

**Application Ref:** 22/00506/FUL

**Proposal:** Change of use from agricultural land to garden land

**Site:** Croft Farm, Meadow Lane, Thornhaugh, Peterborough  
**Applicant:** Mr P Sharpley

**Agent:** Mr S Machen  
 Barmach Ltd

**Referred by:** **Councillor Gavin Elsey**  
**Reason:** To balance the need for economic growth and farm diversification against the Peterborough Local Plan

**Site visit:** 26.05.2022

**Case officer:** Connor Liken  
**Telephone No.** 01733 863999  
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**Recommendation:** **REFUSE**

**1 Description of the site and surroundings and Summary of the proposal**

**Site Description**

The application site is located outside, but adjacent to, the village envelope boundary of Thornhaugh and its Conservation Area. It therefore lies within the open countryside. The site comprises of a piece of land which is approximately 585 sqm in size. It is L-shaped and measures approximately 26m x 7.50m at its widest point and 12.50m x 36m at its narrowest point.

The land is located to the east and southeast of Croft Farm and wraps around the barn building which has been converted into 2 holiday homes. The barn building adjoins The Farmhouse, a Grade II listed building, which has also been converted into holiday let accommodation. There are also a number of listed buildings located within close proximity of the site. The site is bounded by No. 6 Meadow Lane to the north, No. 8 Meadow Lane to the south and No. 9, 10a, and 10b to the east.

**Proposal**

Planning permission is sought for the change of use of 585sq.m, of agricultural land into residential garden land for use by the adjacent holiday homes.

**2 Planning History**

Reference	Proposal	Decision	Date
19/01605/LBC	Erection of a shed in garden to north of dwelling including felling of a tree and the relocation of the existing oil tank to within the existing car port	Permitted	18/02/2020
20/00352/LBC	Internal alterations to create first floor bathroom and access created to void above kitchen to form bedroom, inclusive of modern ceiling to existing kitchen to be lowered. Externally visible alterations include installation of 2no. roof lights to	Permitted	11/05/2020

north roof serving both new bathroom and new bedroom above kitchen and replacement of plastic window to north ground floor with flush fitting timber window

19/01604/HHFUL	Erection of a shed in garden to north of dwelling including felling of a tree and the relocation of the existing oil tank to within the existing car port	Permitted	18/02/2020
18/01358/FUL	Conversion of farm barns to provide two holiday lets and erection of cart shed	Permitted	30/11/2018

### **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

#### **Planning (Listed Building and Conservation Areas) Act 1990**

##### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to 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.

##### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

#### **Peterborough Local Plan 2016 to 2036 (2019)**

##### **LP02 - The Settle Hierarchy and the Countryside**

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

##### **LP11 - Development in the Countryside**

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure, and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well-established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high-quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

#### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour, or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **LP19 - The Historic Environment**

Development should protect, conserve, and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

#### **LP27 - Landscape Character**

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining, and enhancing the landscape character.

## **4 Consultations/Representations**

### **PCC Conservation Officer (23.06.22)**

Objection – In respect of the impact upon the setting of the Conservation Area, and the impact upon the setting of Listed Buildings (No.10 and Croft Farm).

There is strong concern regarding the expansion of the domestic curtilage beyond the historical confines of the Listed Building, the Conservation Area, and the Village Envelope. It is accepted that the curtilage of Croft Farm does include the northern section of the proposed area and there is no objection to the incorporation of this as part of the site.

There is however concern regarding the inclusion of the southern element. As can be seen from the two maps below this would be a distinct change to the accepted arrangement. Thornhaugh is a linear settlement which has stayed within its historical confines and there is concern regarding the enclosure of NO.10 and the distortion of the linear arrangement.

Officers have ensured in previous applications on the site that this area remains distinct from Croft Farm and does not constitute a domestic curtilage. There is an expectation that this position is retained as no material justifications have been presented to overturn this position within the submission.

Within the Heritage Statement it is offered 'If it is considered necessary by the Council additional landscaping along the boundary of the land can be secured by condition'. However, it is noted that presumably during the works converting the former ancillary buildings to holiday accommodation, unauthorised works were undertaken on the curtilage Listed boundary wall. Further the erection of the existing fence is not authorised and is considered detrimental to the setting of the Listed Building and Conservation Area compared to the authorised arrangement.

The case officer must ensure that any condition requiring boundary treatment does not provide permission or expectation for the unauthorised works. In addition, enforcement action is initiated to ensure the listed wall is repaired and rebuilt.

#### **Thornhaugh Parish Council (24.05.22)**

Objection - As with other applications for change of land away from agricultural use and to continue our consistent approach, the Thornhaugh Parish Council objects on the grounds that this piece of land is outside the village envelope and is once again an erosion of agricultural land surrounding the village. In addition, this is an extension for business use, it being an extension to the Holiday Lets which further enlarges an already intrusive complex and has the potential to cause even more disruption to the village, particularly those whose houses are close to the development.

#### **PCC Peterborough Highways Services**

No objection.

#### **Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 6 (Including Parish Council)

Total number of objections: 6

Total number in support: 1

6 objections were received from 5 households, the Officer summary of these can be found below:

- The land is already being used as commercial garden space for the holiday lets. The area of land (application site) between my property and the holiday lets is currently being used by the holiday renters, resulting in the quite enjoyment of my garden space to be lost. Activities include, noisy games, bouncy castles, people jumping over my fence to retrieve balls and dogs barking. As a close neighbour we are subjected to loud talking, shouting, arguing, swearing, lewd conversation, loud music playing, children screaming and adults shrieking throughout the day until late at night. There are often parties going on with loud music beyond the 11pm curfew. This has resulted in excessive noise; complaints have been fed back to the owner on several occasions. Granting the change of use of this land can only exacerbate these issues and cause more concern for immediate neighbours, in this, what once was, a quiet Conservation village. Balls have struck my property on several occasions against the glass patios.

- The holiday lets are a major intrusion on the lives of residents in Meadow Lane, which this request will no doubt exacerbate. The original application for two small holiday lets in the barns was not a major issue, this being granted based on the fact that they were small with low impact. Following granting of planning permission, Croft Farm itself was turned into a holiday let

(apparently not requiring any form of permission), a hot tub added and is now a complex of three units being used as a party venue for 18 people. The three properties, although advertised as single let's can only be booked together therefore accommodating up to eighteen people. - The hot tub located at the front of the garden is disruptive as it stands, without the needs for more space to become available.

- As a resident living directly opposite Croft Farm, we strongly oppose this change of use. The racket and light pollution that emanates from the Croft farm complex of holiday lets is already considerably intrusive, affecting our lives, without extending this area any further.

- The village envelope is there for a purpose and conservation and the nature of the village has meant that expansion of the village envelope has been both objected to in the past and refused permission by the City Council. The City Council also produced a conservation document that is clearly against "infill development" Yet more loss of agricultural land has an effect on the environment and on the area and permission to include this as domestic use can, and no doubt will in the future, open those areas to further development requests. The application is clearly for commercial gain and business expansion, in conflict with the quiet rural nature of the village. The land should be maintained as agricultural or meadow land rather than being used as it is currently in breach of the original planning permission.

- The holiday let has a suitable level of amenity space as it stands, within their existing planning permission. The barn and paddock are surrounded by domestic residencies, the owners of which only wish to enjoy the peace and quiet of the village.

- There is extra traffic down the narrow Meadow Lane which is not sustainable and is disruptive to local residents.

- We would like to register our disappointment that the open front car port which was replaced at the start of the project borders our garden and we are finding it incredibly intrusive as the original building was black and the new building is steel profile clad in a light grey and seems to have a higher roof line - a lack of trust in the applicant.

- The area is regularly mown and makes it look like accompanying garden space which is misleading. This application appears to be seeking to legitimise what is already happening.

- It should be noted that the owner and their representative have been dishonest on the formal application form. On the section marked "Existing Use" where it specifically asks about existing use of the site, the applicant has stated the land as "Agricultural land, part of former farmyard" when clearly it is not being used for this purpose. We have sufficient evidence proving that the land is being misused (photographs of bouncy castles, ball games and trespassers). The Croft Farm holiday let website clearly advertises the patio and garden spaces with photographs of this specific land being used as commercial garden space.

**Councillor Elsey** has expressed his support for the scheme for the following reason:

It is important that the Committee balances the need for economic growth and the benefits of farm diversification against the alleged loss of open countryside, and consider whether the small parcel of land affected, part of a former farmyard, can reasonably be considered as true open countryside within the spirit of the NPPF.

## **5 Assessment of the planning issues**

The main planning considerations are:

- Principle of development
- Size and scale of land and impact to local character
- Neighbour amenity
- Historic Environment

### **a) Planning history**

Planning permission was granted in November 2018 to convert the adjacent farm barn into two holiday lets, and erect a cart shed under planning reference 18/01358/FUL. Under this previous planning application, the outdoor garden area approved to serve the two holiday units was located to the immediate south and west of the barn building, squaring of the land created by the L shape of the barn. The area of the outdoor garden measured approximately 200sqm. Similarly, the area to the south of the farmhouse was to be used for its garden area. The garden land subject to this application would be in addition to this previously approved garden land and would provide a large amount of garden to both the east (approved front elevation) and west (approved rear elevation) of the accommodation.

### **b) Principle of development**

Planning permission is being sought to change the use of the 585sq.m piece of land adjacent to Croft Farm buildings. The current lawful use of the land is agricultural land, and it is proposed to change the use into private residential garden to serve the adjacent holiday let accommodation. This would extend the adjacent holiday let site outside of the village envelope and into the open countryside.

Policy LP2 of the Peterborough Local Plan sets out the spatial strategy for Peterborough in terms of the location and scale of new development. It is explicit and unequivocal in what development is acceptable within the open countryside. The policy states that development in the countryside would only be acceptable if it meets certain specified criteria as follows:

- is demonstrably essential for the effective operation of local agricultural (and other similar countryside uses).
- residential development which meets the exceptions test of Policy LP8 of the Local Plan;
- development which accords with Policy LP11; or
- minerals and waste development which accords with the Minerals and Waste Local Plan.

The proposal does not meet any of the above criteria.

The policy goes on to state that 'All other residential development outside of village envelopes ... will, by definition, be contrary to the vision, objectives, development strategy and policies of this Local Plan, and should be refused, unless otherwise acceptable within a made Neighbourhood Plan.'

Officers are of the view that garden land associated with a residential holiday let is residential development and therefore, the current proposal is by definition, wholly contrary to the adopted Local Plan. Indeed, the Local Planning Authority has issued a reason for refusal on this basis for a similar scheme at a site in Thorney (application reference 19/01511/FUL), and the refusal was then upheld by the Planning Inspectorate.

As Members will be aware, applications which are contrary to the Local Plan should be refused unless there are material considerations which dictate otherwise. Officers do not consider that any such material considerations exist in this case.

The NPPF at Paragraph 174 sets out that planning decisions should protect and enhance valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan and recognise the intrinsic character and beauty of the countryside. Permitting the change of use would cause the encroachment of garden land which would degrade and open up the agricultural land to increased pollution through littering and trampling. As such, the proposed change of use is contrary to Paragraph 174 of the NPPF (2019)

### **c) Size and scale of land and impact to local character**

Generally, the curtilages and residential gardens around barns which have been converted into

residential use are usually fairly tightly contained. This is because barns were not built and designed with this new residential function and associated outdoor garden space in mind; they were built to serve the agricultural needs of the farm. It is likely therefore, that any external area around a barn was usually just an external yard area, to provide access and manoeuvring space for the barn. Barn conversions always need to be very carefully designed to respect the character and appearance of the former use and building, this is particularly important in terms of materials, window and door openings and the size and scale and appearance of the land and curtilage surrounding them. Unsuccessful barn conversions are usually ones which overly domesticise the external appearance of the barn and surrounding land, and as a result lose the original agricultural character and appearance of the building and site.

The barn conversion at the application site, approved in 2018, has successfully converted the former agricultural barn building. Whilst the internal use has changed the external character and appearance of the building has been sensitively retained. This L-shaped barn was approved with the outdoor garden space enclosing the inner part of the L to the south and west of the building within established curtilage of the farmyard and within the village envelope. Very limited land to the east of the building was included within its conversion, allowing predominately access only to a doorway. Therefore, from the east of the site the appearance of the site and building was very much that of an agricultural barn on the edge of the village, with agricultural fields beyond. The applicant has moved the boundary fence to the east and mowed the area of grass and now this land has the appearance of a small paddock/grassed garden area to the front of the converted farm barn. To allow this land to change of use into domestic residential garden, would allow the character and appearance of the land to change, by allowing the construction of extensions, domestic outbuildings, and other domestic paraphernalia (e.g., seating areas, barbecues, children's toys, hot tubs etc.) many without the need for planning permission to the detriment of the character and appearance of the converted barn, rural village edge, and adjacent conservation area.

The size and scale of the land to be changed into residential garden land to serve the two adjacent holiday lets, is too large and out of character with the size and scale of the 2 holiday lets it is proposed to serve. Outdoor space was approved to the east and south of the barn building and this provides the least visually intrusive option to the barn and surrounding countryside and village edge. The land to the east is fairly large in size and would represent significant encroachment into the open countryside. Furthermore, it would be bound to the south by agricultural land, which would then form an awkward and contrived form to the settlement boundary.

All development proposals are expected to positively contribute to the character and local distinctiveness of the area and create a sense of place. As such, proposals will be required to respect the local patterns of development and existing views, into and out of or through the site. The proposed change of use would not respect the local pattern of development by allowing the expansion of the village envelope for domestic use. In addition, the change of use would allow the application site to have householder rights, essentially opening up to opportunities for permitted development which could include garden rooms, extensions, and the creation of hard surfacing for additional parking, which would be detrimental to the character of the area, obstructing views and degrading the landscape setting. This would be unacceptable for the site in question and would be contrary to LP16 and LP27 of the Peterborough Local Plan (2019).

As such, the proposed development is not in accordance with Policy LP16 and LP27 of the Peterborough Local Plan (2019).

#### **d) The historic environment**

As detailed in Section 1 above, the application site lies immediately adjacent to the Thornhaugh Conservation Area. Therefore, special consideration has to be given to the impact that the development has upon the character and setting of the surrounding area under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a statutory duty upon the Local Planning Authority to ensure that all new development either preserves or enhances Conservation Areas.

In addition, the site is located abutting to and within proximity of a number of Listed Buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA to ensure that all new development either preserves or enhances the special features of such buildings, including their settings.

There is a significant concern regarding the expansion of the domestic curtilage beyond the historical confines of the Listed Building, the Conservation Area, and the Village Envelope however it is accepted that the curtilage of Croft Farm does include the northern section of the proposed area and there is no objection to the incorporation of this as part of the site.

However, the Council's Conservation Officer has objected to the proposal and Officers share their views. The concern regarding the change of use of the southern element would stray from Thornhaugh linear settlement which preserves the historical confines of the village. Throughout previous planning application, Officers have ensured that the southern area remains separate and distinct from Croft Farm and there are no material considerations presented to overturn this position.

It is noted that presumably during the works converting the former ancillary buildings to holiday accommodation, unauthorised works were undertaken on the curtilage Listed boundary wall. The removal of the wall for some sections and the dereliction of the wall for the remainder is not acceptable. Further the erection of the existing fence is not authorised and is considered detrimental to the setting of the Listed Building and Conservation Area compared to the authorised arrangement. Therefore, allowing the change of use would exacerbate the detrimental impact to the historical wall boundary, eroding the prominence of the village curtilage.

The harm to the designated heritage assets is considered to fall within the category of 'less than substantial', which is not to say that the harm is not considerable. The National Planning Policy Framework requires that where a development proposal leads to less than substantial harm, this should be weighed against the public benefits of the proposal. Officers are of the view that there are negligible public benefits arising from the development. The main benefit is to the Applicant and their dependent. This is not considered to outweigh the harm to the Conservation Area or wider visual amenity of the area.

Given the above it is considered that the proposal would not be in accordance with Policy LP19 of the Peterborough Local Plan (2019) and the NPPF (2019) Section 16. Ultimately, disrespecting the character of the Thornhaugh Conservation Area.

#### **e) Neighbour amenity**

There have been a number of objections raise from local residents on the grounds of noise and general disturbance arising from the use of the land for garden space associated with the holiday lets at Croft Farm and its converted barn. Many raise that the intensity of the use of the holiday lets is far greater than was originally anticipated, therefore have submitted comments to raise awareness.

It is acknowledged that at present, lawfully there is no residential outdoor activity to the rear of Apple Grove and Nos. 8 and 10 Meadow Lane, and these occupants enjoy a quiet level of amenity to their garden spaces that comes with backing on to open countryside. The creation of residential garden land would change this relationship, bringing about noise from children and adults playing, parties and other such activities. Whilst the use class of the site is as a residential dwelling, Class C3, it is used for holiday lets and this brings with it a higher turnover of occupants who could use the site. Similarly, Officers acknowledge that occupants of holiday lets are not bound by the relationships with neighbours in the same way as permanent occupants, and therefore the inclination to be more respectful of quiet amenity falls away.

The objections received from local residents highlight that the land already results in harm to their amenity and prevents their enjoyment of outdoor garden spaces. This demonstrates that the



concern of Officers is warranted.

As such, the proposed development is not in accordance with Policy LP17 of the Peterborough Local Plan (2019).

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

The Executive Director: Place and Economy recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposed change of use from agricultural land to garden land would represent encroachment and extension of the domestic curtilage of the applicant site, associated with Croft Farm Holiday Park, into the open countryside for garden land. The proposal would result in the unacceptable erosion of the open countryside for residential purposes that have not been adequately demonstrated as being essential. Accordingly, the development is wholly contrary to the vision, objectives, development strategy and policies of the adopted Peterborough Local Plan (2019), specifically Policy LP2.
- R 2 The proposed change of use from agricultural land to garden land would represent encroachment and extension of the domestic curtilage of the applicant site into the open countryside. The proposal would expand the curtilage of Croft Farm beyond the historical confines of its Listed Building curtilage. In addition, the proposal would blur the separation between residential curtilage of the village and open countryside and be at odds with the character and appearance of the locality. The development would harm the visual amenity and character of the area, and the setting of the village, including the Thornhaugh Conservation Area. The development is therefore contrary to LP16, LP19 and LP27 of the Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021).
- R 3 The proposed change of use would represent a negative amenity influence on neighbours' health and quality of life. The proposal would introduce garden land to the rear of residential dwellings that currently experience a very quiet level of amenity. Such garden land would likely result in incidents of noise and general disturbance generated by use by occupiers and would be to a degree which is more intensive given that it would serve holiday accommodation. The proposal would therefore unacceptably harm the amenities of neighbouring occupants and is contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copy to Councillors - Cllr Gavin Elsey

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