

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/0139/F	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	SCOULTON Cherry Trees Ellingham Road Scoulton	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr & Mrs Mark & Margaret Brown Cherry Trees, Ellingham Road Scoulton	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	ADM Architectural Services Ltd Flint Cottage Shropham Road	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	One new bungalow with garage and a self contained annexe to the existing dwelling		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as the proposal is a departure from Policy.

#### KEY ISSUES

- Principle of development
- Design and impact on character and appearance of the area
- Impact upon amenity
- Highway safety
- Other matters

#### DESCRIPTION OF DEVELOPMENT

The application seeks consent for the construction of a two bedroom detached single storey annexe and parking provision, ancillary to the existing host dwelling (Cherry Trees) and one new detached single storey four bedroom dwelling with detached single storey double garage on garden land to the north of the Cherry Trees. Access to the annexe and dwelling would be via an existing access onto Ellingham Road. Materials proposed to be used in the construction of the annexe and dwelling include facing brick (bungalow), featheredge weatherboard (annexe), clay pantiles (bungalow and annexe) and white UPVC windows and doors (bungalow and annexe).

#### SITE AND LOCATION

The site extends to approximately 0.14 hectares and is rectangular in shape. It is currently used partly as garden land and partly for the storage of caravans, cars and other material. There is also a storage shed on site. The site is characterised by Ellingham Road to the east with open agricultural land beyond, the host dwelling (Cherry Trees) to the south, a single storey dwelling to the north and open agricultural land to the west.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2012/0587/O                      Refusal                      22-08-12  
Erection of two 3 bedroom bungalows

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**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.04	Infrastructure
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
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**

**SCOULTON P C**

No objection. In support of.

**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 18 March 2019 and three neighbours were consulted. No representations were received.

**ASSESSMENT NOTES**

**1.0 Principle of development**

1.1 This application seeks consent for the construction of a two bedroom detached single storey annexe and parking provision, ancillary to the existing host dwelling (Cherry Trees) and one new detached single storey four bedroom dwelling with detached single storey double garage on garden land to the north of the Cherry Trees, Ellingham Road, Scoulton. The Design and Access Statement submitted in support of the application, indicates that the annexe would be used to provide essential independent supported living for the applicant's daughter who has a number of serious ongoing medical conditions and currently resides in the static caravan on the application site. It also indicates that the purpose of the proposed new dwelling is to sell it and fund the building of the annexe. The site sits outside of any defined settlement boundary. Therefore, the proposal is contrary to Policies SS1, DC2, CP1 and CP14 of the adopted 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 National Planning Policy Framework (NPPF, 2019) 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 2017 was published in July 2017. This outlined that the District did not benefit from having a five year supply of housing land (it could only demonstrate a 4.6 years housing land supply). A further update on the Council's 5 year housing land supply was issued on 30 July 2018 advising that the Council could demonstrate a 4.77 year housing land supply. However, this still falls slightly below the required 5 years. 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 local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - 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 role - 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 role - 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.

1.5 Paragraph 9 of the NPPF (2019) 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.

1.6 In terms of the economic and social criteria, the proposal would provide one new dwelling and an annexe to the existing dwelling and would therefore make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

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 application site is located away from services and facilities required to meet day-to-day needs. The nearest bus stop is approximately 0.2 miles walk from the site and serves four different bus routes, with regular services connecting the site to the wider area, including Norwich. The nearest settlement is Hingham (approximately 3 miles to the east of the site), which provides some services and facilities to meet daily requirements. The site is not located within a defined settlement boundary and is therefore in the countryside.

1.8 The next nearest settlements are the market town of Watton (approximately 4 miles away) and Griston (approximately 4.5 miles away). These settlements provide additional facilities, including education, employment, leisure and healthcare services. However, given the distances to these villages and town, along predominantly unpaved and unlit highway with varying speed limits, the development will give rise to the need to travel by private vehicle, which is a negative of the scheme.

1.9 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/town have a wider range of services and facilities and would require relatively short car/bus trips 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 vehicles to meet their daily needs, it is considered that the proposal would not result in an isolated new home. In addition, the proposal would represent infill, using garden land and would provide potential for future occupants to support services and facilities in nearby villages and towns, therefore enabling rural communities to prosper.

1.10 In terms of the environmental objective, the site is located outside of any defined settlement boundary on garden land with residential neighbours on either side. It is considered that the site represents an infill

plot and if developed sensitively would not appear out of character with the immediate area, having regard to Policy CP11 of the adopted Core Strategy.

1.11 In light of the above considerations, the annexe element of the proposal is considered acceptable, in accordance with Policy DC2 and subject to the provision of a condition restricting its use to an annexe only. In respect of the proposed new dwelling, it is accepted that this element of the proposal is not compliant with Policies DC2, CP1 and CP14 of the adopted Core Strategy. However, the moderate harm caused by the site's location, away from services and facilities for a single dwelling would not significantly and demonstrably outweigh the benefits, having regard to the infill nature of the proposal on garden land and the contribution it would make to the Council's lack of a five year housing land supply.

## 2.0 Design and impact on character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part contribute to protecting and enhancing the natural built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore, integral to the environmental dimension of sustainable development. Policy DC16 of the adopted Core Strategy requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape / townscape effect of any increased density.

2.2 As already stated, the application proposes the erection of a detached single storey, two bedroom annexe and one detached single storey four bedroom dwelling and detached single storey double garage on land to the north of the host dwelling, known as Cherry Trees. Materials proposed to be used in the construction of the annexe and dwelling include facing brick (bungalow), featheredge weatherboard (annexe), clay pantiles (bungalow and annexe) and white UPVC windows and doors (bungalow and annexe). It is noted that the application form does not include details of the proposed colours of external materials. However, in general, the materials proposed are considered to be in keeping with the adjacent dwellings as well as other properties in the vicinity. Furthermore, it is considered that the scale and form of the proposed annexe and dwelling are sympathetic to the area. The proposal is therefore considered to be in accordance with Policy DC16 of the adopted Core Strategy, subject to a condition restricting the dwelling and annexe to single storey only.

## 3.0 Impact upon amenity

3.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity and states that all new development must have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 Given the single storey nature of the scheme, the relationship of the proposed annexe and dwelling to neighbouring dwellings and private open space is such that visual dominance, loss of light, overlooking and overshadowing impacts all fall within acceptable parameters. The small scale nature of the development will ensure that the proposal does not give rise to any undue noise, odour or other form of disturbance. It is therefore concluded that the proposal will maintain an acceptable level of residential amenity for existing residents and future occupants, consistent with Policy DC1.

## 4.0 Highway safety

4.1 The Local Highway Authority advises that the site lies in a location with extremely limited services and amenities and any residents of the new dwelling would be highly reliant on travelling by private car to access

services and amenities on an everyday basis. It also acknowledges that the site is congested with vehicles and a caravan, of which we are advised is occupied by the applicant's daughter.

4.2 In addition, the Local Highway Authority has considered a revised plan submitted by the applicant, which includes additional parking and turning arrangements for the existing dwelling, as well as the proposed dwelling and annexe. Proposed parking provision for the existing dwelling is considered to be an improvement on the existing situation. On that basis, the Highway Authority has not raised an objection to the proposal, subject to the inclusion of conditions.

## 5.0 Other matters

5.1 The Tree and Countryside Officer raised no objection to the proposal. It is therefore considered to be in accordance with Policy DC12 of the adopted Core Strategy, which seeks to preserve the District's trees, hedgerows and other natural features.

5.2 Policy CP9 of the adopted Core Strategy seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. The Contaminated Land Officer raised no objection to the proposal, subject to the inclusion of conditions. The proposal is therefore considered to be in accordance with Policy CP9.

## 6.0 Conclusion

6.1 When considering the overall planning balance of the scheme, whilst it is acknowledged that the application does not accord with the adopted development plan as the site falls outside of any defined settlement boundary and is not in a sustainable location, the proposal would contribute to the District's shortfall in housing land supply and represent an infill plot on garden land, with neighbouring residential development either side of the site. Furthermore, the impact on the character and appearance of the countryside is considered acceptable in this instance. Accordingly, the application is recommended for approval, subject to conditions.

### RECOMMENDATION

The application is recommended for approval, subject to the conditions listed below.

### CONDITIONS

- 2 Full Permission Time Limit (2 years)**  
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.  
Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 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 dwelling only**

This permission shall relate to the construction of one single storey dwelling and one single storey annexe only.

Reason for condition:-

To ensure that the development of the site is compatible with the character of the surrounding area.

**5 Use as ancillary accommodation only**

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the principal dwelling, known as Cherry Trees. At no time shall the development be used, sold, leased or occupied independently from the principal dwelling nor shall the common ownership or occupation of the development and principal dwelling be severed.

Reason for condition:-

To enable the Local Planning Authority to retain control over the development which has been permitted, in accordance with policy DC 2 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009, to meet a specific personal need and where the occupation of the annexe as a separate dwelling would be in conflict with the settlement policy and/or result in a sub-standard layout of land, contrary to policies CP 14 and/or DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**6 Precise details of surface water disposal**

Prior to the commencement of any works above slab level precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**7 Precise details of foul water disposal**

Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**8 Contaminated Land - Desk Study/Site Investigation**

Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

**A. Desk Study**

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The report of the findings must include an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

**B. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include (i) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**C. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**D Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

The details are required prior to the commencement of the development 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 from the outset of the development.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**9**

**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**

**10 New access (over verge/ditch/watercourse/footway)**

Prior to occupation of the development hereby permitted the vehicular access crossing over the verge shall be constructed in accordance with a detailed scheme to be first agreed in writing with the Local Planning Authority in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

**This condition will require to be discharged**

**11 Access - combined, configuration and gates/bollards**

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason for condition:-

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

**This condition will require to be discharged**

**12 Provision of parking and servicing areas**

Prior to the first occupation of the development hereby permitted the proposed access parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

**This condition will require to be discharged**

**13 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**14 External colour to be agreed**

Prior to the commencement of any works above slab level details of the external colour finish to the roof and walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**19 No PD for classes A B C D & E**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.