

Committee Report

Item 7F

Reference: DC/19/05712

Case Officer: Harry Goodrich

Ward: Stradbroke & Laxfield.

Ward Member/s: Cllr Julie Flatman.

RECOMMENDATION – APPROVAL OF FULL PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Erection of 1no Dwelling (following demolition of existing barns),

Location

Barn at Little Meadows Farm , Banyards Green, Laxfield, IP13 8EU

Expiry Date: 14/02/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr Jamie Edwards And Miss Anna Martin

Parish: Laxfield

Site Area: 0.17ha

Details of Previous Committee / Resolutions and any member site visit:

Previous Class Q Committee Decision under reference DC/19/01072

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes, under reference DC/19/03524

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The applicant is an employee of Babergh and Mid Suffolk District Councils.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
H08 - Replacement dwellings in the countryside
H09 - Conversion of rural buildings to dwellings
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 2: Preparing a draft neighbourhood plan

Accordingly, the Neighbourhood Plan has very limited weight as the detail of the policies is not yet known.

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

Town/Parish Council (Appendix 3)

The Parish Council recognises that the original scheme, retaining and converting the existing barns, had received planning permission. However, it was felt that this revised scheme was so fundamentally different from the original that it should be considered in the same way as a new development.

The site was put forward under the Parish Council's Call for Sites but was not considered suitable for allocation in principle because the site is outside the settlement boundary and is moderately to poorly located in relation to key services. Pedestrian accessibility to these key services is poor, and there are no existing footpaths connecting the site to the town centre. The close proximity of dwellings to Bickers Hill Road offer very limited opportunities to make footpath improvements or to create a safe pedestrian connection to the village centre. Development of the site is therefore unsustainable and would be contrary to the adopted policy CS2 and H9, and Paragraph 79 of the NPPF.

Although the form of the original buildings has been maintained in this new proposal, and the meeting recognised the intention to maintain their agricultural characteristics, a number of concerns were expressed:

- a) There was no mention of sustainability in the application; there is no re-use of resources, nor benefits mentioned to offset the impact of the new development, within the proposal as it stands.
- b) The application now represents a new development in the countryside, with no evidence of outstanding quality which might make it acceptable in this location.

It was felt that the applicants should be required to demonstrate detailed proposals regarding sustainable design and construction within this development – including

- the use of local and/or traditional materials, as appropriate (or explaining the choice of materials, if not deemed appropriate), as well as energy
- approach to biodiversity and habitats
- outstanding quality in design and construction

It was felt that a number of planning conditions would be essential if this application were approved, in order to protect the character of the location:

- The agricultural characteristics of the building and its surroundings should be maintained
- Details should be provided of how biodiversity and habitats would be protected and enhanced through this development, including such measures as no hard fencing so that wildlife movement is not curtailed
- External lighting schemes should be required to take into account the dark skies policy supported by the Parish Council
- The existing mature trees within the 'L' of the buildings should be retained

If the recommendations above can be accommodated and confirmed the Parish Council would support the planning application to replace the existing barn with one new dwelling.

National Consultee (Appendix 4)

Natural England: No Comments to make on this application.

County Council Responses (Appendix 5)

SCC Highways: Recommends conditions be placed on the proposal in relation to the manoeuvring and parking of vehicles as well as details of the areas to be provided for storage and presentation of refuse/recycling bins.

Internal Consultee Responses (Appendix 6)

Land Contamination: No Objection to the proposed development.

Place Services Ecology: No Objection subject to securing biodiversity mitigation and enhancement measures. These are to be secured through condition

B: Representations

At the time of writing this report no representations have been received from individuals.

PLANNING HISTORY

REF: DC/18/01597	Application for Lawful Development Certificate for Existing Use - Continued occupation of Little Meadows Farm (C3) in breach of the original agricultural occupancy condition W/7537 condition 4.	DECISION: LU 08.06.2018
REF: DC/18/02777	Application under Section 73 of the Town and Country Planning Act. Removal of Condition 4 (Agricultural Occupancy) relating to planning application W/7537. Erect bungalow and garage for occupation by farmer).	DECISION: GTD 20.08.2018
REF: DC/19/01072	Notification for Prior Approval for a Proposed Change of Use of Existing Barn to a Single Dwellinghouse (Class C3), and for Associated Operation Development. Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.	DECISION: AFDR 25.04.2019
REF: 2603/14	Change of use of domestic storage building to a micro dairy to produce goats cheese (Use Class B2)	DECISION: GTD 24.11.2014

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site forms part of Little Meadows Farm and comprises of an L shaped barn adjacent to the farmhouse. It is located to the north-east of the centre of Laxfield along Bickers Hill Road.

1.2. The area is predominantly rural in character with agricultural field patterns apparent to the north, south, east and west of the site.

1.3. A public footpath begins close to the site frontage and continues along it a short way before continuing east into the wider countryside.

2. The Proposal

2.1. The proposed development would see the demolition of the existing barn and the erection of one new, single storey, three-bedroom dwelling.

2.2. The internal floorspace of the new dwelling would be 216.76m², which is less than the previously approved Class Q application which had a floorspace of 232.94m².

2.3. The site requires provision for 2 parking spaces, a moderate parking area is available once through the site's access.

2.4. No properties are positioned to the rear of the barn such that back to back distances do not require consideration.

2.5. The materials are proposed to be similar to those of an agricultural building, including timber cladding, metal roof and timber joinery. A set of bi-fold doors are to be installed, these are to be of aluminium construction.

2.6. The site area is approximately 0.17ha

3. The Principle Of Development

3.1. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

3.2. For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:

- National Planning Policy Framework (NPPF, 2018)
- National Planning Practice Guidance (NPPG, 2014)
- Mid Suffolk Core Strategy Focussed Review (2012)
- Mid Suffolk Core Strategy (2008)
- Mid Suffolk Local Plan (1998)

3.3. Mid Suffolk benefits from a five-year housing supply. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.

3.4. The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.

3.5. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.

3.6. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. This list of allowable development explicitly excludes the creation of market housing such that the proposed development does not fall within any of the listed categories.

3.7. Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.

3.8. The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.

3.9. However, the exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation with regards to this policy has been shown within court judgements to relate to physical isolation, only. Given the proximity of residential development to the application site, it cannot be considered to be isolated for the purposes of paragraph 79.

3.10. Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.

3.11. The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01_1 of the Core Strategy and are also the most recent elements of the Mid Suffolk development plan, adopted in 2012. Policy FC01_1 however is not considered up to date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF.

3.12. Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. Paragraph 11d) of the NPPF is relevant, it requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.13. The aim of the NPPF, the delivery of sustainable development, remains unchanged. The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below.

3.14. *Economic Dimension* – The provision of a dwelling on the site would give rise to economic benefits during the construction of the proposed dwellings. The New Anglia ‘Strategic Economic Plan’ (April 2014)

acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built. The proposal will result in significant job creation and will have positive regional economy benefits. However, it is not considered that the proposed dwelling would have continued significant economic benefits for the immediate area, in large part due to the lack of facilities within the area and scale of development.

3.15. *Social Dimension* – The provision of housing is noted as a positive benefit of the application. While the Council can currently demonstrate a five-year housing land supply, this cannot be read as a cap on development and the delivery of small sites is essential to maintain the Council's housing land supply position.

5.1 3.16. *Environmental Dimension* – Criticism of the application notes the lack of facilities to support the proposed dwelling. That being said, it is well-established industry practice that CIL contributions are used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. However, weight should be given to the lack of facilities within the immediate area and with the difficulty future residents of the site are likely to have accessing them using sustainable transport options. The proposal is to implement the use of waterbutts to utilise surface water. The proposal includes under floor heating which is to be generated by ground source heat pumps. One EV Charging point is also proposed for introduction.

3.17. It is considered that attention should also be given to the planning history attached to the site and the “fallback” permitted development position this creates for the applicant. Under application reference DC/19/01072 prior approval was granted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the creation of one dwelling within the current agricultural building on site. This application is still extant and may be implemented to create a new dwelling in this countryside location.

3.18. Case Law has accepted the principle of new dwellings as a replacement of Class Q applicable sites providing the criteria is met. The existing building on site has proven the criteria has been met by the approved application DC/19/01072. Class Q criteria does not include the need to consider sustainable development or a range of other considerations and so officers to date have considered it reasonable that while Class Q may allow in law some development in unsustainable locations, development above and beyond the criteria of Class Q, including any exceeded permitted floorspace and level of development, should be carefully considered if appropriate and against the full weight of all planning considerations.

3.19. It is noted that previous applications for similar Class Q fallback positions have been assessed by the Local Planning Authority and one of these being DC/19/03659 that was considered by Members. That application however increased the footprint of the conversion that had previously been approved and was refused. This application in comparison and in line with expectation reduces the footprint of the dwelling below that previously approved, whilst retaining the visual appearance of an agricultural building to maintain the rural character the Class Q would have allowed for.

4. Nearby Services and Connections Assessment of Proposal

4.1. Laxfield is listed as a primary village within the Core Strategy Settlement Hierarchy. This means that the village is capable of limited growth where local need has been established.

4.2. The village of Laxfield has limited services, including a village hall, church and co-operative village shop.

4.3. The connections between the site and the services available within Laxfield are limited, with off road foot paths leading from the settlement boundary to the corner of Bickers Hill Road and Cratfield Lane, beyond this point wide grass verges bound the road, making pedestrian access possible. Due to the limited services available in Laxfield, it is considered that some reliance on the private vehicle is to be expected to access wider services.

4.4. While this location on this basis might weigh against the development, the material weight of the fallback position under Class Q is applicable. The assessment of the site made under the provisions of Class Q does not require consideration as to whether the site was sustainably located. Barns and other agricultural buildings are, given their intended use, expected to be located in rural settings where connections to facilities may be more difficult to achieve. As such it is recognised that whatever the considerations may be in respect of the sustainability of the site significant material consideration also has to be given to the potential fall-back position for residential development on this site, available under Class Q, and extant planning permission with regards to consent DC/19/01072.

5. Site Access, Parking And Highway Safety Considerations

5.1. Access to the site is to be taken from Bickers Hill Road, utilising the existing access. It is considered that due to the size of the site that sufficient parking provision can be provided on site.

5.2. The Highways Authority considers that no unacceptable level of harm will arise following this development, subject to conditions to control the manoeuvring and parking of vehicle and secure cycle storage on the site

6. Design and Layout

6.1. The design of the proposal is to visually represent an agricultural building, to ensure the dwelling does not detract from the area's rural character.

6.2. The dwelling is to be single storey in nature and is to use a mix of materials that result in the buildings agricultural appearance.

6.3. The proposed new dwelling has some minor differences compared to the previously approved Class Q development. These include a revised roof layout, which results in a slight increase to the overall ridge height. The proposed dwelling is also smaller in floor space than the previously approved Class Q scheme.

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

7.1. The application site does not form part of a designated landscape. Core Strategy policy CS5 gives protection to the landscape of Mid Suffolk, protecting its most important components.

7.2. The predominant character of the surrounding area is strongly rural and in particular, agricultural. This character aspect is formed by the large field patterns visible through aerial photography.

7.3. The proposal would be viewed together with the farmhouse known as Little Meadows Farm. Some limited harm to the quality of the rural landscape would occur given that the development would remove an area with an agricultural character from the wider landscape, although noting the extant consent for Class Q conversion and design of the proposed dwelling this is not considered to be significant to consider refusal.

7.4. Consultation with the Council's Ecology consultation shows no objections to the proposed works provided that mitigation and enhancement of the site can be secured via planning conditions.

8. Land Contamination, Flood Risk, Drainage and Waste

8.1. Local Plan policy H17 requires that residential development be kept away from sources of pollution. Analysis of the site has found no contamination in the soil that would adversely affect the health of future residents of the site which has been confirmed by the Council's Environmental Health Team.

8.2. The site is located within Flood Zone 1, such that specific consideration as to the impacts of river and surface water flooding are not required. It is considered that due to large areas of soft land surrounding the site, any issues relating to surface water drainage are unlikely to result in significant levels of flooding within the locality.

9. Impact on Residential Amenity

9.1. Local Plan policy H16 seeks to protect the existing amenity of adjacent dwellings and to avoid development which erodes the character of the surrounding area.

9.2. The closest neighbouring residential property to the application site is that of a single storey bungalow, located to the North-West, both the proposal site and the neighbouring property face out onto Bickers Hill Road.

9.3. The application site does not include any windows that face directly onto the neighbouring property at the closest point. However due to the L shaped nature of the building, a door and two windows are located further from the neighbouring property but do still face the neighbouring property. These are over 20m away and located at ground floor level due to the single storey nature of the building. As such it is considered that the impact of the development on the neighbouring properties would be negligible and not significant to refuse.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

10.1. The application site is located within the countryside. Policies CS01, CS02 and H07 all combine to restrict the development of new housing within the countryside. Issues affecting the weight attributable to the adopted Development Plan are noted within Section 3 of this report such that the conflict with those policies are not considered to be sufficient to refuse the application when weighed against all material considerations.

10.2. Looking at the planning history of the site, it is clear that the barn is considered to be one that is convertible under the provisions of Class Q, having been approved for conversion to one dwelling with a floorspace of 232.94m². This application is still extant and therefore it is considered that the Class Q represents a realistic fallback position and as such is a material consideration.

10.3. Therefore, with regards to this application, the question at hand is whether this application would cause impacts to significantly and demonstrably outweigh benefits to warrant refusal having regards to the available options for the creation of a new residential use in this location.

10.4. When considering the access, it is noted the Highway Authority have not raised any objection to the proposal subject to conditions with regards to parking and manoeuvring of vehicles and further details about the location of recycling and refuse bins.

10.5. The design of the site is considered to be acceptable. It has been sensitively considered, appears to take design cues from existing agricultural buildings as well as existing buildings within the locality. It is therefore considered the proposal would not result in adverse impacts on the neighbouring residential properties.

10.6. The loss of the agricultural character of the site is noted but would be resultant from any development due to the resultant domestic paraphernalia that would come with any residential curtilage, including if the previously approved Class Q application had been implemented.

10.7. In conclusion the it is through the presence of the fallback position created by the planning history on site that this conclusion is reached, but the development is not considered to result in material harm to otherwise refuse.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation of scheme from date of issue).
- Approved Plans (Plans submitted that form this application).
- Cycle Storage and Bin Storage to be located within existing secured shed on site.
- Wildlife Lighting Strategy
- Work in accordance with Ecological Appraisal Recommendations
- Installation of Biodiversity Enhancements
- Removal of PD Rights (Class A-D)
- Provision for Parking provided prior to occupation.
- No unbound materials within 5m of the Highway.