The Old Pavilion
Common Lane
Hemingford Abbots
Cambridgeshire
PE28 9AN

Thursday, 23rd January, 2025

Ref: 24/02343/HHFUL & 24/02343/LBC

Dear Sirs,

I write to object to the above referenced applications for planning permission and listed building consent. The application is a householder application for full planning permission pursuant to article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The application development is attached to a Grade II* listed building within a conservation area. It has been advertised for commercial use as "the largest private spa in Europe", with a gross internal area of more than 800sqm. Its design is demonstrably commercially driven, and an application (21/01768/FUL) for change of use was made in July 2021.

Notwithstanding that, the applicants assert that there is no intention of putting the development to use as an events venue. If that remains the applicants' position moving forwards, then it is a change of plan that will be warmly welcomed by residents.

For the avoidance of doubt therefore, I make this objection on the basis that;

- The householder application is inappropriate.
- The design is poor and does not befit the setting.
    - Some details and design of the development detract too far from the approved design.
    - Certain features of the design (hard standing) are wholly inappropriate for inclusion, both within this setting and as part of a householder application.

My objection is not based on any notion that the applicants will renege on their assurance not to seek commercial use of the development for an events venue, which is accepted in good faith,

Householder Application

Householder applications are intended to be used for ancillary buildings such as garages, sheds and summerhouses, within the curtilage of a single residential dwelling and to be enjoyed incidentally to that dwelling. The applicants acknowledge that such an application cannot be used to obtain commercial use "as a matter of law".

I do note the householder application has been validated by the Local Planning Authority (LPA), and so any challenge to its' appropriateness is perhaps a moot point, but I challenge it, nevertheless. The development does not meet the criteria for a householder application for the reasons set out below.

1. **Commercial Use**

At application 1400578FUL, which these applications seek to regularise, the applicants' design and access statement refers to "a secondary spa area for occupants of the holiday lets within the site", which provide "the means for the owner/occupier to generate a significant income stream".

This was a commendable part of that application. It would have created a lucrative commercial use for the owner and have been of no consequence to neighbours and residents. Nevertheless, it creates a material

change of use that cannot now be ratified by a householder application. As the applicants acknowledge, that is "a matter of law".

2. **Single Dwelling**

The holiday lets are separate dwellings from a local authority perspective, with each having unique references for council tax purposes. At least one of the lets lies outside the curtilage of the main building. Given the intention for guests at the holiday lets to use the spa facilities, the development does not serve a single dwelling and so falls outside the scope of a householder application.

3. **Curtilage**

I draw the LPA's attention to the hard standing area that surrounds the spa building and is categorised as associated development. Setting aside the fact that no such massive hard landscaping has any place in a householder application type development, and especially not in this protected setting, the LPA should confirm the hard standing is entirely within the designated curtilage of the main house, which is a requirement for a householder application.

In making that confirmation the LPA should determine exactly where the hard standing is de-marked from the unlawful driveway across the ridge and furrow, as the two seem to merge into one, and it is difficult for an unqualified observer to understand where driveway becomes hard standing and vice versa. If the point at which the hard standing becomes unlawful driveway is outside the curtilage of the main house, then a householder application that includes the hard standing would not be valid.

If the hard standing joins the unlawful road within the curtilage of the main house, then presumably the road which extends across the ridge and furrow should be included within this application, as it is a development requiring excavation within the curtilage of the main house (and a listed building) for which planning permission has not been granted. The inclusion of a road that extends beyond the curtilage of the main house, and is intended to provide access for non-residents by directing them away from the main house, would presumably invalidate a householder application.

The delineation of hard standing and unlawful road is a binary matter. The point at which they join is on one side of the defined curtilage or the other, and officers should confirm on which side they have deemed it to be for the purposes of this application, and in turn explain again with reference to this specific point, why the householder application has been deemed appropriate.

Therefore, in summary, the development should not be eligible for regularisation via a householder application as it is in mixed use (residential and commercial), does not serve a single residential dwelling and does not yet appear to fully demonstrate that it sits entirely within the curtilage of the main house.

The LPA's ruling on those specific matters above should be very clearly explained in the case officer's summary. There have been recent unfathomable examples of the LPA ignoring obvious inaccuracies and flaws in the planning details of applications relating to Hemingford Park. At application (24/01218/P3MPA) officers remained conspicuously silent on pivotal planning detail in their case summary. Such dismissive treatment of well-researched, factually correct and contextually significant matters, presented as part of the consultation process, must not be repeated if faith in the planning process is to be maintained.

Design

Whilst it is highly questionable that this development should be judged under a householder application, the applicants have chosen the householder route, and the LPA have now validated that. It is those terms of reference that must now be applied, and consulting parties must consider if the scheme now presented

retrospectively would have been granted planning consent in 2014. My contention is that it most definitely would not have been.

The consented scheme included many endearing features that complemented the heritage setting and helped to restore it. They have been jettisoned in favour of commercially driven design changes, which would surely not have been countenanced by planners if presented in advance of their being built; not because of their transparent commercial function, but because of their insensitive design.

Many of these over developments will now be difficult (but possible) to correct, and the LPA have already given way and accepted most of these commercial scale developments as part of the householder application. They appear to have done so on the basis that the applicants have given ground, and now commit to remove or amend certain unauthorised features, such as reducing the height of the spa building, removing the spiral staircase and small roof terrace, removing the balustrade from the pond (although not the pond itself, that was not part of the 2014 application) and altering the fenestration in the loggia.

Whilst these changes are welcome, the features to be removed or amended were built without permission within the setting of a grade II* listed building, and their removal or amendment is quite appropriate. There are other unauthorised features to be retained, and in my view the LPA has not gone far enough in returning the development to the highly desirable design submitted in 2014.

Specifically, I ask the LPA to consider the following concerns in relation to other unauthorised features;

1. **Entertainment Terraces (Including the west wall and other sundry items)**

The two large entertainment terraces are not in keeping with the main house and detract fundamentally from the original design.

The 2014 Design and Access statement lamented the "barriers between the main house and garden", which were to be removed. In those locations the original scheme offered a kitchen garden between the house and spa, and par-terre gardens between the spa and proposed orchard. Modest and complementary walled surrounds to those gardens allowed for views from the kitchen across the estate, where historic routes were to be re-introduced. "The original boundaries and walls that defined the areas of the estate [were] to be restored allowing the grounds to become more legible, each part having a particular use and character".

Concept drawings and photographs were presented, which were persuasive in convincing LPA officers and other consultees that the overall scheme was highly desirable and would deliver clear benefits to the heritage asset. What is delivered is an urban style slab in the form of the heightened west wall (shown at 5.7 of the applicants Planning Statement) that obscures views across the estate and encloses the two crass and ill-fitting event spaces.

This area is littered with other municipal style barriers, upstands and other paraphernalia that are presumably required to support further unauthorised development, such as the underground car park and pond. In these areas the setting has been harmed rather than enhanced, and the LPA should condition that the design as set out at 1400578/FUL is now delivered.

Hard Standing

The hard standing is included on very uncertain terms, with no agreement as to its finish. It is proposed that this uncertainty be managed by conditions. Precedent tells us that planning conditions are not always effective, but in this case the question to be asked is not what the finished surface should be, but why such a sizeable hard standing is required as part of a householder development in the first place?

I reiterate that given the applicants chosen application route we are assessing retrospectively whether this hard standing would have been consented in 2014. Such hard landscaping is entirely inconsistent with any

private use of residential amenities in any setting, and is particularly incongruous with the grade II* listed building.

The approved scheme promised formal gardens and "*bucolic open grassland with trees [to provide] a stunning setting for the main house*" in the space now occupied by the hard standing and road, and the LPA should now ensure that those things are indeed delivered as part of this householder application. Given its size, this hard standing simply has no place in this setting, and nor in a householder application. It should be removed forthwith, irrespective of the outcome of this application.

Commercial Use

Although it is evidenced above that a material planning change to commercial use will result by default if this application is approved, the applicant is at pains to make that clear in the Planning Statement, quite correctly, that this application type does not allow for commercial use. Accordingly, if the validation of the application is to stand, the LPA can only consider the merits of the plans in front of them, rather than speculate on what may or may not happen in the future.

However, whilst this objection is not predicated on the assumption that a subsequent application for a change of use will resurface should this one succeed, one cannot simply ignore the pervasive spectre of commercial use that has been directly occasioned by the applicants. A change of use application has been submitted previously, and the applicants again reference the issue of commercial use in their latest planning statement. Put simply, the applicants' decisions around the development of this site, along with their management of the planning history, has created a huge amount of uncertainty around the intentions for its future use.

Therefore, although the applicants' choice of planning route requires that any analysis of potential commercial use is excluded, it should, in these quite unique and particular circumstances, simultaneously trigger a far more rigorous scrutiny of each aspect of the development to test the reasonableness of the claim that it has been developed for purely householder and private use.

Indeed, the applicants prompt that analysis in their planning statement, claiming that the reason for the inclusion in the spa of male, female, staff and disabled toilets is to mitigate against hiring portable toilets for large private gatherings. The evidence submitted for that consists of two photos of portable toilets on the site, and six photographs of events that do not include toilets. The photographs are taken between 2012 and 2018. If such events were commonplace before the 2014 then why did the approved design only include one toilet? If the events are now ongoing then why is the most recent evidence a photo taken seven years ago? This argument is both desperate and meritless, and is quite simply incapable of standing up to any rational analysis.

In the same way, whilst the issue of use is not to be analysed, each of the physical features of the application design needs to be evaluated as to its reasonable inclusion for householder and private purposes. I submit that a good deal of the features are not capable of withstanding such a test. There are many that are flagrantly intended for commercial use. The spa is simply far too big for private householder use, and would not have been granted permission if it had been submitted with this design in 2014.

On that basis the application should fail, although I do concede that a preferable outcome for this very lengthy process would be for those failing features to be removed (where that can be easily achieved) and the application be approved. In this case that outcome will still be a very substantial development, as the applicant site is a fine country house, but it should nevertheless be for use incidental to the enjoyment of the main dwelling. I therefore include below a list of suggested conditions that should be applied to any positive determination.

Some areas provisionally agreed as remaining cannot be changed, such as the siting and increased mass. Other features that do not fit the reasonable categorisation of being for householder use may be too late to

easily correct, such as the number of toilets, multiple steam rooms, the additional rooms at sub-basement level and the underground car park. The applicant has no right to expect these unauthorised features to be retained, but in the interests of compromise they might be permitted on the basis they cause no harm to the setting.

Conditions upon which the LPA should insist are as follows;

1. Complete removal of the hard standing, which cannot be justified as being for householder benefit, and replacement with the soft landscaping features included in 1400578/FUL. The said removal should be a fundamental condition of any approval of this application. The hard standing is;

    a. A stark contrast to the corresponding features in the approved scheme.
    b. Not in any way justifiable as being for householder use.
    c. Damaging to the setting of the grade II* listed building, without delivering any benefit whatsoever.
    d. Inextricably linked to the unlawful road which scars the ridge and furrow – a non-designated heritage asset.
    e. An inclusion that can only be explained by the intention to use the development for commercial purposes.

2. The reinstatement of garden features included in 1400578/FUL (kitchen garden and par terre gardens) in lieu of the outdoor entertainment terraces.

3. Removal of the west wall and compliance with 1400578/FUL drawings to reinstate views across the estate.

4. Removal of surplus paraphernalia around the pond and car park area where same can be achieved without compromising health and safety or building regulations. Where it cannot be achieved the applicant should install discreet soft landscaping to disguise the ugly additions.

5. The amendments already agreed to the height of the spa, spiral staircase, roof terrace, hard upstands and loggia fenestration.

6. The removal of any part of the unlawful road that falls within the curtilage of the main house. Whilst it may fall outside the specific scope of this application, the LPA should in any event enforce the complete removal of the road.

Whilst I believe the application to be flawed on matters of planning law, and should therefore be refused, I also recognise that if these conditions were applied to a positive determination, and were adhered to by the applicant, then the ongoing conflict around development at Hemingford Park could be promptly brought to an end, which is surely a desirable outcome for all concerned.

I have made representation to the applicants privately to encourage a dialogue towards this kind of compromise, but regrettably I have received no indication of a positive response to date.

Yours faithfully,

[redacted]