OFFICER REPORT

Case No: 25/00907/FUL Full Planning Application

Proposal: Retrospective application to change the use of building converted to commercial use under application ref 0802712/FUL back to ancillary residential use

Location: 29 St Ives Road Hemingford Grey Huntingdon

Applicant: Mr Jonathan Snares

Grid Ref: 529888 270664

DESCRIPTION OF SITE AND APPLICATION

The application site is 29 St Ives Road, Hemingford Grey. The site is occupied by a two-storey semi-detached dwellinghouse with extensive curtilage. South-east of the dwelling is a single storey outbuilding converted to a business use under application reference 0802712FUL.

The dwelling has since changed ownership and the applicant wishes to convert the building back to an ancillary residential use.

The boundary with The Hemingfords Conservation Area lies to the north of the site but there are no other constraints related to it.

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
LP14: Amenity
LP22: Local Servies and Community Facilities
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings

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 Hemingfords Conservation Area Character Assessment (June 2008)

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

RELEVANT PLANNING HISTORY

0802712FUL - Change of use of garage to chiropody consulting room (Approved)

17/00522/HHFUL - Single storey rear extension (Approved)

CONSULTATIONS

Hemingford Grey Parish Council recommend approval.

HDC Conservation Team - No comments to make.

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 Hemingford Grey. 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
*Impact on heritage assets
*Amenity
*Biodiversity

*The principle of the development

The application site lies within a residential area of Hemingford Grey and the building is characteristic of ancillary residential development. Whilst it could be argued that Policy LP22 of the Local Plan (Local Services and Community Facilities) should be applied to this assessment, given that the permission granted under ref 0802712FUL related to the occupier at that time it would not be reasonable (given the location) and the change of ownership to expect this (or another business use to continue) and, given the circumstances it would be unlikely to be brought back into a commercial use. Furthermore, it is noted that condition 2 of permission 0802712FUL gave permission for a limited period (expiring on the 30th of November 2011) at which point the garage should have been returned to its use as ancillary to the dwellinghouse. There is no record that a fresh permission was granted nor that the condition was removed. As such, the use of the building is in fact ancillary to the dwellinghouse and no further justification is required.

The development is acceptable in this regard subject to compliance with all other material planning considerations and conditions.

*Impact on heritage assets

As detailed above, the boundary with the Conservation Area lies to the north.

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, no changes are proposed to the exterior of the building, HDC's Conservation Team have been consulted and have no comment to make. It is not considered that reverting the se back to ancillary (a characteristic of the area) would be harmful to the character of the Conservation Area. The development therefore accords with Policy LP34 of the Local Plan to 2036 and the Planning (Listed Buildings and Conservation Area) Act 1990 and the provision of the NPPF (2024) in this regard.

*Amenity

Policy LP14 of the Local Plan states that 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.

It is considered that an ancillary domestic use will have a lesser impact than commercial use and as such there are no residential amenity concerns and the development accords with Policy LP14 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) is required with any 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, the LPA are satisfied that there would be no net loss and opportunities to provide a net gain would be limited. In terms of BNG, the development would fall within the 'de minimis' category impacting less than 25m² of habitat of 5m of linear hedgerow.

The development is therefore considered to be acceptable in relation to biodiversity matters and broadly accords with Policy LP30 of the Local Plan to 2036.

*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 considered to be compliant with the relevant national and local policy as it is acceptable in principle, is visually acceptable and results in no amenity, highway safety, flood risk or ecology concerns.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP14, LP22, LP30 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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