

<b>ITEM:</b>		<b>RECOMMENDATION:</b> REFUSAL
<b>REF NO:</b>	3PL/2019/1168/F	<b>CASE OFFICER</b> Joe Barrow
<b>LOCATION:</b>	LYNG Yew Tree Bungalow Primrose Green Lyng	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Stuart Woodcock 33 St Peters Close Yaxham	
<b>AGENT:</b>	Mr Jonathan Stimpson 7 Fakenham Road, Beetley	
<b>PROPOSAL:</b>	4 self build dwelling bungalows	

#### REASON FOR COMMITTEE CONSIDERATION

This application is brought before planning committee by the request of the ward representative.

#### KEY ISSUES

Principle of development  
Character & appearance  
Residential amenity  
Highway safety  
Ecology  
Trees & hedgerows

#### DESCRIPTION OF DEVELOPMENT

This application proposes the erection of 4no. self-build bungalows on land adjacent to Yew Tree Barns, within the ownership of Yew Tree Bungalow. The four dwellings will involve two different types; 2no. 3 bed properties with attached garages, and 2no. 4bed properties with completely integral garages. The proposal also includes the creation of a new access onto the adjacent highway.

#### SITE AND LOCATION

The application site is an open field between a complex of residentially converted agricultural buildings to the north west, and two dwellings to the south east. This field spans a distance of approximately 85m, with this proposal being sited in the north west section of the field, backing on to the access which serves Yew Tree Barns. The site is approximately 1.4 miles from the settlement of Lyng; a village with a boundary as defined by Policy GEN03 of the Breckland Local Plan (adopted).

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PL/2019/0481/F                      Withdrawn                      24-06-19  
Erection of 4 dwellings

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**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU04	Villages with Boundaries
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Objection to the scheme on the grounds of transport sustainability, with no public transport provision available locally, low likelihood of cycling or walking, and large distances to local services, all leading to high reliance on private car use.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Preliminary Ecological Appraisal report (Wild Frontier Ecology; August 2019) highlights Given the presence of suitable breeding ponds within 500 metres of the proposed development and the suitability of terrestrial habitats on site, it is advised that an environmental DNA (eDNA) survey be undertaken during the

appropriate survey season (mid-April to 30th June) to establish presence/absence of the species. Population estimate surveys may then be required, if a positive result is obtained. An EPS licence for GCN would be required if the proposed works were deemed likely to result in the harm or death of newts or destruction of their habitat. Further surveys are advised for great crested newts in order to complete an impact assessment prior to determination of the planning application. Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making great crested newts European Protected Species. Potential habitat for reptiles has been identified on the site in the form of grassland and hedgerows. The report states If reptiles such as common lizard are present, they are likely to be transient individuals or resident in very small numbers. Further explanation is required to provide confidence in the conclusion that reptile surveys are not required. The extant government circular on planning and biodiversity (Circular 06/2005) makes it explicit that the presence or absence of protected species, and the extent to which they could be affected by a proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**CHIEF FIRE OFFICER**

No objection subject to a condition securing the installation of a fire hydrant.

**TREE AND COUNTRYSIDE CONSULTANT**

The current proposal would require the loss of a significant section of hedgerow, which given its age, length and location is subject to the 1997 Hedgerow Regulation. This would be contrary to policy ENV 06. I cannot see that there is any overriding benefit in accepting this loss and therefore I would not be supportive of this application.

**LYNG P C**

No Comments Received

**REPRESENTATIONS**

Site notice displayed and neighbours consulted:

9 letters of objection received highlighting the following material planning considerations:

- Land ownership concerns relating to land required for visibility
- Visual intrusion into the open countryside
- Drainage/sewerage capabilities
- Absence of local services
- Absence of public transport
- Loss of privacy
- General reduction in standard of amenity
- Loss of habitat
- High reliance on personal car use

3 letters of support highlighting the following material planning considerations:

- Positive of self-build dwellings
- Contribution to the strong community of Lyng
- Sympathetic and traditional buildings
- High quality small development

**ASSESSMENT NOTES**

**1.0 Key Issues**

1.1 The key issues for consideration with this application are the principle of development, and its impact on character & appearance, residential amenity, highway safety, parking & access, and ecology, having regard to the following policies from the Adopted Local Plan (2019); GEN02 - Promoting High Quality Design, GEN03 - Settlement Hierarchy, GEN05 - Settlement Boundaries, ENV02 - Biodiversity Protection & Enhancement, ENV05 - Protection and Enhancement of the Landscape, ENV06 - Trees, Hedgerows and Development, HOU04 - Villages with Boundaries, HOU06 - Principle of New Housing, COM01 - Design, COM03 - Protection of Amenity, TR01 - Sustainable Transport Network, and TR02 - Transport Requirements as well as having regard to the National Planning Policy Framework (NPPF) (2019).

**2.0 Principle of Development:**

2.1 The application site is located approximately 1.4 miles from the nearest settlement of Lyng. Residential development outside Lyng can be allowed when it is immediately adjacent to the settlement boundary, along with various other criteria. It is clear in this case that this development site is not immediately adjacent to Lyng's Settlement Boundary, and therefore this development proposal is not considered to accord with Policy HOU04 of the Breckland Local Plan (adopted).

2.2 The development site's address includes Primrose Green, which is not listed as a 'village without boundary' under Policy HOU02 of the Breckland Local Plan (adopted). Additionally, it is not considered that it is large enough to be classed as a hamlet, nor is it defined in this way under Policy HOU05.

2.4 A commitment to self-build the dwellings is noted and afforded appropriate weight in the assessment of the scheme in line with paragraph 61 of the NPPF (2019).

2.5 Taking account of the above, the development proposal is considered unacceptable in principle contrary to Policies HOU04 and GEN05 of the Breckland Local Plan (adopted).

**3.0 Character & appearance:**

3.1 The site at present is open meadow, bound by a substantial hedgerow to the south west and open panel fencing to the north west backing on to Yew Tree Barns. The application does not propose the development of the entire field area, with the rest of the area bound by hedging to the north east and south east.

3.2 The dwellings proposed are bungalows, commonly aligned along the proposed shared access drive perpendicular to the main highway.

3.3 It is considered that the application site, in its current state, contributes positively to the rural character of the area, creating an important and clear visual gap. The development proposed would remove this important gap and fail to respect the rural character & appearance of the area. It is considered that this proposal is visually intrusive and harmful to the area.

3.4 Taking account of the above, it is considered that this application is unacceptable in terms of impact on character & appearance, having regard to Policies GEN02, ENV05 and COM01 of the Breckland Local Plan (adopted) as well as paragraph 127 of the NPPF (2019).

#### 4.0 Residential amenity:

4.1 The dwellings proposed back onto the existing development of three converted barns to the north west with the proposed rear gardens facing the existing front gardens. At present the existing converted properties are separated from this field by an open panel fence, with a separation distance of approximately 44m between the proposed and existing dwellings.

4.2 It is unclear at this time how the proposed plots would be screened, however both the existing dwellings and the proposed dwellings are bungalows, so, along with the reasonable separation distances, it is considered that privacy concerns could be overcome through appropriate screening.

4.3 In terms of residential amenity, it is also not considered that the proposed development is overbearing or overdominant, creating any loss of light.

4.4 Taking account of the above, the proposal is considered acceptable in terms of impact on residential amenity, having regard to Policy COM03 of the Breckland Local Plan (adopted) as well as having regard to paragraph 127(f) of the NPPF (2019).

#### 5.0 Highway safety:

5.1 The application proposes a new access onto a National Speed Limit road which links North Tuddenham and Lyng. The frontage of the site is bound by hedgerow which is over 20 metres long and over 30 years old.

5.2 The local highway authority were consulted on the scheme, initially raising objections in terms of both visibility and transport sustainability. Amendments to the scheme have resulted in the removal of the visibility objection, with notice served on relevant land owners and a signed affidavit produced.

5.3 It is noted that queries have been raised in terms of exactly who notice was served upon and if every necessary party was notified. The LPA challenged that applicant's agent on this matter and it was confirmed that all necessary parties had been notified.

5.4 Whilst the visibility objection is considered to be satisfied, and removed, the local highway authority are maintaining their objection in terms of transport sustainability, citing the absence of public transport locally, distance to services, and the absence of appropriate and suitable walking and cycling routes.

5.5 Taking account of the above, the application is considered unacceptable in terms of impact on transport sustainability, contrary to Policies TR01 & TR02 of the Breckland Local Plan (adopted) as well as paragraph 108 of the NPPF (2019).

#### 6.0 Trees & hedgerows

6.1 As mentioned above this development would include the removal of hedgerow which is over 20 meters long and over 30 years old. The submitted topographical survey demonstrates that a large portion of the hedge would have to be removed in both directions, including a large section of complete removal of the hedgerow to the north west of the access, and some part removal to the south east.

6.2 The Tree Officer was consulted on the scheme and raises an objection to the amount of hedgerow to be removed, as well as the loss of a priority habitat through the removal of this amount of protected hedgerow.

6.3 Taking account of the above, this application is considered unacceptable in terms of impact on trees and

hedgerows, contrary to Policy ENV02 and ENV06 of the Breckland Local Plan as well as having regard to the NPPF (2019).

## 7.0 Ecology

7.1 A Preliminary Ecological Appraisal was submitted in support of this application, and the Norfolk County Council Natural Environment Team were consulted on the application who requested further information in relation to Great Crested Newts and reptiles.

7.2 These additional recommended surveys have not been carried out. There is subsequently insufficient information submitted with this application to accurately determine whether or not this proposal would result in harm to protected species.

7.3 Taking the above into account, this application is considered unacceptable in terms of impact on ecology, having regard to Policy ENV07 of the Breckland Local Plan (adopted) as well as the NPPF (2019).

## 8.0 Conclusion:

8.1 In terms of the overall planning balance of the scheme, it is considered unacceptable in principle, with an unacceptable impact on the character & appearance of the area, transport sustainability, hedgerows, with insufficient information to determine whether or not there would be harm to protected species.

8.2 Therefore, having regard to Policies GEN02, GEN03, GEN05, HOU04, TR01, TR02, ENV02, ENV05, ENV06, COM01 and COM03 of the Breckland Local Plan (adopted), as well as having regard to the NPPF (2019), it is recommended that planning permission be refused.

### RECOMMENDATION

It is recommended that planning permission be refused.

### REASON(S) FOR REFUSAL

- 1 Non-std open countryside reason for refusal**

The site is located outside the settlement of Lyng, which is a village with a boundary as defined in the Breckland Local Plan. The development site is not located immediately adjacent to the site boundary as required by Policy HOU04 of the Local Plan, and is therefore not deemed to constitute sustainable development, contrary to Policies GEN05 and HOU04 of the Breckland Local Plan (adopted).
- 2 Non-std reason for refusal**

This site is considered to be a visual gap which contributes positively to the open rural character & appearance of the area. The proposal would erode this visual gap, resulting in a visually intrusive and harmful form of development detrimental to the character and appearance of the area contrary to Policies GEN02, ENV05 and COM01 of the Breckland Local Plan (adopted) as well as paragraph 127 of the NPPF (2019).
- 3 Any highway reason for refusal**

The proposal is remote from local services conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and

local policy. Contrary to Policies TR01 and TR02 of the Breckland Local Plan (adopted), paragraph 108 of the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

**4 Non-std reason for refusal**

There is insufficient information submitted with this application to determine whether or not the proposal would result in harm to protected species therefore, in the absence of such information, the application is considered contrary to Policy ENV02 of the Breckland Local Plan (adopted) as well as Section 15 of the NPPF (2019).

**5 Non-std reason for refusal**

The proposal involves the loss of a significant section of hedgerow, which, considering its age, length and location, is subject to the 1997 Hedgerow Regulations, and listed as a Priority Habitat. It's removal is therefore considered contrary to Policies ENV02 and ENV06 of the Breckland Local Plan (adopted) as well as Section 15 of the NPPF (2019).