



Appeal Decision

Site visit made on 24 December 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/H0520/W/24/3345406

The Old Union Holiday Home, Old Church Lane, Colne, Cambridgeshire

PE28 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Kevin Pickering against Huntingdonshire District Council.
 - The application Ref is 24/00100/FUL.
 - The development proposed is subdivision of plot and change of use from holiday let to residential dwelling (Use Class C3(a)).
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of plot and change of use from holiday let to residential dwelling (Use Class C3(a)) at The Old Union Holiday Home, Old Church Lane, Colne, Cambridgeshire, PE28 3NE in accordance with the terms of the application, Ref 24/00100/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 100 (Site Location Plan), 201 (Proposed Block Plan), 202 (Proposed Floor Plan) and 203 Rev A (Proposed Elevations).
 - 3) The development hereby permitted shall be carried out in accordance with the recommendations and enhancements section in the Biodiversity Statement received by the local planning authority on 22/01/2024 and retained thereafter.
 - 4) The development hereby permitted shall not be occupied, until details of the facilities for the provision of secure covered cycle parking demonstrating once cycle space per bedroom, have been submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details and retained thereafter.

Applications for costs

2. An application for costs was made by Mr Kevin Pickering against Huntingdonshire District Council. This application is subject to a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to

comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.

4. The description of development on both the application and appeal forms refer to the development having already been partially carried out/ part retrospective. I have removed words not in relation to acts of development.

Main Issue

5. The main issue is whether the appeal site is a suitable location for the proposed development having regard to local and national policy.

Reasons

Suitable location

6. The appeal dwelling (Orchard End) is located within the confines of the dwelling known as The Old Union towards the end of Old Church Lane, Colne. The surrounding area is rural in character and the appeal site is adjacent to a farmhouse and its associated farm buildings. There is a mixture of dwellinghouses located along Old Church Lane.
7. Policy LP2 of the Huntingdonshire District Council Local Plan to 2036 (HDCLP) outlines a strategy for development and focuses it towards the four spatial planning areas and the seven key service centres of the district. The village of Colne is not one of these areas or service centres. However, Policy LP9 of the HDCLP establishes support for development in small settlements dependent upon their relationship with the built-up area of a small settlement.
8. The location of Orchard End at the end of Old Church Lane results in the appeal dwelling being separated from the other dwellings on the lane. However, the appeal site is not physically remote from the built-up area of Colne and there is a public footpath leading from the village through the woodland located to the rear of Orchard End, to the end of Old Church Lane. Consequently, the residents of the appeal dwelling are likely to be able to walk to the centre of Colne. Therefore, the appeal site is well-related to the built-up area of Colne and is not located in the open countryside for policy purposes. Accordingly, there is no requirement for the appeal scheme to be assessed against Policy LP10.
9. Policy LP9 provides support if land well-related to the built-up area can be supported where it accords with the specific opportunities allowed through other policies of the HDCLP. I have identified above that Orchard End is well-related to the small settlement of Colne. Furthermore, in the reasoning for Policy LP2 it states that no site-specific allocations are made for small settlements and consequently, the majority of this growth will be realised from the ongoing supply of rural exceptions, small and windfall sites. It further outlines that preferences should be given to sites in flood zone 1. Accordingly, given that the appeal site is in a flood zone 1 location, constitutes a windfall site and contributes to the flexibility and diversity of new housing delivery outlined in Policy LP2, it complies with Policy LP9.
10. In conclusion, Orchard end is in a suitable location and complies with Policies LP2 and LP9 of the HDCLP insofar as they seek, amongst other things, to

ensure the sustainable distribution of development in the District and in particular in relation to small settlements.

11. Given I have identified that the development is not in the countryside for policy purposes, Policies LP10 (the Countryside), LP23 (Tourism and Recreation) and LP33 (Rural Buildings) of the HDCLP are not determinative for this appeal.

Other Matters

12. I am aware that the site is proximate to the Grade II listed porch of the former St Helens Old Church. Mindful of the s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The flat and verdant surroundings of the porch, positively contribute to its significance. Nevertheless, given the location and extent of the development including the intervening trees and hedges, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
13. Colne Parish Council refer to the previously granted permission¹ for the existing holiday let, stating that it provided support for it on the basis it would remain as a holiday let. However, I do not have the full details of that permission before me. Nonetheless, a previously granted planning permission does not prevent a subsequent application such as the appeal before me. I have determined this appeal on the evidence before me and against the relevant policies, as did the Council.

Conditions

14. The Council has provided a list of suggested conditions which I have considered against the Framework and advice contained in Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
15. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
16. I have imposed a condition regarding the provision of biodiversity measures as set out in the biodiversity method statement to ensure the biodiversity value of the site is enhanced as required by Policy LP30 of the HDCLP (3).
17. Finally, to encourage sustainable travel as outlined in Policy LP16 of the HDCLP, I have imposed a condition requiring the provision of secure covered cycle parking (4).

Conclusion

18. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

¹ Planning Application Ref: 17/01214/FUL