

Committee Report

Item 8C

Reference: DC/21/00522

Case Officer: Harry Goodrich

Ward: Thurston.

Ward Member/s: Cllr Harold Richardson. Cllr Wendy Turner.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 1No 3-bed dwelling with parking and access

Location

Land South of Little Owl Lodge, Ashfield Road, Norton, Suffolk

Expiry Date: 23/07/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mrs Rebecca Jennings

Agent: Mrs Susanna Sanlon

Parish: Norton

Site Area: 0.21ha

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call in request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Call in received by Cllr Richardson subject to recommendation. If proposal is to be refused, then it is requested the proposal is heard by the committee.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

GP01 - Design and layout of development

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

FC01 - Presumption in Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
H15 - Development to reflect local characteristics.
H16 - Protecting existing residential amenity.
H17 - Keeping residential development away from pollution.
HB01 - Protection of historic buildings

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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)

Norton Parish Council

The Council objects to this proposed application.

The application site is outside the current settlement boundary according to the Babergh and Mid Suffolk Joint Local Plan Regulation 19.

Norton Little Green is a small hamlet around a mile and a half from the centre of the village and surrounded by open countryside. The proposal would therefore be further erosion of the open countryside and would set a likely precedent for future development in this area.

The proposed application could not be considered to be in a sustainable location.

The hamlet is of sufficient distance from the village amenities of Norton and Elmswell to require use of vehicular transport to access those amenities, i.e., school, village hall, play area and playing field, garage, and shop, thus creating additional traffic flow along this small quiet minor road. There is very little public transport in this area.

As there are currently two accesses to the site a condition to use only the access shown on the proposal needs to be stated if this application is given approval.

National Consultee (Appendix 4)

Natural England

No Comments.

County Council Responses (Appendix 5)

SCC - Fire & Rescue

Comments received relating to access for fire appliances and nearest fire hydrant.

SCC - Highways

No Objection subject to a number of conditions.

Internal Consultee Responses (Appendix 6)

Environmental Health - Land Contamination

No objection to the proposed works.

Heritage Team

The application proposes the erection of a dwelling on land south of Little Owl Lodge. The heritage concern relates to the potential impact of the development on the setting and thus significance of:

- Haydon's, a Grade II Listed early C17 or earlier timber-framed farmhouse, to the northeast, and curtilage listed outbuildings, including Little Owl Lodge, a c.1700 timber-framed and red brick building, likely formerly a granary, now converted to a dwelling, also to the northeast (Haydons was formerly known as Tyrell's Farm).

- Manor Lodge, a Grade II Listed late C16 or early C17 timber-framed house to the northwest. Following my previous comments, the design of the dwelling has been revised. It is stated that the revisions are to give the dwelling a more agricultural character, so that it is more in keeping with the setting of the listed farmhouse, including existing (converted) agricultural outbuildings. I agree that the design now proposed is more reflective of traditional agricultural buildings. However, I consider that the previous design was not particularly unreflective of traditional agricultural buildings. In fact, I consider that making the new dwelling look too much like a historic barn would be more harmful, as it could give a false sense of the history of Haydons Farmhouse, by suggesting that it Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public. historically had an additional agricultural building serving it, since converted, when this is not actually the case. However, I consider that the increase in harm would not be that great, so overall the impact of the proposal would still be characterised as a 'low level of less than substantial.

An additional written statement has also been submitted. I consider that this misrepresents my original comments, in regard to what I actually raised concerns about and the impact of the change in the scale of development from the last proposal. It also appears to suggest that levels of harm are directly equated with distance of a site from a heritage asset when this is not always the case. Some other points it raises are already addressed in my original response.

In response to para.1.7, para.193 of the NPPF states that "great weight should be given to the (heritage) asset's conservation...this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." On this basis, I consider it acceptable to not support a proposal based upon an identification of a low level of less than substantial harm. Furthermore, I do not consider that stating 'I do not support' a proposal makes any difference to the Planning Officer's ability to weigh the harm identified against any public benefits.

Therefore, I do not support the proposal.

B: Representations

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objection comments. A verbal update shall be provided, as necessary.

Views are summarised below: -

- Conflict with the District Plan
- No demonstrable change from the previously withdrawn application.
- Development is to be located in the countryside.
- Unsustainable location.
- Lack of public transport.
- Culmination of development on the site.
- Access concerns

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/02282	Planning Application - Erection of 2no. dwellings including parking and access	DECISION: WDN 04.07.2019
REF: DC/20/05005	Full Planning Application - Erection of 1No dwelling with parking.	DECISION: WDN 04.01.2021
REF: DC/21/00522	Full Planning Application - Erection of 1No 3-bed dwelling with parking and access	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site forms part of Little Owls Lodge and comprises of an open parcel of land to the South of the application site. It is located outside the settlement boundary for Norton Little Green.

1.2. The area is predominantly rural in character with agricultural field patterns apparent to the South, as well as beyond the cluster of dwellings to the North, East and West.

1.3. A bus stop is located across the highway to the North of the site on Ashfield Road.

2. The Proposal

2.1. The proposed development would see the erection of a single storey, three-bedroom dwelling.

2.2. The internal floorspace of the new dwelling would be approximately 100.93m².

2.3. The site requires provision for 2 parking spaces, a moderate parking area is available once through the sites 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 boarding and clay pantiles as well as black stained softwood joinery. An element of flint and brickwork is also implemented on the North-Eastern Boundary.

2.6. The site is approximately 0.21ha

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:

- 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 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.

3.5. 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 this application to residential development, the development is not isolated and paragraph 79 of the NPPF is not engaged.

3.6. Paragraph 11d) of the NPPF is therefore relevant, which 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.

Firstly, Para 11D(i) is considered to apply. Protected area or assets of particular importance are identified by Para 11D Footnote 6 and related to habitats sites, sites listed in NPPF paragraph 176, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets** (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

On this basis, as this proposal is considered to harm a Designated Heritage Asset the development plan is not considered out of date and the tilted balance is not engaged.

While the tilted balance is not engaged the three dimensions of sustainable development set out in paragraph 8 of the NPPF, in the context of the proposed scheme, are assessed in detail below as the NPPF remains material taken as a whole.

3.7. The village of Little Norton has little to no services with only a bus stop provided, further services are available in Norton itself, however this is some 1 mile away. Therefore, the services are limited and are not sufficient to offer all services required for day-to-day living. There are no footpaths connecting the site southwest to the centre of Norton. In the context of walking distances, the Chartered Institution of Highways and Transportation (CIHT) Guidelines for Providing for Journeys on Foot identifies acceptable distances for various journeys such as commuting, walking to school and recreation (Desirable - within 500m; Acceptable - within 1000m; Considered - within 2000m). The proposed site has a walking distance to Norton of approximately 1 mile (1609 metres). It is considered that the routes, in the absence of footpaths and adequate lighting, do not provide a suitable pedestrian access route and therefore the private motor vehicle would be frequently used to go to surrounding villages and towns.

3.8. There is one bus stop located on Ashfield Road, approximately 40m from the site. This is the 320-route line bus that offers services to Eye and Bury St Edmunds. The bus stops offer approx. one service a day to both Eye and Bury St Edmunds. However, the services do not run prior to 9am or after 5pm and are therefore unlikely to be sufficient for use for employment purposes. The wider area is predominantly rural such that car travel would often be essential and, at times, unavoidable for local residents. In this regard there is considered to be limited and unsustainable access to services and facilities.

3.9. Overall, it is acknowledged that the future occupiers would frequently use the private motor vehicle to access facilities for day-to-day living. Apart from the potential to use the bus service for access to some services, but not employment, due to the distance from the services and facilities, it is evident that the occupiers would be reliant upon the private vehicle. This does not support the move to greener transport methods and fails to achieve the environmental stand of sustainable development, as set out in the NPPF.

3.10. The delivery of additional housing is recognised as a social benefit and while the Council can demonstrate a five-year housing land supply, this cannot be read as a cap on development but does reduce the level of weight attributed to this benefit. The provision of one dwelling is considered to offer very limited social benefits.

3.11. The proposal will result in job creation during the construction period which will have positive regional economic benefits. However, the benefits provided from one dwelling will be minor.

3.12. In fully weighting the scheme against the strands of sustainable development, some minor benefits are noted. However, the site is isolated from services and facilities and occupiers would have almost sole reliance on the private motor vehicle. The proposal is therefore not considered to constitute sustainable development and is not acceptable in principle being contrary to both NPPF and Development Plan.

4. Nearby Services and Connections Assessment of Proposal

4.1. Norton Little Green is listed as a Countryside village within the Core Strategy Settlement Hierarchy. This means that the village is capable of very restricted development and limited to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.

4.2. The village of Norton Little Green have little to no services to provide services for day-to-day living.

4.3. The connections between the site and the services available within Norton Little Green are near enough non-existent, with no footpaths joining the site to the services in Norton, and only one bus service a day being provided. Due to the limited services available in Norton Little Green, it is considered that some reliance on the private vehicle is to be expected to access wider services.

5. Site Access, Parking and Highway Safety Considerations

5.1. Access to the site is to be taken from Ashfield Road, utilising the existing track 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 refuse/recycling details.

6. Design and Layout [Impact on Street Scene]

6.1. The design of the proposal is to visually represent an agricultural building, including agricultural style materials as well as making use of a simple pitched roof.

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, including both timber boarding walls and a clay pantile roof.

6.3. The proposed dwelling will also include red brick facework located around the dwelling, as well as being used in combination with flint on the North-Western elevation.

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 Owls Lodge. 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 this is not considered to be significant to consider refusal.

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. Heritage Issues [Including the Impact on The Character and Appearance of The Conservation Area and On the Setting of Neighbouring Listed Buildings]

9.1. Due to the site's location in relation to the nearby listed building known as Haydons, as well as its curtilage listed outbuildings, the Council's Heritage Team was consulted on the proposal and identified a Low Level of Less than substantial harm to the assets.

9.2. The proposal is considered to further erode the remaining undeveloped, rural setting of Haydons, including curtilage listed structures, and Manor Lodge, which is reflective of their historic setting and thus contributes to their significance, especially when considered in cumulation with previous developments which have eroded these settings.

9.3. As per Paragraph 196 of the NPPF, where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the scheme. It is considered that a scheme for one 3-bedroom dwelling is going to contribute temporarily to the economic strand of sustainable development, whilst not contributing to the environmental or social strands on a level that would warrant significant consideration.

9.4. It can also be seen that the dwelling does not meet the exceptional requirements to allow development in the countryside and as such should not be supported.

9.5. In its totality it is therefore considered that the proposal does not offer public benefits that outweigh the harm and as such the harm identified is considered to be significant in the decision-making process and in conclusion it is seen that the proposal should be refused.

10. Impact on Residential Amenity

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

10.2. The closest neighbouring residential property to the application site is that of Little Owl Lodge, located to the North, as well as Haydons to the North-East.

10.3. The application site is a single storey bungalow dwelling, which will not result in any windows that directly overlook the neighbouring properties. There is to be openings introduced through the construction of the dwelling however it is considered that these are unlikely to cause significant impacts on residential amenity. 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

12. Planning Balance and Conclusion

12.1. The proposal, whilst not physically isolated, is considered unsustainable in terms of its functional isolation to necessary facilities and services. On balance, the minor benefits generated by one dwelling in respect of the social and economic arm of sustainability, does not outweigh the environmental concerns. As it has not been demonstrated that the benefits outweigh the identified harm, the principle of development is refused and the development is not essential to the needs of the countryside.

12.2. The proposed development would result in an unacceptable level of harm to the designated heritage asset. The proposed development would further erode the setting of the listed building and its associated curtilage outbuilding. The harm posed to the listed building is considered to be at a 'low level of less than substantial harm' - within the meaning provided by the NPPF - and there are no public benefits that would outweigh that harm. The application is therefore recommended for refusal as failing to preserve the building and its setting and failing to meet the requirements of Section 16 and Section 68 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policies HB01 as well as policies within the NPPF.

RECOMMENDATION

That the application is REFUSED planning permission/listed building consent/other for the following reasons: -

- 1) The proposed development is situated on land outside of the settlement boundary, in a countryside location, the proposal fails to accord with development permitted within the countryside, contrary to Policies CS1 and CS2 of the Core Strategy (2008) and Local Plan Policy H7. Furthermore, the development fails to comply with the requirements of paragraphs 8 and 11 of the NPPF (2018) with regards to the presumption in favour of sustainable development. The proposal is not considered to form sustainable development within the criteria set out by the NPPF, as the proposal would result in harm to the environmental objective, with particular regards to the lack of services in Little Norton, and access to services further afield requiring a private car so as to fail to move towards a low carbon economy. No exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in this respect. As such the proposal is not acceptable in principle, being contrary Policies CS1, CS2 and CS5 of the Core Strategy (2008), Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012) and Policies H7 and HB1 of the Mid Suffolk Local Plan (1998) and provisions of the NPPF.
- 2) The proposed dwelling is considered to result in a low level of less than substantial harm to the designated heritage asset known as Haydons and its associated curtilage listed outbuildings and there are not considered to be any public benefits that outweigh the harm to the heritage asset. On this basis the application does fails to meet the requirements of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the historic environment principles of the NPPF and is contrary to policies HB1 of the Mid Suffolk Local Plan 1998.