

Committee Report

Item No: 8A

Reference: DC/21/02359

Case Officer: Mahsa Kavyani

Ward: Hoxne & Worlingworth.

Ward Member/s: Cllr Matthew Hicks.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application. Demolition of existing agricultural barn and erection of 1no one-and-a-half storey dwellinghouse. Change of use from agricultural land to C3 dwellinghouse.

Location

Land East Of, Horham Road, Athelington, Suffolk

Expiry Date: 29/07/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Giles and Kirsty McGarry

Agent: Andrew Hughes

Parish: Athelington

Site Area:0.35 hectares

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): No

Has the application been subject to Pre-Application Advice: Yes reference DC/20/05119

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application is considered controversial by the Chief Planning Officer having regard to the adjacent landowning interest of the District Councillor and that it is in the public interest to determine the application at Committee as a point of transparency in decision making, therefore.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CL08 - Protecting wildlife habitats
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
HB01 - Protection of historic buildings
T09 - Parking Standards
T10 - Highway Considerations in Development

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

Horham and Athelington Parish (Appendix 3)

Wingfield Parish Council - This application was discussed at a meeting of Horham and Athelington Parish Council on May 25, 2021. The meeting was attended by all Parish Councillors, by the applicants and by neighbours of the property as well as other residents, and the County and District Councillors. The District Councillor Matthew Hicks declared an interest as a neighbour to the property. Parish Councillors had visited the site in advance of the meeting and had met the applicants. Councillors were also aware of the previous successful application from a different applicant for a barn conversion on the same site.

It was clear after discussion that there are very strong views on both sides of the argument. Several Parish Councillors expressed the view that the proposed design was interesting and attractive, and would not impinge on the nearby listed property; but the neighbours' opposition focussed on the danger of light pollution, size of the structure (especially the height), disruption of the local ecology and an inappropriate clash with local building styles.

Parish Councillors felt that the applicants and their neighbours should consider whether they would be able to arrive at a proposal for the building which met concerns on each side of the argument. It was not felt possible to arrive at a view which definitively supported or opposed the application.

As this is likely to be a decision delegated to planning officers, and would be unlikely to be referred to the Planning Committee, there is still time to work towards an agreed outcome which broadly satisfies both sides of the argument. The Parish Council is sympathetic towards both the applicants and their neighbours and feels it should be possible to reach an agreed solution - rather than an imposed outcome from planning officers which will anger or disappoint one side or the other.

A mutually agreed solution would clearly be in the best interests of the village and the Parish Council.

National Consultee (Appendix 4)

Natural England – Natural has no comments to make regarding the named application

County Council Responses (Appendix 5)

SCC Highways – No objections were raised subject to below conditions

1. IMPROVEMENT TO ACCESS
2. ACCESS GRADIENT
3. STORAGE AREA TO BE PROVIDED FOR REFUSE/RECYCLING BINS
4. VISIBILITY SPLAYS CONDITION
5. PRIOR TO USE CONDITION WITH REGARDS TO ACCESS

Internal Consultee Responses (Appendix 6)

Place Services – Ecology - No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reassessed the Ecology Report (MHE Consulting Ltd, May 2021); Magic Maps <https://magic.defra.gov.uk>; and aerial photographs to help assess the likely impacts of the development on designated sites, protected and Priority species and habitats.

In addition, we have reviewed the Revised proposed site plan - 566-010-pl3 and support the further tree planting, as well as the hedgerow on the western boundary of the site. The hedgerow should be planted in double staggered rows (5-7 hedge plants per metre if bare root, or 4-5 if container grown), with native species appropriate for the local variation of species. In addition, the hedgerow should either be double fenced or have rabbits guards to avoid herbivores causing damage to the young plants. This additional detail could be secured within the Biodiversity Enhancement Strategy as proposed by Place Services.

As a result, we are still satisfied that there is sufficient ecological information available for determination and recommend that Ecology – Place Services comments (3rd June 2021) should still be followed.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
2. PRIOR TO SLAB LEVEL BIODIVERSITY ENHANCEMENT STRATEGY
3. PRIOR TO OCCUPATION WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

MSDC Environmental Health Officer – Land contamination - I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

MSDC – Heritage Team - The Heritage Team do not appear to have not been involved with any of the previous proposals on this site. This, together with the nature of the development, previous approvals and the relative remoteness of the application site from the listed buildings would mean that we would not expect to comment on this application. It would be triaged out of our caseload. This does not mean that

we have assessed the application as resulting as being harmful or not harmful, just that it doesn't require the expertise of the heritage team to determine the application.

B: Representations

At the time of writing this report at least 5 no. letters/emails/online comments have been received. It is the officer opinion that this represents 5 no. objections, 0 support and 0 general comment.

Views are summarised below: -

- Concern over Landscape and Character
- Concern regarding Impact on wildlife
- Harm (not defined) to Listed Building
- light pollution
- Loss of agriculture land
- Design is out of character
- Dwellings too tall
- Unsustainable development
- harm to historic landmarks and landscapes

(Note: It is out of scope of this report to respond individually to every comment. However, all comments are readily available for public viewing, and 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/21/02359	Planning Application. Demolition of existing agricultural barn and erection of 1no one-and-a-half storey dwellinghouse. Change of use from agricultural land to C3 dwellinghouse.	DECISION: PCO
REF: 3702/12	List of events	DECISION: REC
REF: 1235/02/	USE OF LAND FOR SITING 5 HOLIDAY USE CHALETS	DECISION: GTD 02.01.2003
REF: DC/19/02723	Notification for Prior Approval for a Proposed Change of Use of an Agricultural Building to a Dwellinghouse (C3) and for Associated Operational Development. Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3 Class Q- Conversion of agricultural building to 1No dwelling.	DECISION: AFDR 18.07.2019
REF: DC/20/02187	Full Planning Application - Creation of new access.	DECISION: GTD 23.07.2020

REF: DC/21/02359 Planning Application. Demolition of existing agricultural barn and erection of 1no one-and-a-half storey dwellinghouse. Change of use from agricultural land to C3 dwellinghouse. **DECISION:** PCO

REF: 1965/05 Cattle shed and hardstanding **DECISION:** GTD
15.12.2005

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The proposal is situated within open countryside, the character of the site is entirely rural. There are no immediate neighbours to the site. The application site does not form part of any special designation and is not within close proximity to heritage assets, nearest Grade II listed building, known as Grove Farm, is some 120m away from the site.
- 1.2. The subject building is a single storey, timber framed construction, situated on an extensive concrete apron, it is observed that the building is modern, of no particular historic or architectural merit. The barn was erected as a result of an approval under 1965/05, for an agricultural barn for keeping of Cattle.

2. The Proposal

- 2.1. The proposal consists of; “Demolition of existing agricultural barn and erection of 1no one-and-a-half storey dwellinghouse. Change of use from agricultural land to C3 dwellinghouse.”
- 2.2. The difference between the approved scheme under class Q with the current scheme in terms of footprint and height are as followed:

Existing barn:	279sqm
Previously approved scheme:	275sqm
Current proposal:	241sqm (reduction of 34sqm)

The overall height of the existing barn subject to Class Q approval 4.750m
The overall height of the proposal is approximately 7.2m, increase of approximately 2.5m

3. The Principle Of Development

- 3.1. The determination of the planning application shall have regard to the material harm caused as a result of the proposed development. The 'tests' here are whether the material harm caused by such development are significant enough to cause adverse impact on the character and setting of the area, residential amenity enjoyed by occupants of neighbouring property as well as non-domestic uses of land and buildings nearby, highways access and parking, and finally environmental risk / harm arising (ecology, flood risk, trees, archaeology etc).
- 3.2. The application site is outside of any defined settlement boundary and is therefore classed as "Countryside" in policy CS2 of the Core Strategy. Development is normally resisted within

countryside locations and is limited to specific uses as defined within policies CS2 and H07. However, the application site benefits from Class Q approval achieved under permitted development rights, residential use has been already established on site as a result (Reference DC/19/02723) and could be delivered on site. The current proposal seeks permission to replace the existing barn with an alternative dwelling, which is known as 'fall back' in planning terms. A key consideration in the determination of these applications is whether or not the alternative dwelling represents a more attractive development than their fall back option.

- 3.3. A planning precedent was set in relation to 'fallback' developments, as a result of a case law, Michael Mansell v Tonbridge and Malling Borough Council, referenced: [2017] EWCA Civ 1314. It is therefore established in case law that permitted development rights can legitimately represent a fallback position when considering alternative proposals for development at the same site. This is a material consideration, which carries a significant weight. The principle of proposal is therefore supportable. However, the overall acceptability of the scheme is dependent on its capacity to meet all material considerations simultaneously and are outlined below.

4. Site Access, Parking And Highway Safety Considerations

- 4.1. Policies T9 & T10 of the local plan require development to be delivered with safe and sufficient highways access and function.
- 4.2. Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.3. Considerations have been given to access, parking, and layout. A new access to the site was recently approved under DC/20/02187, SCC Highways were also consulted as part of the process and raised no objections, subject to conditions.
- 4.4. It has been demonstrated that safe access to and egress from the site can be suitably achieved, and the subject site is capable of providing sufficient parking and turning for the future occupiers, the proposal is in accordance with above mentioned policies and guidance within the NPPF.

5. Design And Layout [Impact On character of the locality]

- 5.1. Historic maps reveal that since the beginning of 19th century, the makeup and layout of this part of Southold Rd and Horham Rd have not changed, except for the insertion of modern agricultural barn in relatively recent years.
- 5.2. The subject building is a single storey, timber framed construction, situated on an extensive concrete apron, it is observed that the building is modern, of no particular historic or architectural merit, therefore its removal is not resisted. The replacement of the said barn, with a more suitable design that better responds to needs of future occupiers is supportable.
- 5.3. The proposal would bear visibility within the public realm, within Southold Rd, Horham Rd and wider context of the locality. However, due to its modest scale, specially compared to nearest residential neighbours, GII Grove Farm, and presence of trees along Horham Road and Southold Rd specially when trees are in leaf, this visibility is significantly reduced.
- 5.4. The proposed design is contemporary, which adds a modern twist in this part of an otherwise unaltered organic setting, however it does not appear offensive or harmful to the locality. The

design takes reference from the surrounding farmland, this is apparent in choice of external materials, their colour and texture, the roof would be natural shade of grey (Zinc standing seam), and the exterior of the building would be treated larch cladding, which ages/weathers overtime and further blends into the landscape. Furthermore, two main parts of the design imitate the typical barn style/shape, albeit with a modern interpretation.

- 5.5 The proposal, due to style, scale, and positioning, is not considered to be visually harmful to the character of the immediate and wider locality of the site, the proposal adheres to local plan policies, the core Strategy and the guidance contained within the NPPF.

6. Heritage Issues

- 6.1. MSDC Heritage Team were consulted as part of the process and provided no comments. The nearest GII listed building, Grove Farm is over 120m away from the site and it has a well-defined and mature setting. There might have been some impact when the barn was first constructed, however it is not considered that replacement of the existing barn, even with the additional height proposed would give rise to any impact upon setting of Grove Farm.

7. Impact On Residential Amenity

- 7.1. Policy H13 of the development plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the development plan seeks to protect the existing amenity of residential areas.
- 7.2. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future users of developments and places
- 7.3. The proposed development would affect views within the public realm. However, this impact is not assessed to be detrimental or significantly harmful. Due to presence of existing trees along Horham Rd and Southold Rd, orientation of proposal, scale, and physical form of the proposal, it is not considered to appear or represent an intrusive development on balance to warrant refusal that can be defensible at appeal.
- 7.4. The proposal is a reasonable distance away from nearest neighbours at Grove Farm, approximately 120m, such that it is not considered that the proposal would result in loss of amenity, in terms of overlooking, overbearing, overdominance, loss of privacy or light.
- 7.5. The proposed would not significantly impact upon the amenity of any neighbours. The proposal, therefore, accords with the aspirations of development plan policies H13 and H16 and with paragraph 130 of the NPPF in this regard.

8. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 8.1. There are no protected landscape features within or within close proximity of the site, there are no trees subject to Tree Preservation Order. The proposed site benefits from a defined setting, and additional landscaping has been proposed, combined with presence of trees along Horham Rd, it is considered that the wider landscape impact would be very limited. Albeit views of the site and new dwelling are available between tree lines and in turn this will affect the views within different points of the locality, however this impact is not assessed to be harmful or significant.

- 8.2. Similarly, no ecology, biodiversity or protected species issues have been raised by our consultees, however conditions have been recommended.

PART FOUR – CONCLUSION

9. Planning Balance and Conclusion

- 9.1. The LPA is obliged to consider whether the proposal is 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.
- 9.2. A fall-back position is established on the site already and it could be implemented, establishing a residential use on site, and also establishing the traffic impacts that would support said use. The alternative design presented here offers an aesthetic improvement over the fall-back position with no increase in floorspace being created. The increased height of the scheme is considered to be acceptable and would not result in unacceptable impacts on neighbouring residential amenity or on the setting of the nearest listed building.
- 9.3. No significant planning harm sufficient to warrant refusal of the application is noted and no conflict with local development policies or the NPPF is noted. The proposal constitutes sustainable development, given the fall-back position, and which the NPPF carries a presumption in favour of. In terms of balance, sound and reasonable planning judgement, it is concluded to recommend the application for approval.

RECOMMENDATION

1) That the Chief Planning Officer be authorised to GRANT permission, subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit
- Approved Plans (Plans submitted that form this application)
- All highway conditions recommended by SCC
- Biodiversity mitigation and enhancement measures conditions as recommended by our Ecologist
- Swift Nest Bricks installation to be agreed
- Hedgehog fencing scheme to be agreed
- Energy and renewable integration scheme to be agreed prior to commencement.
- Rainwater harvesting to be agreed

2) And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles