

**IN THE MATTER OF LAND AT THE FORMER HEMINGFORD ABBOTS GOLF COURSE, FAIRWAYS  
LODGE, CAMBRIDGE ROAD, HEMINGFORD ABBOTS, PE28 9HQ**

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**ADVICE**

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1. I am asked to advise The Hemingfords Action Group on whether the former Hemingford Abbots golf course, at Fairways Lodge, Cambridge Road, Hemingford Abbots, can properly be termed “previously developed land” for the purposes of the National Planning Policy Framework. The area of land that I am concerned with has been the site of a proposed planning application for waste related development, including a waste treatment, recycling and waste transfer station; concrete batching plant; minerals distribution centre, water lagoons, and a haulage depot. I am instructed that councillors at Huntingdon District Council, which is the local planning authority, have expressed the view that the site is previously developed land.
  
2. Prior to writing this advice, I have visited the site and its surroundings, and examined aerial photographs and the site, including the buildings and other development within it. I have also read background documents connected with a request to the County Council for a screening opinion, which was made on behalf of the landowner, Mick George Limited.

**Approach**

3. The National Planning Policy Framework defines previously developed land as follows:

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential*

*gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process*

4. In accordance with well-established principles, the meaning of the policy is a matter of law, but its application is a question of planning judgment. That judgment must be exercised reasonably.

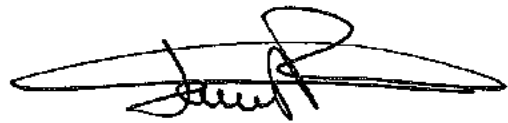
#### **The present case**

5. It is clear that the vast majority of the site is not previously developed land and it could not lawfully be called previously developed land. The areas of the site I am referring to here are the grassed open areas that used to form the fairways and other open areas of the golf course. They have now been given over to grazing. They are green, open, undeveloped and have never had any permanent buildings on them as far as can be detected. They have trees and other vegetation growing on them. It would be unreasonable and unlawful to characterise these areas as previously developed land. This accounts for almost all of the site.
6. The areas of land occupied by existing permanent buildings could be previously developed land. There appear to be three such buildings on the site. However, the definition excludes agricultural buildings. Given that the site is now used for agriculture, it may well be that the two large shed-like buildings are to be characterised as agricultural buildings falling outside the definition. This is a question of fact and degree in the light of the circumstances of their design and use, and I cannot comment further on this. It would seem that the footprint of the red-brick former residential bungalow facing the entrance to the site is previously developed land. I am instructed that this building ceased residential use in about 1989 and became the clubhouse to the golf course in about 1991, with the benefit of a planning permission for a change of use. I shall refer to it as the clubhouse in the rest of this advice.
7. Finally there is the question of the curtilage of these buildings and any associated fixed surface infrastructure. The curtilage and associated fixed surface infrastructure can only count towards previously developed land if the buildings also count, so the curtilage of an

agricultural building is excluded. The curtilage of a building is usually a small area of land forming part or parcel of the building which it contains or which is attached to it. The extent of the curtilages of the buildings is a question of fact and degree and planning judgment. My advice below describes how I would expect that judgment to be exercised.

8. Looking at the aerial photographs and having visited the site, the most natural extent of the curtilages of these buildings would include the land between the two shed like buildings, the hard standing at the end of the southern-most building, and the garden-like area to the north and east of the red-brick clubhouse. It is possible that the access way alongside the buildings could also be included, so too could the compacted drive way and yard associated with the clubhouse. On the face of it the green plot between the clubhouse and the neighbouring shed could be excluded, though without going on site it is difficult to be conclusive on this. On what I have seen it is unlikely that the curtilage would extend beyond these areas.

9. I would be happy to advise further by telephone or otherwise.



**JAMES PEREIRA QC**

FTB

11 July 2018

