis that the sequential test was not required, in line with national policy for conversions within Flood Zone 3. This application, by contrast, proposes a new build dwelling in Flood Zone 3 and must be assessed accordingly.

As set out above, the proposal is considered to conflict with Policy LP10 of the Local Plan, as it represents a new-build dwelling in the countryside, situated in a relatively unsustainable location. This also results in a conflict with Policy LP2, which seeks to guide development to sustainable locations. There are no specific or limited policy provisions within the Local Plan that support this type of development. Additionally, the proposal fails to comply with Policy LP5 and the National Planning Policy Framework (NPPF, 2024), both of which aim to steer new development away from areas at risk of flooding. As such, the resubmission does not address or overcome Refusal Reasons 1 and 2 of the previous application (24/00693/FUL).

Another consideration in the determination of this application is also whether there had been no intention on behalf of the applicant to convert disused agricultural building (permitted under application 21/01655/FUL).

The principle that Section 56 of the Town and Country Planning Act 1990 requires more than mere physical activity to keep a planning permission alive has been shaped by case law, particularly through the application of the “colourability test”. This test examines whether the works undertaken were genuinely intended to implement the permission.

In the Officer’s Report for application ref. 21/01655/FUL, the proposal involved the change of use of an existing agricultural barn, with a modest 2m extension to its length. The existing internal floorspace measured 149 sq.m, and the proposed development resulted in a net increase of 147 sq.m, primarily within the roof space, bringing the total to 296 sq.m. The report also noted that the proposed external materials—wood boarding, brick skirting, and clay roof tiles—were intended to match the adjacent dwelling approved under Prior Approval (ref. 15/01923/PMBPA).

The permitted dwelling (as shown on drawing no. 2021.14.103 of 21/01655/FUL) measured 18.2m in length, 9.3m in width, 4.1m to the eaves, and 6.9m to the ridge. In contrast, the current application drawings (nos. JPT/MR/0422/102 and JPT/MR/0422/01) detail a dwelling measuring 18.4m in length, 9.3m in width, 4.3m to the eaves, and 7.2m to the ridge. These measurements indicate minor discrepancies between the approved plans and the building constructed.

It is also noted that application 21/01655/FUL was not accompanied by a structural survey confirming the building’s capability for conversion. However, the Officer’s Report stated that the proposal was for a direct conversion, and at that time, the LPA accepted that the barn was structurally capable of being converted.
The permission included pre-commencement conditions, notably:

- Condition 8: Submission of a land contamination assessment.
- Condition 3: Submission of material details at slab level.

A subsequent discharge of condition application (ref. 21/80376/COND) was submitted and approved for:

- Condition 3 (materials)
- Condition 8 (contamination) part (a)
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However, no further discharge applications have been received for Condition 8 parts (b), (c), and (d), which relate to:

- Submission of a remediation scheme
- Implementation of the approved scheme
- Reporting of unexpected contamination

According to Environmental Health Officer comments dated 13/01/2022, part (b) remains a pre-commencement requirement, and a verification scheme is still outstanding.

Street-level imagery dated July 2022 shows a building under construction to window height, surrounded by scaffolding. The original barn frame appears to have been removed, and no roof was present at the time. The brick skirting, as described in the application, appears to have been constructed.

There is no evidence before the LPA explaining why the agricultural building was demolished—such as a structural survey indicating it was unsound. Furthermore, no Building Control applications have been submitted relating to the conversion of the barn to a dwelling.

In assessing whether the development was genuinely commenced, the courts apply the "earnest of intention to develop" standard. This requires evidence that the works were part of a genuine implementation of the permission. Such evidence may include:

- Contractor records
- Photographic documentation
- Site inspection notes

None of these supporting materials have been submitted with the application.

In light of the above findings and the absence of supporting information, Officers are unable, on the balance of probabilities, to confirm whether the works undertaken were genuinely intended to implement the agricultural building conversion permitted under application 21/01655/FUL. Equally, Officers cannot confirm that there was no intention on the part of the applicant to convert the disused agricultural building. In the absence of key evidence, such as a structural survey, contractor records, or photographic documentation, the Local Planning Authority is unable to reach a definitive conclusion regarding the authenticity of the development's commencement.

*Design, Visual Amenity and Impact on the Character and Appearance of the Area
Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

In addition, Policies LP10 (The Countryside) and LP33 (Rural Buildings) of the Local Plan state that development in the countryside must recognise the intrinsic character and beauty of the countryside and that the replacement of rural buildings should demonstrate a clear and substantial enhancement of the immediate setting.

As previously noted, the external appearance and siting of the proposed dwelling closely reflect the approved conversion scheme under application 21/01655/FUL. The officer's report for the previous application (ref 24/00693/FUL) considered the design to be appropriate, referencing the site's context and its suitability within a rural setting. The proposed external materials, timber cladding, a brick plinth, and clay roof tile, are consistent with the rural character and contribute positively to the overall appearance of the development.

The design of the completed dwelling is broadly comparable to what would have resulted from the previously approved conversion scheme (21/01655/FUL). As such, the dwelling retains the appearance of a converted agricultural building, in keeping with the rural character of the area. It is not considered to be unduly prominent in views from Puddock Road, and the level of visual impact is no greater than that which would have arisen from the former agricultural building or the approved conversion.

It is considered that the proposal accords with Policies LP10, LP11, LP12 and LP33 of the Huntingdonshire Local Plan to 2036, the relevant sections of the Huntingdonshire Design Guide SPD (2017) and the NPPF (2024) in this regard.

*Residential Amenity

Policy LP14 of the Local Plan 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.

Given the countryside location of Cherry Lodge Farm, the proposal is not considered to have any adverse impact on the amenity of neighbouring land users or occupiers outside the application site.

In terms of the relationship between the proposed dwelling and other buildings within the wider Cherry Lodge Farm site that have been permitted for residential use, it is considered that the development would not give rise to any significant amenity concern. It is also considered that future occupiers of this development would experience a high standard of amenity.

Policy LP37 of the Local Plan sets out the Council's approach to ground contamination and groundwater pollution. This sets out that where remediation is necessary, a strategy or scheme for its implementation will need to be agreed, which demonstrates that: a. the site is safe for development, b. there would be no adverse health impacts to future/ surrounding occupiers; and c. there will be no deterioration of, or minimal impact on, the environment as a result of contamination. Upon completion of the agreed remediation strategy/scheme a Verification Report will need to be submitted to demonstrate compliance with the scheme.

To address condition 8 imposed on 21/01655/FUL (change of use) A "Phase 1 Desk Study" written by Demeter Environmental Ltd (report reference 14-10-04 Revision 0, dated November 2014) was submitted under application ref 21/80376/COND. It should be noted that Part A of Condition 8 has been discharged; however, Part B remains outstanding due to the absence of a verification scheme. Parts C and D also remain undischarged.

The submitted survey recommends removing made ground from proposed garden and landscaped areas and installing gas membranes and sub-floor ventilation in the new dwelling.

The previous application (24/00693/FUL) was refused due to a lack of evidence demonstrating that the survey's recommendations had been implemented. As a result, insufficient information was provided to confirm that appropriate measures had been taken to remediate and mitigate potential land contamination risks to future occupants.

It is understood that the dwelling is already occupied. Given the retrospective nature of the application, it is considered necessary at this stage to demonstrate that land contamination risks have been addressed, either through implementation of recommended measures or evidence of alternative construction methods used to safeguard occupants.

During the course of the application, the applicant submitted photo evidence of sub-floor ventilation measures implemented on the dwelling and noted that there are no landscaped areas within the curtilage of the dwelling, only gravel and patio. The Environmental Health Officer reviewed this information and raised no objection to the application subject to the inclusion of the standard contamination condition to secure post-completion verification to satisfactorily address the matter.

In light of the above, officers are satisfied that the applicant has addressed refusal reason 3 of application 24/00693/FUL. The applicant has demonstrated that appropriate remediation and mitigation measures have been undertaken to minimise land contamination risks to future occupants. Accordingly, the proposal is considered to comply with Policy LP37 of the Local Plan.

*Highway Safety, Access and Parking Provision
Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.

Cambridgeshire County Council as the Local Highway Authority have reviewed the proposals and sought further clarification as to whether the access would be a shared agricultural and residential use.

It is however noted that the Local Highways Authority (LHA) raised no objection to the same development proposal under application ref 24/00693/FUL noting the following "the same access dimensions are indicated as for the previously accepted planning application (21/01655/FUL). The effect of the proposed development upon the Public Highway should be mitigated if the suggested conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal."

It should also be noted that under application reference 25/00925/PMBPA, relating to the adjacent site which shares the same access as the current application site, the LH raised no objection to the proposed change of use of the barn to three dwellings. Under the prior approval application, the LHA acknowledged that "the applicant has confirmed the access will be used solely by the residential properties and not by agricultural vehicles."

It is therefore considered the proposal is unlikely to have any adverse effect on the public highway, subject to conditions.

In terms of car parking provision, the dwelling benefits from two designated spaces, which is considered sufficient to meet the needs of the development.

With regard to cycle storage, it is noted that no specific details have been submitted. Policy LP17 of the Local Plan requires one secure and covered cycle storage space per bedroom. However, given the site's countryside location, it is considered that future occupiers would be largely dependent on private vehicles to access services and facilities, and as such, cycle storage is not deemed essential in this instance. Notwithstanding this, the plot provides ample space to accommodate both cycle and bin storage in a safe manner, away from public view.

Overall subject to conditions, the proposal is considered acceptable in terms of highway safety in accordance with Policies LP16 and LP17 of the Huntingdonshire Local Plan to 2036.

*Biodiversity
Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible.

The application is supported by an updated Preliminary Ecological Appraisal (PEA) prepared by Skilled Ecology Ltd, dated 18th January 2023. The report confirms that all ecological precautionary measures outlined in the original PEA (approved under 21/01655/FUL) have been implemented during the works. However, it notes that the recommended bat and bird boxes have not yet been installed. As such, it is recommended that these habitat boxes be provided, which could be secured via a planning condition.

It is also important to note that, under the Town and Country Planning Act 1990 (as amended by Schedule 14 of the Environment Act), there is a mandatory requirement for a minimum 10% biodiversity net gain for small sites, calculated using the Biodiversity Metric and supported by a biodiversity net gain plan. However, Planning Practice Guidance (PPG) clarifies that this requirement does not apply to retrospective planning applications submitted under Section 73A (Paragraph: 003 Reference ID: 74-003-20240214), which includes applications for development already carried out without prior permission.

As this proposal is entirely retrospective, it is considered that the 10% biodiversity net gain requirement does not apply in this instance.

*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 agent has confirmed that the development has been built in accordance with the M4(2) standards. A condition is recommended to ensure that this standard is maintained for the life of the development.

*Water Efficiency
Policy 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 agent has confirmed that the development has been built in accordance with the standards required by Policy LP12(j). A condition is recommended to ensure that these standards are maintained for the life of the development.

*Developer contributions
Community Infrastructure Levy (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.

Unilateral Undertaking for Wheeled Bins:
Following receipt of photographic evidence of wheeled bin provision at the site, received during the course of the application, the Local Planning Authority are satisfied that the dwelling is served by sufficient wheeled bin provision.

*Conclusion and Planning Balance:
NPPF paragraph 78 requires the Council to identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing, against the Council's housing requirement. A substantially revised methodology for calculating local housing need and the reimposition of this as a mandatory approach for establishing housing requirements was introduced on 12th December 2024 in the revised NPPF and associated NPPG (the standard method).

As Huntingdonshire's Local Plan to 2036 is now over 5 years old it is necessary to demonstrate a five year housing land supply (5YHLS) based on the housing requirement set using the standard method. NPPF paragraph 78 also requires provision of a buffer to ensure choice and competition in the market for land. As Huntingdonshire has successfully exceeded the requirements of the Housing Delivery Test a 5% buffer is required here. The 5 year housing land requirement including a 5% buffer is 5,501 homes. The current 5YHLS is 4,330 homes equivalent to 3.94 years' supply.

As a result of this, the presumption in favour of sustainable development is applied for decision-taking in accordance with paragraph 11 (d) and footnote 8 of the NPPF in relation to applications involving the provision of housing. This is generally referred to as 'the titled balance'. While no 5YHLS can be demonstrated the Local Plan policies concerned with the supply and location of housing as set out in the Development Strategy chapter (policies LP2, LP7, LP8, LP9 and LP10) of Huntingdonshire's Local Plan to 2036 are considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications.

In this case, officers have identified conflict with Policies LP2 and LP10 of the Huntingdonshire Local Plan, as the proposal involves a new-build dwelling in the countryside, in a relatively unsustainable location. Furthermore, no specific exceptions within the Local Plan support this type of development in such a location. Moderate harm is afforded to this.

In relation to paragraph 11(d)(i) of the NPPF, the development seeks to erect a dwelling within Flood Zone 3 and in the absence of a Sequential Test, leads Officers to conclude that the proposal for one market dwelling fails to satisfy the requirements of the Sequential Test. This forms a strong reason

for refusal. As such, in accordance with paragraph 11(d)(i), the application should be assessed on a standard planning balance rather than the tilted balance.

The proposal will result in the delivery of one dwelling towards the housing supply. This is afforded moderate weight.

In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, including job creation - during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. This is afforded moderate weight.

The entire application site is at high risk from fluvial flooding and the application is not accompanied with a Sequential Test. The application is subject to the Sequential Test in accordance with Paragraph 175 of the NPPF (2024). Whether a Sequential Test accompanied the application or not, Officers consider that the proposal for a new build dwelling would fail the sequential test as there are likely to be sites with lower risk of flooding, from all sources, available for one open market dwelling elsewhere in the district. The development is therefore contrary to Policy LP5 of the Huntingdonshire Local Plan to 2036, and Section 14 of the National Planning Policy Framework 2024. The development is therefore unacceptable in principle as it would place people and property at an unwarranted risk of flooding. Significant harm is afforded to this.

Planning Practice Guidance (PPG) states that the planning history of a site may be a relevant consideration in determining an application. In this case, aside from a few minor differences, the constructed dwelling closely resembles the previous conversion scheme approved. As such, its visual impact is comparable to what would have resulted had the conversion been lawfully implemented. Officers consider the previous permission to be a material consideration in the determination of this retrospective application and is afford it positive weight. However, this is not sufficient to outweigh the harm identified above. The additional information submitted with this resubmission does not fully address refusal reasons 1 and 2 of 24/00693/FUL.

Taking national and local planning policies into account and material considerations, the principle of the proposed development, is, on balance, considered unacceptable for the following reasoning:

1. Planning permission was previously granted for the conversion of a disused agricultural building to one dwelling under reference 21/01655/FUL. The former agricultural building was demolished and therefore this permission does not provide a fallback position. This application seeks retrospective permission for a new build dwelling in the countryside which has been constructed on a similar footprint to the former building. The constructed dwelling does not accord with the specific and limited opportunities for development in the countryside provided for by policies of the Huntingdonshire Local Plan to 2036 and does not comply with Huntingdonshire's strategy for development which seeks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. The development proposal therefore conflicts with Policies LP2 and LP10 of Huntingdonshire's Local Plan to 2036.

2. Planning permission was previously granted for the conversion of a disused agricultural building to one dwelling under reference 21/01655/FUL whereby the sequential and exception tests were not required in accordance with paragraph 176 of the updated NPPF (2024). The former agricultural building was demolished and therefore this permission does not provide a fallback position. The current proposal for a new build dwelling requires the sequential test however it is considered that it fails as there are likely to be sites with lower risk of flooding available for one open market dwelling elsewhere in the District. The development is contrary to Policy LP5 of the Huntingdonshire Local Plan to 2036 and Section 14 of the National Planning Policy Framework 2024. The development is therefore unacceptable in principle as it would place people and property at an unwarranted risk of flooding.

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