



Appeal Decision

Site visit made on 7 January 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/H0520/W/24/3346769

**Land next to Windy Willows, Huntingdon Road, Warboys, Huntingdon PE28 3AH
Easting: 529955 and Northing: 278349**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Karen Washington against the decision of Huntingdonshire District Council.
 - The application Ref is 23/01628/FUL.
 - The development proposed is to demolish the existing Nissen hut structure & ancillary buildings and replace them with a single new-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. The original description of the site location included information in respect of the appeal site, such as a site description and former uses. As these do not describe the site location, I have not included them in the address details above. I have however had regard to them within my decision.
4. The original description of development included reasons justifying the proposed development and background information, including pre-application discussions and reference to the proposal being a resubmission of an earlier planning application. The appeal form also provides similar information within the description of the development section. As they are not acts of development, I have not included them in the description of development in the above banner heading. I have however had regard to them in reaching my decision. I have used the description of the development from the Council's decision notice, which has been adopted by the appellant in their appeal statement.
5. The appellant has submitted a revised structural survey¹ to support the appeal. While this document has not been subject to wider publicity, it is a technical document which does not alter the location or nature of the scheme which was subject to wider publicity. In any event, the Council have had opportunity to

¹ Structural Survey by SEA Structural Engineers dated 17 May 2024

comment on this document. As such, interested parties have not been unduly prejudiced by my acceptance of this late technical evidence.

Main Issue

6. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to the development strategy set out in the development plan, the condition of the building, and opportunities for sustainable travel modes.

Reasons

7. The appeal site comprises a triangular shaped piece of land. A Nissan hut is located within the site, along with the base of a former building. The land is overgrown, with trees and vegetation located largely on the boundaries of the appeal site.
8. Policy LP2 of Huntingdonshire's Local Plan to 2036 (LP) sets out the development strategy for Huntingdonshire. It seeks, among other things, to concentrate development in locations which provide the most comprehensive range of services and facilities. It states that approximately three quarters of the objectively assessed need for housing will be focussed in the four identified spatial planning areas. Moreover, seven key service centres have been identified, with all other settlements with a single built up area of 30 dwellings or more defined as Small Settlements.
9. The appellant states that the appeal site is in a semi-rural location. While noting its proximity to the industrial estate and neighbouring properties, including Windy Willows, the appeal site, nevertheless, falls outside of the identified spatial planning areas, key service centres and Small Settlements as listed in LP Policy LP2. As such, the appeal site lies within the countryside.
10. LP Policy LP10 seeks, among other things, to restrict development in the countryside to the limited and specific opportunities provided for in other policies of the LP. As the appeal scheme is not being advanced as one which requires a rural setting, it is not supported by the development plan policies which relate to such matters.
11. However, LP Policy LP33 supports the replacement of a building in the countryside where criteria a, i to iii are fulfilled and the proposal would lead to a clear and substantial enhancement of the immediate setting. Therefore, the development strategy does not, in principle, preclude the development proposed.
12. The Nissan hut was built to provide living accommodation for the Women's Auxiliary Airforce. The appellant highlights that there is evidence of fittings within the structure to support this use. In addition, it has also been used as a workshop and store. While the appeal scheme seeks to reintroduce a residential use, the previous uses have since ceased and the site is vacant. In view of this, both parties agree that the appeal scheme complies with LP Policy LP33 criterion a. i.
13. The Nissan hut is in a dilapidated state. It has a large, elongated footprint and curved roof. It sits on a concrete slab, with its structure largely comprising of a series of rolled steel angle curved frames, clad in profiled sheeting. The Nissan hut is divided into three areas by two internal, full height masonry walls. There are

three modest sized, flat roof ancillary blocks, constructed from a single leaf of masonry.

14. The appellant has sought to address the concerns raised by the Council in respect of the condition of the building through the submission of a revised structural survey. This states that the internal masonry walls, foundation slab and steel frame are key structural elements of the Nissan hut. Having regard to this and noting the length of time the Nissan hut has been in situ, I am satisfied that the building is of permanent construction.
15. The revised structural survey makes it clear, within the 'Limitations of Structural Inspection', that the external inspection was carried out from ground level by visual and optical sighting. It further states that this method means that parts of the structure may be incapable of inspection, and it cannot be confirmed that they are free from defect. Similar limitations are identified in respect of the internal inspection.
16. The revised structural survey indicates that replacing the corrugated sheets would be classed as on-going maintenance. Details of a new cladding to match the existing have been provided. These are lighter than the existing sheeting and the revised structural survey confirms that no additional strengthening measure would be required. However, significant sections of sheeting are missing from the building, with evidence of corrosion in those that remain. Moreover, it is not clear from the revised structural survey the extent of retention or replacement of the sheeting.
17. There is also ambiguity in respect of the timber roof purlins, which are mainly rotten, with some damaged by fire. While it is understood that these could be easily replaced, the revised structural survey indicates that it may be possible for the new cladding to be designed to span the main structural frames. While this option would make the timber roof purlins redundant, no further details have been provided which confirm whether it is possible for new cladding to be designed in the way described. If this option is possible, it is not clear whether the frame of the building could withstand this approach without additional strengthening. Moreover, in such circumstances, the external fabric of the building would be almost all new construction.
18. There is also inconsistency between the revised structural report and the accompanying plans included within Appendix C. The plans state that they have not been fully coordinated with a structural engineer's input and show indicative construction build up only. Moreover, the report indicates that the internal masonry walls will be retained. However, while indicative, the accompanying plans indicate only one of the two internal masonry walls would be utilised, along with only 9 of the 22 bays of the structure.
19. Having regard to the dilapidated state of the Nissan hut and the ambiguity in respect of the matters highlighted, it has not been robustly demonstrated that the building is of substantial construction and is not in such a state of dereliction or disrepair that significant reconstruction would be required. As such, the development proposal conflicts with criterion a. ii and iii of LP Policy LP33.
20. The appellant and interested parties assert that the site is an eyesore, a magnet for anti-social behaviour and open to fly-tipping. They therefore contend the scheme would lead to a clear and substantial enhancement of the immediate

setting, as required by LP Policy LP33. While there may be some benefits associated with the appeal scheme in this regard, this is only one of several criteria within the policy that a development proposal must comply with. Therefore, this would not be sufficient to overcome the conflict identified.

21. The appeal site lies close to Warboys, which is identified as a key service centre in LP Policy LP2, Old Hurst and Broughton villages. The evidence indicates that there are a number of services and facilities located within these villages which future occupiers of the appeal scheme would likely assist in maintaining.
22. Much of the road network in the vicinity of the appeal site is subject to the national speed limit. While there are footpaths linking the appeal site to Warboys and Old Hurst, there is limited street lighting along these routes. Access to Broughton is via a predominately single track road, with largely no footpaths, cycle routes or street lighting. The nature of the surrounding road network would not represent an attractive option for future occupiers to walk or cycle to the villages highlighted, particularly during inclement weather or after dark.
23. However, the appeal site lies close to two bus stops. These support Bus 305, a Huntingdon to Chatteris and Chatteris to Huntingdon route. The evidence indicates there is a bus broadly every three hours to and from a main supermarket and Huntingdon town centre. While not a frequent service, it would, nevertheless, provide an alternative to the private car.
24. Noting this and that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, future occupiers are not likely to be heavily reliant on the private car to find suitable services and facilities to support their day-to-day activities.
25. I have given careful consideration to the appellant's detailed submission and choice of site. The design has clearly been carefully and thoughtfully considered and seeks to be sympathetic to the historic use of the site and original shape and layout of the Nissan hut. Moreover, the appellant has sought pre-application advice from the Council and assessed the merits of converting the Nissan hut, before submitting their preferred new build scheme.
26. However, for the reasons outlined, while the appeal site is a suitable location with regard to sustainable travel modes, it is not in a suitable location for the proposed development, having regard to the development strategy set out in the development plan and the condition of the building. This is contrary to LP Policies LP2, LP10 and LP33, as set out above. No conflict has been identified in respect of LP Policy LP16, which seeks to support sustainable travel.

Other Matters

27. One dwelling would contribute towards the housing supply in the area. The Framework is supportive of windfall sites and the Government's objective is to significantly boost the supply of homes.
28. The appellant states that the appeal scheme would make use of previously developed land and would not result in the loss of agricultural land. They highlight that the proposed dwelling would be highly sustainable, eco-friendly and optimized with modern technology to make it extremely efficient to run, with a net-zero

carbon footprint. The appellant also seeks to deliver net-biodiversity gains and include excellent water conservation.

29. The scheme would include wildflower meadows, propagation of native tree and shrub seedlings and generate its own electricity. Moreover, it would include charging for electric vehicles on site, a large solar array and batteries for storage. I also note that the proposal has some support from interested parties, including the Parish Council. While these benefits weigh in favour of the scheme, given the amount of development proposed, these are not sufficient to outweigh the harm identified in respect of the main issue.
30. The support provided by the Framework for self-build and custom build housing has been highlighted by the appellant. However, there is limited substantive evidence which demonstrates that the development applied for would comprise such a project. This therefore carries limited weight.
31. An absence of objections from various consultees, including Urban Design, Environmental Health, the Conservation Team and the Highway Authority, are neutral matters, that neither weigh for or against the appeal scheme.
32. While noting the site constraints and nearby built form, there is limited substantive evidence to demonstrate that there are no other suitable uses for the site, or that failure to develop the site in the manner proposed would negatively impact neighbouring occupiers. Therefore, such matters do not outweigh the conclusions in respect of the main issue.
33. While it is alleged that if the proposal comprised an agricultural barn it would have been permitted under Class Q legislation, nevertheless, the appeal site comprises a Nissan hut. Similarly, while the Framework is supportive of the re-use of redundant or disused buildings, the appeal scheme seeks to demolish the existing building.
34. The evidence indicates that the site does not lie within the Green Belt. As such, policies in respect of Green Belt protection, including those within the Framework, as referenced by the appellant, are not determinative.
35. It is noted that the Council refused the appeal site's entry onto Huntingdonshire's Brownfield Register and the appellant has raised several concerns in respect of the pre-application and planning application processes. These are matters between the appellant and Council and are outside the scope of the appeal.

Conclusion

36. For the above reasons I conclude that, while the appeal site is a suitable location with regard to sustainable travel modes, the harm identified in respect of the development strategy and condition of the building are determinative. Therefore, the appeal scheme would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR