

**TRUNCH – PF/23/0613: Construction of two-bedroom detached dwelling, cartshed garage and associated works at The Roost, Mundesley Road, Trunch for Mr and Mrs Jeliff**

**Minor Development**

**Target Date:** 7 December 2023

**Extension of Time:** 15 December 2023

**Case Officer:** Rob Arguile

**Full Application**

**RELEVANT CONSTRAINTS**

Countryside LDF

Landscape Character Assessment (Tributary Farmland)

Conservation Area

EA Risk Surface Water Flooding + CC – SFRA

Within the Zone of Influence of multiple habitats sites for the purposes of the Norfolk GIRAMS

**RELEVANT PLANNING HISTORY**

None.

**THE APPLICATION**

The application seeks planning permission for a two-storey side dwelling, a cartshed garage and associated works.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Assistant Director – Planning, due to the strategic policy considerations and previous planning decisions within Trunch

**CONSULTATIONS**

**Trunch Parish Council - Objection**

- It is designated countryside, and the proposed plan would not meet any of the exceptions stated in Core Strategy policy SS 2.
- It would overlook the cottages next door
- Not in keeping with the existing properties, which are either farmhouses, barns or cottages which have been converted from the original buildings and not new build.
- Concerns about highway access

**NNDC Landscape Officer - No Objection**

With regards to protected species, advise that the findings of the Preliminary Ecological Appraisal (PEA) submitted in support of the application are acceptable, as are the mitigation and compensation measures proposed.

With regards to trees, the supporting Arboricultural Impact Assessment, Tree Protection Plan and Method Statement are considered to be acceptable. Whilst the proposed development would require the removal of one young copper beech tree (T24), the indicative landscape scheme proposed would enhance biodiversity and landscape features.

### **Highways Authority (NCC) - No Objection**

Whilst it is acknowledged that a widened access and over a longer distance would be preferable, given the fact the access already exists, coupled with the relatively low speed/low traffic environment, it is accepted that if this cannot be provided, an objection to the proposals could not be substantiated.

### **Conservation and Design - No Objection**

With its open grassland, the existing site not only has a relatively unspoilt appearance, but it helps to create a comfortable transition out of the built envelope into the wider landscape. Although by no means plain and unsightly, the proposed dwelling does not appear to be a particularly noteworthy composition. Nor is it obviously rich in visual interest and innovation. It therefore seems unlikely to lift the standards of architecture locally. Beyond this, however, it is considered rather less clear cut as to whether the proposals would actually result in real and demonstrable harm being caused to the heritage asset. This is primarily due to the withdrawn, back land nature of the site, and the fact that the development would be largely self-contained rather than visible from public vantage points. Also, however, this part of the village already comprises an informal, loose knit arrangement of buildings which are set within their own grounds, and which extend back from Mundesley Road to varying degrees. The development therefore basically reflects this established form and character.

The proposed dwelling would not unduly step outside the confines of the built envelope or, block any important views into and out from the designated area, and would not affect the setting of any of the listed buildings along Mundesley Road, and be built using compatible materials

Furthermore, it is considered that the site is large enough to accommodate an appropriately designed dwelling whilst also preserving the overall significance of the designated heritage asset and the transition out into the wider landscape. Therefore, it is considered that this application is not contrary to section 16 of the NPPF or to Policy EN8 of the LDF Core Strategy.

### **Environmental Health - No Objection**

## **REPRESENTATIONS:**

Eleven representations has been received **objecting** on the following grounds:

- Not in keeping with the AONB or Conservation Area
- Would extend the footprint of the village
- Change of countryside land to building land, not comparable to converting an existing farm building
- Potential to adverse impacts upon trees and wildlife

- Significantly detrimental impact on the spatial character, architectural characteristics and integrity of the conservation area and the AONB
- Limited access along the track, leading to intensification and further damage
- likely to generate additional traffic, noise, and air pollution, which will impact negatively on the health and wellbeing of those living nearby
- Site is within the 'Countryside' as identified by Core Strategy Policies SS 1 and SS 2
- Lack of facilities within Trunch, following closure of shop, closest bus stop being a third of a mile away and reliance of the occupier on private car
- Potential to set a precedent for development of other agricultural land
- Two bedrooms limits its use as a family home, confining a future use to a potential holiday home

### **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.

### **LOCAL FINANCE CONSIDERATIONS**

Under Chapter 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

### **RELEVANT POLICIES**

#### **North Norfolk Core Strategy (September 2008):**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy SS 4 - Environment

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 - Design

Policy EN 6 - Sustainable construction and energy efficiency

Policy EN 8 - Protecting and Conserving the Historic Environment

Policy EN 9 - Biodiversity & Geology

Policy EN 10 - Development and Flood Risk

Policy CT 5 - The Transport Impact of the Development

Policy CT 6 - Parking Provision

## Material considerations

### **Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment (2021)

### **National Planning Policy Framework (November 2023):**

Chapter 2: Achieving sustainable development  
Chapter 4: Decision-making  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 9: Promoting sustainable transport  
Chapter 11: Making effective use of land  
Chapter 12: Achieving well designed places  
Chapter 14: Meeting the challenge of climate change, flooding and coastal change  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT:**

### **MAIN ISSUES FOR CONSIDERATION**

- 1. Principle**
- 2. Design and appearance**
- 3. Amenity**
- 4. Ecology**
- 5. Heritage**
- 6. Highways**

#### **1. Principle (Policies SS 1, SS 2 and SS 4)**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless 'material considerations' indicate otherwise.

The site lies outside of the built-up part of the village of Trunch, approximately 0.65km to the northeast of the centre of the village. The site is located within the 'Countryside' as defined by Policy SS 1. In areas designated as countryside Core Strategy Policy SS 2 states that development will be limited to that which requires a rural location and is for one or more of a number of specified types of development. Proposals for a new market dwelling however are not included within this. These policies are aimed at securing sustainable locations for new dwellings taking into consideration the need to travel for basic services, especially by car. This is bolstered by Policy SS 4 which seeks to ensure that development should be located to reduce carbon emissions and adapt to future climate change.

The National Planning Policy Framework requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. The Council's September 2023 5 Year Land Report identified a deliverable supply of 4.13 years. Planning applications will

therefore be considered in line with paragraph 11(d) of the NPPF which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or 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.

Under paragraph 11 of the NPPF, for decision making, a lack of five year housing land supply (5YHLS) would result in the policies most important for determining housing (in this case Policies SS 1, SS 2) being considered out of date. However, in respect of this recent appeal decisions by the Planning Inspectorate, Inspectors have dismissed appeals for new dwellings within 'countryside' locations.

Under appeal reference: (APP/Y2620/W/22/3306909) for a new dwelling in Stibbard, the Planning Inspector stated that the Core Strategy Policies are broadly consistent with the aims of the National Planning Policy Framework to deliver sustainable development in rural areas. This was also confirmed in November 2023 under appeal reference: (APP/Y2620/W/23/3317906) for two bungalows in another 'Countryside' location.

In consideration of adding to the housing supply of the district, recent appeals have established that a single dwelling would have limited impact. The Planning Inspector stating that the *"contribution to the undersupply position would not be very significant in so far as only one dwelling is proposed"* (APP/Y2620/W/22/3306909) and *"a very limited contribution towards addressing the minor shortfall in Council's 5YHLS."* (APP/Y2620/W/23/3323366). This latter appeal decision was for the conversion of a barn to single dwelling in the 'Countryside' close to the Blakeney Settlement Boundary.

The Council is not expecting to get to adoption of the new Local Plan (if the Inspector finds it Sound) till about September 2024. Within this plan, Trunch is identified as a 'Small Growth Village' following its review in 2021. It is acknowledged that the Council has previously allowed new dwellings within the centre of Trunch in the last few years. However, as this proposal lies outside the centre of the village, journeys to and from the site would be dependent on private car. This would be exacerbated by the lack of pedestrian path alongside the road and absence safe walking or cycling routes along Mundesley Road.

Under a December 2022 appeal decision appeal reference: (APP/Y2620/W/21/3282107), for one new dwelling in the field directly behind this proposal site the Inspector stated that *"It is likely that most day-to-day needs of residents are met in other, better served settlements"* and *"the site is poorly located with regards to access to services and facilities, and it is likely that future occupiers of the proposed development would have a significant level of reliance on the private car"*. It is acknowledged that under the new Local Plan, whilst Trunch itself is included as a 'Small Growth Village' the proposal site is still outside of the proposed settlement boundary. Therefore, being located within the 'Countryside' for the current and emerging local plan. However, with above in mind it is noted that the emerging local plan does have very limited weight in the assessment of this proposal and doesn't displace the full weight given to existing Development Plan policies.

In respect of the previously allowed decisions in Trunch, it is important to state that this proposal is situated outside the established built-up area of the village on the periphery. Taking in to account the previous approvals of PF/20/0730, PO/20/0904, PO/20/2005, PF/21/3330 and PF/21/1469, these are all considered to be a lot more central within the settlement than the

proposal in question. With the vast majority of these being approved on existing residential land or adjacent to it. All of these other approvals are contained within the more built-up area of the village. For example, PO/20/2005, was within the garden area of an existing dwelling. PO/20/0904 also was within the garden area of an existing dwelling following the demolition of an outbuilding. This proposal lies outside the built-up envelope of the village and is on a parcel of land which has no association with a residential use.

In relation to the proposal being an exemption to the above criteria (para 80 of the NPPF), it has not been demonstrated that the proposal would be “*exceptional quality, in that it, is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*”.

With all of the above in consideration given the recent appeal decisions it can be concluded that in this instance the principle of the proposal would not be policy compliant in respect of the para 11 and 80 of the NPPF, Policy SS 1, Policy SS 2 and Policy SS 4 of the Core Strategy.

Further consideration is given to the implications of paragraph 11 of the National Planning Policy Framework as part of the balancing exercise which is set out within the conclusion below.

## **2. Design and Appearance and Landscape (Policies EN 2, and EN 4)**

Policy EN 4 of the Core Strategy requires that all development will be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The design and appearance of the new dwelling takes the form of a two-storey barn style building. The dwelling's footprint is a cross shape with the central section housing a bedroom, ensuite and wardrobe on the first floor. As this is the only part of the dwelling which has a first floor, the other rooms are on the ground floor including another bedroom and living areas. The building will be constructed using vernacular materials such as red brick and flintwork for the north and south gable ends. The joinery will be coloured uPVC. There will also be sections of glazing on the south side and a rooflight to serve the upstairs ensuite.

It is considered that the overall scale, design and appearance of the proposed dwelling is acceptable in terms of the surrounding context and the size of the application site. It will be constructed of similar scale to the dwellings around it. With only part of the dwelling having two stories and not a whole first floor, this helps to keep the scale down. The proposal also includes a cart shed style garage within the corner of the plot located near to the entrance. This element of the proposal is also considered acceptable in its appearance as it will also be of a suitable size and constructed using similar materials those for the proposed dwelling.

In relation to trees on site, a report was requested by the Landscape Officer, which is considered acceptable. Whilst a young Copper Beech tree would need to be removed, the proposed landscaping scheme would compensate for this and could be secured through a condition. It is considered the proposed development could be implemented without any other significant impacts upon trees and in accordance with Policy EN 4.

On this basis the scale, design and appearance of the proposed dwelling is considered appropriate and in accordance with Policies EN 2 and EN 4 of the Core Strategy.

### **3. Amenity (Policy EN 4)**

Policy EN 4 requires that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide an acceptable level of residential amenity.

On the first floor the bedroom window would have a view to the fields to the north and additionally the amenity land which forms part of 'Rooster Barn'. However, Rooster Barn is a holiday home and not in full time occupation. Following the conversion of the building under PF/04/0087, a condition restricts the building to holiday use and not to be used as for full time occupation. Therefore, the proposed building would have a view over the amenity area of this building from the first-floor bedroom window. With this in mind it, is considered that there would be a minor level of overlooking between the proposed dwelling and 'The Roost', but not considered detrimental to the scheme as a whole, as Rooster Barn will not be permanently occupied.

On the south elevation on the first floor there is an ensuite bathroom window, which would be obscure glazed. There are no windows on the end elevation of 3 Malthouse Cottages, therefore it is unlikely there would be any material privacy issues in this situation.

It is noted that there is potential for noise and disturbance during the construction of the dwelling should permission be granted. Given the small scale of the proposed development and the fact that this impact would only be temporary, it is not a material consideration to which significant weight could be attached.

Given the above, it is considered that on balance, the proposal is unlikely to have a significantly harmful effect on the residential amenity of the occupiers of nearby dwellings in respect of loss of light, overbearing impacts, disturbance and privacy. Therefore, the proposal accords with the requirements of Policy EN 4.

### **4. Ecology (Policy EN 9)**

The application is supported by Preliminary Ecological Appraisal the conclusions of which are accepted. With the mitigation and enhancement measures proposed within it, it is considered there would be no harm to protected species or biodiversity in general. In the event that permission was granted these measures could be secured through a condition.

On that basis it is considered that the proposal complies with Policy EN 9 of the Core Strategy and Section 15 of the NPPF

#### Recreational impacts on designated sites

The site lies within the Zone of Influence of a number of European sites. The proposed net gain of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The developer contribution is currently set at £210.84 per dwelling and is index linked with inflation. The required contribution has been secured and as such the proposal complies with Core Strategy Policy EN 9.

## 5. Heritage Impact: (Policy EN 8)

The site lies within the Trunch Conservation Area. In respect of the impact upon this, whilst the proposed dwelling itself would not enhance the character and appearance of the of conservation area it is considered it would at least preserve it as is required under the council's statutory duties under Section 72 of the Listed Building and Conservation Areas Act (1990). No objection has been raised by the Conservation and Design Officer. This is because it is considered that the proposal would not block important views out of the village, it would be constructed using compatible materials, remain within the confines of the built envelope and not affect the setting or directly impact any listed buildings within the village. The overall scale and design of the proposed dwelling is considered to be suitable for its surroundings and would reflect the loose form and nature of the surrounding dwellings. Public views of it would also be limited given the site's location.

It is therefore considered that the proposal complies with Policy EN 8 of the Core Strategy and Section 16 of the NPPF.

## 6. Highways (Policy CT 5 and Policy CT 6)

In relation to the comments received from Highways there are no objection in relation to highway safety. However, it is requested that the applicants should upgrade the entrance along highways verge where necessary, in the event of an approval being granted.

In relation to the parking provision, this would accord with the current adopted standards in appendix C of the Core Strategy which for a two-bedroom dwelling as proposed the requirement is 1-2 cars. The proposal includes the provision of a two-bay car parking garage and a suitable turning area for entrance and exit to the site in a forward gear.

In conclusion the proposal is acceptable in terms of Policies CT 5 and CT 6 of the Core Strategy.

## **Conclusion and Planning Balance**

Whilst the proposed dwelling would not give rise to adverse impacts in relation to matters of Design and Appearance, Landscape, Amenity, Ecology, Heritage or Highway Safety, the location of the proposed market dwelling, within the defined countryside policy area would conflict with the aims of Core Strategy Policies SS 1 and SS 2.

In the absence of a deliverable five year housing land supply, the tilted balance under NPPF paragraph 11 (d) ii would be engaged.

In conclusion the Local Planning Authority, when taking into account the above material considerations and tilted balance would **REFUSE** the application on the basis that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits based on the following grounds:

- The proposal is outside of the established built up from of the village located 0.65km from the centre.



- The occupiers would be greatly if not solely reliant on the private car for all journeys to and from the dwelling, to reach everyday basic services and facilities. This is likely to be exacerbated by the lack of safe pedestrian pathway along Mundesley Road
- The creation of one dwelling would have negligible benefit upon housing delivery for the LPAs housing supply.
- There has not been a demonstrated public benefit for the creation of a single dwelling, that would outweigh the harm.
- Unlike the majority of other approval decisions within Trunch, the proposal lies on land that is not residential nor associated with an existing property.

**RECOMMENDATION:**

**REFUSAL** on the following grounds:

**The site lies within the countryside policy area. The acceptable forms of development listed under Policy SS 2 does not include new market dwellings.**

**The proliferation of development in a poorly accessible and remote location which would result in a high reliance on the private car for most journeys and provide limited opportunities for future occupiers to access services and facilities by safe modes of sustainable transport makes this location unsuitable for a new dwelling. The proposal would therefore be contrary to Policies SS 1 and SS 2 of the North Norfolk Core Strategy.**

**It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with Development Plan Policies. As such, the proposal is considered to be contrary to Policies SS 1 and SS 2.**

**Final wording of reasons to be delegated to the Assistant Director - Planning.**