

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/0614/O	CASE OFFICER Naomi Minto
LOCATION:	BEETLEY Hall Farm Barn,Fakenham Road East Bilney Beetley	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr & Mrs Harley Mack c/o Agent	
AGENT:	Icon Consulting Hethel Engineering Centre Chapman Way	
PROPOSAL:	New dwelling	

REASON FOR COMMITTEE CONSIDERATION

The proposal falls outside of the settlement boundary and is therefore contrary to policy. As the proposal is recommended for approval, the application is referred to Committee.

KEY ISSUES

Principle of development
Impact on amenity
Highway safety
Ecology
Contaminated land
Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks Outline planning permission for construction of a single dwelling with details of access and all other matters reserved, on land to the north of Hall Farm Barn.

SITE AND LOCATION

The site is located on 400sq.m of garden land at Hall Farm Barn, Fakenham Road, East Bilney. It is not sited within any defined Settlement Boundary. The area surrounding it is characterised by agricultural fields to the north and residential development to the east, separated by Fakenham Road. There are also residential dwellings to the south and agricultural buildings to the west of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3NM/2016/0095/NMA	Withdrawn INVALID	30-06-17
Bedroom to be extended and interior layout changes 3PL/2015/1073/F (original app)		
3PL/2002/1083/F	Permission	05-11-02
Conversion of barn to residential and erection of garage.		
3PL/2007/1338/F	Permission	21-11-07
Change of use of stables to accommodation and porch link to main dwelling		
3PL/2015/1073/F	Permission	04-12-15
Convert outbuilding and connect to dwelling for existing residential use		

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BEETLEY P C

Objection to proposal on the basis it is outside the settlement boundary and will not significantly affect the 5

year housing land supply.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection

REPRESENTATIONS

A site notice was erected on 6 June 2018 and seven neighbours were consulted. Six responses were received, raising the following main points:-

- Outside any defined Settlement Boundary
- Development of green field site
- Access ownership issues
- Increased traffic concern
- No services within East Bilney and few locally
- Impact on local wildlife
- Amenity impact in terms of loss of privacy and light when taking account of land gradient
- How sewage will be disposed of
- Possible land contamination
- Gas line running in close proximity to site
- Impact on existing working farm

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks Outline Planning permission for the construction of a single dwelling with details of access and all other matters reserved, on land to the north of Hall Farm Barn. The site sits outside of any defined Settlement Boundary and therefore the proposal is contrary to Policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy.

1.2 However, the district cannot currently demonstrate a five year housing land supply. Paragraph 11(d) of the NPPF (2018) 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, planning permission should be granted. This includes applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. However, planning permission should not be granted where policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In addition, planning permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

1.3 The NPPF constitutes guidance for LPAs and decision takers and is a material consideration in the

determination of planning applications to achieve sustainable development. The government outlines three objectives to sustainable development: economic, social and environmental (paragraph 8). These objectives give rise to the need for the planning system to perform a number of roles:

- an economic objective - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

1.5 In terms of the economic and social criteria, the proposed dwelling would provide one additional dwelling and would, therefore, make a positive, albeit very small, contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated by the provision of one dwelling. East Bilney has very limited facilities (St. Mary's Church and a vehicle sales and repair centre). In addition, its services are also limited with only bus services available providing restricted access to Dereham, Fakenham and Norwich. The next nearest settlements are Beetley (approximately 2.5 miles away), Whissonsett (approximately 3.5 miles away), Litcham and North Elmham (both approximately 4.5 miles away). These provide additional facilities including village halls in Beetley, Whissonsett, Litcham and North Elmham; churches in Beetley, Whissonsett, Litcham and North Elmham; post offices in Litcham and North Elmham; schools in Beetley, Litcham and North Elmham; public houses in Beetley, Litcham and North Elmham and general stores in Litcham and North Elmham.

1.5 Paragraph 78 of the revised NPPF encourages housing in rural areas where it will enhance or maintain the vitality of rural communities, for example, development in one village may support the services of a nearby village. As discussed above, these villages have a wider range of services and facilities and would require relatively short car trips / bus journeys to access. Furthermore, the NPPF aims to avoid isolated homes in the countryside and recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Whilst it is acknowledged that future residents would likely rely on the use of private car for their daily needs, it is considered that the proposal would not result in an isolated new home. It would represent infill and provides potential for future occupants to support services and facilities in nearby villages, therefore enabling rural communities to prosper.

1.6 In terms of the environmental objective, the site is located outside of any defined settlement boundary on a plot of land that forms part of the residential amenity space connected with Hall Farm Barn. It is considered that the site represents an infill plot and if developed sensitively would not appear out of character with the area, having regard to Policy CP11 of the adopted Core Strategy. Therefore, on balance, it is considered acceptable in environmental terms.

1.7 Annex 2: Glossary of the NPPF (2018) states that in order to be considered deliverable, sites for housing

should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development. This could be achieved through the inclusion of a suitable condition.

1.8 Notwithstanding that the site lies outside of any defined settlement boundary, the proposed dwelling would have negligible impact on the character and appearance of Fakenham Road as it would be set back from the road and hidden from view by a well established hedgerow. A single dwelling could therefore be sited in this location without having an adverse impact due to the infill nature of the site.

2.0 Impact on amenity

2.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity of existing and future residents. The indicative plan submitted with the application shows that a dwelling could fit on the site with sufficient external amenity space, parking provision and vehicle manoeuvrability. It is however, acknowledged that a number of concerns were raised during the consultation process. Some of these concerns have been addressed in section 1.0 above relating to the principle of development. Other issues raised, which are considered below, include the likely impact on traffic of the additional dwelling; access ownership issues; impact on amenity in terms of loss of privacy and light when taking account of land gradient and impact on the existing working farm, which abuts the site.

2.2 Whilst development of the site would lead to an increase in traffic on Fakenham Road, the likely increased volume of traffic from one additional dwelling would be small and therefore unlikely to have an adverse impact on the local road network. Concerns in relation to access ownership have been addressed by the applicant through the submission of amended plans demonstrating that future occupants of the site could access the proposed dwelling without relying on the use of private land outside of their ownership.

2.3 In respect of the impact on neighbouring properties' amenity, having regard to loss of privacy and light, when taking account of the land gradient, it is considered that the use of a suitably worded condition to restrict the dwelling to no more than one and a half storey in height could be included to address these concerns. Furthermore, this is an Outline application for access only. If the application is approved, details relating to the actual design of the property and boundary treatment would be dealt with at reserved matters stage. Further consideration would be given at that stage in relation to protecting the amenity of existing and future residents and the working farm. The proposal is therefore considered to be in accordance with Policy DC1 of the adopted Core Strategy.

3.0 Highway safety

3.1 Norfolk County Council Highways were consulted as part of the application process and raised no objection to the proposal, subject to the inclusion of conditions to be dealt with at the reserved matters stage.

4.0 Ecology

4.1 During the consultation process concern was raised in relation to the impact of the development on local wildlife. The site forms underutilised garden land belonging to Hall Farm Barn. The land, which has no trees within the site, is considered to have little ecological potential. It is considered that the proposal, if approved, would not have an adverse impact in terms of ecology and would therefore accord with Policy CP10 of the adopted Core Strategy.

5.0 Contaminated land

5.1 Concerns were raised during the consultation relating to the possibility of the proposed development site being contaminated land. No objections were received from the Contaminated Land Officer, subject to the inclusion of conditions relating to unexpected contamination and asbestos. The use of conditions is considered acceptable to address these concerns.

6.0 Other issues

6.1 Gas pipeline - Due to the presence of a gas pipeline in close proximity of the site, Cadent Gas were consulted and raised no objection to the proposal based on the submitted material.

6.2 Foul sewage - concern was raised during consultation in respect of how foul sewage would be safely disposed of. The applicant has advised in the application form that foul sewage would be disposed through the use of a septic tank. This is considered acceptable.

7.0 Conclusion

7.1 When applying the tilted balance required by paragraph 11 of the NPPF (2018), the small negative harm created by the site's location not within walking distance of facilities, is considered to be outweighed by the provision of a single residential dwelling, which would positively contribute towards the housing shortfall in the District. Furthermore, taking account of the proposed siting of the dwelling set back from Fakenham Road; the presence of a well established hedgerow running parallel with the road and the infill nature of the development (on existing garden land), it is considered that the proposal would not lead to harm of the street scene or character and appearance of the wider countryside. In accordance with paragraph 11 of the NPPF (2018), no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, based on the infill nature of the development and its potential to enhance or maintain the vitality of local rural communities, the grant of Outline planning permission is recommended, subject to conditions.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 1 Outline Time Limit (2 years) Early Delivery**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.
Reason for condition:-
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.
Reason for condition:-
The details are not included in the current submission.

3 In accordance with submitted plans NEW 2017

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

4 One and a half storey dwelling only

The details to be submitted for approval shall be for a one and half storey dwelling only.

Reason for condition:-

For the avoidance of doubt and to ensure a form of development compatible with adjacent property and in the interests of the visual amenities of the locality, as required by policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

5 Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

6 Provision of visibility splays - conditioned

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 90 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interest of highway safety.

This condition will require to be discharged

7 Non-standard highways condition

Provision of an 8m x 8m turning area for use by delivery vehicles and parking, in accordance with adopted guidelines must be submitted to and approved in writing by the Local Planning Authority as part of a reserved matters application.

Reason for condition:-

In the interests of highway safety

8 Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be

liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.