

## UPDATED ITEM FOR DEVELOPMENT COMMITTEE – 15 JUNE 2017

- (5) **STALHAM - PF/17/0385 - Erection of single storey dwelling with integral garage;  
Land off Moor Lane, Stalham for Mr Macnab**

### Minor Development

- Target Date: 11 May 2017

Case Officer: Miss C Ketteringham

Full Planning Permission

### CONSTRAINTS

Unclassified Road

LDF - Countryside

Tree Preservation Order

Tree Preservation Order - Consultation Area

RELEVANT PLANNING HISTORY for Land off Moor Lane, Stalham

### THE APPLICATION

The erection of a 2/3 bedroom bungalow with a single attached garage.

Access to the site is from the unmade Moor Lane onto Yarmouth Road.

### REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor R Stevens having regard to the following planning issue(s):

Although contrary to the adopted Core Strategy the Committee should consider whether this is an infill and suitable for development.

### PARISH/TOWN COUNCIL

Stalham Town Council - no objections

### REPRESENTATIONS

None

### CONSULTATIONS

County Council (Highway) - No objection subject to a condition on the provision of the parking and turning prior to the occupation of the dwelling.

Landscape Officer - Trees around the site are protected by a Tree Preservation Order but providing the work is carried out sympathetically with the guidance of an arborist then the health of the trees would be retained.

### HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

## POLICIES

Policy SS2: Development in the Countryside (*prevents general development in the countryside with specific exceptions*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy CT 5: The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

## National Planning Policy Framework (NPPF)

Achieving Sustainable Development paragraphs 7 - 10

Core Planning Principles paragraph 17

Presumption in favour of sustainable development paragraphs 11, 12 and 49.

## MAIN ISSUES FOR CONSIDERATION

Principle

Design

Neighbour Amenity

Highways

Landscape and Trees

## APPRAISAL

### Principle

The proposal is located in the Countryside policy area outside of the main settlement of Stalham and the designated development boundary. As an additional house in the Countryside, without any exceptional justification of affordable housing or agriculture, the proposal is contrary to the Council's housing strategy for the area and Policy SS 2 of the adopted Core Strategy.

If the Local Planning Authority is able to demonstrate a deliverable 5 year land supply then the National Planning Policy Framework supports the primacy of the local plan policies as set out in Paragraph 12 of the NPPF which states 'proposed development that conflicts (with the local plan) should be refused unless other material considerations indicate otherwise'. Paragraph 49 of the NPPF does make an exception if the Council cannot demonstrate a 5 year land supply. However, the Council is able to demonstrate a 5 year land supply, consequently, it is considered that there are no material considerations that indicate anything other than a determination in accordance with the Core Strategy.

Moreover approval of a dwelling in this location without exceptional justification could set a precedent for further additional dwellings in the Countryside to the detriment of the character of the area, Those opportunities are all more prominent in the landscape and consolidating development in this area would be detrimental to the landscape blurring the separation of two distinct settlements of Stalham and Sutton into a single conurbation.

### Material Consideration

Pertinent to this application is the history of the development of land adjacent to the application site which was granted planning permission and where those houses have been built.

A planning application (ref. PF/13/1430) for 8 houses, in two groups of 5 on Area A and 3 on Area B was submitted in late 2013. When the application for 8 houses was originally considered in February 2014 the National Planning Policy Framework had already introduced as a material consideration that in the circumstances a Local Planning Authority could not demonstrate that it had a five year land supply the planning policies could not be considered up to date. In such circumstances development proposals should be considered with a presumption in favour of sustainable development.

At that time the Council could not demonstrate a five year land supply and as a result the application was approved under delegated powers. An additional dwelling was subsequently approved on the eastern part of Area B later that year, making 9 dwellings in total on areas A and B.

Since when, in April 2014, April 2015 and April 2016 the Council has been able to demonstrate land supply in excess of five years. The April 2017 figures are not yet published, however, the expectation is that they will also be able to demonstrate a land supply in excess of five years. The five year land supply has been thoroughly examined recently at previous public inquiries and found to be sound. In those circumstances new development proposals should be determined in accordance with the Development Plan and all housing policies can be considered, including those restricting where new development should occur.

Nevertheless a further application 15/1857 to subdivide a plot substituting a house for two bungalows on Area B was refused and subsequently allowed on appeal. That Inspector is his decision attributed little weight to the restrictive policies of Core Strategy preferring instead to rely on the presumption of sustainable development even though the Council then had a five year land supply. A copy of the decision is available as Appendix ??

However, the debate about which policies should be considered in determining applications where paragraph 49 and the presumption in favour of sustainable development has been raised as an issue has been subject to a sequence of appeal and High Court proceedings with judgements tending to favour the view that policies for the supply of housing includes those which deal positively with housing provision and also those policies which constrain housing provision such as Countryside policies. Most recently the Supreme Court has concluded that it is only those policies which deal directly with housing supply, as distinct from others which may constrain the locations where development can take place, which should be regarded as out of date when no five year land supply is available.'

### Design

The design is an estate style modern bungalow, similar to the bungalows recently approved by a planning Inspector on a neighbouring site. Although it cannot be considered an enhancement, given its relatively secluded location and the 1970 bungalow styles on the opposite side of Moor Lane it cannot be considered to be out of keeping with the area. However, it would contribute to increasing the overall impression of housing density which could be considered somewhat harmful to the form and character of this semi-rural area.

While the proposal does not improve the setting of the nearby Holly Grove, this is currently located behind trees separating it from the site and further landscaping could improve this visual separation.

### Amenity

As a single storey dwelling 8m west of its closest neighbour and in the position shown on the site the proposal is not considered to overshadow or overlook any of the neighbouring properties

### Highways

The site would use an existing access serving Holly Grove with the through access to Holly Grove closed off there would be no intensification of vehicular traffic.

The proposal includes the provision of adequate parking of two spaces, one in the garage the other outside on the driveway within the site for what appears in plan form to be a two-bedroom dwelling, three-bedroom if the study were to be used as a bedroom.

### Landscape and Trees

The mature trees around the site, which are protected by a Tree Preservation Order, will go some way to screening the site and with additional landscaping separating the site from Holly Grove. The Landscape Officer is of the opinion that the trees can be protected if the development is carried out in accordance with the method statement and tree protection measures of the arboricultural report then those trees would be safe.

### Conclusion

While the proposed dwelling complies with Policy EN 4 in terms of design, residential amenity and protection for the TPO trees and Policies CT 5 and CT 6 as regards the access and parking provision. It is nevertheless remains contrary to the Council's housing strategy without exceptional reasons to justify a departure from Development Plan policy and any approval without exceptional justification could potentially set a precedent for a considerable number of other dwellings in the Countryside policy area. Paragraph 49 of the National Planning Policy Framework states policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Council can demonstrate a 5 year land supply and so the housing policies of the Core Strategy should be considered as the primary test of sustainable development. Without any material considerations to indicate otherwise, the recommendation is to refuse the application.

### **RECOMMENDATION:**

Refuse

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

#### SS 2 - Development in the Countryside

The site lies within an area designated as Countryside, where there is a general presumption against new residential development. Furthermore, the location is considered to be unsustainable under Paragraph 55 of the National Planning Policy Framework and it is the opinion of the Local Planning Authority that the applicant has failed to demonstrate satisfactorily that there are any material considerations or exceptional circumstances to justify a departure from Development Plan policy in this case. It is further considered that the permitting this dwelling would set a precedent for additional dwellings in the area which would be harmful to the

character and appearance of the surrounding development merging the settlements of Stalham and Sutton into a single conurbation uncharacteristic of North Norfolk.

The proposal is therefore considered to be contrary to the Policies SS 2 and Paragraph 55 of the National Planning Policy Framework (NPPF).