

**COLBY - PF/20/0660 – Construction of 2no. dwellings (semi-detached) (part retrospective); Heppinn Barn, North Walsham Road, Banningham, NR11 7DU for Mr & Mrs Jones**

**Minor Development**

**- Target Date: 23 June 2020**

Case Officer: Mr C Reuben

Full Planning Permission

**CONSTRAINTS**

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

EA Risk of Flooding from Surface Water 1 in 1000

LDF Tourism Asset Zone

LDF - Countryside

Enforcement Enquiry

Public Right of Way

B Road

**RELEVANT PLANNING HISTORY for Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU**

PU/15/1129

Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses

Refusal of Prior Notification - 18/09/2015

PU/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural building to residential dwellinghouse

Permission not required - 28/06/2016

CDA/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Discharge of condition 6 (soil analysis) of PU/16/0570

Condition Discharge Reply - 15/02/2017

PU/18/0284

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development

Permission not required - 23/04/2018

CDA/18/0284

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Discharge of Condition for Planning Permission PU 18 0284 for Cond.2: Materials, Cond.3:

Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage

Condition Discharge Reply - 13/11/2019

IS2/19/1504

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU  
Conversion of barn to two dwellings (part retrospective)  
Advice Given (for pre-apps) - 30/10/2019

PF/19/1974

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU  
Conversion of barn to 2no.dwellings (part retrospective)  
Refused - 18/03/2020

## THE APPLICATION

The application seeks the erection of two semi-detached single-storey dwellings on the site of a current derelict and part-rebuilt agricultural building. It is noted that consent was granted in 2018 (PU/18/2084) and prior to this in 2016 (PU/16/0570) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the change of use of the building to two dwellings. However, following approval of these prior consents works have taken place to the building which were not authorised under these consents. Due to the work which has occurred, the 2018 and 2016 consents can no longer be implemented. As a result, the current application for two dwellings must now be considered as a rebuild rather than a conversion. This is explained in further detail under the 'principle' section of this report.

The site is positioned just off the Aylsham Road alongside a Public Right of Way approximately halfway between the A140 and Felmingham, and to the south-east of the main village centre of Banningham.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye due to matters regarding the principle of development, access to services, circumstances of the applicants and providing a range of housing to support needs.

## PARISH/TOWN COUNCIL

Colby Parish Council - Support.

## REPRESENTATIONS

1 public representation of support has been received, raising the following points:

- Would be part of the community within a number of buildings;
- Within walking distance of school (to which there is a tarmac footpath), public footpath to village centre which has a church, village hall and public house;
- Local bus route and easy access to shops, post office and GP surgery;
- Will introduce natural hedging to encourage wildlife and will use renewable source heating;
- Will be an improvement over the existing redundant buildings which are an unpleasant, useless monstrosity.

In addition, comments have been received from The Ramblers Association raising the following points:

- Agree with the comments provided by the Norfolk County Council Green Infrastructure Officer.

## CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to condition. Question whether the remote/isolated location is suitable for residential development in transport/accessibility terms.

Landscape Officer - No objection.

Environmental Health - No objection.

Norfolk Country Council (Public Rights of Way & Green Infrastructure) - No objection. Public footpath must remain open and accessible at all times.

## 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, refusal 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

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

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 7 - Making the most efficient use of land (Housing density)

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

### National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Highway impact
5. Landscape impact
6. Biodiversity
7. Environmental matters

## APPRAISAL

### 1. Principle (Policies SS1, SS 2 and NPPF Paragraph 78):

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, the erection of new market dwellings is not considered to be acceptable.

The site is currently occupied by a part derelict/part reconstructed blockwork building - the previously existing roof has been removed. Two Prior Notification applications have been approved for the building, one in 2016, the other in 2018, both of which proposed a reasonable conversion of the building - based upon the information submitted at the time, the plans were considered to comply with the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is important for Members to note that a structural survey was submitted with the 2016 and 2018 applications. This survey was prepared by a qualified professional and it concluded that the building was suitable for residential conversion and that no underpinning would be required. It further explicitly stated that on the basis of the trial hole excavated, the foundation was 'more than adequate' to support the structure

Since these approvals, further building works have taken place which have resulted in the collapse/removal of the majority of the existing building. Given that the original consent required the retention of the existing walls and roof of the building, the works that have taken place are considered to be unauthorised.

Noting that the 'Class Q' option was no longer available, a full planning application was submitted in 2019 (ref: PF/19/1974) to convert the building to two dwellings which was assessed against the requirements of Core Strategy Policy HO 9. This policy requires that in order to be considered for conversion, buildings must be structurally sound and suitable for conversion to residential use without substantial rebuilding or extension and any alterations must protect or enhance the character of the building and its setting. The previous two consents granted under Class Q were a material planning consideration, however, these were granted under separate planning legislation and not judged against the adopted Core Strategy. Very little of the original structure now remains and as such, the application was refused at Development Committee on 05 March 2020, the conclusion being that the proposed development did not meet the requirements of Policy HO 9. The proposed development would not represent a conversion, rather it would represent the building of two new dwellings in the Countryside.

The current application seeks to erect two dwellings on the site, replicating the design of the two dwellings approved under the previous consents granted under Class Q and as proposed under the more recently refused application in 2019. With the Council's previous assessment of the proposed conversion scheme being tantamount to a new dwelling, it follows that the currently proposed development for two new dwellings in the Countryside is also considered to be contrary to Core Strategy Policy SS2. The agent has submitted additional information to try and demonstrate that the two dwellings would be in a sustainable location and are required to meet the specific needs of the applicant. This includes the following information:

- Proximity to the local primary school with a tarmac footpath to the school;
- A Public Right of Way to the village of Banningham (approx. 0.6 miles away) which has a village hall (hosting a number of local clubs/societies), a church and pub;
- The site sits on the bus route between Aylsham and North Walsham;
- Aylsham is only 3 miles away which has a range of services/facilities, including a secondary school and supermarket;
- The dwellings would support the social structure of Banningham and help maintain the vitality of the rural community;
- The build project would make a modest contribution to the local economy with local builders, tradesmen and materials and incorporate energy efficient measures; and
- The need to provide appropriate housing for elderly/disabled people is crucial. Further information has been provided in regards to the personal circumstances of the applicant, the proposed set up involving the applicant living in one property and caring for their family members who would live in the other.

In addition, the appellant has cited a similar allowed appeal case for a dwelling in the village of Little Gringley near the town of Retford (Nottinghamshire). It is noted that the appeal case cited and the current application are similar in respect of circumstances. The appeal inspector cited the exceptional circumstances of the case, support for local economic development and the small contribution to housing supply given the significant shortfall. It is worth bearing in mind that North Norfolk District Council, by contrast, has a 5-year land supply, whilst further noting that the appeal site cited by the agent was slightly closer to the nearest larger settlement than the current application site. Furthermore, it is not considered that the Council should put aside its currently adopted policies on the basis of a single appeal decision outside of the district.

The planning history of the site is a material consideration to which some weight can be attributed, and the circumstances of the applicant are recognised. However, the further information provided is not sufficient to adequately demonstrate that the site is located in a sustainable location or weigh in favour of the application being supported in policy terms. There is very limited access to a range of local services, and future occupants will be almost entirely dependent on private car use to access larger settlements (the nearest being Aylsham approx. 3 miles away and North Walsham (approx. 4.5 miles away) for their day-to-day needs. There are footpaths and public rights of way but these are not lit and would not represent a preferable option for access to services by car. In addition, personal circumstances of the applicant and their extended family are not material planning considerations which can be afforded weight in the planning balance.

The conclusion therefore remains that the proposed development is contrary to Core Strategy Policy SS 2, with the further evidence not satisfactorily demonstrating that the development

would promote sustainable development or enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF.

## 2. Design (Policy EN 4):

As before, given that the design of the proposed dwellings is intended to replicate the dwellings granted under the previous two applications, the appearance of which was accepted, there are no concerns regarding the design under this current application, nor with the housing density achieved on site. It is considered that sufficient external amenity space would be available for the dwellings (as proposed under tandem application ref: PF/20/0708) to meet the requirements of Paragraph 3.3.10 of the North Norfolk Design Guide. Any site boundary treatments would need to be appropriate in terms of visual impact. Closeboarded fencing should be avoided, with a softer boundary treatment preferred. Subject to appropriate conditions, the proposed development complies with the requirements of Policies HO 7 and EN 4.

## 3. Neighbouring amenity (Policy EN 4):

By virtue of the single-storey nature of the proposed development, and its separated position away from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential amenity. As such, in this respect, the proposed development complies with the requirements of Policy EN 4.

## 4. Highway impact (Policies CT 5 and CT 6):

No objections have previously been raised by the Highway Authority regarding the site access and as such, there are no concerns regarding compliance with Policy CT 5. Sufficient on-site parking and turning facilities can be provided to meet the requirements of Policy CT 6.

## 5. Landscape impact (Policy EN 2):

The proposed design of the dwellings raises no significant concerns regarding the wider visual impact of the development upon the surrounding landscape under Policy EN 2. Arguably, the appearance of the two dwellings would be an improvement upon the relatively poor visual appearance of the previously existing building and the current remains. Any proposed lighting (if necessary) should be kept to a minimum and appropriately designed (for example, discreet and downward facing) and this could be secured through conditions if approval was being recommended.

## 6. Biodiversity (Policy EN 9):

Given that the majority of the barn has been removed, it is considered unlikely that the proposed development would have an impact upon protected species. As such, the proposed development is compliant with Policy EN 9, subject to the control of external lighting as suggested above.

## 7. Environmental matters (Policy EN 13):

Matters of contamination have been previously addressed under the two prior consents, further noting that the previously existing asbestos roof has now been removed. No objections have been raised by the Council's Environmental Protection Officer in relation to the methods of foul sewage disposal (septic tank) and surface water disposal. As such the proposed development complies with the requirements of Policy EN 13.

## 8. Other matters:

The site lies immediately adjacent to a Public Right of Way. As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Any works within the Public Right of Way would require the consent of the Highway Authority.

## 9. Conclusion:

To conclude, it is considered that the two dwellings proposed are located in an unsustainable location, with only a very limited range of local services/facilities available and therefore placing inevitable reliance on private car use to access a full range of services in the nearest settlements. It is not considered that the circumstances outlined by the agent are sufficient in this particular case to justify a departure from adopted planning policy. As such, the proposed development is contrary to Core Strategy Policies SS1, SS 2 and Paragraph 78 of the NPPF. Therefore refusal of the application is recommended.

## **RECOMMENDATION: Refuse for the following reason:**

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

National Planning Policy Framework (NPPF) - Paragraph 78

Policy SS 1 sets out the spatial strategy for North Norfolk, seeking to focus the majority of new development in the towns and larger villages referred to as Principal and Secondary Settlements. A small amount of development is to be focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district is designated as countryside where development is limited to that which requires a rural location and is for one or more of the criteria set out in Core Strategy Policy SS 2. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. New market housing in the countryside is not one of the identified criteria set out within Policy SS 2.

The dwellings would be located in an unsustainable location with only a very limited range of services/facilities and as such, reliance being heavily placed on private car use in order to meet the everyday needs of future occupants. Insufficient evidence has been provided to demonstrate that the provision of such a dwelling would promote sustainable development or that a single dwelling would either enhance or maintain the vitality of the rural community.

Accordingly, the proposed development fails to comply with the requirements of Core Strategy Policies SS 1 and SS 2 of the Development Plan and conflicts with Paragraph 78 of the National Planning Policy Framework.