

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2019/0114/F	CASE OFFICER	Mark Simmonds
LOCATION:	LITTLE DUNHAM Land adjacent Westcliffe House Barrows Hole Lane, Little Dunham	APPNTYPE:	Full
APPLICANT:	Mr Kilvert c/o Agent	POLICY:	Out Settlement Bndry
AGENT:	David Futter Arkitech House 35 Whiffler Road Norwich	ALLOCATION:	N
PROPOSAL:	Construction of 5 dwellings with associated access drive, parking and amenity space		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

Application is outside any settlement boundary and is contrary to policy, however the application has been 'called-in' to Committee by a Councillor.

KEY ISSUES

Principle of development
Impact upon character and appearance of area
Impact on amenity
Impact upon Highway safety
Impact upon hedgerow
Other matters

DESCRIPTION OF DEVELOPMENT

The proposal seeks full permission the construction of 5 dwellings with associated access, amenity space, parking and garaging.

A layout plan showing how the development shall be arranged within the plot along with details of house types has been submitted.

Access to the dwellings shall be via Barrows Hole Lane, Little Dunham with on-site parking is proposed within the detail.

The site is outside of the defined settlement boundary, where there are limited services and facilities within the immediate locality.

SITE AND LOCATION

The application site is currently an agricultural field located at the edge of Little Dunham. Little Dunham is a small village with a generally flat landscape and surrounding agricultural fields, small woodland areas and hedgerows.

The site is bounded by hedging which the Tree and Countryside officer has commented upon.

There are a variety of styles and sizes of dwellings in this area of the village and some recent development has been permitted in Little Dunham on the western side of Barrow Holes Lane.

The plot itself can be described as an agricultural field that falls outside of the settlement boundary and is considered to be part of the open countryside. The plot is stated as being 0.76 hectares and therefore affordable housing provision is also be required.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Refusal of planning permission under reference 3PL/2015/0894/F.

Appeal dismissed under reference APP/F2605/W/16/3144628

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.13	Accessibility
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

Affordable Housing

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located in a village with few services and amenities and any residents of the development will have a high dependency on travelling by car to access these on a daily basis. You will be aware that this Authority has, in the past, raised concerns regarding the suitability of Barrows Hole Lane to cater for additional development based on the restricted width and substandard alignment of its carriageway. However development was permitted to the south east of this site, by your Authority, on the basis that localised widening formed part of the submissions and that visibility at the junction of Necton Road and Barrows Hole Lane was to be improved. The latter of which assisted in outweighing my concerns concerning transport accessibility. The submitted proposal includes localised widening along the site frontage which will be of benefit to the wider community. This will, however, involve the alterations to the existing ditch system which would need to receive the approval of the Lead Local Flood Authority and I cannot see any evidence that the applicant has approached the LLFA in this respect. Consequently there is no certainty that the ditch could be piped as indicated and you may wish to pursue this at this stage or include an informative note in this respect.

TREE AND COUNTRYSIDE CONSULTANT

Comments raised during the application process but has now confirmed no further survey work is required.

CONTAMINATED LAND OFFICER

Our records indicate that the above site is in the vicinity of a potentially backfilled quarry/pit from which there is the potential for gas migration.

Conditions are recommended.

LITTLE DUNHAM P C

Little Dunham Parish Council acknowledges that the applicant has taken note of the parish council's previous comments, however, we have the following observations:-

Since the Village Development Envelope was removed, supposedly making it very difficult to obtain planning permission for new residential units, permission has been given for twelve new properties. If permission is granted for a further five residential properties then the size of the Village will have grown by approx. 15%. Surely this is not in accordance with the principles of good planning.

This proposed development is on agricultural land and the Council does not support this change of use.

Many of the new properties that have been built in the Village front on to Barrows Hole Lane. This Lane is a narrow roadway which struggles to cope with the existing level of traffic. Highways need carefully to consider the effect of the proposed increase in traffic.

Although the applicant has dealt in part with drainage issues, the construction of many new houses along this Lane has resulted in a significant increase in the runoff from both surface and roof drains and also water from the new sewerage treatment plants into the inadequate watercourse that passes along the south side of the Lane. In periods of wet weather the north eastern end of the Lane is prone to flooding. An inspection by Highways a year ago with members of the Parish Council resulted in an agreement that the part of the drainage ditch that had been put in a culvert should be rodded and the rest of the ditch should be deepened and upgraded by Highways. To date nothing has happened. The Council feel that this work should be carried out before any new building work is allowed.

HISTORIC ENVIRONMENT SERVICE

The proposed development site is located on the southern edge the historic core of the village. Little Dunham has the characteristics of a common edge settlement. A potentially significant concentration of pottery and other artefacts, mostly of medieval date have been found within or adjacent to the application area. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains of medieval date)

to be present within the current application site and that their significance would be affected by the proposed development. Conditions are recommended

REPRESENTATIONS

Site notice posted & neighbours consulted.

8 letters of objection and one which stated itself as 'not objecting' but raised a number of concerns. The main points of the objections can be summarised as follows:

- * building is proposed over a substantial rural plot.
- * adverse effect of residential amenity.
- * adverse affect on the character of the neighbourhood.
- * increase traffic and adversely impact highway safety.
- * inadequate space left for parking, turning and loading.
- * flooding issues.
- * lack of existing infrastructure and no benefit to village.
- * small narrow lane, no footpaths or lighting.
- * dangerous for walkers.
- * recent development of 7 new houses has increased vehicles.
- * grass verges have been destroyed.
- * road often floods.
- * Lane now at saturation point.
- * burden on an already over-stretched village.
- * hedgerow already cut right back.
- * no services, schools, doctors or pharmacies.
- * erode the biodiversity of the area.
- * construction vehicles will destroy the verges.
- * will considerably change the character and appearance of the village.
- * no amenities in village - everyone will be using cars.
- * loss of the hedgerow will destroy the habitat of birds, animals and insects.

*The amendments do not alter the theme of the numerous objections in any way. The number of times this application has resurfaced does hint at achieving planning by wearing everyone down. A war of attrition maybe!!

*1. We are concerned about the exact position of the site entrance. Not only is it adjacent to high hedge and pedestrian gate entrance, which is right on the edge of the road boundary, but the speed of vehicles that come upto and around the bend is very worrying. With the extra number of vehicle exiting at this point and with cars parking outside there could be a serious accident. Our suggestion is that both proposed entrances be used to alleviate possible problems.

2. I had a number of issues getting to my father when he had a stroke because the road was blocked by lorries delivering to the new houses being built recently. We request that any lorries which are loading/unloading do so on site rather than parked outside - We have had to have an ambulance attending in the past and don't want the worry that there could be a delay.

-lived here for almost 30 years - no issue with the houses but very concerned about the amount of extra traffic and the safety implications.

ASSESSMENT NOTES

1.0 Principle of development

1.1 The application seeks outline planning permission for the development of 5 dwellings. The application site is not within a defined Settlement Boundary. The proposal would therefore conflict in principle with policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.3 The Statement of Five Year Housing Land Supply as at 31st March 2018 was confirmed at the Planning Committee on the 30th July 2018. The five year supply is not being currently met, although the council will prioritise work on establishing a five year housing land supply target. The emerging new local plan is currently at examination and when adopted, new policies and allocations will be able to be included within the five year housing land supply, which will ensure the Council is able to meet this. In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.4 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 NPPF identifies three objectives of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places
- Social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

1.5 Paragraph 8 of the NPPF also stresses that these objectives are interdependent and need to be pursued in mutually supportive ways; therefore, a balanced assessment against these three roles is required.

1.6 In terms of the economic criteria, the proposal would provide five additional dwelling's and would therefore make a positive contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a

high quality built environment with accessible local services. The site is outside of the defined settlement boundary which has very limited services and facilities within the immediate locality, poor footpath links and very limited bus service. The writer is mindful that development has been permitted within this village, however each application must be considered on its own merits and this site due to its particular location fails on a number of comparable reasons to the development permitted nearby.

1.8 The sustainability of Little Dunham is a major planning consideration in this case, as although it is fully accepted that this district is largely rural and reliance on the car is an expectation and some development on balance has been permitted, Little Dunham has very little in the way of facilities. This site was dismissed on appeal under reference APP/F2605/W/16/3144628 in 2016 and Inspector Dowsett addressed the sustainability of Little Dunham as follows in paras 24 and 25:

"Little Dunham has very little in the way of services and public transport accessibility is also very limited. There are services, including a food shop in Necton, approximately 3.5 kilometres to the south and the town of Swaffam approximately 8 kilometres to the south west has a wide range of shops and services. Necton would be accessible by bicycle on lightly trafficked roads, although I note that these are narrow and unlit and this may deter some cyclists, particularly during winter months. Due to the distance involved and the need to cross the busy A47, I consider that it is unlikely that many residents would cycle to Swaffam. Consequently, the proposal would not, in my opinion, promote sustainable modes of travel or reduce the need to travel. As a result, the proposal would not wholly meet the environmental dimension of sustainable development. The proposal would fail to represent sustainable development in accordance with the Framework as the three dimensions of sustainable development are mutually dependent and I have found that the proposal would not meet the environmental dimension."

The inspectors decision is a significant material planning consideration in the determination of this application.

1.9 On this basis it is considered that the site and village are unsustainable; little has changed since this appeal consideration in 2016 and the national guidance, although revised, still has the concept of sustainability at its core. The village has no core facilities, the bus services are infrequent and unlikely to support the regular activities of a family on a daily basis, safe cycle routes are limited and the roads narrow in part and the main service centre of Swaffham is 8 kilometres away. It is acknowledged that some development has been permitted in this village, however this is an application for 5 dwellings which will propose a considerable increase in the number of residents and cars in a location which has very little to offer in the way of local facilities. Therefore, in what is a balanced consideration, the village is not considered to be sustainable for this development and is contrary to National Policy requirements.

1.10 The applicant has made some late submissions specifically regarding the sustainability of the site and these can be summarised as follows:

* Furthermore, despite a lack of some facilities the village of Little Dunham offers several community assets, as outlined in the attached document written by my father. It should be noted that a number of the occupiers of the 7 recent dwellings have become actively involved in village life. This small-scale development would continue to create a "support a strong, vibrant and healthy community," which is consistent with Paragraph 8b of the NPPF.

* comparable were drawn from the sustainability assessment of the officer in the Willow Acre Cottage, Barrows Hole Lane (3PL/2015/0329/F) application which commented that "the harm caused to sustainability would be small."

* the 'community assets' as mentioned was stated as being The Village Playing Field, The Conservation Area and the Village Circular Walk.

1.10 These additional comments have been thoroughly considered, however with regards to sustainability the addition of 5 dwellings would be a considerable increase in residents and family members. The 2016 appeal decision as stated above, follows the case assessment mentioned by the applicant and as an Inspectors decision and appraisal is a material planning consideration that should be given substantial weight in the decision, therefore the conclusion in this regard is that Little Dunham is not a sustainable location.

2.0 Character and Appearance

2.1 The application site lies outside of any defined Settlement Boundary, on the edge of the small village of Little Dunham . The site forms part of a large agricultural field and overall is distinguished as being in the open countryside. The village sits in generally flat countryside, with a pattern of large fields interspersed with blocks of woodland planting. The Council's Landscape Character Assessment notes that large scale agricultural fields are a characteristic of the area. Barrows Hole Lane is a narrow lane looping off the main road to join Sporle Road. The east side of Barrows Hole Lane is largely built up, comprising two storey houses and bungalows of a range of ages and architectural styles with an informal relationship to the road. This application proposes five dwelling set within the plot and accessed by one access point into what can be described as a small estate set back from the main road but largely resembling a linear development. This on balance would not reflect the typical built form of the village and due to its sting on the edge of the village, would not be an acceptable form of development . The proposal would on balance not reflect the prevailing form and character of the village, as required of policy DC16 on design. The development would not fulfil the environmental role of sustainable development. It is also noted that the site sits higher than the land the houses opposite sit on and this raised height would exacerbate the adverse impact on the character and appearance of the area.

2.2 The plot is historically an agricultural field with a variety of trees and vegetation to the boundaries. The proposal would require the removal of some of the front hedgerow in order to allow the access arrangements to the proposal and even with replanting mitigate the loss, this built form on what is an open vacant landscape would undoubtedly alter the character of the site. The introduction of five dwellings on a site which has been open and laid to agricultural use would likely erode the rural character. The proposal is not considered to be an infill plot or a 'rounding off' of the village and would introduce new residential development outside a settlement boundary and result in the intrusion of built development into the open countryside.

2.3 The comments made by the previous appeal Inspector is considered to be relevant within the consideration of this site and the following evaluation at paragraph 5 and 6 is worthy of consideration as it still appears to be very relevant to this application:

"5. In contrast, the appeal site is part of a much larger agricultural field and provides an open aspect between the high trees surrounding the paddocks to the north and the built up section on the west and south side of Barrows Hole Lane. The closure of this gap by the proposed development would significantly alter the character of the area by removing the visual relief that it provides and by far more noticeably encroaching on the open countryside than the development that has been permitted on other sites nearby. It would also increase the extent of built development to approximately half the length of the lane which would be a significant increase within the context of the overall size of the village.

6. In addition, although it is proposed to provide hedgerow planting to the new rear boundary of the site, this would necessarily take some years to become properly established and in the interim, due to the flat nature of the landscape, the rear of the properties would be plainly visible from the public right of way that runs to

the north and west of the site. Policy CP11 of the Breckland Core Strategy and Development Control Policies Document 2009 (DPD) states that the landscape of the District will be protected for the sake of its own intrinsic beauty and benefit to the rural character of the area. The introduction of further built development on the west side of Barrows Hole Lane would erode the rural character of the village in the surrounding landscape."

2.4 The above comments regarding the closure of the gap with the development which would significantly alter the character of the area by removing what can be considered 'visual relief' and the impact on the public right of way to the north and west of the site, the development as proposed would still have the same detrimental impact and would erode the rural character of this village. Screening and landscaping mitigation does very little to lessen this impact as it is the openness of this site which provides the visual benefit and enhances the rural character. Any built form or screening with hedgerow and planting degrades this open view and the development on balance would be contrary to both national policy and specifically Local Plan Policy CP11 which seeks to protect the landscape for the sake of its own intrinsic beauty and the benefit to the rural character of the village edge.

2.5 The applicant has submitted some last minute commentary on the impact on the rural landscape which can be summarised as follows:

* Concerning impact on the rural character, the Officer preceding over the 2015 application at Willow Acre Cottage stated that this proposal "would not be out of keeping" with the "built up appearance" of this part of Barrows Hole. They also stated that the proposal would be well screened with "established boundary hedges and neighbouring properties," and as a result of the proposal would have a "limited impact on the landscape setting of the village and would not intrude into the open countryside." Furthermore, they noted that it would continue the "linear development" and that it would form a "logical addition to existing development on this part of the village." This scheme was found to be consistent with Core Strategy Policy DC16. The Officer's assessment on the rural character should further act as a material consideration when assessing this application. Our proposed development would be well screened on all sides by established hedgerows and neighbouring properties, and it would lead to a logical completion of the linear development in this part of the village. Notwithstanding, we would be prepared to undertake a Landscape Visual Assessment (LVA) if this would provide you with a greater level of reassurance.

2.6 The additional comments have been thoroughly considered and again the officer assessment in the 2015 Barrows Hole case has been superseded by the 2016 appeal refusal on this site. As it is the relief from the 'rural gap' that is the concern and the detrimental harm the development of this gap that this would cause, an additional Landscape Visual Assessment is not considered conducive as it is felt that this assessment could not overcome this harm. The screening of the development is not the issue here but the importance of this area of the village in providing a visual area of 'undeveloped' land which is so important in this visual landscape vista. Again the officer would note the assessment of the Inspector in the appeal on this site which carries significant weight in the planning balance.

Design

2.7 As this is a full application the design of the dwellings have been submitted for consideration and on balance the styles and materials proposed are not out of keeping for this area and a village location which has a mix of styles and designs.

3.0 Impact upon amenity

3.1 Policy DC1 sets out that for all new development, consideration will need to be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the amenities of the

area or the residential amenity of neighbouring occupants, or future occupants of the development site.

3.2 The siting of the proposed dwellings are on the edge of the village, however due to the size of the plot and the proposed orientation of the dwellings this would not result in any issues with regards to over dominance, overshadowing or affect on privacy of neighbours having regard to Policy DC1.

3.3 An adequately sized garden area would be provided for the proposed dwellings for the amenities of future occupiers.

3.4 The presence of five additional dwellings in this location would increase the density of development along this Lane and will generate the general noise and traffic movement expected with 5 additional dwellings. It is considered that due to the additional dwellings permitted recently along the Lane, these effects would not have an overall adverse impact upon existing residents.

4.0 Contaminated land

4.1 The Contaminated Land Officer has no comments and is content with the proposal, they recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

4.2 The application is therefore considered in accordance with policy CP09 on pollution and waste.

5.0 Drainage issues

5.1 A number of representations have raised concerns about flooding issues. The application site is not within an area at risk of flooding or within the proximity of a major water course, however the proposal does involve the widening of the carriageway which may affect the existing ditch which would need addressing. Amended plans and proof of addressing the Lead Local Flood Authority issue has been provided and amended plans submitted.

5.2 Given the concerns set out in representations and to ensure the development would be in accordance with policy DC13 on flood risk, it would be reasonable to include conditions on any grant of planning permission that would require full details on the proposed surface and foul water disposal.

6.0 Impact upon highways

6.1 The Highways Development Management Officer has considered the proposal and makes comment on the sustainability of the location, in particular that the site is located in a village with limited amenities and residents of this dwelling would be reliant on travelling by car to access the full range of services and amenities required on a daily basis. The proposal as submitted proposes a widening of the Lane which can be considered a benefit, the Highway Officer comments on this with the following:

'The submitted proposal includes localised widening along the site frontage which will be of benefit to the wider community. This will ,however, involve the alterations to the existing ditch system which would need to receive the approval of the Lead Local Flood Authority and I cannot see any evidence that the applicant has approached the LLFA in this respect. Consequently there is no certainty that the ditch could be piped as indicated and you may wish to pursue this at this stage or include an informative note in this respect.'

'Access conditions with an informative would be need to be imposed if permitted.'

7.0 Impact upon Ecology

7.1 The County Ecology team at the time of writing had not commented, however there does not seem to be any particular issue with any particularly sensitive ecological receptors. It is noted that a number of residents have concerns with the adverse impact upon local wildlife and bird species posed by the development, however these concerns are not substantiated sufficiently to form a ground for refusal at this stage and the ecology survey submitted by the applicant appears to address any sensitive receptors.

8.0 Impact upon trees and hedges

8.1 The Tree and Countryside consultant had originally raised concerns with regard to the loss of the hedgerow for the access and the likelihood that the hedge would fall under the protection of the hedgerow regulations. However the Tree and Countryside Officer has subsequently confirmed they do not require any further survey work and the proposals are not considered to be contrary to policy DC12.

9.0 Other Matters

9.1 As the proposed development site exceeds 0.5 hectares, an Affordable Housing contribution would be required in line with national policy requirements. A contribution of 25% affordable would be required in this instance.

10.0 Conclusion

10.1 In terms of the overall planning balance of the proposal, the site is outside of a designated Settlement Boundary and as the Council cannot demonstrate a five year housing land supply, the relevant policies for the supply of housing cannot be considered up to date. In these cases, the tilted balance would be applied with the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

9.2 The proposal would contribute five additional dwellings to the District's housing supply. However, the proposed dwellings would have a detrimental effect upon the character of the area and would erode its rural character. The proposals would introduce new residential development outside a settlement boundary and result in the intrusion of built development into the open countryside on a site which is particularly valued for its openness and relief from built form.

9.3 The distance to services and amenities would mean that residents of this proposed dwelling would be reliant on a private vehicle to meet their needs. There are very limited services and facilities within the immediate locality and public transport is very limited. It is acknowledged that some development has been allowed in the village, however this matter has been determined on its own merits and the negative impacts on the character of the village has weighed heavily in the balance, however the unsustainability of the location is a negative which cannot add any benefit in the balance. The proposed highway works would have a modest benefit to the locale, however this would be insufficient to override the significant and demonstrable harm already identified.

9.5 To conclude, based on the above considerations, the permanent and lasting harm that the development would cause to the character of the village and its countryside setting would significantly and demonstrably outweigh the small scale benefits that would result from the proposed development. Refusal is therefore recommended.

RECOMMENDATION

The proposal is recommended for refusal for the following reasons:

REASON(S) FOR REFUSAL

- 1 Policy not met outside settlement**

The proposed development would be remote from local services and facilities, and in the absence of convenient and safe walking and cycling routes to larger settlements, future occupants would be largely dependant on transport by car for access to work, shopping, leisure and other purposes. It would also conflict with the principle that new development should make the fullest possible use of public transport, walking and cycling. For these reasons, the Local Planning Authority is of the view that the proposal would not represent a sustainable form of development, contrary to Policies DC2 and CP14 of the adopted Breckland Core Strategy and Development Control Policies (2009) and paragraphs 8 and 11 of the National Planning Policy Framework (2018).
- 2 Unwarranted intrusion into landscape**

The erection of the proposed building on this site would in the opinion of the Local Planning Authority be likely to result in an unwarranted intrusion into this rural landscape to the detriment of the character and visual amenities of the village, contrary to Policies DC16 and CP14 of the adopted Breckland Core Strategy and Development Control Policies (2009) and paragraphs 8 and 11 of the National Planning Policy Framework (2019).