

**Case No:** 18/01822/FUL (FULL PLANNING APPLICATION)

**Proposal:** ERECTION OF SELF-SUPPORTED CABIN FOR USE AS TOURIST ACCOMMODATION

**Location:** 15 HIGH STREET BRAMPTON HUNTINGDON PE28 4TG

**Applicant:** MR M ROBERTS

**Grid Ref:** 521345 270656

**Date of Registration:** 01.10.2018

**Parish:** BRAMPTON

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**RECOMMENDATION - REFUSE**

This application has been referred to Development Management Committee (DMC) as Brampton Parish Council's recommendation to approve the application is contrary to the officer recommendation to refuse the application.

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 The site is to the rear of the main garden for No. 15 High Street, a grade II listed building, within a heavily wooded island connected by footbridge. The island is currently undeveloped and is situated within Brampton conservation area.
- 1.2 The proposed tourist accommodation will be situated approximately 97m from No. 15 with the nearest dwelling approximately 53m away (No. 23 High Street).
- 1.3 The site is within the Environment Agency's flood zones 2 and 3 and the SFRA flood zones 2, 3a and 3b (functional floodplain).
- 1.4 The application is for tourist accommodation in the form of a self-supported raised timber structure. The accommodation is to consist of a kitchen, living area, shower room and one bedroom with a terrace.

**2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (19th February 2019) (NPPF 2019) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2019 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).'
- 2.2 The NPPF 2019 sets out the Government's planning policies for (amongst other things):

- \* delivering a sufficient supply of homes;
- \* achieving well-designed places;
- \* conserving and enhancing the natural environment;
- \* conserving and enhancing the historic environment.

2.3 Planning Practice Guidance is also relevant and a material consideration.

For full details visit the government website: <https://www.gov.uk>

### **3. PLANNING POLICIES**

3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP2: Strategy for development
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- LP7: Spatial Planning Areas
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP17: Parking Provision and Vehicle Movement
- LP23: Tourism and Recreation
- LP31: Trees, Woodland, Hedges and Hedgerows
- LP34: Heritage Assets and their Settings

3.2 Huntingdonshire Design Guide Supplementary Planning Document (2017):

- Place Making Principles - Part 3.7 Building Form

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

### **4. PLANNING HISTORY**

4.1 16/00102/HHFUL - Refurbishment and extension of an outbuilding and conversion to ancillary accommodation within the grounds of a Grade II listed property - Permission.

The outbuilding is currently in use as tourist accommodation in breach of condition 4. This breach is currently under investigation which will inform the Local Planning Authority what next steps to take.

Condition:

The outbuilding hereby approved shall only be used as ancillary accommodation to the main dwelling (15 High Street) and shall at no time be used as an independent unit of residential accommodation.

Reason:

To ensure the outbuilding remains ancillary to the main dwelling on the site in the interests of residential amenity, flood risk and impact on the Conservation Area and Listed Building.

## 5. CONSULTATIONS

5.1 **Brampton Parish Council** recommends approval [COPY ATTACHED] subject to the following:

1. There is ample parking within the gates (on the High Street) of the property, therefore there should be no parking on the already crowded High Street.
2. The privacy of neighbours on either side of 15 High Street and also over Brampton Brook (on the North side of Allen's Orchard) should not be impacted.
3. Main windows and decking (on front elevation) should be facing the rear of 15 High Street and not neighbouring properties or those properties at the other side of Brampton Brook.

5.2 **Environment Agency:** Recommend refusal of this application because the development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

As the cabin is intended to be for holiday let, it is considered that the proposed development would be contrary to the National Planning Policy Framework Planning Practice Guidance if it is located within Flood Zone 3b. Even if the proposed holiday accommodation would be off the ground, it is not allowed in FZ3b as it would place the life of those staying in the accommodation and rescuers at risk in the event of flooding.

It is the responsibility of the Local Planning Authority (LPA), Huntingdonshire District Council (HOC), to determine whether this application passes the sequential test (development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding).

We would like to make sure the applicant is made aware that even though the floor level of the tree house will be above the depth of flood, during a flood, debris such as large branches or cars that are carried in the floodwater can hit the structure below or above the waterline at high velocities that could damage the structure. The potential effects 'downstream' on other residential buildings in the area in the event of the tree house being hit, falling and being carried away by the flood should also be taken into account in a FRA. It is not within our remit to endorse the mechanics of the structure to allow the proposed buildings to remain safe during flood events. We recommend you seek independent specialist advice to ensure they are satisfied the buildings will remain safe during major flood events for the lifetime of the development.

5.3 **HDC Trees:** No objection subject to revised arboricultural details agreed via condition.

5.4 **HDC Conservation:** Recommend refusal as this is out of keeping with the prevailing pattern of development and this will therefore not preserve the character or appearance of the conservation area.

## 6. REPRESENTATIONS

6.1 No representations received at time of determination.

## 7. ASSESSMENT

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

- Principle of development and impact on Heritage Assets
- Design
- Residential amenity
- Trees
- Highway safety
- Flood risk.

### **Principle of development and impact on Heritage Assets**

7.2 Brampton is within the Huntingdon Spatial Planning Area where a main town centre use, including tourism development, will be supported where it is appropriately located within the built-up area.

7.3 According to the Local Plan "Large curtilages with grounds stretching away from the rest of the built up area are excluded [from the built-up area] to prevent sub-division of the plot for new development. The built-up area will include elements of the grounds that relate closely to the buildings, for instance formal gardens, ancillary parking and hard tennis courts but not those parts with a more natural, rural character." The site is therefore considered to fall within the open countryside given the nature of the site consisting of an undeveloped highly wooded island.

7.4 Policy LP 23 of the Local Plan supports tourism within the countryside where it can be demonstrated that:

- a. it is well-related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere;
- b. it does not cause harm to, and where appropriate, enhances the ecological, landscape and heritage significance of the proposed location;
- c. the impact of the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible;
- d. adequate servicing can be provided, including water supply, electricity and for sewage and waste disposal; and
- e. it will not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure.

7.5 The site is considered to be well-related to the settlement of Brampton and adequate services can be provided. Given the scale of development, consisting of one unit of tourist accommodation, the proposal is not considered to have an adverse impact on any designated wildlife sites.

7.6 The site is located within the grounds of a grade II listed building and is within the conservation area. The proposal is not considered to result in harm to the setting of the listed building given the separation distance of approximately 97m. However the proposal is considered to result in harm to the character and appearance of the conservation area and is therefore contrary to parts b and c of policy LP 23. The principle of development is therefore not supported.

- 7.7 Dwellings along the High Street within this part of the conservation area predominately sit in forward positions adjacent the highway. Whilst there are small ancillary structures within the rear gardens of these properties, there are no separate units within such isolated locations. The proposal is therefore considered to be contrary to the prevailing pattern of development.
- 7.8 The current undeveloped nature of the wooded island is considered to positively contribute to the appearance of the conservation area and introducing built form within this area is considered to cause harm to the conservation area.
- 7.9 The harm to the conservation area is considered to be less than substantial in terms of the NPPF. Given the scale of development, consisting of a single unit of tourist accommodation, the benefits of the scheme are considered to be limited and would not outweigh the harm to the designated heritage asset.
- 7.10 The proposal is therefore considered contrary to paragraph 196 of the NPPF (2019) and policies LP23 parts b and c and LP 34 of Huntingdonshire's Local Plan to 2036 (2019).

### **Design**

- 7.11 The proposed structure is to measure approximately 4.32m x 8.32m with a maximum height of 7.58m. The structure is to be of timber construction to appear as a tree house amongst the trees. The overall design of the accommodation appears functional and is considered acceptable.
- 7.12 The proposal is therefore considered to be compliant with section 12 of the NPPF, policies LP11 and LP12 of the Local Plan (2019) and the
- 7.13 Guidance contained with Huntingdonshire Design Guide (2017).

### **Residential Amenity**

- 7.14 The development is considered acceptable in terms of overshadowing, overlooking, loss of privacy, loss of light and would not have a significant impact upon residential amenity.
- 7.15 The proposal is therefore considered to be compliant with section 8 of the NPPF, policy LP15 of the Local Plan (2019) and the guidance contained with Huntingdonshire Design Guide (2017).

### **Trees**

- 7.16 The site contains a mixed tree stock protected by the controls of the surrounding conservation area. These positively contribute to the setting of the listed property and the treed character of this part of Brampton Conservation Area. As such, their retention and protection is considered to be essential.
- 7.17 Whilst the proposal set out a broad approach to tree protection, details to ensure that elements such as construction and servicing would be needed prior to the works being undertaken. If the application were considered acceptable in all other regards, a

condition may have been attached to any permission requiring these details.

- 7.18 The proposal is therefore considered to be compliant with to section 15 of the NPPF and policy LP31 of the Local Plan (2019).

### **Highway Safety**

- 7.19 The design and access statement advises that users of the tourist accommodation will utilise the existing driveway for No. 15 with parking on the existing hardstanding. No further details are provided and it is unclear how many cars the hardstanding is capable of supporting however, it is acknowledged that any vehicles which cannot fit within the existing hardstanding may be accommodated on the roadside adjacent No. 15. Whilst this is less than ideal, it is noted that no parking restrictions are in place and therefore a lack of on-site parking is not considered to be a sustainable reason for refusal.
- 7.20 Given the siting of the proposal, it is considered that the proposal would not have an adverse impact on highways safety.

### **Flood Risk**

- 7.21 The site is within the Environment Agency's flood zones 2 and 3 and the Council's 2017 Strategic Flood Risk Assessment (SFRA) flood zones 2, 3a and 3b (functional floodplain).
- 7.22 In accordance with the NPPF paragraph 157-158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is considered that one unit of tourist accommodation may be supplied in an area with a lower probability and the proposal therefore fails the sequential test.
- 7.23 Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls within Flood Zone 3b, as shown in the SFRA, which is defined as having a high probability of flooding. The development type in the proposed application is classified as more vulnerable in accordance with Table 2 of the Planning Practice Guidance (Flood Risk Vulnerability Classification). Table 3 of the PPG makes clear that this type of development (holiday home) is not compatible with this Flood Zone and should not therefore be permitted.
- 7.24 The application is accompanied by a brief flood risk statement which concludes that the accommodation will not be liable to flooding due to the raised floor level. However, the statement does not take into account the risk to occupiers or rescuers in the event of flooding. It is also possible that the structure may become damaged during flooding and the potential effects 'downstream' have not been considered in the flood risk statement.
- 7.25 It should also be noted that the Environment Agency recommend refusal of the application.

- 7.26 The proposal is therefore contrary to para 157a and 158 of NPPF 2019 and policy LP5 of Huntingdonshire's Local Plan (2019).

### **Conclusion**

- 7.27 The proposal is considered to result in less than substantial harm to the character and appearance of the conservation area and no public benefit has been identified to outweigh the harm.
- 7.28 In addition, the site is within flood zones 2, 3a and 3b of the SFRA and the Environment Agency's flood zones 2 and 3 and the proposal fails the sequential test. Table 3 of the PPG also makes it clear that this type of development (holiday home) is not compatible with this Flood Zone and should not be permitted.

### **8. RECOMMENDATION - REFUSAL for the following reasons**

1. The proposal is to be situated within an undeveloped wooded island which makes a positive contribution to the appearance of the conservation area. The development will cause unjustified harm to a designated heritage asset, Brampton Conservation Area, by virtue of the introduction of built form in this area. The harm caused is considered to be less than substantial but no public benefit has been identified to outweigh the harm. The proposal is therefore considered contrary to paragraph 196 of the NPPF (2019), The Planning (Listed Buildings and Conservation Areas) Act 1990 and policies LP23 (parts b and c) and LP 34 of Huntingdonshire's Local Plan to 2036 (2019).

2. The proposal would result in development in an area at high risk of flooding contrary to the NPPF, which seeks to locate development away from areas which are at the highest risk of flooding. The proposal is therefore contrary to para 157(a) and 158 of NPPF (2019), policy LP5 of Huntingdonshire's Local Plan to 2036 (2019) and the Cambridgeshire Flood and Water SPD (2017).

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

### **CONTACT OFFICER:**

Enquiries about this report to **Karina Adams Development Management Officer 01480 388405**

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Application Number: 18/01822/FUL Case Officer: Karina Adams  
**Proposal:** Erection of self-supported cabin for use as tourist accommodation  
**Location:** 15 High Street, Brampton, Huntingdon, PE28 4TG

Please ✓ box as appropriate

Recommend **approval** because .....(please give relevant planning reasons in space below)

**Recommend approval:** Brampton Parish Council recommends approval subject to the following:

1. There is ample parking within the gates (on the High Street) of the property, therefore there should be no parking on the already crowded High Street.
2. The privacy of neighbours on either side of 15 High Street and also over Brampton Brook (on the North side of Allen's Orchard) should not be impacted.
3. Main windows and decking (on front elevation) should be facing the rear of 15 High Street and not neighbouring properties or those properties at the other side of Brampton Brook.

Subject to the above conditions being made, Brampton Parish Council recommends approval.

Recommend **refusal** because...(please give relevant planning reasons in space below)

No observations either in favour or against the proposal

D Steel, Assistant Clerk to Brampton Town/Parish Council. (For GDPR purposes please do not sign)

Date : 30 Oct 18

Failure to return this form within the time indicated will be taken as an indication that the Town or Parish Council do not express any opinion either for or against the application.

Please send response to email address below:-

[Development.control@huntingdonshire.gov.uk](mailto:Development.control@huntingdonshire.gov.uk)

**(Development Management)**