

Committee Report

Item No: 6

Reference: B/17/01010

Case Officer: Alex Scott

Ward: Boxford.

Ward Member/s: Cllr Bryn Hurren.

Description of Development

Use of existing annexe as independent dwelling house

Location

Groton Manor, Castlings Heath, Groton, Sudbury CO10 5ET

Parish: Groton

Site Area: 2000 m²

Conservation Area: No

Listed Building: Yes

Received: 13/04/2017

Expiry Date: 01/09/2017

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: NA.

Applicant: Mr & Mrs Fraulo

Agent: Mr P Cobbold

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 100022432 - SCALE 1:2500 - received 13/04/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 100022432 - SCALE 1:2500 - Received 13/04/2017

Floor Plan - Proposed 266.03A - Received 13/04/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/16/01348	Use of existing annex as independent dwelling house with associated subdivision of the existing site (gardens) to create an independent planning unit, under land use Class C3 (dwelling houses).	Refused 24/11/2016
B/04/01806	Alterations to existing outbuildings required in connection with annex accommodation, garage, playroom, stables, stores and changing rooms, as amended by agent's letter 31st December 2004 and drawing numbers 03A and 04A, all received by the Local Planning Authority on 4th January 2005.	Granted 17/02/2005
B/04/01807	Application for Listed Building Consent - Alterations to existing outbuildings required in connection with annex accommodation, garage, playroom, stables, stores and changing rooms, as amended by agent's letter dated 31st December 2004 and drawing numbers 03A and 04A, all received by the Local Planning Authority on 4th January 2005.	Granted 17/02/2005
B//00/00802	Conversion of existing outbuilding to garden room and erection of wall.	Granted 13/07/2000
B//00/00803	Application for listed building consent -Conversion of existing outbuilding to garden room; erection of wall and internal alterations	Granted 12/07/2000

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CR19 - Buildings in the Countryside - Residential
CN06 - Listed Buildings - Alteration/Ext/COU
TP15 - Parking Standards - New Development

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

None.

Details of any Pre Application Advice

None.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Groton Parish Council

The Parish Council is in full support of this application.

SCC - Highways

No objections - subject to compliance with suggested conditions.

Environmental Health - Land Contamination

No objections from the perspective of land contamination.

Environmental Health - Noise/Odour/Light/Smoke

No objections or comments to make regarding this application.

Heritage Team

The heritage team considers that the proposal would cause no harm to the designated heritage assets because no physical alterations are proposed to facilitate the subdivision of the existing annexe to a separate dwelling which could impact significance of the listed building and its setting, as well as the proposed use of the existing access to indicate the distinction between the two units would not adversely impact the historic farmstead layout or narrative of the site.

The heritage team recommends that conditions be imposed requesting details of any proposed boundary treatment treatments or landscaping scheme.

B: Representations

None Received.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The application site is located at Castlings Heath, Groton, a remote group of dwellings located in open countryside 5.4 kilometres (3.4 miles) to the west of the Town of Hadleigh.
- 1.2 The application site relates to a former range of agricultural buildings ancillary to the grade II listed Manor House of Groton Manor. The buildings were granted planning permission for conversion to annex accommodation in February 2005 (Ref. B/04/01806/FHA).

2. The Proposal

- 2.1 The application proposes the subdivision of the existing residential curtilage, the creation of an additional planning unit under land use class C3, and the use of the existing annex building as an independent dwellinghouse. The proposed new unit would share the existing access to the public highway with the existing host dwelling.

3. National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1 The development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:
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BABERGH CORE STRATEGY 2014

CS1 Applying the Presumption in favour of sustainable development in Babergh

CS2 Settlement Pattern Policy

CS15 Implementing Sustainable Development in Babergh

CS18 Mix and Types of Dwellings

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1 None.

6. Saved Policies in the Local Plans

6.1 BABERGH LOCAL PLAN (ALTERATION NO.2) 2016

CN06 Listed Buildings, Heritage Assets and Settings

CR19 Conversion of Existing Buildings in the Countryside - Residential

TP15 Parking Standards - New Development

7. The Principle and Sustainability Assessment of Proposal

7.1 Policy CS2 of the Babergh Core Strategy 2014 identifies Groton as a Countryside Parish, whereby development will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site lies within a detracted rural group of dwellings at Castlings Heath, approximately 1.7 kilometres (approximately 1 mile) to the north east of the main settlement of the Parish along Groton Street. The Parish also does not contain a Built Up Area Boundary (BUAB) as defined in the Babergh Local Plan (Alteration No. 2) 2016. The site is located 2.5 kilometres (1.55 miles) to the north-east of the nearest sustainable settlement of Boxford and 5.4 kilometres (3.4 miles) to the west of the nearest town of Hadleigh. The creation of a new dwelling in the proposed location would, therefore, be contrary to the aims of this policy.

7.2 However, due to a lack of 5 year housing land supply, it is agreed that the policies within the Babergh Development Plan relating to the supply of housing are considered to be out of date in terms of paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, Paragraph 14 of the Framework is considered to apply and therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate that development should be restricted.

7.3 The Framework sets out a number of core planning principles which underpin decision-taking. These include supporting thriving rural communities within the countryside and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. In promoting sustainable development in rural areas, the Framework therefore seeks to ensure that new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.

7.4 The only service or facility within the parish is a Church and the nearest Shop, Public House, Primary School and Bus Stop (with regular services to towns) are located at Boxford, with the other nearest services being located at Hadleigh.

It is not considered that the application site is linked to the full range of services and facilities required to meet the day to day needs of future residents accessible by sustainable modes of transport. It is, therefore, considered that the use of the private car would be the necessary and most realistic transport choice for future occupants.

- 7.5 Paragraph 55 of the Framework recognises that smaller settlements can support services in other nearby villages, and it is noted that the proposal site is 2.5 kilometres from Boxford and 5.4 kilometres from Hadleigh (as the Crow flies) and as such any car journeys to access services and facilities in these settlements would only be short trips. It is also acknowledged that as a rural area, reliance on private transport is not uncommon within the District and that paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 7.6 Nonetheless, the development of an additional dwellinghouse within the countryside, with no ease of access to services by sustainable transport modes, would generate use of and reliance upon unsustainable forms of transport. It is considered that this disbenefit would undermine any benefits of the development in respect of supporting services in neighbouring areas. The rural nature of this part of the Parish in itself would also not justify housing development in this rural location.
- 7.7 On this basis, it is not considered that the proposed development would accord with paragraphs 17 and 55 of the Framework due to its isolated location in respect of accessibility and sustainable transport.
- 7.8 The proposal would also conflict with Policy CS2 of the Development Plan in which there are no exceptional circumstances in favour of sustainable development. Whilst the weight to be given to this policy may be limited in terms of its restriction upon the supply of housing, it is consistent with paragraph 55 of the NPPF and it can, therefore, be concluded that the proposal is contrary to specific policies in the Framework.
- 7.9 Policy CS15 of the Development Plan sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v)) and that development should seek to minimise the need to travel by car (Part xviii). The proposal is therefore contrary to these aspects of this policy.
- 7.10 In their supporting statement the applicant argues that, had the proposal been initially applied for as an independent dwelling this would have been permitted under local plan policy CR19. This policy requires that alternative uses are demonstrated for the building. As the building has previously been granted planning permission for conversion to an annexe (PP. ref: B/04/01806) the provisions of policy CR19 have not previously been applied as they were not applicable for the previous proposal. Furthermore, it has not been satisfactorily demonstrated that the existing use is not viable. Anecdotal evidence is suggested that the property has been marketed, but no thorough marketing, agreed in advance by the local planning authority, has taken place and details of the marketing have not been provided. In addition, policy CR19 requires that the building is of architectural or historic merit and, in this case, no heritage statement is provided to assess the value of the building or the impact of the change of use upon the significance of the listed farmhouse.
- 7.11 Policy CR19 and NPPF Paragraph 55 policies are intended to bring redundant and disused buildings back into use. In this case, the change of use is not necessary to secure the future of a heritage asset or bring a redundant or disused building back into use as the building is no currently redundant or disused. There is also insufficient information provided with the application to support the claim that the annex cannot be sold with the dwelling as an ongoing concern.
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8. Site Access, Parking and Highway Safety Considerations

- 8.1 Should appropriate improvements to the existing site access be secured, in order to bring it up to current standards to serve 2 no. dwellings, it is not considered that the proposal would result in a significant impact on existing highway safety in terms of increased vehicle movements.
- 8.2 The application is also considered to proposed adequate on-site turning and parking spaces to serve both the existing and proposed dwellings.
- 8.3 The proposal is therefore considered acceptable in terms of highway safety considerations.

9. Design and Layout [Impact On Street Scene and Landscape]

- 9.1 The application does not propose any significant alterations to the existing building. And previous alterations have previously been granted under prior planning permissions granted on the site.
- 9.2 Should the in principle reasons for refusal at any point be discounted, and planning permission be granted, the provision of any hard landscaping features (such as gates, walls, fences and hard surfaces) should be controlled by way of condition.
- 9.3 The application would not therefore result in any additional impacts in terms of the proposed design and layout.

10. Environmental Impacts - Trees, Ecology and Land Contamination

- 10.1 The proposal would not result in the loss of any significant trees or hedgerows.
- 10.2 The proposal relates to an existing building currently in use and proposes only minor operational development. The proposal would, therefore, not result in significant harm to protected or priority species or their habitats.
- 10.3 The applicant has submitted a desk based land contamination assessment with the application which has been assessed by Council land contamination specialists who have concluded that future occupants would not be at significant risk from sources of land contamination.

11. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 11.1 Groton Manor (listed as Manor Farmhouse) is a Grade II listed building dating from the 17th Century. The building stands to the north east of the Parish of Groton within the countryside, largely in an agricultural context pertaining to its historic narrative and usage. Outbuildings to the north east are curtilage listed and form a single-storey L-shaped stable arrangement which contributes to the setting of the listed building.
 - 11.2 The Council's Heritage Team has assessed the application proposal and consider that the proposed division of the building and curtilage from the listed farmhouse does not present the optimum viable use as the proposal is not concurrent with the only use which does not require changes to the structure which would also retain a clear and functional relationship to the listed farmhouse.
 - 11.3 The heritage team does not, however, consider that the proposal would result in harm to the setting or significance of the heritage assets through the division of curtilage as the historic curtilage, curtilage listed status of the existing annexe building, and historic narrative would remain.
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It is, however, stated that should changes be required to visually and physically separate the resultant sites, including boundary treatment and landscaping schemes, a degree of harm could be invoked. The heritage team therefore advise the implementation of conditions requiring the submission of details relating to proposed boundary treatments and hard and soft landscaping should permission be granted.

12. Impact on Residential Amenity

- 12.1 By reason of the single storey scale of the existing annexe building, its siting in relation to the existing host dwelling of Groton Manor, and its proposed fenestration layout it is not considered that the proposed dwelling would result in demonstrable harm the amenities of the occupants of Groton Manor or any other neighbouring property.

PART FOUR – CONCLUSION

13. Statement Required by Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 13.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 13.2 In this case the application proposal is considered to represent a clear departure from policies contained in the NPPF and Development Plan and any amendments to the proposals could not address these 'in-principle' objections.

14. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 14.1 The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

15. Planning Balance

- 15.1 In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
- 15.2 The Framework seeks to boost significantly the supply of housing and the development would contribute to housing supply in an area where there is a shortage. This would therefore provide modest economic benefits. The development would also give rise to other economic benefits relating to employment and construction, although these would be limited and temporary.
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- 15.3 The provision of a dwelling would also constitute a small social benefit to the community. However, due a lack of a planning obligation it is not considered that the development would offer significant social benefits in respect of affordable housing. This is therefore attributed limited weight.
- 15.4 In terms of the environmental pillar of sustainable development, the site is an area of residential garden land and ancillary buildings adjacent to open countryside with ecological potential. Residential Gardens are not included within the definition of previously developed land contained within the Framework. The impact on character and appearance of the area and flood risk is therefore considered to be neutral. By reason of its social isolation, the proposal is considered to place reliance on the private car as a means of transport which would result in environmental harm. It is not therefore considered that positive weight can be attributed to the proposed development in terms of environmental benefit.
- 15.5 It is not considered that the site would represent a rural exception site and the social and environmental harm identified in respect of its isolation from services and facilities would be significant. In conclusion, therefore, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal cannot, therefore, be considered to be the sustainable development for which the Framework presumes in favour.

RECOMMENDATION

That planning permission be refused for reasons including:-

1. Paragraph 55 of the NPPF (2012) sets out the national policy regarding sustainable housing development in rural areas and states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for rural worker accommodation; where such development would secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the dwelling is of exceptional quality or innovative nature of design.

At a local level, policy CS2 of the development plan states that in such locations development will only be permitted in exceptional circumstances subject to a proven justifiable need.

The proposed additional residential unit occupies an isolated location within the countryside and, furthermore, it is not considered that the proposal has demonstrated any special or exceptional circumstances as set out in the aforementioned planning policy. As such the proposal is considered to be contrary to the provisions of the NPPF (2012) and policy CS2 of the development plan, having had regard to all other material planning considerations.

2. The application is further contrary to the provisions of Paragraph 55 of the NPPF (2012) and policy CR19 of the development plan. The aforementioned planning policies are designed primarily to bring redundant and disused agricultural buildings back into use. In this case, the change of use is not necessary to secure the future of a heritage asset or bring a redundant or disused building back into use, and there is insufficient information to prove the annex cannot be sold with the dwelling as an ongoing concern.
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