

YELLING PARISH COUNCIL

Minutes of the Meeting of the Parish Council held on 22nd June 2026 **in the Village Hall at 7.30 p.m.**

Minute
Ref.

26.34 Apologies for absence:

Mr S. Claffey, (District Councillor).

26.34.1 Present:

Miss K. Davies (Chair), Mr T. Race (Vice-chair), Mrs S. Ascroft, Mrs A. Reed Herbert, Mr A. Fusco, Mr C. Griffith and Mr J. Peal.

Ms S. Caine, (County Councillor) and 5 Parishioners

26.35 Declarations of interest:

None.

26.36 Agenda Item 3: Public Open Forum

The parishioners present expressed concerns in respect of the development of the Tower Farm & Stables site. In summary that:

- (a) Planning law appeared to have been flouted and abused by the applicant in respect of the various consents sought since 2019 and this was continuing with the retrospective application 26/00845/FUL to be considered under Agenda Item 7:
- (b) Huntingdonshire District Council appeared reluctant to take any enforcement action despite clear evidence of flagrant breaches to the consents in place;
- (c) Members of the public were apprehensive about making representations to HDC and the potential for harassment.

In his absence, Ms Caine read a letter from Mr Claffey he proposed to send to HDC's Planning Team endorsing the concerns which had been raised and seeking that the application be determined by the Development Management Committee, (attached as Appendix 1).

The Chair noted that the Council had raised a formal enforcement action

with HDC in connection with the breaches and was in continuing correspondence, but that HDC were not prepared to take any action while application 26/00845/FUL was in progress. The Council had engaged a specialist planning legal firm to provide professional advice.

Notwithstanding the usual disclosure requirements, Ms Caine offered to collate and lodge representations for any parishioners who did not wish to disclose personal details.

The Public Open Forum was then closed.

26.37 It was agreed unanimously that planning application 26/00845/FUL originally noted as Agenda Item 7 be considered as the next item and all subsequent items be reordered.

26.38 Agenda Item 4: Planning Application 26/00845/FUL - Tower Farm & Stables, Toseland Road

The Chair confirmed that the members of the Council had had the opportunity to review the documentation associated with this application to increase in number of mobile home pitches from 1 to 7 and for retrospective permission for the erection of 1 additional Day Room. Site to include siting of 4 Touring Caravans. Use class remains mixed between part equestrian use and part traveller site.

The Chair further noted:

- (a) that the District and County Councillors and Member of Parliament, Ian Sollom, and his support team had been made aware of the planning history of the site and the concerns raised by parishioners;
- (b) that Birketts LLP had been re-engaged to provide formal advice on the planning position and had set out a detailed summary of the planning position and concluded there were strong arguments in favour of recommending refusal. The Chair and Clerk had prepared additional elements and confirmed their inclusion with Birketts LLP. The revised commentary had been circulated to members of the Council in advance of the meeting.

Mrs Ascroft noted the disappointingly low level of public representations recorded on HDC's Planning Portal but felt that this was perhaps a reflection of frustration over HDC's past approvals, the short timetable for responses and apprehension about the potential for harassment.

It was proposed by Mr Race, seconded by Mr Griffith and carried unanimously to recommend refusal in accordance with the agreed commentary, (Attached as Appendix 2).

The Chair noted the support provided by Ian Sollom, MP, and the District and County Councillors.

26.39 Agenda Item 5: Minutes of the Annual Meeting of the Parish Council of 19th May 2026

The minutes of the Annual Meeting of the Parish Council of 19th May 2026 were read. It was proposed by Mrs Ascroft, seconded by Mrs Reed Herbert and agreed unanimously that they were an accurate record and signed by the Chair accordingly.

26.40 Agenda Item 6: Matters arising from the minutes of the Annual Meeting of the Parish Council of 19th May 2026

(a) Planning Application 24/00938/FUL

As noted under Minute ref. 26.38, further advice has been provided by Birketts LLP in respect of related application 26/00845/FUL.

(b) National Air Traffic Services - Luton Airport stacking pattern

The Court of Appeal dismissed the LADACAN opposition group's appeal for judicial review on procedural grounds. The Supreme Court subsequently rejected leave to appeal this dismissal. As a result, this matter is now closed as no further legal avenues are available.

(c) Annual Governance and Accountability Return 2025/26

The Certificate of Exemption in relation to the above was submitted to the External Auditors on 7th June 2026.

(d) MVAS Speed sign battery replacement

The replacement batteries have now been installed.

(e) Village general upkeep and maintenance services

The proposal from Mr Hucklesby was in progress.

(f) Engagement of Aubergine for AGAR and website development

The Clerk provided an update on the approved engagement of Aubergine to support the provision of the new email, website and IT and data management policies. It was agreed to add this as a standing agenda item until completed.

(g) The Chair noted that all other matters arising were covered by items on the meeting agenda and could be considered accordingly.

26.41 Agenda item 7: Verbal reports from County and District Councillors (if in attendance)

Ms Caine reported on the following:

- Terry Price had been appointed as Cambs CC's Local Highways Officer for the parish.
- The Government's decision on the Local Government Reorganisation proposals has been deferred and is expected in mid-July.
- The Cambridge & Peterborough Combined Authority has approved a number of changes to the provision of rural bus services which are expected to result in a reduction in services by 30%.

26.42 Agenda Item 8: Engagement of Birketts LLP: Approval of additional fee limit for legal advice re planning (if applicable)

It was proposed by Mrs Ascroft, seconded by Mr Peal and carried unanimously that a further limit of £3,000.00 excluding VAT be allocated.

26.43 Agenda Item 9: Traffic management strategy plan

(a) A428 Highways England Development – General update & traffic diversions

The Council noted the progress of the overall developments and that the closed section of the Toseland Road between the Toseland Crossroads and the A428 was scheduled to reopen on 11th July. It was hoped that this would help mitigate the increased traffic volumes and resultant disruptions in the village.

It was agreed that enquiries should be made of Highways England's and Cambridgeshire Highways about the potential reinstatement of the carriageway and verges through the village which had been damaged as a result of the diversions and increased traffic volumes.

(b) Traffic statistics

Not available.

26.44 Agenda Item 10: Footpath, footway and carriageway matters

(a) Maintenance of verges and footways

Clarification of Cambs CC's maintenance obligations was still required so it was agreed that this matter be deferred until this was available.

Mr Race advised that a formal proposal for the engagement of Mr Hucklesby to provide maintenance to specified areas within the village was proceeding.

(b) Recurrent drainage problems in the vicinity of Yelling Equestrian Centre

An area had now been marked up for repair by Cambridgeshire Highways but there was, as yet, no indication of when this would be undertaken.

(c) Speed cushion adjacent to Ashcroft

It was noted that the fixings had been damaged or become detached. Numerous residents had reported the problem to Cambs CC via the usual highways fault portal. Progress of the repair was to be monitored.

(d) Water leakage at Bridle End

Anglian Water had carried out some further investigation and interim repairs which had improved matters, but it was understood that further remedial works would require a road closure and it was unclear when these would be undertaken.

(e) Willow tree adjacent to Yelling Equestrian Centre – branches overhanging telephone cables.

To be reported to Cambs CC.

26.45 Agenda Item 11: East West Rail - update

Mrs Ascroft advised that she had met with EWR representatives in her private capacity and understood that the intended timetable was to submit the Development Consent Order in 2028, complete detailed surveys of the intended route in this area in 2029, start construction in 2031 with completion target for 2036.

She provided a detailed map of the proposed route within the parish to show the construction of new flyovers to allow foot and farm traffic to use the bridleway from the Equestrian Centre to Eltisley and to the B1040.

26.46 Agenda Item 12: North Weald Solar Farm - Community Liaison Group – Update

Mr Race advised there had been no further developments.

26.47 Agenda Item 13: Yelling Village Sign - Adoption of maintenance obligation

After discussion, it was proposed by Mrs Ascroft, seconded by Mr Griffith

and carried unanimously that the Council would adopt the obligation.

26.48 Agenda Item 14: Cambridgeshire ACRE – Membership invitation

Mr Race provided background to the Village Hall's membership and the support services received. After discussion, it was agreed not to proceed with membership given the duplication and relevance to the Council's activities.

26.49 Agenda Item 15: Accounts to pay

It was proposed by Mr Griffith, seconded by Mr Fusco and carried by majority with one abstention that the following account be approved for payment;

- Yelling Village Hall: Hire charges £ 48.00

26.50 Agenda Item 16: Items for future consideration - (for information only)

- Mr Peal advised that two parishioners had expressed interest in standing as councillors in the event that seats become available.
- The Clerk confirmed that the email format intended under the Attestation 10 implementation would use a gov.uk domain name.

26.51 The meeting closed at 21.20.

 21/11/20

Dear Planning Team,

Re: Application 26/00845/FUL - Tower Farm and Stables, Toseland Road, Yelling

I write as **District Councillor for Great Paxton Ward**, which includes **Yelling**, in support of Yelling Parish Council's request that this application receives the closest possible scrutiny. Please treat this letter as a formal representation on the planning file.

I have attended the parish meeting, spoken with residents and parish councillors, and discussed the enforcement position with HDC officers. I understand that the application must be assessed fairly, lawfully and on its planning merits. I also recognise that Gypsy and Traveller accommodation need is a material consideration and that the applicant is entitled to have the application properly considered.

However, the concern in Yelling is substantial and, in my view, materially relevant.

The original permission was understood locally as a tightly conditioned and limited permission. The present application is not a minor adjustment. It seeks a significant intensification of the approved use, including an increase from one pitch to seven, provision for touring caravans and retrospective regularisation of further built development.

I therefore ask that HDC gives full and careful weight to the Parish Council's objection, particularly in relation to:

- the scale and intensity of the proposed use.
- the relationship between the proposal and the original conditions attached to the extant permission.
- compliance with Planning Policy for Traveller Sites and Policy LP27 of the Huntingdonshire Local Plan.
- the sustainability of this location.
- highways safety and the adequacy of the existing access for the proposed level of use.
- biodiversity net gain and any required legal mechanism for off-site provision.
- heritage, conservation area setting and rural character.
- drainage, services and infrastructure.
- any properly evidenced commercial activity or other use materially relevant to the planning assessment.

I also ask HDC to address the consistency point raised by the Parish Council. HDC's own Sustainability of Settlements evidence base identifies Yelling and Toseland as among the least sustainable settlements in the district. While I recognise that evidence base documents are not themselves development control policies, they are plainly relevant to the assessment of this site's sustainability. If HDC is minded to apply a more permissive sustainability judgement to a seven-pitch Traveller site in this location than it would to other forms of residential development, I believe that reasoning should be clearly explained.

I also ask that the application is not treated simply as a regularisation exercise. The fact that a further application has been submitted should not, in itself, reduce the need to examine whether the proposed development is acceptable in planning terms at this location and at this scale.

HDC should also consider whether the proposal is socially sustainable at the scale now sought. Planning Policy for Traveller Sites requires local planning authorities to promote peaceful and integrated co-existence between Traveller sites and the local community, and to ensure that rural sites respect the scale of, and do not dominate, the nearest settled community. The concern is not with Gypsy and Traveller accommodation in principle. It is with the scale and intensity of this specific proposal, in this specific rural location, where the original permission was understood locally as a limited and tightly conditioned one-pitch exception. HDC should therefore assess whether a seven-pitch site, with touring caravans and associated infrastructure, can be satisfactorily managed, conditioned and integrated without undue pressure on the surrounding villages, local infrastructure, rural character and confidence in the planning process.

The parish and residents have been advised to keep their comments focused on material planning considerations and to ensure that any further enforcement evidence is factual, dated, specific and safely gathered.

Given the level of local concern, the policy sensitivity and the degree of intensification proposed, I would also ask that this application is reported to Development Management Committee for full consideration by members.

I am not seeking to prejudge the application or direct the enforcement outcome. My request is that the decision-making process is transparent, evidence-led and gives proper weight to the concerns raised by Yelling Parish Council and local residents.

Very best wishes,

Cllr Stephen Claffey District Councillor, Great Paxton Ward

INTRODUCTION

Yelling Parish Council objects in the strongest terms to application 26/00845/FUL and requests that planning permission be refused.

The application seeks to increase the number of mobile home pitches at this site from one to seven, to provide space for four touring caravans, and to obtain retrospective permission for a second day room already built without consent. This is a sevenfold intensification of a residential use that was itself granted only as a tightly conditioned exception to development plan policy, on a site that the Local Planning Authority's own evidence base confirms is unsustainable for residential development of any kind.

The Parish Council's objection is not to Gypsy and Traveller accommodation in principle. It is to the scale, location, intensification and planning history of this specific proposal grounded in eight independent grounds, each sufficient on its own to justify refusal. They are set out below in order of weight.

- PPTS 2024, paragraph 26 — direct conflict with the national requirement to very strictly limit new traveller site development in open countryside
- LP27 and the Local Planning Authority's own sustainability evidence base — irrationality and inconsistency in applying different standards to the same location
- Misuse of the GTAA 2024 — the council's own evidence identifies sufficient alternative pitch supply without recourse to new countryside sites
- Highway safety — the access fails Cambridgeshire County Council's required visibility splay and cannot safely accommodate this scale of development
- Statutory failure to demonstrate mandatory 10% biodiversity net gain, with no section 106 mechanism to secure the off-site provision the applicant's own report says is required
- Procedural failure — no Heritage Statement or Design and Access Statement has been submitted, notwithstanding the application's own checklist and HDC's published requirements
- Heritage and conservation area setting — adverse impact on the historic character of the Toseland–Yelling corridor
- Pattern of intentional unauthorised development, including a continuing breach of Condition 9 through commercial activity on the site

GROUND 1: DIRECT CONFLICT WITH PPTS 2024, PARAGRAPH 26

"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure."

Planning Policy for Traveller Sites, December 2024, paragraph 26

Open countryside, away from any settlement

The site sits on an unlit rural road between Yelling and Toseland. It is not within or adjacent to any settlement boundary and is not within an area allocated for traveller site development in the development plan. It is open countryside in the fullest planning sense.

Scale dominates the nearest settled community

Yelling and Toseland together have a combined population in the low hundreds. Seven permanent residential pitches, four touring caravan spaces and twenty car parking spaces would produce a development whose resident population could represent a material proportion of that total. The applicant's assertion that the development would not dominate the nearest settled community does not withstand scrutiny on these facts.

Undue pressure on local infrastructure

The officer report for the extant permission, 24/00938/FUL, expressly acknowledged that this location lacks a GP surgery, a primary school, public transport, cycle infrastructure and retail provision within walking distance. Those deficiencies are confirmed independently by Huntingdonshire District Council's own Sustainability of Settlements 2023 assessment, addressed fully under Ground 2 below. The applicant's response — that a GP surgery is a nine-minute drive away — misunderstands the test. PPTS paragraph 26 is concerned with pressure on local infrastructure and the absence of sustainable, non-car modes of access, not with the existence of a driveable route.

This is a deliberately high policy bar. The word "very" in "very strictly limit" is not surplus to the test; it signals that traveller site development in open countryside is to be the exception, not a routine outcome of a balancing exercise. An officer recommending approval of this application would need to explain how seven pitches, four touring caravans and twenty car parking spaces in this location meets that bar. On the facts before the council, no such explanation is available.

GROUND 2: LP27 AND THE COUNCIL'S OWN SUSTAINABILITY EVIDENCE BASE

LP27 — the development plan position

Policy LP27 of the Huntingdonshire Local Plan to 2036 requires that new traveller sites outside built-up areas be in sustainable locations, not dominate the nearest settled community, and not place undue pressure on local infrastructure. The application's own Supporting Statement concedes the proposal fails criterion A of LP27. Yelling Parish Council submits that, properly assessed, the proposal also fails:

- **Criterion B** — by reason of its adverse effect on the setting of listed buildings and the Yelling Conservation Area (see Ground 7 below)
- **Criterion C** — by effectively creating ribbon development bridging Yelling and Toseland rather than respecting the existing settlement pattern
- **Criterion F** — by reason of the absence of services and amenities within walking or cycling distance

- **Criterion G** — by reason of the unsafe vehicular access addressed fully under Ground 4
- **Criterion I** — by reason of the absence of any submitted site management arrangements for a site of this scale
- **Criterion J** — by reason of the site being unserviced, such that all day-to-day needs of residents must be met by car journeys away from the site

The officer report for 24/00938/FUL accepted the single pitch as a limited exception to LP27 specifically because its modest scale reduced its impact to a tolerable level. That reasoning cannot be transposed to a sevenfold intensification. The present application must be assessed on its own scale, and at that scale it fails LP27 comprehensively.

The consistency argument — HDC's own evidence base

Huntingdonshire District Council's Sustainability of Settlements 2023 assessment, prepared as part of the Local Plan Update evidence base, scores every settlement in the district of 30 or more residential properties against weighted indicators covering health, education, retail and services, community facilities, public transport, communications and employment. Of the 88 settlements assessed, Yelling scores 116 points and ranks 78th. Toseland scores the identical 116 points and ranks 79th, immediately alongside it. By contrast, Huntingdon scores 326 and St Neots scores 322. Yelling and Toseland sit in the bottom 13% of the district's entire settlement hierarchy, on a methodology HDC itself devised and applies to every settlement in the district without exception.

This is not a marginal or contestable finding. It is the council's own quantified assessment, current as of the most recent Local Plan Update evidence base, that the corridor in which this application sits is among the very least sustainable locations in Huntingdonshire for any form of residential development.

HDC's Updated Land Availability Assessment (Southern Huntingdonshire, 2025) records that two Call for Sites submissions in Yelling — Yelling 1 and Yelling 2 — were assessed against the Council's sustainability appraisal methodology and neither was progressed to allocation for general housing.

Yelling Parish Council does not advance the Sustainability Assessment or the Land Availability Assessment as operative development control policy. They are evidence base documents, not policies in themselves. Their relevance is a matter of consistency and rationality in decision-making: a public authority is required to take its own evidence into account and to explain, if it departs from the picture that evidence presents, why it has done so. The Council cannot, without such an explanation, apply a markedly more permissive sustainability standard to a sevenfold intensification of traveller site use in Yelling while its own evidence base treats the same settlement as unsuitable for general housing on sustainability grounds. A decision that does so without addressing this inconsistency is exposed to challenge on ordinary public law grounds.

GROUND 3: MISUSE OF THE GTAA 2024 — ALTERNATIVE SUPPLY EXISTS

The applicant's Supporting Statement cites the Gypsy and Traveller Accommodation Assessment 2024 (arc4 Ltd for HDC, December 2024), noting an identified minimum

need for 127 additional pitches to 2045/46, of which 36 are required within the first five years. This is presented as justification for the application.

The citation is incomplete. The GTAA 2024 identifies, at Section 6, a recommended supply pathway comprising: regularisation of existing unauthorised or temporarily authorised pitches (35 pitches); expansion and intensification of existing authorised sites (48 pitches, identified at eleven named sites); and household dissolution releasing existing pitches (10 pitches). This identifies up to 102 pitches of potential supply from existing sites — sufficient to meet the five-year shortfall and make a substantial contribution to longer-term need, without recourse to new isolated countryside sites.

The eleven sites identified by the GTAA for potential intensification include West Hanley Stables, Middle Drove, alone identified as having capacity for 20 additional pitches — already an authorised Gypsy and Traveller site, and a figure that on its own exceeds the entire increase sought at Tower Farm. The remaining sites identified — Brington Gorse (5), The Meadows (5), Rosefield (5), Hilltop Orchard (3), Graystone Paddocks (3), Two Acres Stables (2), Gypsy Lane (2), and three further plots at Middle Drove (1 each) — together with West Hanley Stables make up the full 48-pitch figure. This is not a speculative or aggregate number; it is a site-by-site assessment, prepared by HDC's own consultants, of where this need can be met without resort to new open countryside development.

The GTAA recommends that HDC maintain criteria-based policies to manage private applications for new sites as they arise — a recommendation for managed assessment of individual proposals, not a blanket endorsement of new open countryside development. Citing the district-wide need figure while ignoring the identified supply pathway misrepresents the evidence base. Properly read, the GTAA cuts against, rather than supports, this application. The existence of unmet need in a needs assessment does not, without more, justify approval of any particular site; it is one material consideration to be weighed against the policy and locational objections set out elsewhere in this objection, and that weighing exercise must take account of the alternative supply the same assessment identifies.

GROUND 4: HIGHWAY SAFETY

The vehicular access to the site is from the High Street, at a point inside a blind bend on a road subject to a 60mph derestricted speed limit. Cambridgeshire County Council's Highway Estate Roads Construction Specification (HERCS) requires visibility splays of 215 metres in both directions for a road of this speed limit, measured from a point 2.4 metres back from the carriageway edge. These splays are not achievable from this access. A fatality occurred on this road in 2007. Cambridgeshire Highways confirmed during the 24/00938/FUL process that no highways assessment was undertaken at the time of the original 2019 equestrian permission, and that the access as it stands does not meet the required specification.

The single-pitch permission tolerated this deficiency on the express basis that one residential pitch would generate fewer vehicle movements than the equestrian use it replaced. That reasoning cannot extend to twenty car parking spaces, seven residential pitches and four touring caravan pitches. The vehicle movements associated with this proposal are materially and substantially greater than those considered marginally tolerable for a single pitch. What was a limiting factor at one pitch becomes a decisive highway safety objection at this scale.

The council invites HDC to confirm the current position of Cambridgeshire County Council Highways on this application and submits that any approval granted without a satisfactory highways assessment addressing the scale of this proposal would be unsound.

GROUND 5: BIODIVERSITY NET GAIN — STATUTORY FAILURE

The legal framework

Schedule 7A of the Town and Country Planning Act 1990, inserted by section 98 of the Environment Act 2021, requires that qualifying planning permissions demonstrate a minimum 10% biodiversity net gain. This is a statutory pre-condition to a lawful grant of permission, not a material consideration to be weighed in the ordinary planning balance.

The applicant's own evidence

The applicant has submitted a Biodiversity Net Gain Report prepared by Eco 360 Ltd (survey date 20 May 2026). That report describes the site as characterised by bare ground, sealed surfaces, artificial unvegetated surfaces, modified grassland and species-poor hedgerow, and assesses the site as being of low ecological value.

Critically, the report recommends that land outside the application's red line boundary — a field to the north, in the applicant's ownership, shown within the report's blue line boundary — be used to deliver the biodiversity enhancements needed to achieve the statutory 10% net gain. In other words, the applicant's own ecologist confirms the scheme cannot meet its statutory obligation on-site and requires off-site provision.

The legal position

Where off-site provision is relied upon, it must be secured by planning obligation under section 106 of the Town and Country Planning Act 1990; a condition cannot lawfully secure works or land outside the application's red line boundary. No section 106 agreement, draft heads of terms, or any other mechanism securing the off-site land has been submitted with this application. In the absence of such a mechanism, the statutory 10% net gain requirement cannot be treated as satisfied, and the application is not in a condition capable of lawful approval.

GROUND 6: PROCEDURAL FAILURE — NO HERITAGE STATEMENT OR DESIGN AND ACCESS STATEMENT

HDC's published guidance is unambiguous: all planning applications for sites located within or next to a conservation area must include a Heritage Statement explaining the impact of the development on its character, appearance or setting, which may form part of a Design and Access Statement.

The applicant's own Policy Guidance Checklist, submitted with this application, lists LP34 (Heritage Assets and their settings) among the policy requirements to be addressed. Against that requirement, the applicant has marked the document as not provided, in contrast to numerous other policy lines on the same checklist where the applicant has cross-referred to the Supporting Statement or another submitted

document. No Heritage Statement, and no Design and Access Statement of any kind, appears among the documents submitted with this application.

This is a separate and freestanding procedural deficiency. Whatever view is taken of the substantive heritage and setting impacts addressed in Ground 7 below, the application has not been submitted in a form that allows the council, statutory consultees or the public to assess those impacts on the evidence the applicant was required to provide. An application missing a document HDC's own validation requirements identify as necessary is not, in the council's submission, in a fit state to be determined, and should be returned to the applicant or refused on this ground alone if not remedied before determination.

GROUND 7: HERITAGE AND CONSERVATION AREA SETTING

The application site lies on the linear road connecting Yelling and Toseland, within the wider setting of both villages' historic cores. Toseland's Church of St Michael is a Grade II* listed building of mediaeval origin. The Yelling Conservation Area, covering approximately 18.6 hectares and containing thirteen listed buildings, lies within the vicinity of the site. The corridor between the two villages forms a continuous rural setting, not two unconnected locations — reflected in the two parishes' shared historic and administrative identity.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose statutory duties on the decision-maker to have special regard to the desirability of preserving the setting of listed buildings, and to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. These are duties, not discretionary considerations, and the courts have confirmed that Parliament intended considerable weight to be given to them.

Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] EWCA Civ 137: the Court of Appeal confirmed that section 66(1) requires decision-makers to give considerable importance and weight to the desirability of preserving the setting of listed buildings — a weight that is not simply one factor in an open-ended balance.

Catesby Estates Ltd v Steer [2018] EWCA Civ 1697: the setting of a listed building is not confined to visual or physical proximity, but extends to the experience of the asset, including its historic and rural context.

A development of this scale — seven mobile home pitches, four touring caravans, twenty car parking spaces and the associated infrastructure of hardstanding, lighting and fencing — introduces a permanent, expansive built form into a corridor whose character has, until now, remained rural and largely undeveloped between the two historic settlements. Yelling Parish Council submits that this is properly weighed as an adverse effect on the wider rural setting that contributes to the significance of nearby heritage assets, to be given appropriate weight alongside the council's primary grounds set out above. As set out in Ground 6, no Heritage Statement addressing this impact has been submitted, notwithstanding the requirement to do so.

GROUND 8: PATTERN OF INTENTIONAL UNAUTHORISED DEVELOPMENT

The policy framework

The Ministerial Statement accompanying Planning Policy for Traveller Sites (confirmed in the 2024 edition) provides that where a site has been deliberately occupied or developed in advance of obtaining planning permission, the intention to circumvent the planning process is capable of being a material consideration, and in appropriate cases a decisive one. The courts have recognised the related general principle that a party should not be permitted to take advantage of, or profit from, its own wrongdoing in seeking a statutory benefit.

The pattern on this site

- 2019: equestrian permission granted; access discharge condition never properly satisfied.
- 2022: day room approved subject to an express condition prohibiting residential use and overnight stays.
- 2024–25: retrospective application for residential traveller use granted as a tightly conditioned single-pitch exception.
- May 2026: at least three additional mobile caravans arrived on site overnight, in direct breach of Condition 5 of the extant permission, which limits the site to one pitch and one caravan.
- The second day room the subject of part of this application was constructed without consent before the application was submitted — a fact the applicant's own block plan acknowledges by labelling it "BUILT".
- This application was submitted only after enforcement pressure began under reference 25/00285/ENBOC, not in advance of the development it seeks to regularise.

Continuing breach of Condition 9 — commercial use

Condition 9 of the extant permission prohibits all commercial activity on the land. Business cards distributed to residents across South Cambridgeshire advertise a trading operation — "T & J Leisure" — operating from the Tower Farm and Stables address, soliciting the purchase of caravans, motor homes and mobile homes for cash or transfer.

Yelling Parish Council is aware that HDC's enforcement team has taken the informal view that this evidence is not, on its own, sufficient to found enforcement action. That is a question of enforcement practice and evidential threshold for breach of condition, and the council does not ask HDC to revisit it here. The question in determining this application is a different one: what the established and growing use of this site, taken as a whole, indicates about the character of development being applied for. A site already functioning, at least in part, as a base for a commercial caravan trading operation is not the quiet single-family traveller pitch the permission was framed around, and HDC is entitled to weigh that reality in deciding whether to grant a permission seven times the size.

Yelling Parish Council submits that the cumulative and continuing pattern of unauthorised development on this site is a material consideration of real weight,

properly considered alongside — and reinforcing — the seven grounds set out above.

CONCLUSION AND SUGGESTED GROUNDS FOR REFUSAL

Yelling Parish Council requests that Huntingdonshire District Council refuse planning permission for application 26/00845/FUL. The application conflicts with national policy at the most fundamental level, is inconsistent with the Council's own sustainability evidence, relies on a needs assessment that does not support it, proposes development on an access that fails the required highway safety standard, cannot demonstrate a lawful biodiversity net gain position, has been submitted without the heritage and design documentation HDC's own validation requirements demand, would harm the setting of nearby heritage assets, and arises from a sustained pattern of intentional unauthorised development.

The suggested grounds for refusal are:

- **1. Conflict with PPTS 2024 paragraph 26** — failure to very strictly limit new traveller site development in open countryside, and failure to avoid undue pressure on local infrastructure.
- **2. Conflict with LP27 of the Huntingdonshire Local Plan to 2036**, including criteria B, C, F, G, I and J, and inconsistency with the Council's own Sustainability of Settlements evidence base.
- **3. The identified pitch need in the GTAA 2024** does not justify this application, where the same evidence identifies sufficient alternative supply from existing sites.
- **4. Highway safety** — the access fails to meet Cambridgeshire County Council's required visibility splay for the scale of development proposed.
- **5. Failure to demonstrate the mandatory 10% biodiversity net gain** required under Schedule 7A of the Town and Country Planning Act 1990, in the absence of any section 106 mechanism securing the off-site provision the applicant's own report identifies as necessary.
- **6. Procedural deficiency** — failure to submit a Heritage Statement or Design and Access Statement as required by HDC's published validation guidance and acknowledged as outstanding on the applicant's own Policy Guidance Checklist.
- **7. Harm to the setting of listed buildings and the character and appearance of the Yelling Conservation Area**, contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan policy LP34.
- **8. The pattern of intentional unauthorised development on this site**, including apparent commercial use and the need for properly evidenced commercial activity to be assessed as part of the character and intensity of the site.