

COLBY - PF/20/0708 – Change of use of land from agriculture to residential curtilage in association with Planning Application PF/20/0660; Heppinn Barn, North Walsham Road, Banningham, NR11 7DU for Mr & Mrs Jones

Minor Development

- Target Date: 24 June 2020

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

LDF Tourism Asset Zone

LDF - Countryside

EA Risk of Flooding from Surface Water 1 in 1000

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 proposal as submitted seeks the change of use of a parcel of agricultural land to residential curtilage to serve two proposed dwellings under tandem planning application ref: PF/20/0660. 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.

Planning application ref: PF/20/0660 is being considered at the same Development Committee, the decision on which will have a direct bearing on the outcome of this application.

REASONS FOR REFERRAL TO COMMITTEE

Due to the referral of associated application ref: PF/20/0660 by 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

To date, no public representations have been received.

CONSULTATIONS

Landscape Officer - No objection.

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

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

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. Landscape impact
5. Biodiversity

APPRAISAL

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

This application is to be determined in tandem with associated application ref: PF/20/0660. That application seeks the erection of two new build dwellings on the site. The application subject of this report seeks to change the use of a parcel of agricultural land to residential curtilage to serve these two dwellings. The curtilage proposed would be larger than that approved under two previous prior notification consents, however, would serve to provide a more useable amenity space.

The recommendation for associated application PF/20/0660 is one of refusal, being contrary to Core Strategy Policy SS 2, with the further evidence provided not being considered as satisfactory enough to demonstrate that the development would be sustainable or that it would enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF. It therefore follows that the recommendation for the application subject of this report (PF/20/0708) is also one of refusal, given that without approval of the two dwellings, there would be no requirement for the residential land. The application would result in a standalone parcel of residential land which would represent an unacceptable use of land in the countryside which is contrary to Policy SS 2. However, in the event of associated application PF/20/0660 being approved, it would be considered that the proposed extended residential curtilage is acceptable under Policy SS 2, representing an improvement upon the curtilage approved under the two previous prior notification consents. It would further round

off a section of land in comparison to the adjoining yard and provide an enhanced boundary edge.

2. Design (Policy EN 4):

The landscaping plan as submitted presents an appropriate soft boundary treatment comprising of a hedge around the site perimeter and a further hedge dividing the two garden area. It further represents a more useable curtilage for the two dwellings. Subject to appropriate conditions securing this boundary treatment and removal of permitted development rights to avoid the installation of any inappropriate fencing and outbuildings, and subject to approval of the two dwellings, the proposed development complies with the requirements of Policy EN 4.

3. Neighbouring amenity (Policy EN 4):

Given the sites 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 extended curtilage would result in any detrimental impact on neighbouring residential amenity. In addition, if the two dwellings are approved then this would provide a more adequate level of amenity provision for those units. As such, in this respect, the proposed development complies with the requirements of Policy EN 4.

4. Landscape impact (Policy EN 2):

As referred to above, the proposed perimeter hedge planting is considered to be an acceptable boundary treatment. Subject to the control of external lighting, it is not considered that the proposed extended curtilage would have a significantly detrimental landscape impact and as such, complies with the requirements of Policy EN 2.

5. Biodiversity (Policy EN 9):

The two dwellings, if approved, would incorporate the provision of bat boxes and retain an existing owl box. The proposed extension to the residential curtilage is unlikely to have a detrimental impact on protected species. The proposed development is compliant with Policy EN 9, subject to the control of external lighting to avoid any detrimental impact upon the effectiveness of enhancement measures to be installed if approved.

6. 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 PROW would require the consent of the Highway Authority.

7. Conclusion:

To conclude, it is considered that the two dwellings proposed under associated application PF/20/0660 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. It is not considered that the circumstances outlined by the agent are enough 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. If application PF/20/0660 is refused, it follows that this application (PF/20/0708) is also contrary to Policies SS 1, SS 2 and paragraph 78 of the NPPF. In the event that PF/20/0660 is approved, the proposed extended curtilage would be considered acceptable to serve the two dwellings.

RECOMMENDATION:

If associated application PF/20/0660 is refused:

It is recommended that application PF/20/0708 be **REFUSED** for the following reason (final wording to be delegated to the Head of Planning):

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 proposed under associated application ref: PF/20/0660 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 two dwellings would promote sustainable development or that the dwellings would either enhance or maintain the vitality of the rural community.

Accordingly, the proposed development under PF/20/0660 and associated residential curtilage proposed under this application (PF/20/0708) 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.

If associated application PF/20/0660 is approved:

It is recommended that application PF/20/0708 be **APPROVED** subject to conditions relating to the matters listed below and any others considered necessary by the Head of Planning:

- Time limit for commencement (3 years)
- Development carried out in accordance with the approved plans
- Landscaping during next available planting season following commencement

- Replacement of new trees/shrubs
- Details of any external lighting to be approved
- Removal of PD rights - boundary treatments/outbuildings

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