

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/1492/O	CASE OFFICER	Mark Simmonds
LOCATION:	EAST TUDDENHAM Land between Felgate Farm and Willow Cottage Rotten Row East Tuddenham	APPNTYPE:	Outline
APPLICANT:	Mr & Mrs Eden 5 Boton Drive Dereham	POLICY:	Out Settlemnt Bndry
AGENT:	David A Cutting Building Surveryors Ltd Breckland Business Centre St Withburga Lane	ALLOCATION:	N
PROPOSAL:	Proposed low carbon dwelling	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to planning committee at the request of the Ward Councillor.

KEY ISSUES

Principle of development
Impact upon the countryside
Highways safety
Trees
Residential amenity
Ecology
Other Issues

DESCRIPTION OF DEVELOPMENT

The application seeks Outline planning permission for a single detached bungalow with all other matters reserved, for land between Felgate Farm and Willow Cottage, Rotten Row, East Tuddenham. The dwelling is proposed to be a highly energy efficient PassivHaus design.

SITE AND LOCATION

The site is located to the north of Rotten Row, a Norfolk County Council maintained road. The site falls between Felgate Farm to the east and Willow Cottage to the west. The surrounding land is in agricultural use. Rotten Row is a narrow countryside lane with scattered farm houses. Willow Cottage is the nearest building to west although it is situated fairly away from the site. It is a farm house with modern side extension. Felgate Farm is the adjacent property to east.

The site is rectangular and sizeable. A drain runs along eastern boundary and there are significant mature

tree is on the drain. The site can be described as well concealed. It is 0.9 miles (by road) to the north of the village of East Tuddenham. The A47 is 0.5 miles to the north of the site. Hockering is 1.5 miles to the north-west.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Land between Felgate Farm and Willow Cottage, Rotten Row, East Tuddenham - Refusal - 3PL/2017/1388/O

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.12	Energy
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

EAST TUDDENHAM P C

No objections

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection with the addition of 2 passing places. Recommend conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Recommend conditions.

CONTAMINATED LAND OFFICER

No objections. Recommend conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objections but concerns with how the applicant will achieve suitable visibility without removing trees/hedges outside of the applicants ownership.

REPRESENTATIONS

A Site notice was displayed and neighbours consulted. Five letters of objection have been received with the main points summarised below;

- Open Countryside, unsustainable.
- Further motor road vehicles which would pose a higher risk to road users. Rotten Row has restricted views.
- The Highways Authority's site access proposal is in a short distance of adjacent property.
- No objection to the new house but object to the highway proposals, in particular the proposed passing places near to existing properties.
- Lane too narrow and used by walkers, more vehicles would be dangerous
- Overlooking impact through fenestration and disruptive views
- A record of surface water flooding events nearby the site.

One resident has no objection to the proposal and submitted positive comments.

ASSESSMENT NOTES

1.1 The application seeks outline planning permission for the development of one dwelling. 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 (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 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 2019 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 one additional dwelling and would therefore make a positive, albeit small, 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, among 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.

1.8 The sustainability of East Tuddenham is a major planning consideration in this case as although it is fully excepted that this district is largely rural and reliance on the car is an expectation. The application is located 0.9 miles (by road) from the village centre of East Tuddenham, a 21 minute walk or 3 minute drive, and is the nearest settlement. Policy SS 1 identifies East Tuddenham as a rural settlement which is considered 'not capable of sustaining consequential growth as many are completely reliant on higher order settlements for services and facilities'. The emerging plan which was submitted for Examination in December 2017, identified the village as 'Small Villages and Hamlets Outside of Settlement Boundaries' as set out by emerging Policy HOU 05 which are not identified for any housing growth. East Tuddenham has a Village Hall and a bus service between Dereham and Norwich.

1.9 There is an alternative route to the village via a Public Right of Way (PROW). The PROW is 160m to the west of the site and is a trodden path through agricultural fields, with no walking surface (such as gravel) or lighting. Therefore, the route will not be convenient to use when dark or in poor weather conditions. This route from the site to the village is 965m, over the 800m comfortable walking distance. However, in the positive this PROW, by its very nature, provides a permanent footpath access to the village and connects its residents to the next village.

1.10 This is finely balanced with regards to sustainability. The nearest village is a walking distance of approximately 800 metres which although walkable for some, may not be walkable for others. This neighbouring village does have a village hall and a bus service which would enable travel to larger service centres on a public service. On the aforementioned basis and on balance it is considered that the proposal is not a sustainably location. There are no nearby to services and facilities and the nearest village is beyond comfortable walking distance of 800m and only provides two services (village hall and bus service).

2.0 Impact Upon the Countryside

2.1 The site is located within the countryside in a plot of undeveloped land. The proposal would contribute to the urbanisation of Rotten Row which is rural in character. However, as the development is for a single dwelling with good levels of screening from existing arboriculture features it is only likely to have impact on immediate views of the site.

2.2 The proposal would have small negative impact on the rural nature of the street, by creation of a more consistent pattern of residential development to the north of the road.

3.0 Highways safety

3.1 Rotten Row is a single unclassified carriage way which is between 2.7 -3m in width. Norfolk County Council Highways raised an objection to the previous application, however this application now has the provision of passing places. With the creation of two passing areas in accordance with a scheme to be agreed with this Authority the Highway officer considers that it would be difficult to maintain an objection based on the number of vehicular movements involve and given the benefit to other road users. On balance the details on the indicative plan would not be acceptable since the proposed access location would not achieve minimum visibility of 2.4m x 33 m to either side. However the removal of the frontage hedge would overcome this, therefore conditions are recommended if the application is approved.

4.0 Trees

4.1 The tree protection plan for T1 is considered to be adequate by the Tree Officer, however some concerns have been expressed with the arboricultural issues relating to achieving required visibility splays and these will still need to be addressed.

4.2 No objection has been made by the Tree Officer, however the concerns with how the applicant will achieve suitable visibility without removing trees/hedges outside of the applicants ownership should be noted and would need to be addressed at the reserved matters stage if the application were to be granted.

5.0 Residential amenity

5.1 Policy DC1 seeks to protect residential amenity of existing and future residents.

5.2 The applicant site comprises a large rectangular plot of 0.0862ha with ample opportunity to provide separation between the proposed and existing dwellings. As the property is proposed to be single storey, no overlooking will be caused. No neighbours have raised an objection to the application.

5.3 The proposal, therefore, is considered to comply with Policy DC01, subject to detailed design reserved for future determination.

6.0 Ecology

6.1 The site is overgrown and is therefore considered to have ecological potential. An ecological survey has been submitted as part of the application - Preliminary Ecological Survey RE04318 dated 15/01/2019.

6.2 The Natural Environment Team supports the recommendation for Compensatory hedgerow planting, if the hedgerow alongside the road requires removal during construction works. This will include the replanting

of this hedgerow, allowing for suitable access visibility splays, and planting of a new mixed-species native hedgerow along the eastern boundary.

6.3 If the application was approved a condition is recommended for the application to proceed in accordance with the recommendations outlined in the Preliminary Ecological Appraisal (Gray Ecology; January 2019).

7.0 Other issues

7.1 The applicants agent has asked that the benefits of a self-build dwelling is noted in the planning balance in that with regard to self-build they have been advised that local opinion, and policy, is supportive of this type of application. They would also like it to be noted that the proposal includes a charging point for a battery powered vehicle to further increase the low carbon nature and sustainability of the development and that they would also be pleased to include a management plan for site works traffic during construction.

7.2 The agent has also asked that it be noted that a similar application ref: (3PL/2018/1057/F was approved on the 17th January 2019) which had a recommendation for approval from the Case Officer. The agent has drawn similarities to this application as it is 'not isolated', however it is considered that this application, being in a different location, requires consideration on its own planning merits and although similarities can be drawn from other applications it is not a determining feature in forming a planning conclusion on an individual application.

7.3 On balance the 'self-build' element is considered a positive in the planning balance due to the advantages this type of build proposes, however the positives do not overcome the predominant issues regarding the sustainability of the location.

8.0 Conclusion

8.1 In terms of the overall planning balance the proposed development is not considered to be sustainable development due to it's location in the countryside and distance from the nearest services and facilities. More specifically, the closest village is 0.6 - 1 mile from the site and is a rural settlement with very few services (village hall and bus service). The shortest route to the village is via an unlit unsurfaced public footpath which will not be practical to use in the dark or in poor weather conditions. On this basis, the residents would be reliant on private vehicle for their day to day needs.

8.2 The proposal would intensify development along a rural lane creating a more intrusive pattern of development which on balance introduces a visual detriment to the openness of the countryside. The proposal is therefore not considered to comply with Policies CP 11 and DC 16.

8.3 It is noted that the applicant has overcome a number of reasons for refusal as expressed in the previous application for the site and this has resulted in a finely balanced decision in this case. Whilst the Council does not currently have a 5 year land housing supply, it is concluded that the development would result in material harm by its unsustainable location which significantly and demonstrably outweighs the benefits. The Outline Planning application is therefore recommended for refusal.

RECOMMENDATION

Refuse

REASON(S) FOR REFUSAL

1

Non-std reason for refusal

The proposed dwelling 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.

Consequently, the proposal would result in an isolated development which would offer very little support to key facilities in nearby rural settlements. 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 SS 1, DC2 and CP14 of the adopted Breckland Core Strategy and Development Control Policies (2009) and paragraphs 7, 8 and 11 and 78 of the National Planning Policy Framework (2019).

2

Non-std reason for refusal

The Local Planning Authority considers that the introduction of an additional dwelling in this location where residential development is limited would detract from the open/green character of the area generally, and would not relate as an extension to an existing settlement. The proposal is therefore not considered to comply with Policies CP 11 and DC 16 of the Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) or the National Planning Policy Framework (2019), which seeks to safeguard the intrinsic beauty of the countryside and protect valued landscapes.