

MELTON CONSTABLE - PF/19/0854 - Siting of railway carriage (retrospective) and conversion, extension and refurbishment of railway carriage to self-contained holiday accommodation; Lavender Cottage, Culpits Farm, Hindolveston Road, Melton Constable, NR24 2NF for Mrs Wake

Minor Development

- Target Date: 29 August 2019

Case Officer: Natalie Levett

Full Planning Permission

RELEVANT CONSTRAINTS

SFRA - Risk of Flooding from Surface Water + CC
SFRA - Areas Susceptible to Groundwater Flooding
EA Risk of Flooding from Surface Water 1 in 1000
EA Risk of Flooding from Surface Water 1 in 30
EA Risk of Flooding from Surface Water 1 in 100
Landscape Character Area
LDF Tourism Asset Zone
LDF - Countryside
Listed Building Grade II - Consultation Area
Contaminated Land
Public Right of Way
C Road

RELEVANT PLANNING HISTORY

PF/15/1002

Change of use of former signal box to self-contained holiday let. Approved 30/09/2015

LA/14/0417:

Approved 27/05/2014

PF/14/0416: Erection of single-storey extension (revised design). Approved 27/05/2014

PF/14/0175: Removal of Condition 2 of planning permission reference: 03/1325 to permit full residential occupation. Approved 19/03/2014

LA/13/0243: Alterations to facilitate erection of single-storey extension. Approved 22/05/2013

PF/13/0242: Erection of single-storey extension. Approved 22/05/2013

PLA/2006/1367: Siting and extension of former signal box to provide games room and study
Approved 18/10/2006

PLA/2003/1325: Conversion of outbuilding to holiday unit. Approved 6/10/2003

THE APPLICATION

The application seeks retrospective planning permission for the siting of a railway carriage together with full planning permission for the conversion, extension and refurbishment of the railway carriage to self-contained holiday accommodation.

REASONS FOR REFERRAL TO COMMITTEE

The application is recommended for approval contrary to Core Strategy Policies SS 1 and SS 2.

PARISH COUNCIL

Melton Constable Parish Council: No objection, provided that the public right of way is not diverted from the South side of the farmhouse. It is unclear if there is an application to divert the footpath, as it is showing a different route on some of the maps in the application.

REPRESENTATIONS

One representation received objecting to the proposal.

Summary of the objection:

- Siting of the carriage against objector's northern boundary - the carriage has been placed under their overhanging trees which extend approximately 3 metres over the top of the carriage.
- These trees naturally grow towards the light and will become more pronounced and puts the safety of the carriage and any occupants in danger. Moving the carriage a few metres away from the boundary would minimise this risk considerably.
- The positioning of the carriage makes it very difficult to cut back any overhanging branches.
- Wooden carriages must contain a fire risk and placing it a reasonable distance from the forest boundary would minimise this risk. During dry summers, the objectors have to be very wary of any naked flame and would like to make sure this is noted.
- Clarification is required on the footpath as it is not clear from the site plans if there is a proposal to move it against their boundary.

The applicant has apparently been in contact with the objector; no further comments have been received either as a direct result of this or through the re-consultation process.

CONSULTATIONS

Environmental Health: No objection, subject to conditions.

Conservation and Design Officer: Questions the design of the extension but raises no objection to the impact on the setting of the listed buildings.

County Council (Highway): No objection, subject to conditions.

Public Rights of Way Officer: No objection in principle but highlights that a Public Right of Way, known as Melton Constable Footpath 2 is aligned within the site. The full legal alignment and extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Landscape Officer: No objection based on the additional information.

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

National Planning Policy Framework (NPPF):

Section 2. Achieving sustainable development

Section 4. Decision-making

Section 6: Building a strong, competitive economy

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 12. Achieving well-design places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and enhancing the natural environment

North Norfolk Core Strategy Policies:

SS 1: Spatial Strategy for North Norfolk

SS 2: Development in the Countryside

SS 4: Environment

SS 5: Economy

EN 2: Protection and Enhancement of Landscape and Settlement Character

EN 4: Design

EN 13: Pollution and Hazard Prevention and Minimisation

EC 7: The Location of New Tourism Development

EC 9: Holiday and Seasonal Occupancy Conditions

CT 5: The Transport Impact of New Development

CT 6: Parking Provision

MAIN ISSUES FOR CONSIDERATION

- Principle of development
- Design and impact upon the setting of the listed buildings
- Amenity impact
- Highway impact
- Landscape impact
- Heritage impact
- Flooding risk
- Environmental considerations

APPRAISAL

Principle:

Policy SS 1 sets out the spatial strategy for North Norfolk. The site is outside of any defined settlement boundary and is, therefore, classed as being within the Countryside.

Policy SS 2 sets out the types of developments that can be acceptable within the Countryside where they require a rural location. This includes development for recreation and tourism. Holiday accommodation is considered to fall under "tourism", thus, in principle, the proposal would be acceptable.

Policy EC 7 relates to the location of new tourism development and states that new tourist accommodation should be located in accordance with the sequential approach outlined in the policy.

Policy EC 7 point 1:

Sequentially new tourist accommodation should be located within the Principal and Secondary Settlements. The proposal does not meet this criteria.

Policy EC 7 point 2:

If point 1 cannot be achieved, proposals for new tourist accommodation can be permitted in other settlement types, including the Countryside, providing they are in accordance with other policies for Employment Areas, the Re-Use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside.

Policy SS 5 relates to the economy and employment areas. However, the site is not located within an Employment Area so this policy is not applicable.

Policy EC 2 supports the re-use of buildings in the countryside for non-residential purposes in accordance with the following:

- economic uses (including holiday accommodation) that is appropriate in scale and nature to the location;
- it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting;
- the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

However, the proposal cannot be assessed against Policy EC 2 as it includes the retrospective siting of the railway carriage, which is not currently a building available for re-use, despite being on the land. The proposal therefore does not comply with Policy EC 2.

If approved, the requirements of Policy EC 9 would be imposed (holiday and seasonal occupancy conditions) so this element could be complied with.

Whilst the railway carriage is proposed to have an extension and minor alterations to allow it to be suitable for use as holiday accommodation, no information was submitted in respect of its structural stability. Nevertheless, the carriage had no apparent cracks at the time of the officer's site visit, so the recommendation is based upon the fact that the carriage is

capable of conversion without external/structural changes, other than those indicated on the submitted plans. If this is not the case, then a new planning application would be required.

Policy EC 3 relates to extensions to existing businesses in the countryside. The application site is not on land which is an existing business, although it is acknowledged that the applicant owns more land adjacent to this site, which is a former signal box converted to a holiday let.

Policy EC 7 point 3:

The final element of the policy is that where it can be demonstrated that there are no sequentially preferable sites, no suitable buildings for re-use and that a rural location is necessary, then new build attractions and serviced accommodation may be permitted in the 'resorts and hinterland' and 'rural' Tourism Asset Zones of the Countryside where they are in close proximity to and have good links to, the Principal and Secondary Settlements. As the proposal is not for serviced accommodation, this is not applicable.

Policy EC 7 states that proposals for new build unserviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted.

The proposal for the railway carriage to be unserviced accommodation would be classed as a permanent residential dwelling under this Policy. The siting and location of a permanent residential dwelling is not appropriate in this location as it would not be sustainable development in accordance with the principles of the NPPF (February 2019 - paragraph 8).

The applicant already has planning permission for the use of a converted Signal Box adjacent to the site to holiday lets and some of the barns within the wider complex surrounding the application site are also in use as holiday lets, thus the principle of holiday accommodation has been established within the immediate area. Whilst the proposal does not fully comply with the relevant policies relating to the principle of development, it is considered that on balance, given the nature of the development, and the fact that there are other holiday accommodation units within the wider complex, that the principle of holiday accommodation is acceptable in this case in view of the specific circumstances.

Design / Heritage:

Policy EN 4 relates to developments being of high standards of design.

Policy EN 8 seeks to protect, heritage assets including listed buildings.

The railway carriage (maroon and black in colour) sits on top of a brick, hollow, platform. The extension under construction is on a similar base with supporting metal and wooden beams. The proposed extension is to be clad Larch tongue and groove timber, which is not in keeping with the original design of a railway carriage.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework and the Development Plan. National policy states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation". Core Strategy Policy EN 8 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

The nearest listed building is the grade II converted farm buildings adjacent to Lavender Cottage and adjacent to these is the grade II listed Culpits Farmhouse; the significance of the listed building derives principally from its historic fabric and architectural features.

Although the external treatment of the carriage extension is somewhat out of keeping with the traditional design of a railway carriage, the Conservation and Design Officer has advised that because of the separation distance from the listed buildings it does not have any harmful impact on their setting.

Accordingly, it is considered that the scheme would preserve the setting of the listed buildings and that the proposal is acceptable having regard to the requirements of the S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, on balance, complies with Policies EN 4 and EN 8.

Amenity:

Policy EN 4 seeks to ensure that development does not have a significant amenity impact.

The siting of, and extension to, the railway carriage is of a sufficient distance not to have a detrimental impact on the amenity of the applicant's land or the occupiers of residential and holiday units within the wider complex.

The proposal complies with Policy EN 4 in this respect.

Highways:

Policy CT 5 relates to the transport impact of new development and Policy CT 6 relates to parking provision.

The Highway Authority advise that the site is served by a suitable access from Hindolveston Road and consider that the proposal does not affect the current traffic patterns or the free flow of traffic.

The Public Right of Way (PROW) Officer has advised that they have no objection in principle to the application but note that a PROW, known as Melton Constable Footpath 2, is aligned within the site. The full legal alignment and extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Similarly, the Parish Council raised no objection, provided that the public right of way is not diverted from the South side of the farmhouse.

The applicant has confirmed that the development would not impact on the PROW; and a condition can be imposed to ensure that this is the case. In any event, if a footpath is closed or diverted, other, non-planning, legislation is in place and would need to be followed.

As a result, it is considered that the proposal complies with Policies CT 5 and CT 6.

Landscape:

Policies SS 4 and EN 2 relate to the protection and enhancement of landscape and settlement character.

The Landscape Officer initially raised concerns about the proximity of the railway carriage under the tree canopy and the applicant was asked to consider resiting it outside of the tree canopy, which they have declined to do. As a result, the application has to be assessed on its current retrospective location.

The owner of the adjacent woodland objected to the application because of the siting under the tree canopy raising health and safety concerns, not least due to the way trees grow and not wanting an injury claim if a branch fell off or if outside fires were lit and the trees were burnt due to poor care.

In response, the applicant stated:

“1. The overhanging branches of the trees that extend to our paddock will be removed in the winter by a tree surgeon so as to allow more light and also to eliminate the risk of a tree branches falling. These will be accessed from our paddock with a cherrypicker allowing us access to the high branches.

2. We already for insurance purposes, have our trees inspected and a report done to ensure the other trees in our garden are not any threat to our property so we will have them look at the 6 trees by the carriage and report on them at the same time and also provide a copy to [the owner of the adjacent land] to ensure the wellbeing of the tree and to satisfy his insurance that the trees are still in safe and good condition.

3. The risk of fire in the carriage is minimal as there will be no gas in the carriage, no open fires or wood burners and we will also not allow guests to use BBQ outside the carriage, we do have a separate section of the garden where people could BBQ safely in the summer, if they wish, away from any trees.

4. We have no plans to move the public footpath and have not applied for any deviation from the existing route”. [sic]

Whilst, ideally, the siting of the railway carriage would be in a different place, given the Landscape objection has been removed and some conditions could be attached, on balance, the proposal is considered to comply with Policies SS 4 and EN 2.

Environmental Considerations:

Policy EN 13 seeks to protect the District from pollution and hazards.

The Environmental Protection Team (EPT) advised that it has been indicated in the ‘Refuse and Waste Strategy’ that due to the intermittent use of the proposed holiday let, it is expected that a low amount of waste will be generated from the site, and therefore the applicant is proposing to share in the commercial waste contract with NNDC Cleansing department currently held by an adjacent holiday let property (The Goat House)

The team consulted with their Cleansing Department, who organise the Council’s commercial waste contracts, and have been advised that this arrangement will be acceptable *“providing certain steps are taken. Firstly it will require the person transporting the waste from Lavender Cottage to The Goat House to have an appropriate waste carriers licence. This can be obtained from the Environment Agency. We would need to see a copy of this. Secondly, we would require the Goat House to confirm to us in writing that they wish for Lavender Cottage to be added to the Duty of Care document associated with their shared trade waste contract. This can be emailed through to cleansing@north-norfolk.gov.uk”*.

A condition can be imposed for this information to be provided prior to the first use of the proposed holiday let.

The EPT note, foul drainage will be discharged via a connection to a private water treatment plant which already exists and serves the existing nearby dwellings at Culpits Farm, as there

is no capacity to connect to a mains sewer in this area. The applicant has stated that this water treatment plant has capacity to serve approximately sixty people and therefore has spare capacity to serve a small number of additional guests associated with the railway carriage. It is understood that the treatment plant is serviced every year, regularly checked and maintained, and that water quality is tested on an annual basis. On the basis of this information, it is considered that this is an acceptable method for foul drainage.

Whilst the site is identified as 'potentially contaminated land', the EPT advised that this relates to the disused former railway line adjacent to Culpits Farm. As the farm itself and the proposed location for siting of the railway carriage are not covered by this contaminated land designation, and the proposed development will involve minimal groundworks, there are no major concerns about possible contamination. An advisory note relating to contamination can be included.

As the proposed use of the railway carriage is for holiday let, the EPT does not anticipate that there will be significant noise, light or odour associated with the proposed development. The site does not appear to be in close proximity to any premises likely to cause statutory nuisance to the occupants. Therefore, it is considered that there would be no increased risk of detriment to the amenity of the area in this respect.

As a result, it is considered that, subject to conditions, the proposal complies with Policy EN 13.

Conclusion and Recommendation

The proposal is a finely balanced case and improvements could be made to the proposal, but, on balance, approval is recommended subject to conditions relating to the matters below and any others as considered necessary by the Head of Planning.

- In accordance with the approved plans;
- Details of materials for the extension to be submitted and approved in writing;
- Holiday accommodation only; not for main residence;
- Holiday accommodation to be made available for commercial holiday letting for at least 140 days a year and no individual let to exceed 31 days;
- A register of lettings, occupation and advertising shall be kept and made available for inspection to the Local Planning Authority;
- The proposed on-site car parking/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan prior to the first occupation of the holiday let;
- The Public Right of Way, known as Melton Constable Footpath 2, must remain open and accessible for the duration of the development and subsequent occupation;
- Provision of a copy of the relevant waste carriers licence obtained from the Environment Agency to be held by person(s) and confirmation from the current holder of the commercial waste contract and undertaken in accordance with the provisions of the licence.

Final wording of conditions to be delegated to the Head of Planning.