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Attn: Lewis Tomlinson
Planning Case Officer
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

Your Ref: 24/01218/P3MPA
Our Ref: SGK/SGK/HEM0072/0002
Date: 30 July 2024

By Email Only

Dear Sirs

Application Reference 24/01218/P3MPA, Change of use of an agricultural building to hotel use (C1) under Class R of the General Permitted Development Order 2015 (the Application) Barn, Hemingford Park, Common Lane, Hemingford Abbots

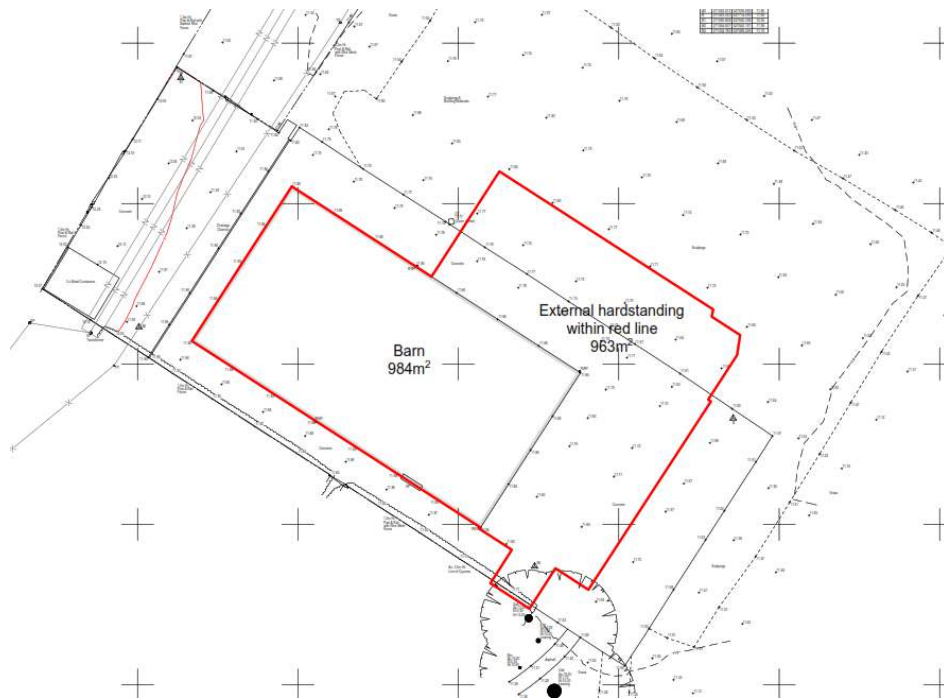
I am writing on behalf of Hemingford Abbots Parish Council to object to the above Application.

In light of the evidence set out below, the Application falls outside the scope of Class R of Part 3 to Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (the GPOD). The Application should therefore be refused.

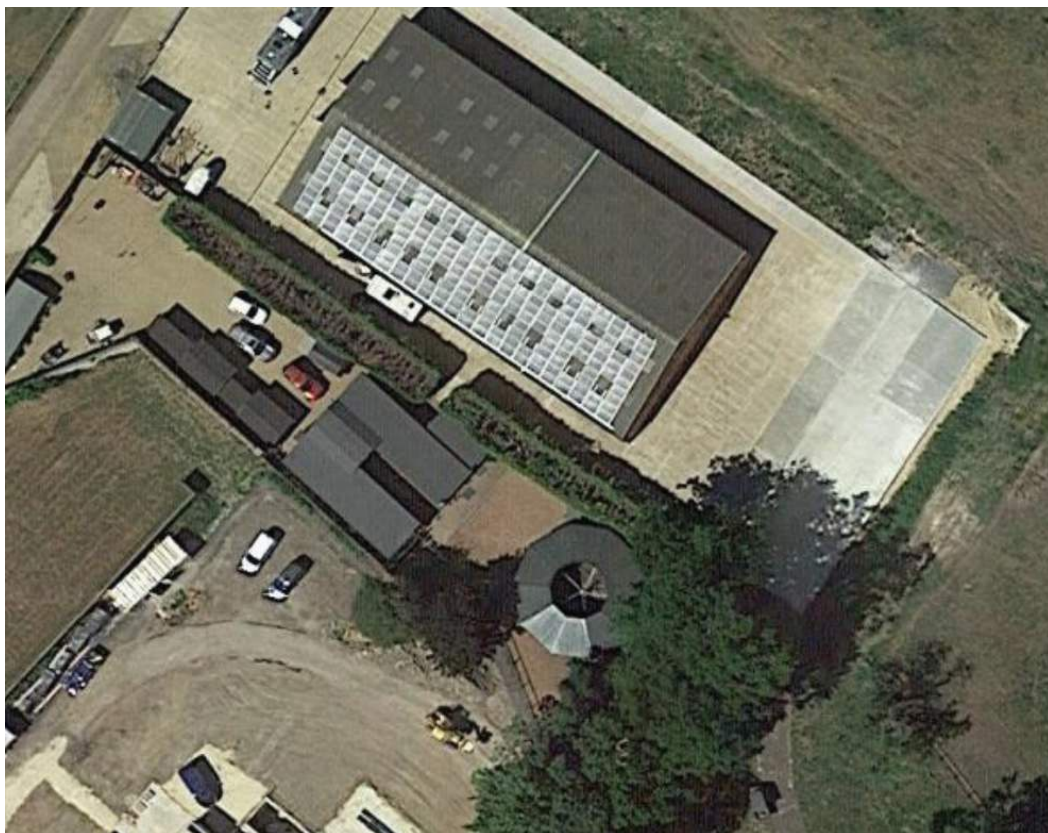
In the alternative and should the Council disagree with that assessment, the Application does not contain sufficient information for the Council to properly assess either its transport or noise impacts. The Council should be request further information using its powers under Paragraph W(9) of Schedule 2, Part of the GPOD, and if that information is either not forthcoming or is inadequate, it should be refused on that basis.

The Site

The Application redline area as shown on the applicant's Block Plan contains a 984sqm building together with an area of external hard standing amounting to 963sqm located at the north-eastern and eastern end of the building (the Site) (extract from site plan below).



As the image below shows, the southern boundary of the Site is marked by a thick hedge, immediately south of which are stables and a circular building which is a horse walker. The Council is asked to note the gap in the hedge which allows access between the Site and the immediately neighbouring equestrian facilities.



With respect to the materiality of the building which is the subject of the Application, the Applicant's Contaminated Land Assessment explains at section 3 that the lower part of the walls (up to 1.5m) is made of concrete, above which is wooden external cladding and a roof of corrugated cement bound fibre. Notably, it also explains that "[t]he floor is laid with a soft shredded fabric and sand over concrete". This sort of flooring material is used for internal menages.¹ I'll explain the significance of this below.

Externally, the building is surrounded by concrete hard standing and beyond that and as described within the Applicant's Contaminated Land Assessment, there is a hard surface of "compacted recycled crushed building materials" (page 15 – photo extracted below). Part of that hard surface is included within the Application redline.

Photo 8 – Compacted materials hard stand and building materials

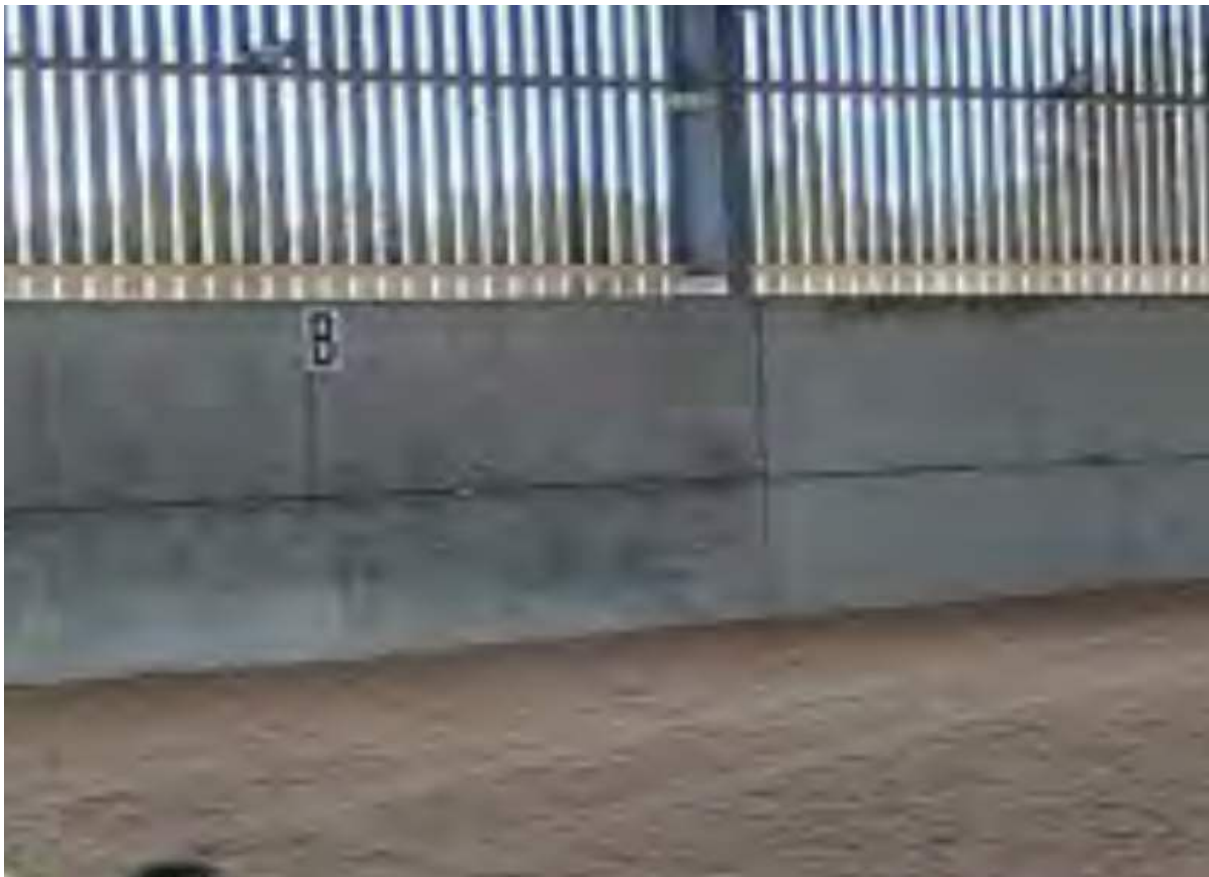


The laying of a hard surface such as that shown above is an engineering operation that requires planning permission (see s. 55 of the TCPA1990). There is no obvious agricultural purpose for this hard standing and its current use is unclear. In any event, there is no express planning permission for the surface, and in the absence of a reasonable agricultural use, it will also fall outside the scope of the Agricultural permitted development rights in the GDPO.

Photographs of the building contained in the Applicant's Contaminated Land Assessment show a large, steel-framed, open-plan structure, with the above-mentioned soft flooring, and alphabetic markings on the walls, which are used as markers for indoor equestrian purposes² (see enlarged images below taken from the Contaminated Land Assessment). Notably, there is no equipment within the building which would be appropriate for housing cattle (its original purpose).

¹ See for example the comment that "[t]ypically an all weather riding arena/menage surface construction will consist of a drainage system, a sub-base, a Silica Sand surface and usually a Rubber Chip **or Fibre topping** (emphasis added) from the following website: <https://www.mainlandaggregates.co.uk/equestrian-surfaces.html>

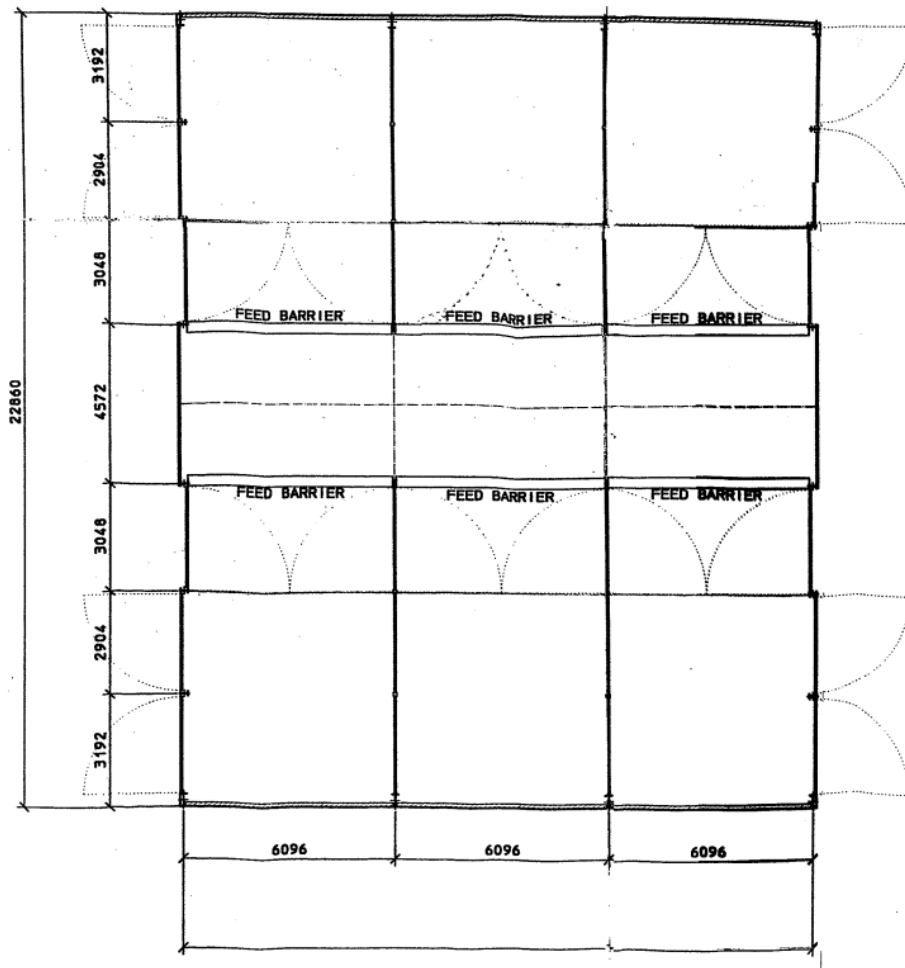
² See discussion at the following webpage: <https://www.equestrianmovement.com/blog/dressage-letter-meaning>



Planning History and Use of the Site

The Site's planning history is set out at para 2.2 of the Applicant's Planning Statement. It appears that the building was first authorised by permission reference 0500222FUL granted on 29 March 2005 (the Original Permission).

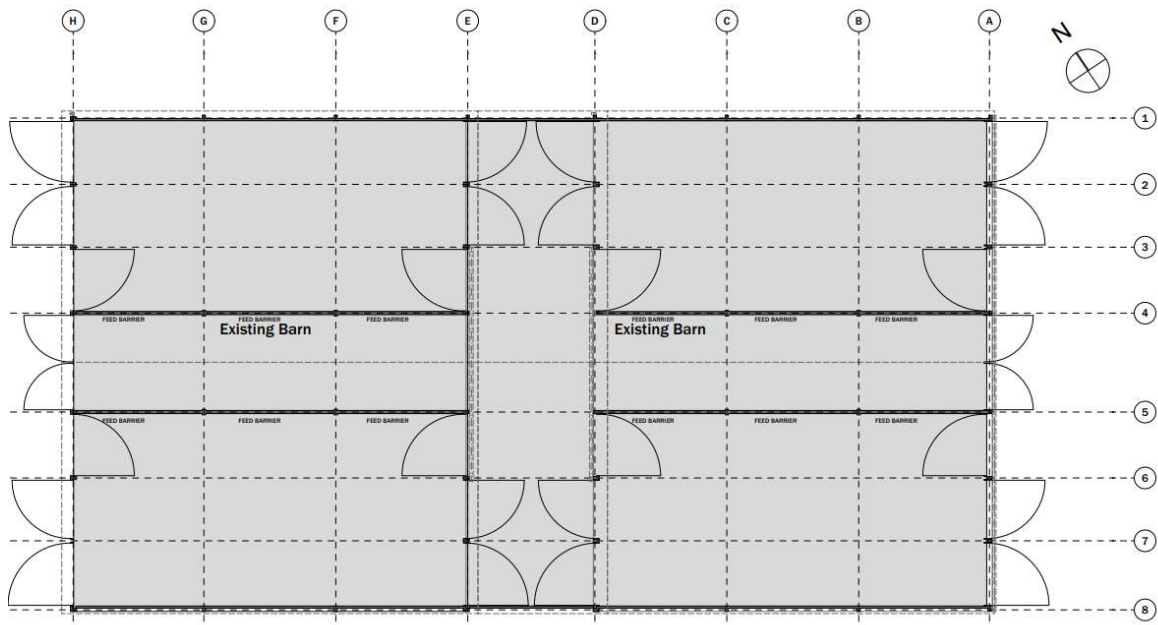
The supporting documents to the Original Permission show a 418sqm building design to house pedigree cows with some form of dividing structure creating a central avenue through the building (see extract from plans below).



The supporting statement explains that:

“... as the building is effectively a maternity unit, it must be able to be scrupulously cleaned. The use of galvanised metal and solid concrete wall panels allows all areas to be steam cleaned without material erosion. *The external cladding would be wooden close-boarding (Yorkshire boarding) coloured green. The need for good airflow and ventilation is paramount, without which respiratory diseases would become prevalent*” (emphasis added).

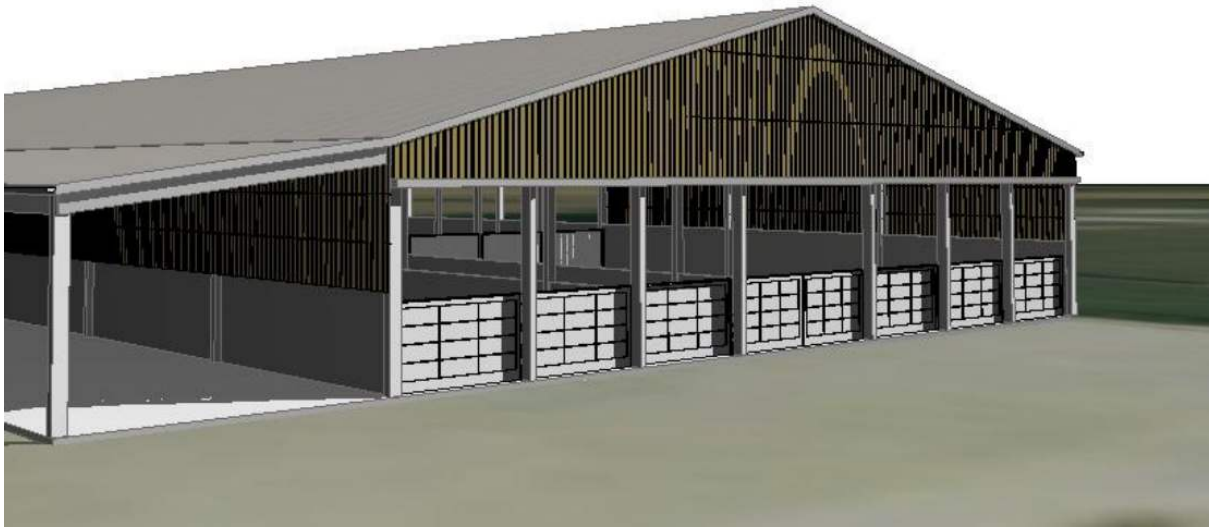
On 11 September 2018 application reference 18/01717/AGDET was refused by the Council. However, the application documents are still on the Council’s website, and include a plan showing the then existing floorplan of the building (below) which show that at that point in time, the building had already doubled in size, and the internal floorspace was subdivided with feeder barriers (as per the First Permission).



The application materials also include the photo below (marked 'Photo as Existing') showing a partially open sided building (with open ends) and hay being stored at one end.



On 7 February 2019, planning permission reference 18/02612/FUL was granted (the Second Permission). The Second Permission authorised a further extension to the already extended building, including a 'lean-to' structure on the northern side of the building. There is no floor plan on the Council's website for this permission. However, an artist's impression of the proposed development was submitted as part of the application and clearly shows subdivisions to the internal floorspace with a view to accommodating cattle:



It also shows the building being open ended and partially open sided (see above and below).



It does not appear that the development authorised by the Second Permission was ever built out and it is assumed that this permission has expired.

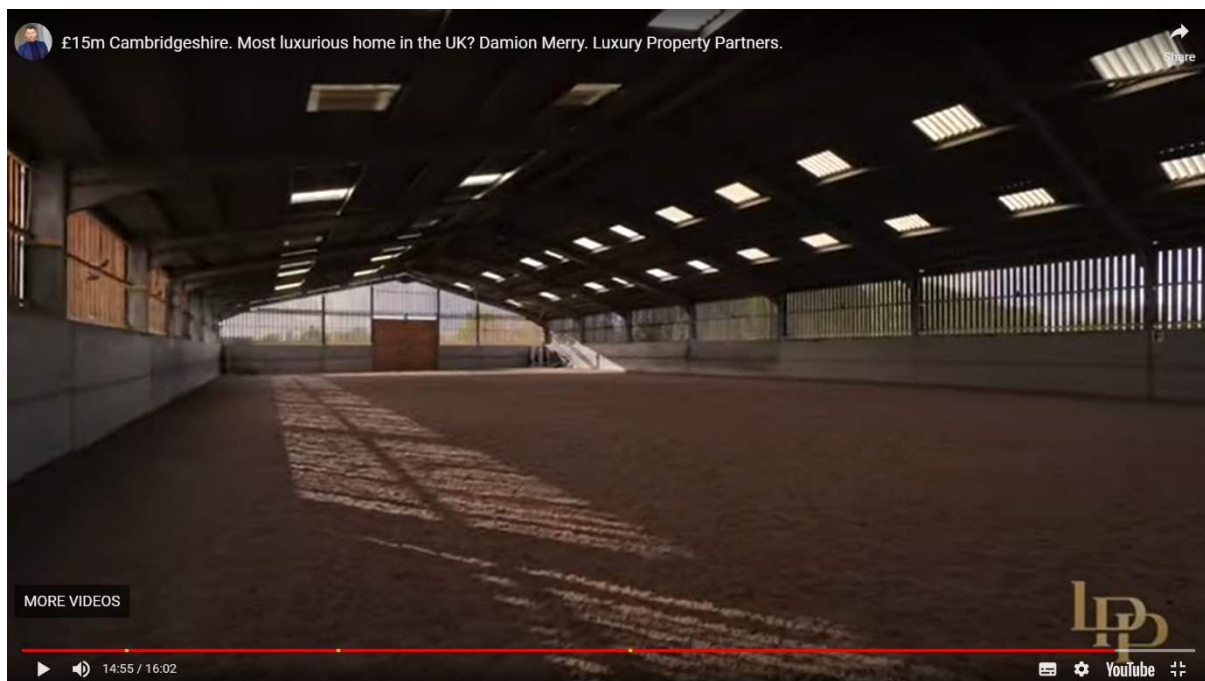
Notably, the application redline for the Second Permission shows access being taken from Common Lane.

Use of the Site

The planning history suggests that the building which is the subject of the Application may have been in an actual agricultural use as recently as 2019, when the Second Permission was granted.

However, since that date and as shown in the photos in the Applicant's Contaminated Land Assessment (see below), the originally open ends and sides of the building have been closed with wood panelling, and the subdividing / feeding structures evident in the drawings supporting the refused application reference 18/01717/AGDET and shown in the artists impression above have been removed.

Hemingford Park as a whole (including the Site) was advertised for sale in 2022 by Luxury Property Partners. In an advertising video³, the estate agent identifies the building which is the subject of the current Application as an "indoor menage", and the same video contains the following image of the indoor menage:



The proposed sale was also reported in the magazine 'Horse and Hound'⁴, who note that "[y]our horse will be well at home here, as this place comes complete with nine stables, an outdoor arena, **indoor arena** and a covered horsewalker" (emphasis added) (a print of the article is attached at Appendix 1 to this letter). The article then includes the following photo which again shows the sand/fabric flooring which is appropriate for a equestrian use:

³ The marketing video is available on Youtube here:

<https://www.youtube.com/watch?app=desktop&v=xhwVqWk4bzw>

⁴ [Stables, indoor and outdoor arenas, over 70 acres and... the largest underground spa in Europe – check out this 15-bed estate \(including a video\) - Horse & Hound \(horseandhound.co.uk\)](https://www.horseandhound.co.uk/news/stables-indoor-and-outdoor-arenas-over-70-acres-and-the-largest-underground-spa-in-europe-check-out-this-15-bed-estate-including-a-video)



The Applicant's Planning Statement is silent about the current use of the property. As regards the historic use, it refers to an agricultural licence granted in April 2012, a copy of which is contained at Appendix 1 to the Applicant's Planning Statement. Clause 4 of the licence grants access to the 'Grazing Land' for the purpose of grazing his (i.e. the licensee's) own stock. 'Grazing Land' is defined at Clause 3 as "[t]he land on Figure 1 filled in yellow". Notably, the building which is the subject of the present Application is edged with a blue line on the plan attached to the licence, and is outside the yellow shaded area to which the licence grants rights. The licence does not appear to grant any rights in respect of the building which is the subject of the present Application.

The Contaminated Land Assessment states that the "building is currently used for the storage of farm vehicles and equipment", and provides photos of a handful of vehicles neatly lined up against one wall in the corner of the building and sitting on the "shredded fabric and sand" covered concrete floor with alphabetical markers on the wall behind them (see photos contained earlier in this letter).

As explained above, the flooring and markings on the wall are indicative of the equestrian use of the building. That same use is referred to in the LPP video and Horse and Hounds article. It therefore appears that the building is currently, at best, in an unauthorised mixed equestrian and agricultural use. I'll explain the significance of this below.

The Application

The Application was submitted to Huntingdonshire District Council (the Council) on 9 July 2024 and seeks a determination as to whether the Council's prior approval is required for a change of use of the Site from an agricultural use to a C1 (Hotel) use under Class R of the Town and Country Planning (General Permitted Development) Order 2015. No operational development is proposed but the

Applicant's Planning Statement explains that if the Application is approved, a subsequent application for full planning permission for related operational development would be submitted.

Transport

The Applicant's Transport Statement explains that:

- the intention is to change the use of the barn to a hotel use with 35 bedrooms, no provision for food or drink, and no functions being held within the hotel.
- There will be a total of 41 parking spaces (comprising a parking space for each bedroom, two additional staff parking bays, and four disabled parking bays) as well as external space for deliveries.
- access to the proposed development will be to and from Rideaway to the east of the Site rather than to and from Common Lane to the north of the Site.

There is no information in the Application as to the route of the access from the Site to Rideaway. However, at some point in 2021-2022 a new internal road was built running through the historic park to the east of the Grade II* Listed hall and connecting the unauthorised Pool/Spa building to the historic access from Rideaway. The Council has accepted that that access does not have planning permission⁵. Given the existing (equally unauthorised) road link between that access and the eastern side of the Site (where the car parking is proposed), it is likely that it is this unauthorised access that the Appellant is relying on. Notably, no access to the public highway is included within the application redline.

Noise

It is concerning that the Application materials give no real indication as to how the hotel will operate.

In the past the Applicant has applied to change the use of the unauthorised Spa building to use as a events venue (application reference 21/01768/FUL, subsequently withdrawn) and Hemingford Park has advertised itself in the past as a wedding venue. The Design and Access Statement dated July 2023 and submitted by the Applicant in support of applications reference 23/01739/HHFUL & 23/01749/LBC (current the subject of planning appeals) explains that "Hemingford Park is being developed into a wedding venue and day spa". It is possible that the hotel proposed in the Application is intended to support a future permission for a wedding venue and day spa.

The Applicant's Noise Assessment (prepared by Oakridge Environmental Services) submitted in support of the present Application does not consider noise sources other than traffic noise. Notably, it does not consider any cumulative impacts of noise from the hotel, or from guests from any events as suggested in the D&A submitted in support of applications reference 23/01739/HHFUL & 23/01749/LBC on locally sensitive receptors.

⁵ The unauthorised access described above is currently the subject of an appeal against refusal of a retrospective planning application. The appeal will be heard in September 2024, and a decision is expected by the end of 2024.

Legal Background

As a result of s. 57 of the Town and Country Planning Act 1990, development in England and Wales requires planning permission.

Development is defined at s. 55 of the Act so as to include “building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. ‘Building operations’ is defined so as to include “(b) rebuilding, (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder”. Works affecting the interior of a building or not materially affecting its external appearance are outside the definition of ‘development’.

A planning permission can be granted either in response to an express planning application, or by way of a development order such as the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO), which grants a variety of permissions at Schedule 2 to the GPDO.

Article 3(5) of the GPDO provides that “[t]he permission granted by Schedule 2 does not apply if:

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
- (b) in the case of permission granted in connection with an existing use, that use is unlawful”.

Schedule 2, Part 6 authorises certain works within an agricultural unit including the extension or alteration of a building, but only if they are “reasonably necessary for the purpose of agriculture within that unit” (Part 6, Para A.)

There is no definition of ‘Agriculture’ within the GPDO. However, it is defined at s. 336 of the parent, Town and Country Planning Act 1990 as including “horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of 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 land for other agricultural purposes”.

The case of *Sykes v Secretary of State for the Environment (1981) 42 P. & C.R. 19* is authority that while grazing horses may fall within the definition of ‘agriculture’, land which is predominantly used for exercising horses and training riders (i.e. equestrian uses) falls outside the definition of agriculture.

Class R of Part 3 to Schedule 2 of the GPDO authorises the “change of use of a building and any land within its curtilage **from a use as an agricultural building** to a flexible use” (emphasis added). The authorised flexible uses include “(iii) Class C1 (hotels) of Schedule 1”.

Paragraph R1 contains a number of exclusions, including excluding any building that was:

- “(a) ... not used solely for an agricultural use as part of an established agricultural unit –
 - (i) on 3rd July 2012;
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

- (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins”.

Where the proposed change of use floorspace exceeds 150sqm, Paragraph R3 requires the Applicant to apply to the local planning authority for a determination as to whether their prior approval will be required of (amongst others) the transport and highways and noise impacts of the proposal.

Curtilage is defined at Paragraph X as the lesser of:

“(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.

Notably, Class R does *not* grant permission for any operational development that is required to use the building or land for the proposed Class R use⁶. However, Paragraph R.3 refers to planning applications for “associated operational development” (the date of which if granted starts the 3 year timetable for implementing the Class R development). Paragraph R.3(4) defines ‘associated operational development’ as development “which [is] *reasonably necessary* to use the building or land for the use proposed under Class R” (emphasis added).

Where (as here) the developer must apply to the LPA for a determination as to whether prior approval is required, the LPA may refuse the application where it considers that the development does not comply with (or the developer has not provided sufficient information for the LPA to establish whether the development complies with) any of the conditions, limitations or restrictions in Part 3 which are applicable to it (Paragraph W(3)). The LPA may require the developer to provide such information as it reasonably requires to assess the impacts of the development, how they are to be mitigated, and details of any proposed building or other operations (para W9).

In determining an application, the LPA must have regard to the Government’s National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application (para W, 10(b)). The development may not start before the LPA has issued its decision or (if earlier) the expiry of 56 days following the date the application was received by the LPA.

Relevant Case Law

In order to benefit from a permitted development right, the development must fall squarely within the description of development (*Keenan v Woking Borough Council & Anor [2018] PTSR 697*).

Case law indicates that a proposal that in effect requires a building to be substantially rebuilt in order to facilitate the change of use falls outside the scope of the permitted development rights.

⁶ Where operational development is required to realise the Class R change of use, a separate planning application must be made.

In *Hibbitt and Another v Secretary of State for Communities and Local Government*⁷, which concerned a proposed ‘conversion’ under Class Q⁸ of an open-sided, steel framed shed to a dwellinghouse, which required adding external walls and a range of other works, the court upheld an Planning Inspector’s decision that works that the Class Q right did not extend to a proposal which included “works ... so extensive as to comprise rebuilding”.

Applying the same logic in the context of Class R, on 29 December 2022, a planning inspector rejected an appeal against a refusal to grant prior approval to change the use of a glass house to a range of Class R uses⁹ (decision attached at Appendix 2).

In reaching that decision, the Inspector expressly recognised that operational development reasonably necessary to use the building for the proposed use would normally be the subject of a separate planning permission. However, the logic behind the Inspector’s decision (as with the case of *Hibbitt*) is that if building is not capable of being used for a Class R use without in effect a substantial rebuild, then the proposal falls outside the scope of Class R. It is up to the applicant to prove that the building is suitable for conversion.

It is also trite law that in order to rely on a right to change a use under the General Permitted Development Order, the use from which the change is made must be an actual use and must be lawful (*Geoffrey Richard Noquet v Secretary of State for Communities and Local Government, Cherwell District Council [2016] EWHC 209 (Admin)*¹⁰).

Discussion

Article 3(5) of the GPDO makes it clear, that an application can only rely on the relevant PD right where any building to which the application relates is lawful and, where the application seeks a change of use, where any existing use is lawful.

Lawfulness of the Existing Use

The evidence contained above strongly suggests that at best, the building which is the object of the Application is currently in an unauthorised mixed-use of Equestrian Centre and agricultural storage.

The evidence of the actual equestrian use takes the form of the sand/fabric flooring visible in the photographs and described in the Applicant’s Contaminated Land Assessment. That flooring is designed for an equestrian use and wholly inappropriate for an agricultural building dedicated to the storage of agricultural machinery. The equestrian use is also evident in the alphabetical markers on the walls of the building which are also visible in the photos contained in the contamination assessment. As explained above, those markers are typical in dressage arenas.

⁷ [2016] EWHC 2853 (Admin)

⁸ Class Q authorises the “change of use” of an agricultural building to a residential use together with “operations reasonably necessary to convert the building” (emphasis added).

⁹ Appeal Ref: APP/W0530/W/22/3303443, Enterprise Nurseries, Ely Road, Landbeach, CB25 9NN

¹⁰ *Noquet* concerned an application to change the use of a redundant pub from A4 (Drinking establishment) to A1 (shops). However, in the interim the pub had been in an unauthorised A1/C3 mixed use. As a result, the Court upheld an inspector’s decision that the proposed change of use fell outside the scope of the GPDO then in force.

In addition, the building is described as an indoor arena both in an article in the magazine *Horse and Hound*, and in the video put together by the estate agents known as *Luxy Property Partners*.

The proximity of the Estate's stables and horsewalker to the immediate southwest of the Site and communicating with the Site via an obvious gap for access in the boundary between the Site and the stable/horsewalker offers additional circumstantial evidence of the equestrian use of the building.

This evidence indicates that the actual current use of the building is (at best) a mixed use of equestrian centre / agricultural machine storage. An equestrian use is not an agricultural use, and therefore such a mixed use represents an unauthorised change of use from the original agricultural use.

Applying Article 3(5)(b) and the decision in *Noquet*, the fact that evidence suggests that the building's current use is an unauthorised mixed use means that the proposal falls outside the scope of the Class R and must be refused.

In addition, there is a question mark over the use of the building as at 3rd July 2012. The plan attached to the licence provided by the Applicant shows that the building was excluded from the yellow-shaded land (i.e. the land over which the licence rights were granted). Hence, there is currently no evidence that the building was in an agricultural use as at that date. For that reason alone, and in light of the clear evidence of the equestrian use of the building, the Application falls outside the scope of the Class R PD Right and should be refused.

Lawfulness of the Building

As at 2018, and as the photo submitted in support of application reference 18/01717/AGDET (which was refused) shows (see above), the building was partially open sided. The 2019 permission (granted February 2019) similarly shows an open-ended and partially open-sided building. The reason for this in a building intended to accommodate cattle is explained in the supporting materials to the 2005 permission: "[t]he need for good airflow and ventilation is paramount, without which respiratory diseases would become prevalent".

At some point after February 2019, the ends and sides of the building were fully clad. While there are permitted development rights for such cladding, if it is "reasonably necessary for the purpose of agriculture within [the agricultural unit]", given that the building as originally built was expressly left open ended/sided to facilitate airflow so as to minimise respiratory disease, it seems unlikely that the complete cladding of the ends and sides of the building could have been "reasonably necessary" for an agricultural purpose. That being the case, the cladding of the building required an express planning permission. Given there is no such planning permission, the cladding is likely to be unlawful¹¹.

In these circumstances, the effect of Article 3(5)(a) of the GPDO is that the Class R permitted development rights are not available for this building part of which is potentially unlawful. The Application must therefore be refused.

¹¹ If the cladding was put in place to facilitate the unauthorised change of use of the building to an equestrian use, it is ancillary to that use, and is subject to a 10 year immunity period (*Murfitt v Secretary of State for the Environment and East Cambridgeshire DC* (1980) 40 P. & C.R. 254, [1980] 5 WLUK 47)

Lawfulness of the Compacted Hard Surface

The Application redline includes part of the compacted hard surface to the north of the building. As explained above, that hard surface comprises an engineering operation. The purpose of the surface is unclear. It may simply be a way of storing building waste. In any event, it does not appear to have any reasonable agricultural purpose and hence falls outside the scope of the Class A Agricultural Permitted Development Rights. Nor is there any sign of an express planning permission either for the laying or use of this hard surface.

It is evident that the Applicant intends to use this unauthorised hard surface for parking associated with the proposed hotel. It is questionable whether Article 3(b) prohibits changes of use under the GPDO where the existing use is unlawful.

Access

There is no access to the public highway within the Application red line. However, it is clear from the Applicant's Planning Statement that the primary access will be taken from Rideaway, presumably using the internal road which was built through the historic park in 2021-2022. The Council has accepted that there is no planning permission for that access. Use of that access would therefore be unlawful.

No details have been provided of the impacts of traffic from the use of any other access. Therefore, the Council does not have sufficient information to assess the transport impacts of the proposal, and in any event, a change of use which is reliant on an unlawful access by definition falls outside the scope of the PD rights. Again, for this reason, the Application should be refused.

Suitability of the building for a change of use

Notably, there is no information as to the suitability of the building to be converted or as to what the conversion would involve. As explained above, the current cladding of the building is likely to be unlawful, as is the current mixed use. Presumably in order to produce an attractive hotel offering, much of the concrete panels of the existing side walls, and the cladding that covers the rest of the building would need to be removed. That level of work, taken with any work to replace the roof is likely to amount to a substantial rebuild of the existing building.

As demonstrated in the attached appeal case, the principle established in the case of *Hibbitt* can apply equally to class R Applications. Applying that principle, such a significant redevelopment of the building suggests that this not a 'change of use of an existing building' and hence outside of the scope of Class R. In the absence of any information to the contrary, this Application should therefore be refused.

Other Impacts

The Site lies within a countryside location and within a rural conservation area, the key characteristic of which is tranquillity (as confirmed in the Applicant's Noise Assessment). It also lies within the setting of a Grade II* listed building.

The proposal envisages a 35-bed hotel, which could easily accommodate seventy people (two to a room). In addition, the hotel will need to be attended by staff, both during check-in times, and inevitably to service the building during the day and evening. 41 car parking spaces are proposed. However, the Council should also consider the need to accommodate service vehicles.

The Applicant has a published intention of developing Hemingford Park into a wedding venue and day spa. If that intention is realised, the hotel proposed in the current Application will doubtless support that use.

There is no projection or assessment in the Applicant's noise assessment of the noise impacts from the actual use of the hotel by staff and guests, either on its own, or in conjunction with the intended wedding venue /spa use of Hemingford Park. A hotel in this location would facilitate evening events (as attendees could stay overnight). In order to properly understand the likely noise impacts of this proposal, the Council should use its powers under Paragraph W(9) to request precise information as to how the proposed hotel will operate, and in particular how it is intended to operate to support the Applicant's published intention to develop a Wedding Event / Spa business at Hemingford Park as well as the likely noise impacts from that use. Only once the Council has received that information will it be able to properly assess the likely noise impacts from this proposed development.

As explained above, the Applicant's Transport Assessment assumes that vehicular access will be from Rideaway and it is likely to rely on an unauthorised new route built through the historic park sometime in 2021/2022. However, the nearest lawful vehicular access to the Site is from Common Lane, passing close to the residences fronting Common Lane. The Applicant's Transport and noise assessments fail to assess the transport and noise impact on these nearby residences, or on Common Lane more generally. The Council should use its powers under Paragraph W(9) to request a further assessment of the transport (and related noise) impacts on the nearby residence from the inevitable use of the access to Common Lane both from guests and from staff at the hotel. If that information is either not forthcoming or unsatisfactory, the Council is entitled to refuse the Application.

Conclusion

The evidence set out above strongly suggests that the building which is the subject of the current Application is in an unauthorised mixed equestrian/agricultural use.

Moreover, the original open sides and ends of the building (originally designed to facilitate air flow in the interests of the health of the cattle which would use the building) have been filled in. There is no evidence that that in-filling serves any agricultural purpose, and it appears to have taken place after 2019, and therefore coincided with the equestrian use of the building. There is no planning permission for that equestrian use or for any cladding which facilitates that use. Therefore aspects of the current building structure are unlawful.

As a result of Article 3(5) of the GPDO, the effect of the unlawfulness described above is that the Application falls outside the scope of Class R, and should be refused.

Furthermore, there is no detail in the Application as to how the existing building will be converted, and hence, no information on which the Council can assess whether the building is suitable for the proposed conversion. The council should request further information using its powers under

Paragraph W(3) and if that information is not forthcoming or if it is provided and is unsatisfactory, it should refuse the Application.

In addition, the Transport Assessment suggest that access to the building will primarily be taken from Rideaway. This will involve use of the unauthorised access which has been recently cut through the park in front of the Grade II* listed house. That access is currently the subject of a planning appeal, and my clients expect that appeal to be refused. It follows that the only access to the building will be from Common Lane, running immediately past several residences. The actual transport and noise impacts of that use access are not assessed in the Applicant's Transport Assessment. The Council therefore does not have adequate information to assess the likely transport impacts of the proposal. If further, adequate information is not forthcoming, the Council should refuse the Application.

Finally, the Applicant's Noise Impact Assessment does not consider the potential impact of noise from guests, either in isolation, or in combination with the proposed use of Hemingford Park as (in particular) a wedding venue. It is impossible for the Council to properly consider the likely noise impacts of introducing a 35bed hotel into this rural and tranquil location without clearer information as to how the hotel will operate, and in particular how it will relate to the proposed commercialisation of Hemingford Park. Once more, the Council should use its powers under Paragraph W(3) to request further information, and if that information is either not forthcoming or is inadequate, should refuse the Application.

For the reasons set out above, my clients urge the Council to refuse the Application.

My clients would be grateful if the Council would have regard to this letter in their determination of the Application.

Yours faithfully

A handwritten signature in cursive script that reads "Buckles".

Simon Kelly

Associate

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