

54 Park Lane

Fen Drayton

To: Nuttycombe Jenny; Miles Keith
Subject: 54 Park Lane, Fen Drayton

Dear Jenny and Keith

Firstly I would like to thank you for giving us the time to present our case to you at our recent meeting.

As requested I am writing to confirm our views with regard to the exclusion of the existing building at 54 Park Lane, Fen Drayton from those considered acceptable under Policy SP/11. At our meeting we outlined why we feel that the existing building should be included. The building was constructed under a planning permission for an implement store. It replaced an existing implement store on site. If that earlier implement store was still on site then it would be considered an acceptable building and would be included. I don't think anyone disputes that. It seems grossly unfair that replacing that implement store, in accordance with a planning permission, means that the building can no longer be considered acceptable. It prejudices the owner in this case for wanting to keep the site tidy and provide a use for the building rather than letting it gradually fall into disrepair.

I note your comments regarding the use of the land at the time. You referred to the aerial photographs taken in 1998 and 2003. These show the site before and after the current building was erected. The comment was made that they appear to show that the land was used as residential garden land. However, this is no different to other properties within the former LSA that were used as garden land at that time. In particular I refer to properties along Springhill Road and Oaktree Road. I have attached the aerial photographs from 1999 that show properties along these roads with the buildings that are considered acceptable set within garden land with no relationship to agriculture at all. Again it seems unfair and indeed unreasonable that

these buildings should be included and the building at 54 Park Lane is not.

The planning application forms submitted for the building in 2000 refer specifically to a replacement implement store. The planning permission also refers to the erection of a replacement implement store. The store was constructed in accordance with the approved plans. The use of the store after this is not relevant. The forms referred to garden land. However, as referred to above this is not exclusive to 54 Park Lane. Indeed in the case of 54 Park Lane the photographs show the glass house still on site up until at least 2003. This is not the case on the other sites referred to. There was a clear intention to build the implement store, it had planning permission and the glass houses were still on site. Circumstances changed and it was no longer needed as an implement store in association with an agricultural use and it was used as an ancillary garden building. No different to many other buildings on the former LSA. In addition the reference to garden land on the forms can in no way take precedence over the description of the proposal, the approved plans and the planning permission.

Another issue regarding agricultural use relates to the lifting of the agricultural restrictions on a number of properties prior to the overall release of all properties in 2008. This was done as there was no agricultural use being carried out on a number of the properties. Removing that restriction effectively confirmed that the agricultural use had stopped.

There are a number of issues that were referred to at the meeting that we believe need to be addressed as they highlight some inconsistencies in the SPD. George Burton's property at the end of Mill Road has been included in the policy boundary when it was never part of the LSA. On a similar note, is the cow byre at Daintrees which has been included but was never within the LSA site.

I would be grateful if you would pass these comments on to the Portfolio Holder so that he is aware of our views. In the meantime if you have any queries then please do not hesitate to contact me.



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33 Cootes Lane

Fen Drayton



Dated 24th April 2011

Mr K Miles
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Dear Mr Miles

Fen Drayton LSA Supplementary Planning Document, Response to letter dated 22th March 2011.

Policy SP11 Fen Drayton LSA clearly states "excluding Greenhouses" it makes no mention of any other type of structure or building that shouldn't be considered.

I have owned 33 Cootes Lane since 1984, since when growing has always taken place: due to a change in my career for to health reasons, growing increased to a full time occupation in the mid 1990's and reduced in approximately 2005. However growing still continues to this day, see photo's No 1 and 2.

In approximately 2000 I purchased a large quantity of peat bags and additional irrigation equipment which needed to be stored on site. At that time In order to accommodate this I converted the former water tank to a storage building by cutting a door way on the side and reusing the liner as a roof covering. This didn't last long and was eventually replaced by a more substaintional roof see photo No 3. I changed the use of the structure to the storage of horticultural sundries.

The building does conform to the council's definition of a building as per paragraph 4.5, 4.6 and 4.7 in that it was built over 40 years ago in the early 1970's (thus has a degree of permanency and not temporary) on site and would require to be dismantled on site to be removed. Unlike some eligible buildings which only have soil as a base, this structure has a base comprising a 150mm deep concrete slab to which it is fixed and it also has a solid roof. At 5.5 meters wide it would be difficult to move around the smallholding. It therefore conforms to the Town and Country Planning Act 1990 (Section 336). There is no mention of water tanks in the final draft, therefore it is difficult to comprehend why they are now being excluded. In any event this building is no longer a water tank. The structure is still being used today for storage of horticultural sundries, see photo's No 4 and 5. External views as seen in photo's No 6 and 7.

33 Cootes Lane , Fen Drayton



Photo 1: Propagating house full of plants.



Photo 2: Holing out ready to take plants.



Photo 3. Solid roof construction

33 Cootes Lane, Fen Drayton



Photo 4. Converted water tank storing horticultural sundries.

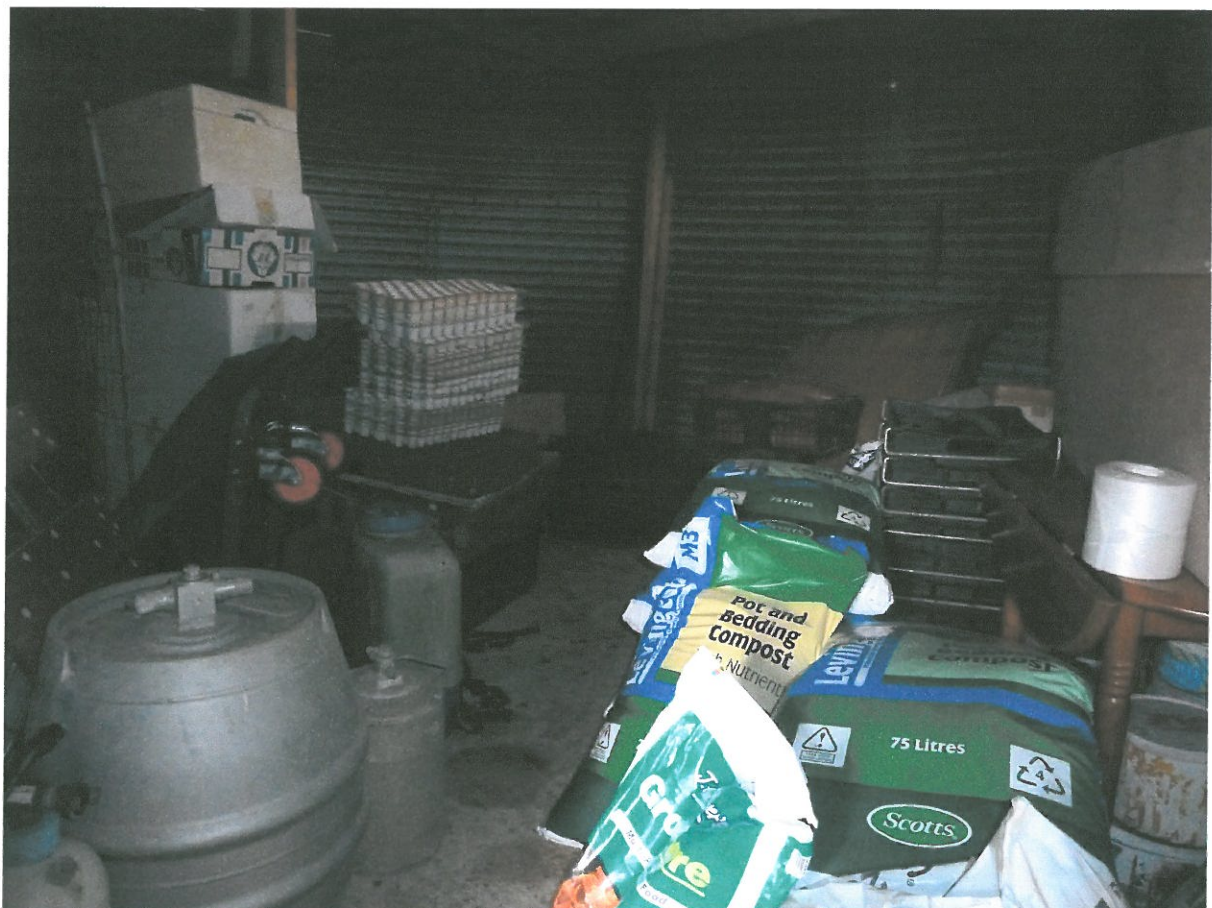


Photo 5. Converted water tank storing horticultural sundries.



Photo 6. View showing pump house with doorway cut into former water tank.



Photo 7. External view of converted water tank.

4. DEFINITIONS AND AN EXPLANATION OF TERMS

- 4.1 For the purposes of preparing planning applications and assessing those planning applications against Policy SP/11, there are a number of terms and phrases within the policy and its supporting text that need further definition and explanation. The definitions and explanation set out in this chapter are based on the Council's interpretation of the policy at the date of adoption of the SPD. As the policy requires ground breaking and experimental ways of sustainable living, which is a fast moving area, it may be necessary to review and update this SPD during the lifetime of the policy.

DEFINING THE ELIGIBLE BUILDINGS AND THEIR FOOTPRINT

- 4.2 Policy SP/11 requires that any change of use or redevelopment of eligible buildings must not occupy a larger footprint than existing buildings. The planning definition of footprint is taken from *Planning Policy Guidance note 2: Green Belts*. The **footprint** of a building is the area of land physically occupied by the building but excluding any temporary buildings or hardstandings. The footprint of a building is based on the external dimensions of the building and does not take account of the height of the building (i.e. the number of storeys). For example, a building of 17m by 5m would have a footprint of 85 sqm, whether it was a single storey or two storey building, and the eligible footprint remains 85 sqm whatever height of building might be acceptable.
- 4.3 The **footprint of the existing buildings** for the purposes of Policy SP/11 is defined as the footprint of the buildings deemed eligible at the time of the adoption of the policy on 28 January 2010. Therefore, any buildings demolished before this date or constructed after this date will not be included when calculating the footprint for any development proposal within the policy area.
- 4.4 To avoid an adverse impact on the countryside character of the area, the policy restricts development to the change of use or redevelopment of existing buildings where it can be demonstrated that they are no longer needed for agricultural purposes.
- 4.5 The Town and Country Planning Act 1990 (section 336) sets out the planning definition of a building as any structure or erection; this has been refined by planning case law to require a building to:
- have a degree of permanence (i.e. the building could be removed only if demolished or fully dismantled);
 - have a physical attachment to the site;
 - have a limited degree of motion within the site; and

- to be of a size that requires construction on site rather than being brought to the site ready made.

- 4.6 Therefore for the purposes of Policy SP/11, a **building** is defined as a structure that: has a physical attachment to the ground; has a roof and three or more walls; and cannot be easily removed from the site or around the site. This definition excludes any temporary structures, such as containers, and any hardstandings that remain from earlier buildings.
- 4.7 For the purposes of Policy SP/11 and as a departure from national and local planning policy, the structural condition of the building and its state of repair will not be a consideration in determining eligibility as the legacy of the Land Settlement Association (LSA) and subsequent agricultural consortiums is a patchwork of buildings of variable quality. This is different to other policies in the Local Development Framework (LDF) for the redevelopment of buildings in the countryside which in accordance with national planning policy require a building to be permanent, of substantial construction, structurally sound, not of a makeshift nature and not in a state of dereliction and disrepair, if it is to be considered for conversion.
- 4.8 Policy SP/11 specifically excludes **glasshouses**, this is due to glasshouses being considered as temporary structures but also due to their significant footprint. To allow the redevelopment of glasshouses would result in significant changes to character of the area and would not be consistent with the former LSA estate being designated as countryside in planning terms.
- 4.9 The Town and Country Planning Act 1990 (section 336) sets out the planning definition of agriculture, as follows:
- “**Agriculture** includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of the land for other agricultural purposes.”
- Planning case law has helped clarify the definition of agriculture to specifically exclude the breeding and keeping of horses, except where this is carried out in conjunction with a farming use. Buildings and structures specifically connected to horses are not agricultural buildings except where they are buildings required for farm horses.
- 4.10 Therefore for the purposes of Policy SP/11, piggeries and any associated extensions, general purpose agricultural buildings, agricultural workshops,